



HERTSMERE BOROUGH COUNCIL

Planning Committee Agenda

MONDAY, 16 JULY 2012 AT 6.00 PM

COUNCIL CHAMBER, CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

Membership

Councillor David (Chairman)

Councillor R Butler
Councillor Gilligan
Councillor Harrison
Councillor Keates
Councillor Quilty

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

Councillor Clapper
Councillor Graham
Councillor Heywood
Councillor Kieran
Councillor Ricks

Enquiries about this Agenda to:
Democratic Services

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

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

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

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

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

FOR DIRECTIONS TO THE MEETING VENUE, PLEASE VISIT www2.hertsmere.gov.uk/democracy OR CONTACT DEMOCRATIC SERVICES ON 020 8207 7806

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

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

SPECIAL NOTICE FOR MEMBERS OF THE PUBLIC

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

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

We will need to know:

The application on which you wish to speak

Your full name

Your address

Your telephone number

Whether you are in favour of or against the application

Whether you also represent anyone else

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

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

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

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

AT THE MEETING

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

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

The number to ring is 0500 400160

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

SOME ADVICE ON COMMENTING ON PROPOSALS

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

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

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

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

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

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

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

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

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

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

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

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

We hope you find this information useful.

URGENT LATE BUSINESS

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

1. **MEMBERSHIP**

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

2. **COMMUNICATIONS AND APOLOGIES**

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

(b) Apologies for absence.

3. **DECLARATIONS OF INTEREST**

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

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

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

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

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

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

Predetermination

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

4. PLANNING APPLICATIONS FOR DETERMINATION AT THE MEETING

NOTE

(Pages 1 - 3)

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

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

Report of officers on planning applications.

- a) **TP/12/0706 - Former Honeywood House Site, 261 Darkes Lane, Potters Bar** (Pages 4 - 35)
- b) **TP/12/0858 - 18 Kingsley Avenue, Borehamwood, WD6 4LY** (Pages 36 - 51)
- c) **TP/12/0680 - Edge Grove School, High Cross, Aldenham, Watford WD25 8NL** (Pages 52- 71)
- d) **TP/12/0988 - Building Research Establishment, Bucknalls Lane, Garston (consultation by St Albans District Council)** (Pages 72 - 81)
- e) **TP/12/0776 - The Kodak Site, Land at Harrow View and Headstone Drive (consultation by Harrow Council)** (Pages 82- 90)

5. **OTHER PLANNING APPLICATIONS**

a) **Non-determined applications more than eight weeks old**

(Pages 91 - 96)

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

a) **Current position regarding planning appeals**

(Pages 97 - 100)

A list of current appeals is attached. There are no planning appeal decisions to report.

b) **Current position regarding breaches of development control**

(Pages 101 - 104)

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

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

8. **DATE OF NEXT MEETING**

The next meeting of the Committee is scheduled to take place on Thursday 9 August 2012 at the Civic Offices, Elstree Way, Borehamwood.

9. **EXCLUSION OF THE PUBLIC**

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

Part II Agenda Item

Paragraph in
Schedule 12A

Enforcement action in respect of
118 Manor Way, Borehamwood
WD6 1QX

6

Enforcement action in respect of
112 Watling Street, Radlett
WD7 7AB

6

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

Report of Officers PLA/12/08

(Pages 105 - 112)

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

Report of Officers PLA/12/09

(Pages 113 - 124)

Civic Offices
Elstree Way
Borehamwood
HERTS WD6 1WA

6 July 2012

Items for Hertsmere Planning Committee

16 July 2012

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
4-35	1	TP/12/0706	Former Honeywood House Site, 261 Darkes Lane, Potters Bar	Erection of a part two part three storey building to provide Assisted Living Extra Care accommodation and associated communal facilities for the frail elderly with associated access, parking and landscaping.	Sharon Richards	Grant Permission
36-51	2	TP/12/0858	18 Kingsley Avenue, Borehamwood, WD6 4LY	Erection of front porch extension & part single/part two storey rear extension.	James Chettleburgh	Grant Permission
52-71	3	TP/12/0680	Edge Grove School, High Cross, Aldenham, Watford, WD25 8NL	Variation of condition 10 attached to planning permission reference TP/06/1310 to allow re-wording of condition to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'.	Louise Sahlke	Grant Permission
72-81	4	TP/12/0988	Building Research Establishment, Bucknalls Lane, Garston	Outline permission sort for the demolition of existing buildings & construction of up to 100 new dwellings with associated facilities & access (Consultation from St Albans City & District Council)	Karen Garman	Raise No Objections

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
82-90	5	TP/12/0776	The Kodak Site, Land at Harrow View and Headstone Drive	Outline planning application for a comprehensive, phased, mixed use development of land at Harrow View & Headstone Drive, as set out in the development specification (March 2012). The development comprises the demolition of existing buildings & structures (with the exception of the chimney and part of powerhouse) & redevelopment of the site for a mix of uses comprising business & employment uses (within classes B1(a), B1(b), B1(c), B2 & B8 - up to 35,975sqm); residential dwellings (within use class C3 - up to 985 units); student accommodation (Sui Generis use - up to 220 units); senior living accommodation (within use class C2); assisted living care home (within use class C2) (total C2 uses up to 9300sqm); retail & restaurant use (within use classes A1, A2, A3, A4 & A5 - up to 5000sqm); commercial leisure uses (use class D2); community uses (use class D1); health centre (Use class D1); a primary school (use class D1) (total D1/D2 use up to 8830sqm); energy centre (Sui Generis use - up to 4500sqm); together with new streets & other means of access & circulation; highway improvements; associated parking; re-profiling of site levels; utilities diversions & connections; open space; landscaping & ancillary development including infrastructure, works & facilities. (Consultation from Harrow Council)	Marguerite Cahill	Raise No Objections

This page is intentionally left blank

TP/12/0706: Former Honeywood House Site, 261 Darkes Lane, Potters Bar



Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Hertsmere Borough Council. Licence No:100017428



Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 16 July 2012

APPLICATION NO: TP/12/0706

DATE OF APPLICATION: 02 April 2012

STATUTORY START DATE: 03 April 2012

SITE LOCATION

Former Honeywood House Site, 261 Darkes Lane, Potters Bar

DEVELOPMENT

Erection of a part two part three storey building to provide Assisted Living Extra Care accommodation and associated communal facilities for the frail elderly with associated access, parking and landscaping.

AGENT

Mr D Williams
The Planning Bureau Ltd
Homelife House
26-32 Oxford Road
Bournemouth
Dorset
BH8 8EZ

APPLICANT

McCarthy and Stone Retirement Lifestyles Ltd
Emerald House
30-38 High Road
Byfleet
Surrey
KT14 7QG

WARD Potters Bar Parkfield
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER 1086/2003

1.0 Summary of Recommendation

1.1 Grant Planning Permission

2.0 Application site / Surrounding area

- 2.1 The application site is an irregularly shaped 0.55 hectare site located to the eastern side of Darkes Lane, Potters Bar. The site until recently contained a two-storey building (formerly a nursing home) set within amenity grounds, incorporating mature tree and vegetation cover. The site slopes up from south to north across the site with an overall change in level of approximately 5 metres.
- 2.2 The site is open along its boundary with Darkes Lane, although a temporary security hoarding has been erected. The southern, northern and eastern boundaries are lined with mature vegetation and tree cover. The northern boundary is partly fenced, where it adjoins residential properties in the Inglefield Estate. There is an existing vehicular access to Darkes Lane.

- 2.3 The site is bounded by residential properties to the north and west (on the opposite side of Darkes Lane), school playing fields to the east, and a church to the south. The wider surroundings comprise mainly residential development in semi-detached and detached form of varying styles and design.
- 2.4 The site is currently vacant, having previously been used and owned by Haringey Council as a residential home for elderly persons (known as Honeywood House). The use ceased several years ago and since then the premises have remained unoccupied. The building had fallen into disrepair prior to recent demolition. Permission was granted in 2009 and again in 2011 for a 70 bedroom nursing home however, these permissions have not been implemented.
- 2.5 A Tree Preservation Order (TPO) applies to the site. A total of ten trees protected under the TPO (Council Reference 1086/2003) were felled illegally in 2004. There are no protected trees remaining on site. A report to the Committee on 29 March 2006 set out legal options. It was agreed that any redevelopment scheme would need to include high quality replacement trees.

3.0 Proposal

- 3.1 This application proposes a part two, part three storey block to provide a 53 assisted living apartments (under use class C2) and associated community facilities for the frail elderly. The development would provide 35 x 1 bedroom units and 18 x 2 bedroom units.
- 3.2 The development is designed in two wings forming a 'T' shape with one wing fronting Darkes Lane and the second wing running perpendicular to the rear of the site.
- 3.3 The development would provide self-contained apartments specifically designed for the elderly, linked by heated level corridors from a secure main entrance with a video link to each apartment. There would also be communal facilities in the form of a resident's lounge, a full service restaurant, function room, laundry, refuse facilities, motorised scooter storage and a guest suite, which would all be accessible without residents having to leave the building. There would also be dedicated self contained staff rest facilities including accommodation for overnight stays.
- 3.4 There are 27 car parking spaces proposed which would include wider spaces allocated for mobility impaired and on site turning facilities.

Key Characteristics

Site Area	0.55
Density	N/A
Mix	Residential Care home
Dimensions	Approximate length along Darkes Road frontage of 64 metres. Approximate depth into site of 71 metres Height to ridge 9.0m
Number of Car Parking Spaces	27 car parking spaces proposed.

4.0 Relevant Planning History

TP/05/1568	Demolition of existing building and construction of a new 94 bed nursing home and associated parking and access (resubmission of TP/2005/1247).	
TP/08/0559	APPLICATION & FEE RETURNED 8/4/08. This is a resubmission of planning approval ref TP/06/0123 which related to an 89 bedroom nursing home. The use, location, footprint and building envelope of this resubmission are all as the approved scheme. The number of bedrooms is reduced to 70 and the number of parking spaces is reduced to 18.	
TP/94/0932	Single storey extension	Grant Permission 17/02/1995
TP/04/0712	Demolition of existing buildings and erection of two new buildings to provide 54 one and two bedroom flats with associated parking and landscaping (WITHDRAWN 12.8.04).	Withdrawn by applicant 12/08/2004
TP/04/1148	Demolition of existing buildings and erection of 2 buildings to provide 42 one and two bedroom apartments.	Withdrawn by applicant 29/11/2004
TP/05/0426	Demolition of the existing building on site and construction of a three storey, 93 bedroom care home with new access, parking area and landscaping.	Withdrawn by applicant 14/07/2005

TP/05/0122	Demolition of existing buildings and the erection of three new buildings to provide 38 one and two bedroom apartment.	Refuse Permission 18/07/2005
TP/05/1095	Change of use from Nursing home to shelter for the homeless.	Refuse Permission 07/11/2005
TP/05/1099	Change of use from nursing home to Drug Rehabilitation Centre.	Refuse Permission 07/11/2005
TP/05/1247	Demolition of existing building and construction of new 94 bed nursing home and associated parking and access (Amended plans received 24th October and 29th November 2005).	Refuse Permission 16/12/2005
TP/05/0122	Demolition of existing buildings and the erection of three new buildings to provide 38 one and two bedroom apartment.	Allowed 10/01/2006
TP/05/1099	Change of use from nursing home to Drug Rehabilitation Centre.	Dismissed 22/02/2006
TP/05/1095	Change of use from Nursing home to shelter for the homeless.	Dismissed 22/02/2006
TP/05/1247	Demolition of existing building and construction of new 94 bed nursing home and associated parking and access (Amended plans received 24th October and 29th November 2005).	Dismissed 13/07/2006
TP/05/1011	Demolition of former Honeywood House and construction of two 2.5 storey buildings and one 2 storey building comprising a total of 35 one and two bedroom units, with associated car parking (including underground) and landscaping.	Treated as withdrawn 07/08/2006
TP/06/0123	Demolition of the existing building and construction of a new 89 bedroom nursing home. (Amended Plans 3 March 2006).	Grant Permission subject to Section 106 11/08/2006
TP/08/0730	Proposed 70 bedroom nursing home with communal and supporting accommodation, 18 car parking spaces and associated access.	Grant Permission subject to Section 106 06/02/2009
TP/11/0900	Proposed 70 bedroom nursing home with communal and supporting accommodation, 18 car parking spaces and associated access (Application to extend time limit following approval of TP/08/0730 dated 06/02/09).	Grant Permission 15/07/2011

5.0 Notifications

5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
4	1	10	15	0	0

Site and Press notice displayed

Comments

There have been 1 objections to the application, 10 letters providing comments have been received.

The comments in summary are:-

- Looking forward to the land being used after such a long period of years as a derelict site.
- The plans appear to fit in aesthetically.
- We hope the grounds provide attractive environmentally friendly landscaping with attractive mature trees
- Will be similar in height and position to Honeywood House.
- No objection provided adequate parking on site.
- The new frontage appears fussy and not restful to the eye.
- Ensure management of the site and ensure no overspill parking occurs.

6.0 Consultations

Potters Bar Society	No objections. They hope that the Council will insist on the replacement of trees on the site which were formerly subject to a TPO which were destroyed. Members generally like the proposal but felt the front of the building was very fussy with lots of gables of varying sizes.
Senior Traffic Engineer	No objections. However, commented that the development is within a controlled parking zone. There should be sufficient parking allowed on site for residents and their visitors as residents will not be able to apply for on street parking or visitor parking permits on the surrounding streets.
Drainage Services	No objections subject to standard drainage condition being attached to grant of planning permission.
Highways, HCC	No objections raised. Does not consider that the development will materially increase traffic movements from the site and therefore the development is unlikely to result in significant impact

	<p>on the safety and operation of the adjacent highway. Conditions recommended to request a construction method statement, details of the junction between the proposed access road and the highway to be submitted, a scheme for surface water run-off and an informative advising the applicant to enter into a S278 with the Highways Authority.</p>
Thames Water	<p>No objections subject to a condition requiring a piling method statement and informatives regarding surface water drainage, groundwater and the installation of a properly maintained fat trap and the collection of fats, oils and grease.</p>
Hertfordshire Biological Records Centre	<p>No objections raised subject to an informative being added in relation to vegetation clearance, protection of reptiles and supervision and new planting using native species.</p>
Architectural Liaison Officer (Police)	<p>No objections raised subject to a condition being imposed to the grant of planning permission to ensure a scheme detailing how the principles and practices of the 'Secured by Design' scheme are incorporated into the development is submitted and approved by the LPA .</p>
Hertfordshire Fire & Rescue	<p>Comments have been received and it has been noted that the provision for Hydrants does not appear to be adequate to comply with BS9999:2008 <i>{the comments have passed directly to the applicant's agent and this is being addressed separately in accordance with the Building regulations}</i>.</p>
Environmental Health & Licensing	<p>No objections. However, commented that confirmation is required as to the proposed use of the catering facilities. (The applicant has been advised and are making separate enquiries with E.Health regarding their requirements).</p>
	<p><u>Land Contamination</u></p> <p>No objections raised to the information provided within the submitted site investigation report which indicates that the site is suitable for the intended development. No contaminated land condition or remedial action is required.</p>
Housing	<p>No objections raised. The following comments have been provided:</p>

- Consultation with local estate agents has revealed that the market for older persons' housing in Potters Bar is now reaching the point where supply is exceeding demand. The existing schemes for older people in the area are becoming quite unpopular, mainly because they consist of one bedroom flats – older people aspire increasingly to live in homes with at least two bedrooms. The proposed scheme is likely to represent a progression from the existing schemes in the town in that it will consist predominantly of two bedrooms and will be built to a high standard of accessibility. However, recommends that any further developments of housing for older people in Potters Bar should be avoided in the future.
- Recommends that the majority of homes within the development contain two bedrooms.
- Recommends that the scheme is built to a high standard of accessibility, not just in terms of the Lifetime Homes standard, but also for some units to be built to the more stringent Wheelchair design standard. It would also be helpful if the scheme incorporated design features which make it appropriate for residents who are suffering from visual impairment.
- The scheme should have provision for the use of mobility scooters, in terms of both their storage and their recharging. Design features to accommodate mobility scooters would include internal storage and electrical charging facilities, and also doorways and corridors which are wide enough to accommodate the scooters.

Building Control	No comments received.
Hertsmere Waste Management Services Tree Officer	No comments received.
Environment Agency	No comments received
EDF Energy Networks	No comments received
National Grid Company Plc	No comments received

Veolia Water Central Limited No comments received.

7.0 Policy Designation

- The site is located in a residential area of Potters Bar

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
3	Circulars	11/95	Circular 11/95 - Conditions
4	Hertsmere Local Plan Policies	D17	Pollution Control
5	Hertsmere Local Plan Policies	D20	Supplementary Guidance
6	Hertsmere Local Plan Policies	D21	Design and Setting of Development
7	Hertsmere Local Plan Policies	D23	Access for People with Disabilities
8	Hertsmere Local Plan Policies	E3	Species Protection
9	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
10	Hertsmere Local Plan Policies	H8	Residential Development Standards
11	Hertsmere Local Plan Policies	K1	Sustainable Development
12	Hertsmere Local Plan Policies	M1	Movement Management
13	Hertsmere Local Plan Policies	M2	Development and Movement
14	Hertsmere Local Plan Policies	M5	Pedestrian Needs
15	Hertsmere Local Plan Policies	M6	Cyclists
16	Hertsmere Local Plan Policies	M12	Highway Standards
17	Hertsmere Local Plan Policies	M13	Car Parking Standards
18	Hertsmere Local Plan Policies	R2	Developer Requirements

19	Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
20	Hertsmere Local Plan Policies	S3	Residential Care and Supported Accommodation
21	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
22	Revised Core Strategy	REV_CS17	Access to services
23	Revised Core Strategy	REV_CS18	Key community facilities
24	Revised Core Strategy	REV_CS21	High Quality Development
25	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
26	Revised Core Strategy	REV_CS24	Accessibility and parking
27	Revised Core Strategy	REV_CS25	Promoting alternatives to the car
28	Hertsmere Planning & Design Guide	PartA	Overview and Context
29	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
30	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

9.0 Key Issues

- Principle of development and background
- Use Class of development
- Design and visual amenity
- Residential amenity
- Parking and Access
- Trees and landscaping
- Land Contamination
- Waste and recycling
- Wildlife
- Drainage
- S106

10.0 Comments

Principle of development and background

10.1 National Planning Policy Framework (NPPF12) states that to deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:-

- plan for a mix of housing based upon current and future demographic trends and the needs of different groups in the community (such as, but not limited to families with children, older people and people with disabilities and
- identify the size, type, tenure and range of housing that is required in particular location reflecting local demand.

10.2 Policy S3 of the Hertsmere Local Plan 2003 and Policy CS18 of the Core Strategy 2010 generally support new care home/community development provided:

- adequate parking is provided;
- landscaping and amenity space is adequate;
- there would be no significant impact on the amenity of neighbouring residents; and
- there would be no significant impact on the visual amenity of the area.

10.3 The Committee, in its consideration of previous applications, expressed strong support for the principle of redevelopment of the site for a care or nursing home. Concerns had principally related to detailed matters of poor design, adverse impact on neighbouring residents, inadequate amenity area provided for proposed residents, inadequate car parking and potential detriment to highway safety. These issues were overcome in the previous approvals TP/08/0730 and TP/11/0900 for a 70 bedroom nursing home. A pre application was submitted for this proposed C2 use and was considered acceptable in principle and was also supported by the Council's Housing Officer.

10.4 Whilst the principle of developing the site is acceptable in planning policy terms the development will need to comply with other material planning considerations.

Use Class of development

Legal interpretation of Classes C2 and C3

10.5 Under the Town & Country Planning Act 1990, planning permission is required for development. In this connection, development is defined as "*the carrying out of building, engineering, mining or other operations ... or the making of any material change in the use of any buildings on other land*". However, under the Town & Country Planning (Use Classes) Order

1987, and the Town & Country Planning Act (General Permitted Development) Order 1995, certain changes of use are permitted without planning permission provided that both the initial use and the proposed use fall within the same one of a number of designated "Use Classes" specified under the first of these Orders. It is therefore important for planning purposes to determine which Use Class a particular existing or proposed use falls within.

For the purpose of considering the appropriate use class for assisted living/extra care facilities it is necessary to consider two use classes: the C2 use class (Residential Institutions) and the C3 use class (Dwelling Houses).

Class C2 is for:

"Use for the provision of residential accommodation and care to people in need of care (other than a Use within Class C3 (Dwelling Houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre."

By contrast, Class C3 is for:

"Use as a Dwelling House (whether or not as a sole or main residence) –
(a) by a single person or by people living together as a family, or
(b) by not more than six residents living together as a single household (including a household where care is provided for residents".

- 10.6 For the purpose of determining what amounts to "care" this is defined in Article 2 as meaning:

"Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment."

The key test must therefore be whether a "significant level of care" is to be provided within a proposed scheme. The level of care required must go beyond merely the maintenance of the building, and includes a clear element and provision of personal care or support. If that level of care is to be provided then it matters not that there may be relatively self-contained accommodation within the institutional building or complex within which the care is provided. What is important is that the level of care (which will be a matter of fact and degree for the local planning authority to assess) and that the scale of the development is such as to take it out of the C3 definition of dwelling houses.

Assessment of the use class for this proposal

- 10.7 The previously granted application (reference TP/11/0900) was for a 70 bed elderly persons care home and would have been classified as a C2 residential care home. This proposed development for 53 apartments would provide 'assisted living/extra care facilities' (for the purpose of this report it

will now be referred to as 'Assisted living'). Very few details were provided in the previously submitted pre application and initially it was thought that this type of accommodation would either be classified as a C2 use (assisted living/extra care facilities) use or as C3 use (residential accommodation).

10.8 A Royal Town Planning Institute (RTPI) guidance note on the provision of Assisted living housing states that such facilities would likely provide the following:-

- 24 hour support;
- Ability to provide hot meals;
- Heavy duty laundry
- Enhanced bathing and toilet facilities;
- Registered as a domiciliary care provider

Information was submitted by the applicant following the pre application advice that stated that:

- Your life Management Services Limited, a McCarthy and Stone and the Somerset Car Group Joint venture which will deliver care to occupiers, is a Registered Domiciliary Care Agency;
- All residents will have to pay a service charge that includes, as a minimum, 1 hour of domestic assistance each week;
- Additional domestic assistance and care will be available for purchase from either the on-site care team or external providers, if required and
- The leases for the units will require that residents are at least 70 years of age upon entry.
- Most conventional (Category II type) retirement housing developments for older people are characterised by the provision of additional facilities designed to allow older people to stay healthy and independent. These facilities include the provision of a warden or scheme manager, a door entry system, 24-hour emergency call provision. McCarthy and Stone have been building Category II type retirement homes for over 30 years and have more than 750 developments across Great Britain. It was decided in 1999 (in line with Government policy) to extend the concept to provide additional facilities to more appropriately meet the individual needs of individuals who needed extra care and support. This was in response to market pressures for accommodation which offered more than conventional retirement housing. These new development were christened "Assisted Living" and the first scheme was opened in 2002.

Comparison between Assisted Living Extra Care and the McCarthy and Stone Category II retirement schemes.

10.9 The Assisted Living schemes have larger units purposely designed to meet wheelchair rather than mobility standards and layouts and equipment appropriate to the needs of older people. The purpose of the design is to promote independence and facilitate older people continuing to lead healthy and active lives. The communal areas are more extensive than those found

in Category II in that the 'communal' areas (not including corridors and entrances) in a conventional retirement scheme are the equivalent to 4 flats, whilst in Assisted living schemes they occupy the space equivalent to 9 flats. This would therefore mean that any Assisted Living development would be much larger in scale than a standard Category II retirement scheme and have a higher ratio of communal space per unit of accommodation than a standard Category II development. It is noted from the submitted plans that this proposed scheme would accommodate a resident's lounge, restaurant, function room and other shared areas. The facility would also have a large kitchen, laundry and an assisted bathroom which is consistent with the expectations set out within the RTPi guidance note.

10.10 Significant case law has been provided with the application in the form of two appeal decisions for two similar McCarthy and Stone Assisted Living Schemes.

- APP/H705/A/10/2138649 - New Road Basingstoke - Appeal Allowed 1/6/2011.
- APP/C1950/A/11/2147901 - The Police Station, The Campus, Welwyn Garden City, Herts - Appeal Allowed 11/8/2011.

The Inspector concluded that both 'Assisted Living' schemes including the minimum level of care were acceptable, and would fall within a Class C2 use.

10.11 The application also provides for one and two bedroom apartments. Officer's raised concern in respect of the need for the two bedroom apartments and the fact that if more than one person occupied the apartment it is unlikely that both residents would need the extra care.

10.12 Further information has been supplied by the Applicant which advises that:-

- The inclusion of some larger apartments gives occupiers some flexibility and choice in the size and form of accommodation that suits their needs and aspirations;
- Some units may be occupied by more than one person who may or may not be related eg. friend or relative;
- The space is sometimes used as a spare guest room for a visitor or it may not be used permanently as a bedroom eg. providing extra storage space or for prized possessions;
- Even as a couple it is quite common for one partner to require different levels of care and support such that they have separate rooms at night; and
- It allows for a dedicated care to spend the night when required.

10.13 In addition to this, the Council's Housing Officer has been consulted on the application and has commented that older people aspire to live in homes with at least 2 bedrooms and therefore 2 bedroom properties are preferred. This proposal does provide for a mix of one and two bedroom units. In addition the development should be built to a high standard of accessibility and that some of the units should accord with more stringent wheelchair design standards.

The information in the submitted Design and Access Statement (page 44) paragraph 2, states that the Assisted Living layout is to Lifetime Homes Standards and is designed for 'wheelchair living' with suitable width corridors and lifts and all the apartments have door widths to allow access for wheelchairs.

- 10.14 Based on the evidence provided by the Applicant and the research carried out by officers in the assessment of this application, it is considered that the proposal illustrates a reasonable level of care and support and therefore can be treated as Category C2 extra care housing. However, conditions are recommended to ensure that the use of the building would be retained for C2 use only, that the residential accommodation shall only be occupied by at least one person who has attained the age of 70 years and is in need of personal care by reason of old age, infirmity or disablement (in accordance with the suggested lease). Finally a further condition is recommended to ensure that 30% of the internal area is retained for communal use as is expected in such a scheme.

Design and Visual appearance

National Planning Policy Background

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

Local Policy Background

- 10.16 Policies H8, D21 and S3 of the Hertsmere Local Plan require that new development must respect or improve the character of their surroundings and adjacent properties does not significantly impact on the visual amenity of the area. This advice is generally reiterated in Policy CS21 of the Core Strategy 2011 and Part D of the Planning and Design Guide 2006.

General spatial layout and Achitectural Approach

- 10.17 The application seeks to erect 53 assisted living apartments. The application site is an irregular shape plot located to the eastern side of Darkes Lane. The site slopes upwards from the southwest to the northeast with a gradual change in level of approximately 3 metres and then a more steep level change of a further 2 metres at the north east boundary.
- 10.18 The design and height of the building is similar to that approved under TP/11/0900. The proposed building would be a two/three storey building with the central section of the Darkes Lane being three storeys. The visual form of the building would be designed in a 'T' shape, broken up by recessing parts of the elevations. The elevations are articulated with gabled bays which break up the elevations and have asymmetrical rooflines with recessed

balconies. The 'T' Shape creates a central spine to the building which, on the ground floor houses the communal facilities.

- 10.19 The site is bounded by residential properties to the north and west (on the opposite side of Darkes Lane), school playing fields to the east, and a church to the south. The wider surroundings comprise mainly residential development. These are semi-detached and detached dwellings of varying styles and design. The houses immediately opposite the site are semi-detached and are well set back from the road and screened along the frontage. The immediately adjoining houses are detached two storey properties and are rhythmical in both their spatial layout, heights and building line being consistently set back from the road.
- 10.20 The architectural approach of the surrounding area varies between the semi-detached and detached housing although some in the immediate vicinity are of a traditional brick construction and consist of hipped, gabled and varied rooflines. Front dormers and bays are also a feature along Darkes Lane. Further along to the west of Church Road, the detached houses are much larger in size and are of varying styles and design. The United Reform church immediately to the south east is set back from the road and is formed as two flat roof buildings.

Front elevation

- 10.21 With regard to the front elevation (facing Darkes Lane). This would be highly prominent in the street scene therefore it is imperative that its layout and design reflects the characteristics of the surrounding area in terms of pattern, rhythm, articulation, mass and height. The design and height of the building is similar to that approved under TP/11/0900. The proposed building would be a two/three storey building which extends across the site with the central section onto Darkes Lane being three storeys. The building also reflects the change in levels within the site. The visual form of the building would be designed in a 'T' shape, broken up by recessing parts of the elevations. The elevations are articulated with gabled bays which break up the elevations and have asymmetrical rooflines with recessed balconies.

Side and rear elevations

- 10.22 The 'T' Shape creates a central spine to the building which form the side and rear elevations and on the ground floor houses the communal facilities. The central spine is formed to the rear of the building and is significantly setback from the side boundaries and hidden by the front of the building. The South east elevation facing the church has been designed to have an active frontage to the street and forms the main entrance to the building and car parking area allowing the front elevation although providing pedestrian access allows the frontage remain the most prominent part of the building.

Materials

- 10.23 The materials to be used are shown on drawing number 10/1811/04. The materials are described as Brunswick Antique red facing bricks, natural cedar timber cladding, chalk render, brown Redland plain roof tiles and Terracotta half round ridge tiles. The balconies would be dark grey aluminium powder coated with chrome handrails and dark grey aluminium windows. The materials are considered acceptable and would give the development a modern feel which would be of high quality in this residential area.

Height Mass and bulk

- 10.24 The design and height of the building is similar to that approved under TP/11/0900. The design and height also reflect the change in levels within the site and the maximum height of the building would be 12m (central part of the building) which would be three storeys and reducing to 9.5m on the 2 storey corner elements). The main bulk and mass would be located behind the front elevation and at the rear of the building.
- 10.25 Overall, although the proposed development is substantial in size in comparison to the adjoining dwellings on Church Road, the design seeks to respond appropriately in this context and reflects the general surroundings in the area where there is a mix of residential properties that include detached houses of traditional appearance that include gables, bays and varied rooflines.

Secure by design

- 10.26 The Police Liaison Officer has been consulted on the application in relation to secured by design principles. He has also liaised with McCarthy and Stone and provided advice during the application process. He has also commented in an email dated 16/4/12 that as the applicant has stated in the submitted Design and Access Statement that they are looking for a full Secure by Design accreditation for all their homes of which full details would be submitted in due course. A condition is therefore recommended to ensure that prior to the commencement of works, a scheme detailing how the principles and practices of the 'Secured by Design, scheme are to be incorporated into the development are submitted and approved in writing by the LPA.

Conclusion

- 10.27 On balance, it is considered that the design and materials of the proposal is appropriate to the site and its context and would not impact on the visual amenities of the area and meets with the objectives of the NPPF, Policies D21 and S3 of the Hertsmere Local Plan 2003, Policy CS21 of the Revised Core Strategy 2010 and the Hertsmere Planning and Design Guide Part D SPD.

Residential amenity

Community Involvement

- 10.28 Prior to the submission of this application, MCarthy and Stone undertook a programme of community consultation and engagement with local residents and stake holders. A public exhibition was also held on 3 February 2012. 300 letters were sent to local residents. 29 residents attended the exhibition and as a result residents seemed to be in favour of the proposal. A copy of the Statement of Community Involvement is provided with this application.

Policy

- 10.29 The NPPF, Policy S3 and H8 of the Hertsmere Local Plan and the Council's Planning and Design Guide SPD 2006 are also concerned with the impact of new development on amenity of neighbouring residents.

Paragraph 9.2.c. of the Planning and Design Guide SPD states that where there are directly opposing elevations within new developments and one or more of the buildings is three storeys or more (front and rear elevations) a 28 metre distance should be retained.

Light and Privacy

- 10.30 The rear element of the proposal, which is most visible to residential properties to the north (Inglefield) and to the South is Potters Bar Reform Church is set down into the site and the roof form is broken at its centre so as to break up the length of the roof and reduce its bulk. These properties would be located over 36 meters away. This combined with boundary landscaping to the north of the building will ensure that the building will have an acceptable impact on these properties and would comply with the SPD. It is not considered that the proposal would impact adversely on the residential amenities of neighbouring properties and as such would comply with the above policies.

Amenity space

- 10.31 In terms of outdoor amenity space, there is no guideline for outdoor amenity space appropriate to this proposal. The Council's Planning and Design Guide SPD 2006, Part D requires a minimum of 15 square metres for every 20 square metres of floor space measured externally for flat developments.
- 10.32 The total internal floor space for the proposal is 5,304 square metres, (Approximately 1,592 square metres (30%) of this floorspace would be internal communal areas in the form of a lounge, function room and a restaurant). However, it is worth noting that for a development such as this the quality of the amenity space is just, if not more important than the quantity.

10.33 The proposed level of communal gardens would be similar to that approved in the application TP/11/0900 which was considered acceptable.

- The total amount of amenity space that would be required is 3,536m².
- The total outdoor amenity space to be provided amounts to 2615m².

Notwithstanding this, and as stated above 1,592m² of internal communal areas in the form of a lounge, function room and a restaurant is also proposed. This would result in an overall outdoor and indoor amenity space of 4207m². As it appears from the application that based on studies within the Applicant's evidence the residents do not engage in activities associated with significant mobility given that the average age is 78 years. The amenity space provision is therefore more than adequate for this development.

10.34 A condition as stated in paragraph 10.15 is recommended to ensure that the internal communal areas are retained.

Parking and Access

Parking

10.35 The site is located within a warden controlled area (CPZ). The revised car parking standards SPD 2010 for elderly persons residential and nursing homes (Category 3) is 0.25 spaces per resident bed space, which includes provision for non-resident staff and visitors. This would result based on 1 resident per one bed flat (9 spaces) and 2 persons for the 2 bed flats (9 spaces) and an additional 3.5 for staff (Total 21.5) spaces. As the proposal provides 27 car parking spaces which also includes 4 disabled spaces and space for 15 mobility scooters with charging facilities and cycles. The development would exceed the Council's Car Parking Standards SPD 2010.

10.36 Notwithstanding the above, at the Committee meeting on the 31/7/2008 when the previous application was granted (TP/08/0730), Members expressed concerns that 18 spaces would be insufficient to serve the proposed nursing home. This was also highlighted when the application was renewed under TP/11/0900. It was suggested by Members, that during peak periods, the delivery area should be used as an overspill parking area and that bicycle racks and changing facilities should be provided for staff. Officers agreed that these proposals should be taken into consideration. Conditions are therefore recommended for this application to ensure that a parking management plan and a Green Travel Plan is submitted, which may accommodate this suggestion.

Access

- 10.37 A Traffic Impact Assessment was carried out on this development. There is an existing access into the site from Darkes Lane which is to be retained. The access would have a bell mouth and there would be a turning head to allow large service vehicles to turn within the site and exit in forward gear.
- 10.38 Hertfordshire Highways have been consulted on the application and raise no objections as they do not consider that the development will materially increase traffic movements from the site. Therefore the development is unlikely to result in significant impact on the safety and operation of the adjacent highway. Conditions are recommended to request a construction method statement, details of the junction between the proposed access road and the highway to be submitted and a scheme for surface water run-off and an informative advising the applicant to enter into a S278 with the Highways Authority.
- 10.39 In conclusion, the level of car parking and the access are considered acceptable subject to the recommended conditions. The Proposal would comply with NPPF12, The car Parking standards SPD as amended 2010, and Policies M1, M2, M12 and M13 of the Hertsmeire Local Plan 2003 and policy CS24 of the revised Core Strategy 2011.

Trees and Landscaping

- 10.40 Policy S3 requires that a satisfactory landscape setting is provided and Policy E7 of the Hertsmeire Local Plan states that Planning permission will be refused for development which would result in the loss, or likely loss, of any healthy trees and/or hedgerows which make a valuable contribution to the amenity of the area in which they are located unless the benefits of the proposed development outweigh the amenity value of the tree and/or hedgerow. These principles are supported by Policy CS12 of the revised Core Strategy 2010.
- 10.41 The original trees which were illegally removed made a significant contribution to the street scene and officers have sought in other planning applications for the site to ensure a substantial and high quality landscaping and tree-planting scheme. This included semi-mature or mature trees to be planted within the frontage of the site, where four of the protected trees were located, and a minimum of 10 mature specimen trees to provide some immediate screening / softening to the development. This is also proposed in this application.
- 10.42 An Arboricultural report has been submitted with this application and this has been supported with a landscape strategy plan (Drawing number MCS451/Drg 01) which also includes proposed boundary treatments. The report identifies that 14 of the 19 existing trees are to be retained. These are a bold group in the highway verge to the front (wet) of the site, all the existing trees and hedges along the northern and eastern boundaries and the several

trees outside the southern site boundary. The retention of these trees around the site boundaries determines the arboricultural features of the neighbourhood and therefore remain substantially unaltered. The view into the site for the street would remain unchanged and improved as the new planting as shown on the landscape plan becomes established.

- 10.43 The proposed planting would strengthen the vegetation along the boundaries with native plants. It is proposed to plant 29 new trees, most of these trees would be prominent in the public domain. The planting of these trees would compensate for the trees that were illegally felled.
- 10.44 The retention of the existing trees and the proposed planting as set out in the Arboricultural report and on the landscape strategy plan (Drawing number MCS451/Drg 01) are considered acceptable and would be in compliance with Policies S3 and E7 of the Hertsmere Local Plan 2003 and Policy CS12 of the Core Strategy 2011.

Land Contamination

- 10.45 Policy D17 of the Hertsmere Local Plan 2003 and Policy CS15 of the revised Core Strategy 2010 are concerned with pollution control on all new developments.
- 10.46 The Council's Scientific Officer has previously advised that the site is adjacent to a pit and therefore the risks from the adjoining pit will need to be assessed upon the development including any remedial works that may be required.
- 10.47 A site Investigation report has been submitted with this application and the Council's Scientific Officer has been consulted on the application and raises no objections to the information provided within the submitted site investigation report which indicates that the site is suitable for the intended development. No contaminated land condition or remedial action is required. The details are therefore considered acceptable and would comply with Policy D17 of the Hertsmere Local Plan 2003 and CS15 of the Core Strategy 2011.

Waste and recycling

- 10.48 The Council's Technical note: Waste provision requirements 2010 on the collection of domestic refuse requires each household in the Borough to have the following provision for general waste and recycling.
- 240 litres (L) for general waste
 - 240L for green waste
 - 38L for paper
 - 55L for plastic / cans
 - 55L for possible future waste storage requirements

For dwellings with individual storage provision the above provision normally

constitutes:

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

10.49 A Site Waste Management Plan has been submitted with this application. The document states that the internal bin store would be located on the ground floor (south west) close to the access. The refuse store can accommodate the storage for all waste and recyclables as set out in the provision guidance.

Wildlife

10.50 Policy E3 of the Hertsmere Local Plan 2003 is concerned with the impact of new developments on life and protected species.

10.51 A habitat Survey has been submitted with the application and the Hertfordshire Biological records centre have been consulted on the application. The Information was assessed and considered acceptable subject to an informative being added in relation to vegetation clearance, protection of reptiles and supervision and new planting using native species.

Drainage

10.52 Drainage Services and Thames Water were also consulted on the application and conditions are recommended in respect of Surface Water run off and a piling method statement.

Affordable Housing

10.53 Policy H16 of the Local Plan 2003 seeks affordable housing on sites of 25 or more dwellings involving Class C3 residential uses. As a Class C2 the proposal does not trigger a need for affordable housing. However, policy CS4 of the revised Core Strategy, policy CS4 seeks to include extra care and continuing care developments that would fall within Class C2 use as requiring an affordable housing element. This has yet to be formally adopted and tested by an Inspector at appeal would be open to scrutiny.

S106

10.54 The previous application approved under TP/08/0730 was approved subject to a Section 106 obligation for £41,548.36 to provide for the provision of contributions to street furniture, greenways and community transport.

10.55 Legal Services have advised that the contributions have been paid in full and there are no outstanding contributions owed. It is therefore considered that in this instance no further S106 contributions are required with this proposed application.

11.0 Conclusion

- 11.1 The proposal is considered acceptable for an assisted living care home (Class C2 use). Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential amenities of the neighbouring properties. Subject to the recommended conditions set out in this report. The proposed development would not have a detrimental impact on the retained trees on the site. The level of car parking and the proposed accesses are considered acceptable for the development and would comply with NPPF12, Circulars 3/09 and 11/95, Hertsmere Local Plan adopted 2003, Policies D17, D20, D21, D23, E,3, E7, H8, K1, M1, M2, M5, M6, M12, M13, R2, S1 and S2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS17, CS18, CS21, CS24 and CS25. Parts A and D of the Council's Planning and Design Guide SPD 2006, the Car Parking Standards SPD 2010.

12.0 Recommendation

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

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
CR01 Development to commence by - Full
- 2 **CB03** Prior Submission - Hard Surfacing
CR10 Visual Amenity - Residential (variant)
- 3 **CB04** Prior Submission - Levels
CR10 Visual Amenity - Residential (variant)
- 4 The premises shall be retained as a C2 (Assisted Living/Extra Care for the frail elderly) use only and for no other purpose (including any other purpose in Class C2 of The Town and Country Planning (Use Classes) Order 1987 (As Amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5 Other than the staff accommodation and specified guest accommodation, each unit of residential accommodation hereby approved shall only be occupied by at least one person who has attained the age of 70 years and is in need of personal care by reason of old age, infirmity or disablement.

Reason:

To ensure that the units of accommodation hereby approved are solely occupied in accordance with the use of the site as a residential institution for the provision of residential accommodation and care to people in need of care and to comply with the NPFF, Policies S3 and H8 of the Hertsmere Local Plan 2003.

- 6 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The 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 excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

CR11 Residential Amenity (includes privacy)

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

CR32 Drainage Overload

- 8 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all access and junction arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The junction arrangements shall be completed in accordance with those details before the development is brought into use, and shall be permanently maintained thereafter ancillary to the development.

Highway Traffic Flow

- 9 **BEFORE THE DEVELOPMENT HEREBY PERMITTED SHALL COMMENCE** details of a parking management plan shall be submitted to demonstrate the dual use of the service yard and access thereto for visitors car parking.

Reason: To ensure that no unnecessary overspill car parking occurs in neighbouring residential roads and to comply with policies D20, H8 and M12 of The Hertsmere Local Plan 2003 and Policy CS24 of the revised Core Strategy 2010.

10 **CE18** Green Travel or Transport Plan

Reason: To ensure that all unnecessary vehicle movements to and from the site are avoided and in the interests of sustainability and to comply with Policy K1, D21 and M12 of The Hertsmere Local Plan 2003 and Policy CS24 of the revised Core Strategy 2010.

11 Prior to the commencement of development, a scheme detailing how the principles and practices of the 'Secured by Design' scheme are to be incorporated into the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of creating safer and sustainable communities in accordance with NPPF12 and reducing the effects of crime and disorder as required by Section 17 of the Crime and Disorder Act 1998).

12 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure and to comply with policies to comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

13 The application has been approved having regard to the following plans and documents:-

- 10/1811/01-1 - O/S plan
- 10/1811/00 - Darkes Lane Street Scene
- 10/1811/01 - Site plan
- 10/1811/02 - SW and NW elevations
- 10/1811/03 - NE and SE Elevations
- 10/1811/04 - Section elevations (As amended 17/5/12)
- 10/1811/05 - Ground and First floor plan
- 10/1811/06 - 2nd floor plan and roof plan
- MCS451 01 - Landscaping plan
- MK 16128 - Site survey
- Part 1 environmental Ground Investigation Report and desktop ground

- environmental survey (in two parts).
- Arboricultural Report - Part 1 survey report and Tree Impact Assessment (Ian Keen)
- Statement of Community Involvement (Remarkable)
- Habitat and biodiversity Assessment (Marishal Thompson)
- Design and Access Statement
- Transport Assessment (March 2012) - (Alan Burns)
- Drainage Survey (Such Salinger)
- Utilities statement
- Site Waste Management (plan part 1 and 2).

Received by the Council on 3/4/12.

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

14 A minimum of 30% of the gross internal floor area shall be provided as communal floor space to include key facilities such as:-

- a residents lounge
- a full service restaurant; and
- a function room

These facilities shall be retained as such for the perpetuity of the use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To secure use of this development as a residential institution for the provision of residential accommodation and care to people in need of care and for no other use whatsoever and to comply with NPPF, Policy H8 and S3 of the Local Plan 2003.

General Reason(s) for Granting Permission

The proposal is considered acceptable for an assisted living /extracare home (Class C2 use). Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential amenities of the neighbouring properties. Subject to the recommended conditions set out in this report. The proposed development would not have a detrimental impact on the retained trees on the site. The level of car parking and the proposed accesses are considered acceptable for the development and would comply with NPPF12, Circulars 3/09 and 11/95, Hertsmere Local Plan adopted 2003, Policies D17, D20, D21, D23, E,3, E7, H8, K1, M1, M2, M5, M6, M12, M13, R2, S1 and S2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS17, CS18, CS21, CS24 and CS25. Parts A and D of the Council's Planning and Design Guide SPD 2006, the Car Parking Standards

SPD 2010.

13.0 Background Papers

- 1 The Planning application (TP/12/0706) 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: NPPF12, Circulars 3/09 and 11/95, Hertsmere Local Plan adopted 2003, Policies D17, D20, D21, D23, E,3, E7, H8, K1, M1, M2, M5, M6, M12, M13, R2, S1 and S2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS17, CS18, CS21, CS24 and CS25. Parts A and D of the Council's Planning and Design Guide SPD 2006, the Car Parking Standards SPD 2010.

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.

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

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

Proposed method of limiting surface water discharge to this rate.

Proposed volume of storage as calculated using CG01.

Proposed method of providing this volume storage.

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

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

The post development impermeable area.

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

Highways Authority

Works to be undertaken on the adjoining Highway will require the applicant to enter into a Section 278 Agreement with the Highways Authority. This will include the closure of the existing accesses and the reinstatement of the footway and kerbs etc. Before commencing development, the applicant shall contact Herts Highways to obtain their permission and requirements. This is to ensure any works undertaken in the highway are constructed in accordance with the

Highways Authority's specification and by a contractor who is authorised to work in the public highway.

Wildlife Protection

- Vegetation clearance will only take place outside the bird breeding season: 1st March to end of August.
- To protect possible reptiles, removal of the large brick mound should be done under the supervision of an appropriately trained ecologist
- Ecological enhancement. New planting should be native species (or suitable exotic species) to provide nectar and fruits for wildlife. Bird and bat boxes should be erected on building and trees.

Thames Water

Waste Comments

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

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

Thames Water recommends the installation of a properly maintained fat trap on all

catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 0203 577 9963.

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

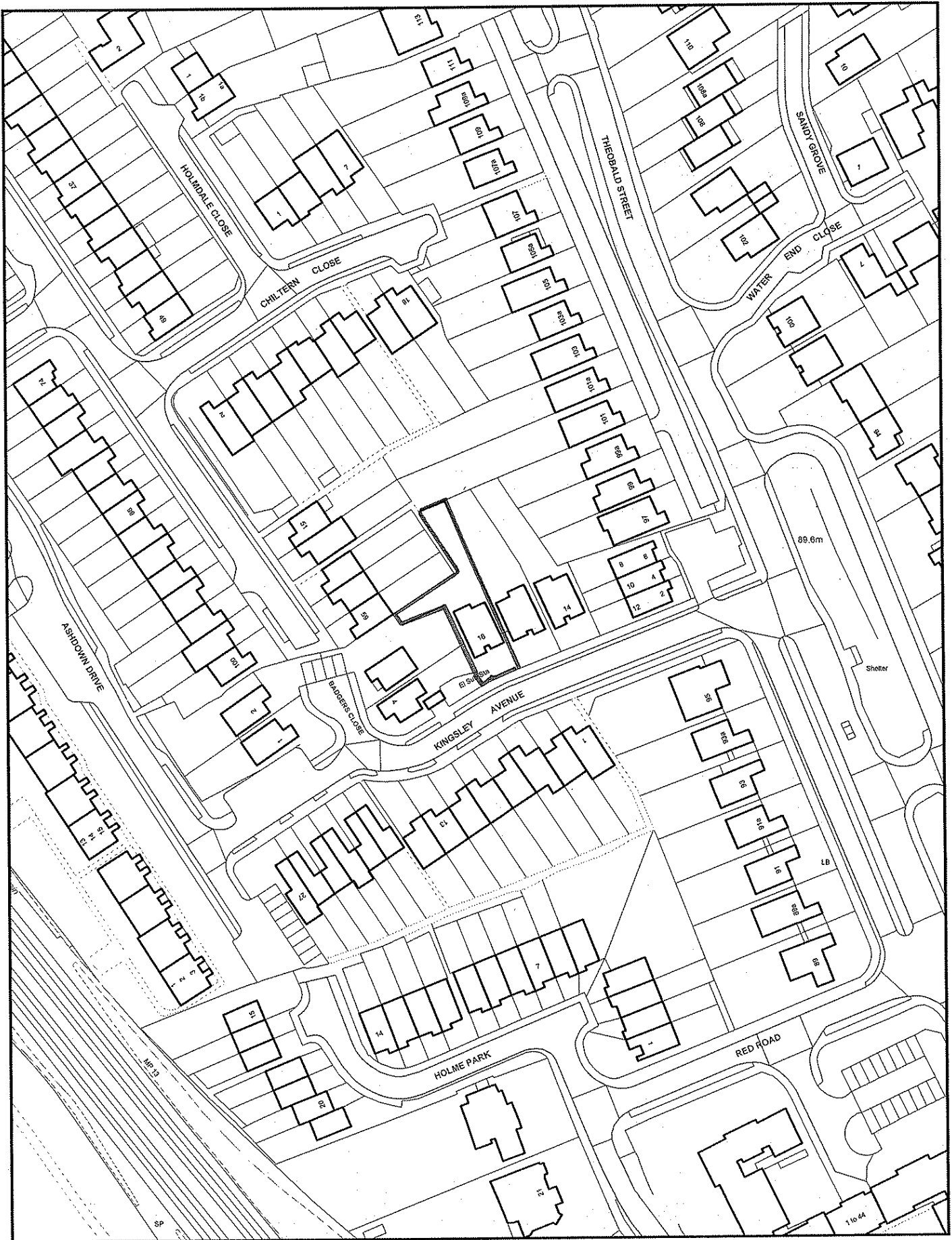
Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Case Officer Details

Sharon Richards ext - **Email Address** sharon.richards@hertsmere.gov.uk

This page is intentionally left blank

TP/12/0858: 18 Kingsley Avenue, Borehamwood, WD6 4LY



Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Hertsmere Borough Council. Licence No:100017428



Scale: 1:1250

Date: 05/07/2012

DATE OF MEETING 16 July 2012

APPLICATION NO: TP/12/0858

DATE OF APPLICATION: 19 April 2012

STATUTORY START DATE: 20 April 2012

SITE LOCATION

18 Kingsley Avenue, Borehamwood, WD6 4LY

DEVELOPMENT

Erection of front porch extension & part single/part two storey rear extension.

AGENT

Suzie Horne
1 Paynesfield Road
Bushey Heath
Hertfordshire
WD23 1PQ

APPLICANT

Mr & Mrs A Kay
18 Kingsley Avenue
Borehamwood
Hertfordshire
WD6 4LY

WARD

Borehamwood
Brookmeadow

GREEN BELT

No

CONSERVATION AREA

Not in a Conservation
Area

LISTED BUILDING

NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

1.1 Grant Permission subject to conditions

2.0 Application site / Surrounding area

2.1 The application site is located along Kingsley Avenue which is a turning off Theobald Street. The site lies adjacent to number 4 Badgers Close, at the end of a row of three detached properties. The site consists of a two-storey detached dwellinghouse with a single storey rear projection. The house is constructed from a stock red brick with a gable-end projection finished in a mock Tudor style. The roof is clad in concrete inter-locking roof tiles. The windows throughout the property are a mixture of double glazed uPVC and timber frame.

2.2 The site is located within a well-established residential area which is characterised by quite varied properties in terms of design and form.

3.0 Proposal

3.1 Planning permission is sought for the proposed erection of a front porch which would infill the recessed main entrance and a part single / part two-storey rear

extension.

- 3.2 This application is to be determined by the Hertsmere Planning Committee as the application has been called in for determination by Councillor Dobin, who cites concerns that the proposed development may impact upon the neighbouring properties as well as existing trees and landscaping.

Key Characteristics

Site Area	Approximately 0.0437 hectares
Density	Approximately 23 dwellings per hectare (dph)
Mix	Residential
Dimensions	<p><u>Front porch (infill)</u> Depth - 1m x Width - 1.1m x Height - 2.2m</p> <p><u>Part single, part two-storey rear extension</u> (Ground floor) Depth - 3.35m (Maximum) 2.58m (Minimum) x Width - 8.3m x Height - 3.5m</p> <p>(First floor) Depth - 2.85m (Maximum) 1.57m (Minimum) x Width - 8.3m x Height (As measured from ground floor to apex of roof) - 6.7m</p>
Numbers of Car Parking Spaces	Existing - 3 parking spaces on hardstanding area. Proposed - No additional parking.

4.0 Relevant Planning History:

TP/12/0858	Erection of front porch extension & part single/part two storey rear extension.	PENDING
TP/00/1165	Conversion of garage to habitable room	Grant Permission 09/01/2001
TP/12/0277	Two storey rear extension & new front porch	Withdrawn by applicant 17/04/2012

5.0 Notifications

- 5.1 Seven neighbours notified via a consultation letter and a site notice was erected on a lamppost located adjacent to the application premises. One letter of objection was received.

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

5.2 Summary of comments (Objection from number 3 Badgers Close, Borehamwood) :

- Loss of outlook and sense of enclosure, contrary to section 3(e) of the Design Guide and policy D21;
- Overshadowing in the garden in the early morning hours only, but loss of enjoyment during this time of day;
- Overshadowing of patio area;
- Overshadowing of living room rear windows;
- The level of overshadowing would conflict with the BRE Guidance " Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice";
- Proposed side windows would cause loss of privacy and overlook rear garden area;
- The development would harm the Cupressus Conifer as it would fall within 30% root protection zone and therefore be contrary to BS5837 and policy E7;
- Does not accord with section 3(a) of the Design Guide due to the lack of set in from the boundary in respect to first floor and two storey rear extensions;
- Loss of sunlight contrary to section 3(d) of the Design Guide;
- The proposal would be contrary to criterion (i) and (iii) of policy H8 whereby the size, height and mass would adversely affect the character of adjacent development, as well as cause a loss of privacy;

6.0 Consultations

Elstree & Borehamwood Town Council
Tree Officer

No comments received
No objections raised.

The tree survey looks credible and the method to protect the neighbours trees (2 & 5) appear effective and proportionate to the trees low amenity value (small trees of mostly garden ornament value and screening). The trees are young state and likely to survive the works.

7.0 Policy Designation

7.1 No specific policy designation - Established residential area.

8.0 Relevant Planning Policies

1	National Planning Policy Framework	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies H8	Residential Development Standards
3	Hertsmere Local Plan Policies D20	Supplementary Guidance

4	Hertsmere Local Plan Policies	D21	Design and Setting of Development
5	Hertsmere Local Plan Policies	M13	Car Parking Standards
6	Revised Core Strategy	REV_CS21	High Quality Development
7	Revised Core Strategy	REV_CS24	Accessibility and parking
8	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
9	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
10	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
11	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development
12	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
13	Circulars	11/95	Circular 11/95 - Conditions

9.0 Key issues

- Design and visual impact;
- Impact on residential amenity;
- Car parking;
- Trees; and
- Legal and Costs implications.

10.0 Comments

Design and visual impact

National policy background

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

Local policy background

- 10.2 Hertsmere Local Plan (2003) policies H8 and D21 state that development proposals must respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and

height. Hertsmere Revised Core Strategy 2011 policy CS21 generally compliments these policies.

Front porch infill

- 10.3 The proposed front porch would infill the existing recessed front entrance doorway to the application property. The amended porch wall would sit almost flush with the principal front wall of the main house. This element would not have a detrimental effect to the character and appearance of the property or the wider street scene.

Part single / part two storey rear extension

- 10.4 The proposed works at ground floor level would have a maximum projection from the rear wall of 3.35 metres (m) and a minimum projection of 2.58m to create an L-shape. The works would span the full width of the application property and have an overall height of 3.5m from ground floor level to the apex of the pitched roof.
- 10.5 The works at first floor level would have a maximum rearward projection of 2.85m and a minimum projection of 1.57m and span the width of the main house. The proposed works would consist of 2 hipped roofs over the master bedroom and second bedroom. The smaller of the two roofs spans 3.2m in width with a height 1.1m with a slope angle of 35 degrees and is set down by 1.4m from the main ridge of the application property. The second roof spans 6m in width with a height of 2m and a roof pitch of 35 degrees. This roof has been set down by 0.4m from the main ridge of the application property.
- 10.6 The proposed works are considered to be of a scale and form that reflects the main dwellinghouse and would not be harmful to its character and appearance. Furthermore, as the works are located to the rear of the property, they would not be widely visible from the street scene.

Materials and windows

- 10.7 The roof and external walls of the extensions are proposed to be constructed from materials which would either match or complement the existing dwellinghouse. Moreover, the siting and type of windows used in the extensions would reflect the siting and type of windows of the host application property.

Conclusion

- 10.8 The proposed works are not considered to be detrimental to the character and appearance of the property or the wider street scene. The works would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), Part E of the Council's Planning and Design Guide SPD (2006) and the NPPF (2012).

Impact on residential amenity

National policy background

- 10.9 Paragraph 17, bullet point 4 of the NPPF's core planning principles states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Privacy

- 10.10 Hertsmere's Local Plan policy H8 (criterion iii) is reflective of the NPPF's policy direction. Part D of the Planning and Design Guide states that directly opposing elevations for two storey dwellings should be a minimum of 20m apart.

Assessment

- 10.11 The neighbour at number 3 Badgers Close states that the proposed side window which would serve the internal stairwell, would cause a loss of privacy and overlook the rear garden area of this property. Application drawing number 011-P06 Revision C, details that the proposed side windows on the eastern and western elevations of the property would be obscurely glazed. As such, there would be no loss of privacy to the occupants of no. 3 Badgers Close. Furthermore, there would be no additional overlooking to the adjoining properties other than what would be reasonably expected in a typical residential scenario.

Conditions

- 10.12 A condition would be attached to any permission issued to ensure that the development is carried out in complete accordance with the approved drawings, if granted by members. This would ensure that the amenities of the neighbour would be preserved and any breach of this condition could be dealt with by the Council's Enforcement Team.

Outlook

- 10.13 Under Part D of the Council's Planning and Design Guide SPD (2006), it states that for two storey dwellings, where there are opposing rear to side elevations, there should be a minimum of a 16m distance between these elevations. The outlook of number 3 Badgers Close is already infringed by the existing built form of the host application property, where the rearward facing habitable room windows of that property overlooks the flank elevation of the application property. The proposed works at first floor level would project 2.8m from the rear wall of the host property.
- 10.14 Currently, there is a separation distance of 15 metres between the application property and the rear habitable room windows of number 3 Badgers Close. This distance would be retained following the extension works. In addition, the

existing tree within the rear garden of this property would provide additional screening from the proposed works.

- 10.15 In respect to 16 Kingsley Avenue drawing number 011-P02 Revision C shows that the development would not breach the 45-degree line as drawn from the nearest edge of the nearest habitable room window. However, at ground floor level, the single storey element would breach the 45-degree amenity line by 1 metre, however, this would be a 3.35 metre projection in line with the standard set out under Part E of the Planning and Design Guide SPD (2006) whilst the existing 1.85m high boundary fence would limit any harm.

Daylight

- 10.16 BRE "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice" 2.2 "Existing Buildings" provides guidance on the effects of new developments on existing buildings and how to establish whether or not an existing building still receives enough skylight, when a new development is constructed. The guidance states that an angle should be measured to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25-degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

Assessment and conclusion

- 10.17 In accordance with the BRE standards, an assessment was carried out on behalf of the applicant to examine the impact of the proposed works on the neighbouring properties. The assessment concluded that there would be no unreasonable level of impact to the daylight of the adjoining neighbouring property (number 3 Badgers Close). This is because the 25 degree line when drawn from the centre of the patio doors (i.e. French windows) and living room window, and measured to the horizontal line, would not be breached by any part of the proposed development. The proposal would not be considered to have a detrimental effect on the diffuse skylight enjoyed by the owner / occupiers of 3 Badgers Close.
- 10.18 The applicant has also undertaken a daylight analysis of 3 Badgers Close measuring the Vertical Sky Component (VSC). This is a measure of the amount of skylight received within a given habitable room. Under the BRE guidelines, if the VSC is less than 27% and less than 0.8 times its former value, the daylighting received would be adversely affected.
- 10.19 The assessment has identified the VSC figures which ranges from 33.46% (French windows - reduction of 0.98) to 36.56 (bedroom 2 - reduction of 0.99) is only a small reduction in the level of daylight received by the residents of 3 Badgers Close on their former values. Furthermore, the reduction in daylight received is not less than 0.8 times its former value. These figures demonstrate the amenity of this property would not be affected by the proposed development.

Sunlight

- 10.20 BRE "Site Layout Planning for Daylight - A Guide to Good Practice" 3.2 "Existing Buildings" it states that "*If a habitable room of an existing dwelling has a main window facing a 90 degree of due south, any part of a new development subtends an angle more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected*".

Assessment and conclusion

- 10.21 In respect to neighbouring residential properties, the nearest residential property likely to be affected by the proposed works, due to its siting and orientation, is number 59 Anthony Road. However, given the separation distance of 14 metres between the proposed development and the rearward facing windows of number 59, the line drawn at the horizontal measured from the centre of the window in a vertical section perpendicular to the window, the new development would not subtend an angle of 25 degrees. As such, the proposed works would not have a detrimental effect on the sunlight received by number 59 Anthony Road.

Overshadowing

- 10.22 The neighbour at number 3 Badgers Close has raised concerns that the proposed development would create a level of overshadowing over the garden area during the morning hours, causing harm to their amenities contrary to Part E of the Council's Planning and Design Guide SPD (2006).
- 10.23 The applicant has submitted a 'shadow cast drawing' in line with BRE guidance using the 45 degree line method. This drawing (drawing number: 011-P07) depicts that the existing dwellinghouse already casts a significant shadow over the rear garden area of 3 Badgers Close. The proposed development, given the orientation of the property, would cast a very limited shadow on the rear garden area of number 3 Badger Close with the majority of overshadowing cast over the rear garden area of the application property.
- 10.24 Officers, separate to the above, have undertaken a 'sun on ground' assessment in line with the requirements set out under the BRE. This assessment predicts the availability of sunlight on the ground at the equinox (March 21) calculated at a latitude of 53.5 degrees north. Officers have identified through this assessment, that overshadowing of the rear garden area of number 3 Badgers Close would occur at 08:00am in the morning with the shadow moving eastward throughout the day. However, the main area of overshadowing is already caused is by the existing dwellinghouse, with overshadowing from the proposed works only falling over a small part of the rear garden area of number 59 Anthony Road.
- 10.25 Taking into consideration of the above aforementioned comments, officers do not consider that the proposed works at first floor level requires any set-ins

from the boundary as it would not cause any significant level of overshadowing. Furthermore, given the size of the garden area of number 3 Badgers Close which creates a large sky gap between the two properties, the works would not create any element of blocking in, given the openness which exists.

On site amenity

- 10.26 With regard to the provision of amenity space, Part E of the Planning and Design Guide states that dwellings with 4 bedrooms should provide a minimum of 80m² of usable garden space. 190m² of usable rear garden space would be retained following the works which would comply with this guidance.

Car parking

National policy background

- 10.27 Paragraph 39 of the NPPF states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.

Local policy

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

Car parking assessment

- 10.29 The application property currently consists of 4-bedrooms. The proposal does not seek to create or add any additional bedrooms to the host property. Notwithstanding this, the Councils Parking Standards SPD (2008) (Revised June 2010) requires that a four bedroom property should have a maximum of 3 parking off-street spaces. The existing driveway which runs up to the dwellinghouse would adequately provide the 3 off-street parking spaces required. Furthermore, the proposal does not involve any alterations to the existing driveway. Taking this into consideration, the proposal would not prejudice the safety and operation of the adjacent highway.

- 10.30 No objection is raised under policies H8, M2 and M13 of the Hertsmere Local Plan 2003 and policy CS24 of the Hertsmere Revised Core Strategy 2011 as well as the Councils Parking Standards 2008 (Revised June 2010) and the NPPF (2012).

Trees

Policy and background

- 10.31 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. Policy E8 requires 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 limbs from damage. The Biodiversity, Trees and Landscape SPD Part A and Part C (December 2010) complements policies E7 and E8 of the Hertsmere Local Plan and policy CS12 of the emerging Core Strategy (2011).

Impact on trees

- 10.32 The neighbour at number 3 Badgers Close has raised concerns that the proposed development would damage the existing Cupressus Conifer which is located within the rear garden. It is noted by officers that there are no trees/hedges on the application site or within the neighbouring residential property at number 3 Badgers Close that are protected under a Tree Preservation Order (TPO). Notwithstanding this, the applicant has submitted an 'Arboricultural Report' in accordance British Standards BS5837 (2005). Under Appendix B of this Assessment there is a 'Tree Protection Method Statement' which states that protective fencing should be erected and that all fencing and ground protection should remain in place during construction. Storage facilities are to be outside the root protection area.
- 10.33 In respect to foundations, it has been advised that foundations are to be of the piled type, installed using angled piling rigs to avoid damage to aerial parts of the retained tree. It is noted that there is intrusion into the root protection zone area of Tree 2 (Tree at number 3 Badgers Close), however, this would be less than the 20% allowable under BS5837 (2005).
- 10.34 The Council's Senior Tree Officer, considers that the method to protect the neighbours trees (2 & 5), as set out in the applicants arboricultural report, would be effective and proportionate to the trees low amenity value (small trees of mostly garden ornamental value and screening). Furthermore, the officer states that the trees are young and therefore likely to survive the works. The case officer's own assessment of the 'Arboricultural Report', considers that this report would meet the requirement BS5837 (2005) given the level of tree protection and construction protection measures which would be undertaken in order to preserve the tree during construction and throughout the lifetime of the development.

Conditions

- 10.35 If permission was to be granted by members, any trees which are to be retained will be subject to a condition attached to any permission issued in respect to the 'treatment of retained trees' during construction. This is to ensure that trees which are to be retained are not damaged, removed or destroyed during the construction process and the lifetime of the development accordingly. This is because the existing trees on-site provide amenity value to the setting of the development and the wider street scene.

Legal and Costs implications.

Context

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

Policy

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

11.0 Conclusion

- 11.1 The proposed works due to their siting, design and scale would not cause harm to the character and appearance of the building or the wider street scene. Further, the proposed works would not cause any harm to the amenities of neighbouring residential properties, prejudice the safety and operation of the adjacent highway or affect existing trees within and adjacent to the application site.
- 11.2 In conclusion, the proposed development complies with National Planning Policy Framework (2012), Hertsmere Local Plan adopted 2003 policies H8, D20, D21 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS21 and CS24. Part D and E of the

Council's Planning and Design Guide SPD 2006. Part C of the Biodiversity, Trees and Landscape SPD (2010). Council's Parking Standards SPD 2008 (Revised June 2010), Circular 11/95, Circular 03/2009.

12.0 Recommendation

12.1 Grant permission subject to the following recommended conditions:

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
CR01 Development to commence by - Full
- 2 **CB25** Treatment of retained trees
CR28 Landscape/Trees Protection
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:
 - Design and Access Statement - date stamped 20/04/2012;
 - Site Location Plan (drawing number: 011-P01 Revision A) date stamped 20/04/2012;
 - Proposed Site Plan (drawing number: 011-P02 Revision C) date stamped 20/04/2012;
 - Existing floor plans (drawing number: 011-P03) date stamped 20/04/2012;
 - Existing elevations (drawing number: 011-P04) date stamped 20/04/2012;
 - Proposed floor and roof plans (drawing number: 011-P05 Revision C) date stamped 20/04/2012;
 - Proposed elevations (drawing number: 011-P06 Revision C) date stamped 20/04/2012;
 - Email from Cheryl Maughan - Planning Officer HBC (email date: 18 April 2012) date stamped 20/04/2012;
 - Report on tree survey and tree protection method statement - date stamped 20/04/2012;
 - Tree constraints plan (drawing number: BGC/18 Kinglsey Avenue/TCP Rev 0) date stamped 20/04/2012;
 - Tree protection plan (drawing number: BGC/18 Kinglsey Avenue/TPP Rev 0) date stamped 20/04/2012;
 - Daylight calculations (drawing number: 011-P07) date stamped 25/06/2012;
 - Vertical Sky Calculations - date stamped 25/06/2012.

Reason:

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

General Reason(s) for Granting Permission

The proposed works due to their siting, design and scale would not cause harm to the character and appearance of the building or the wider street scene. Further, the proposed works would not cause any harm to the amenities of neighbouring residential properties, prejudice the safety and operation of the adjacent highway or affect existing trees within and adjacent to the application site.

In conclusion, the proposed development complies with National Planning Policy Framework (2012), Hertsmere Local Plan adopted 2003 policies H8, D20, D21 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS21 and CS24. Part D and E of the Council's Planning and Design Guide SPD 2006. Part C of the Biodiversity, Trees and Landscape SPD (2010). Council's Parking Standards SPD 2008 (Revised June 2010), Circular 11/95, Circular 03/2009.

13.0 Background Papers

- 1 The Planning application (TP/11/1484) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework (2012), Hertsmere Local Plan adopted 2003 policies H8, D20, D21 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS21 and CS24. Part D and E of the Council's Planning and Design Guide SPD 2006. Part C of the Biodiversity, Trees and Landscape SPD (2010). Council's Parking Standards SPD 2008 (Revised June 2010), Circular 11/95, Circular 03/2009.

Building Regulations

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

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

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

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

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

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

Case Officer Details

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

This page is intentionally left blank



Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Hertsmere Borough Council. Licence No:100017428



Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0680

DATE OF APPLICATION: 27 March 2012

STATUTORY START DATE: 07 June 2012

SITE LOCATION

Edge Grove School, High Cross, Aldenham, Watford, WD25 8NL

DEVELOPMENT

Variation of condition 10 attached to planning permission reference TP/06/1310 to allow re-wording of condition to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'.

AGENT

Mr B Elbourn
Elbourn Architects Ltd
67 Sopwell Lane
St Albans
AL1 1RN

APPLICANT

Mr M Sims
Edge Grove School
Aldenham Village
WD25 8NL

WARD

Aldenham West

GREEN BELT

Yes

CONSERVATION AREA Not in a Conservation Area

LISTED BUILDING

II

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

1.1 Grant planning permission subject to conditions.

2.0 Application site / Surrounding area

2.1 Edge Grove School is located to the west of Radlett Road and High Cross. The site is within open countryside and is centred around a former country house and estate which is a Grade II Listed Building. The original Listed Building has now been extended and other buildings have been added to form the school, which has occupied the site since 1935. The whole site comprises some 11.5 hectares and lies within the Metropolitan Green Belt.

3.0 Proposal

3.1 The proposal is for the variation of condition 10 attached to planning permission reference TP/06/1310 to allow re-wording of condition to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'. The

original wording of the condition 10 of TP/06/1310 was 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 120 shall attend Hart House'.

- 3.2 This application has been taken to committee due to the planning constitution. It states if a condition has been specifically attached to a planning application by the planning committee, any future variation would need to be determined by the planning committee. On the 14/12/2006, Councillors under the Bushey/Aldenham Planning Committee added condition 10 to the final decision. Furthermore, as the red line is shown round the whole school site, the application is classified as a major.

Key Characteristics

Site Area	11.5 ha
Density	N/A
Mix	N/A
Dimensions	N/A
Number of Car Parking Spaces	N/A

4.0 Relevant Planning History

TP/90/0141	Two storey block comprising of 4 three bedroomed houses with 8 car parking spaces. Withdrawn 9/6/93.	Grant Permission 30/04/1990
TP/90/0142	Single storey extensions to art accommodation	Grant Permission 30/04/1990
TP/90/0209	Single storey ground floor extension to main school building	Grant Permission 30/04/1990
TP/90/0242	Single storey extensions to art accommodation (Listed Building Application)	Grant Consent 30/04/1990
TP/90/0243	Two storey block comprising of 4 three bedroomed houses with 8 car parking spaces. (Listed Building Application)	Grant Consent 30/04/1990
TP/90/0244	Single storey ground floor extension to main school building (Listed Building Application)	Grant Consent 30/04/1990
TP/88/1126	Erection of four two storey houses with integral garages	Withdrawn by applicant 14/08/1990
TP/90/0723	Ground floor extension for staff accommodation(Amended Scheme)	Grant Permission 28/08/1990

TP/90/0724	Ground floor extension for staff accommodation. (Listed Building Application)(Amended Scheme)	Grant Consent 28/08/1990
TP/92/0055	Single storey rear extension	Grant Permission 18/02/1992
TP/92/0056	Single storey rear extension (Listed Building Application)	Grant Permission 18/02/1992
TP/94/0506	Erection of pre-Prep School Department (comprising six classrooms & ancillary accommodation) together with extension to access drive & rear playground.	Grant Permission 04/10/1994
TP/96/0392	Demolition of existing substandard classrooms and construction of 2 storey classroom block	Grant Permission 12/07/1996
TP/96/0393	Single storey extension for new music teaching facility	Grant Permission 12/07/1996
TP/96/0394	Demolition of existing substandard gymnasium and construction of replacement	Grant Permission 12/07/1996
TP/96/0395	Entrance foyer to existing assembly hall	Grant Permission 12/07/1996
TP/97/0459	First floor extension for staircase. (Amended plans received 4/8/97) (Additional plans received 11/8/97)	Grant Permission 07/09/1997
TP/97/0460	First floor extension to incorporate staircase and internal alterations plus new balustrade (Amended plans received 4/8/97) (Additional plans received 11/4/97)(Application for Listed	Grant Consent 07/09/1997
TP/98/0428	Erection of temporary building adjoining existing tennis courts, to house two classrooms. WITHDRAWN 15/6/98	Withdrawn by applicant 15/06/1998
TP/98/0629	Erection of sports hall and changing rooms following demolition of existing gymnasium.	Grant Permission 21/10/1998
TP/98/0956	Erection of extension to provide communications and technology room.	Grant Permission 24/11/1998
TP/02/0761	Internal alterations to create bathroom, shower and toilet facilities, with new corridor. (Listed Building Application)	Grant Permission 29/08/2002

TP/03/0376	Replacement re-surfacing of existing car park. (Amended plans received 16/5/03)	Grant Permission 02/06/2003
TP/03/0410	Repairs and restoration of dome rooflight, conical rooflight, dormer windows , roof and plaster work to main staircase (Application for Listed Building Consent).	Grant Consent 10/06/2003
TP/03/0513	Internal and external alterations to changing area for swimming pool.	Grant Permission 02/07/2003
TP/03/0514	Internal and external alterations to changing area for swimming pool (Application for Listed Building Consent).	Grant Consent 02/07/2003
TP/03/0618	Alterations to stable block to provide additional classrooms and girls' changing facilities. Siting of temporary building to provide changing facilities/classroom.	Grant Permission 04/08/2003
TP/03/0619	Alterations to stable block to provide additional classrooms and girls' changing facilities/classroom (Application for Listed Building Consent).	Grant Consent 04/08/2003
TP/04/0507	Internal alterations to second and third floor bathrooms, including installation of bathroom in place of kitchen on second floor. Re-opening of internal doorway (second floor). Removal of part of existing wall and insertion of new wall in laundry. Re-roofing of rear extension to stable block (Additional plans received 25/5/04).	Grant Consent 05/07/2004
TP/04/0587	Variation of Condition 2 of existing permission for temporary portacabins (TP/2003/0618) dated 4/8/03 for a further 12 months until 1/9/05.	Grant Permission 20/07/2004
TP/04/0651	Erection of a "boot locker" shed (3m x 4.8m x 2m (2.4 to ridge)) to the south of the Sports Hall.	Grant Permission 06/08/2004
TP/04/1363	Internal alterations involving demolition of partition walls, plinth and wall below window head (Bursers Office/Laundry). Erection of partition walls to create mens staff room. Alterations to drainage. (Application for Listed Building Consent)	Grant Consent 04/01/2005
TP/05/0311	Renewal of planning permission TP/2004/0587 (temporary portacabins) for a further 12 months until 01/09/06	Grant Permission 18/05/2005

TP/05/0751	Open sided canopy to Hart House together with play equipment (climbing platform and pirate ship) and associated works in adjacent playing field around car park.	Grant Permission 26/09/2005
TP/06/0508	Alterations to ground floor boys WC's by partition walls to provide boys and girls WC's. Installation of extractor fan and duct to the roof. Enlargement of window opening to provide two windows. (Listed Building Consent).	Grant Consent 12/07/2006
TP/06/0904	Alterations and refurbishment of existing kiln room, boiler room and basement to create new kiln room, boiler room and music room. (Application for Listed Building Consent).	Grant Consent 12/09/2006
TP/06/0905	Alterations and refurbishment of existing towel room to convert it to new wc/shower room (Application for Listed Building Consent).	Grant Consent 12/09/2006
TP/06/1310	Single storey extension to pre prep school building, glazed covered area, hardsurface play area and landscaping	Grant Permission 15/12/2006
TP/07/0024	Erection of temporary building containing 2 temporary classrooms and associated toilet facilities.	Grant Permission 07/03/2007
TP/08/0353	Demolition of existing store/workshop buildings and construction of new store/workshop buildings to include hardstanding, fence and gates.	Withdrawn by applicant 07/05/2008
TP/08/0357	Demolition of existing store/workshop buildings and construction of new store/workshop buildings to include hardstanding, fence and gates. (Application for Listed Building Consent)	Withdrawn by applicant 07/05/2008
TP/08/0359	Demolition of existing buildings and erection of single storey detached building containing 3 classrooms.	Withdrawn by applicant 07/05/2008
TP/08/0360	Demolition of existing buildings and erection of single storey detached building containing 3 classrooms. (Application for Listed Building Consent)	Withdrawn by applicant 07/05/2008
TP/08/1223	Replacement of existing glazed doors and windows to garden flat with new windows with brickwork below (Application for Listed Building Consent).	Grant Consent 10/10/2008

TP/09/1334	Creation of sports court within walled garden to include regrading of levels. Creation of new opening in eastern wall; widening of opening in western wall: demolition of existing greenhouse and erection of replacement greenhouse abutting exterior of south wall; erection of timber storage building; erection of new safety barrier and gates. (Amended plans received 30/09/09)	Grant Permission 05/10/2009
TP/09/1335	Creation of sports court within walled garden to include regrading of levels. Creation of new opening in eastern wall; widening of opening in western wall: demolition of existing greenhouse and erection of replacement greenhouse abutting exterior of south wall; erection of timber storage building; erection of new safety barrier and gates (Application for Listed Building Consent) (Amended plans received 30/09/09).	Grant Consent 05/10/2009
TP/09/1352	Extension of sports hall to provide replacement changing facilities; demolition of existing changing facilities.	Grant Permission 28/10/2009
TP/09/1353	Single storey extension of sports hall to provide replacement changing facilities; demolition of existing changing facilities. (Listed Building Consent).	Grant Consent 28/10/2009
TP/10/0305	Demolition of existing estate maintenance buildings and erection of sheds and shelters to form new estate yard.	Grant Permission 25/08/2010
TP/10/0306	Demolition of existing estate maintenance buildings and erection of sheds and shelters to form new estate yard. (Application for Listed Building Consent)	Grant Consent 25/08/2010
TP/10/1295	Resurfacing of car park adjoining Hart House, formation of new access to car park and additional landscaping.	Grant Permission 23/09/2010
TP/11/0108	Erection of detached house for occupation by Head of school and ancillary to school use.	Refuse Permission 16/03/2011
TP/11/0115	Erection of detached house for occupation by Head and family (contemporary design).	Refuse Permission 05/04/2011
TP/11/0365	Amendment to planning permission TP/10/1295, dated 23/09/10, to realign position of new access to car park	Grant Permission 27/04/2011

DOC/11/0819	Application for approval of details reserved by condition 2 of planning permission references TP/10/0305 & TP/10/0306 and conditions 3 & 4 of planning permission reference TP/10/0305.	Response Given 06/06/2011
TP/11/0788	Erection of retractable cover over existing swimming pool.	Refuse Permission 08/07/2011
DOC/11/0924	Application for approval of details reserved by condition(s) 2 & 3 of planning permission reference TP/11/0365.	Response Given 13/07/2011
TP/12/0727	Erection of an extension to house new staircase and new entrance hall for dining room; Re-roofing of covered play area; New bin/recycling stores and replacement of external fire escape stairs.	Grant Permission 07/06/2012
TP/12/0728	Erection of an extension to house new staircase and new entrance hall for dining room; Re-roofing of covered play area; New bin/recycling stores and replacement of external fire escape stairs (Application for Listed Building Consent).	Grant Consent 07/06/2012

5.0 Notifications

5.1 Summary:

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

Three neighbours notified, no comments received. A site notice was erected on 5/4/2012 and a press notice was included within the local press on the 3/4/2012 and 19/4/2012.

6.0 Consultations

Aldenham Parish	No objection.
Radlett Society & Green Belt Association	Objection. Consider that it is very important to maintain this condition. It precludes the uncontrolled expansion of facilities on this site in order to protect the Green Belt.
Herfordshire Fire & Rescue	Comment received. Note that we have no objection to the re-wording of condition 10 attached to planning permission

reference TP/06/1310. However, we noted that the occupancy of 400 people within Edge Grove School is a limitation in relation to Greenbelt restrictions. The maximum occupancy in relation to fire safety must be calculated appropriately.

Conservation Officer No comments received.
 Policy and Transport Manager No comments received.
 Tree Officer No comments received.
 Hertfordshire County Council - Archaeology No comments received.

7.0 Policy Designation

- 7.1 Green Belt
- 7.2 Grade II Listed building

8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	Hertsmere Local Plan Policies	C1	Green Belt
3	Hertsmere Local Plan Policies	S5	Extensions to Existing Schools or Colleges
4	Hertsmere Local Plan Policies	E16	Listed Buildgs - Devlpmnt Affectng Setng of a Listed Buildg
5	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
6	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
7	Hertsmere Local Plan Policies	E9	Archaeology - Assessment of Sites
8	Hertsmere Local Plan Policies	D21	Design and Setting of Development
9	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
10	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
11	Revised Core Strategy	REV_CS21	High Quality Development
12	Hertsmere Planning & Design Guide	PartD	Guidelines for Development

National Planning Policy Framework 2012
 Circular 11/95

9.0 Key Issues

- Principle of development
- Background to the original planning application in Green Belt terms
- Other matters

10.0 Comments

Principle of development

Background

- 10.1 This application seeks to vary the above condition for the re-wording of condition 10 from 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 120 shall attend Hart House' to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'. The variation of condition 10 would not amend the approved drawings to planning application TP/06/1310.
- 10.2 This site has been subject to planning permission for the single storey extension to pre-prep building, glazed covered area, hardsurface play area and landscaping. Condition 10 was imposed to ensure that the number of pupils attending Edge Grove School does not materially require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003.
- 10.3 The original planning application was for the erection of a single storey extension to the pre prep school building and glazed covered area. Also the construction of a hardsurface play area and associated landscaping. On the 14/12/2006, Councillors under the Bushey/Aldenham Planning Committee added condition 10 to the final decision. This was amongst concerns that an increase in the total pupil numbers in the school would require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003.

Assessment

- 10.4 The variation of condition would allow the re-wording of condition 10 from no more than 120 shall attend Hart House to no more than 150 shall attend Hart House'. This would allow the school to increase the number of pupils attending Hart House however retain the same total number of pupils across the school. The school seeks to redistribute the total number of pupils across the existing school buildings. This would not result in the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003 thereby avoiding any additional intensification of the site. Therefore the principle of the variation of condition 10 of TP/06/1310 would be considered acceptable.

Background to the original planning application in Green Belt terms

Policy assessment

- 10.5 The National Planning Policy Framework 2012, Policies C1 and S5 of the Local Plan 2003 and Revised Core Strategy (for submission to the Secretary of State) November 2011 policy CS12 are relevant in regards to the Green Belt. These policies are in regards to inappropriate development within the Green Belt.

Application assessment

- 10.6 The application site is located within the Green Belt where schemes such as the approved constitute inappropriate development in principle unless there are exceptional circumstances to allow such development. In the case of this site the school, unlike many of the Green Belt school sites in Hertsmere, is not identified as a Major Developed Site in the adopted local plan where infilling and/or complete or partial redevelopment may be appropriate . This being the case the approved application was considered with regard to the criteria contained within Policy C1 of the Local Plan.
- 10.7 In support of the approved application the applicant provided a Green Belt statement, a Design and Access Statement and a long term Master Plan to 2016 detailing why exceptional circumstances exist to justify the grant of permission in this instance.
- 10.8 The school governors have commissioned a series of "SWOT" analyses, which have identified the schools strengths and weaknesses. The results of these studies have formed the basis of the submitted Master Plan Objectives which are guiding the development of the school. The school has identified there is an essential educational need for Edge Grove to provide facilities that meet the demands of the National Curriculum and the latest Government Guidelines. The Master Plan advises that :
- 10.9 *"the Department for Education and Skills has recognised the need for an increase in gross floor area of all schools. This is to allow for modern requirements for non teaching areas such as staff accommodation, small group rooms for assisted learning and to meet the requirements of the national Curriculum in Information and Communications Technology (ICT) and Art, Design and Technology some of these needs have been met by the school through the installation of new facilities in existing classrooms; however these classrooms now need to be replaced as part of the Master Plan.Some library space has also been lost during recent organisations and the recent inspection highlighted the library as one area where improvements is needed. Libraries should be available for all day and boarding pupils, including these in Hart House"*
- 10.10 The Board of Governors had identified a number of areas that need to be upgraded in order to, inter alia, allow the school to develop and keep pace with essential changing educational needs, standards and legislation and

continue to improve class teaching for pre prep and junior pupils and improve library and art facilities for all pupils. Specifically for Hart House, the Design and Access statement specifies the needs identified for the early learning section of the school. These are detailed in pages 1 and 2 of the statement. It will be noted that to cater for modern day educational needs and specifically for nursery and reception classes and parallel year one classes to work closely together and share facilities, additional floorspace is required.

10.11 The following deficiencies in the existing accommodation at Hart House needed to be resolved.

- Inadequate sized classrooms to cater for the needs of the existing pupil numbers
- lack of direct access to an outside teaching space for all class rooms
- lack of outside covered space for learning through play as required by the National Curriculum requirements for the Foundation Stage
- need for need for additional early years space to cover range of learning activities offered - both quiet and messy spaces
- provision of sleep/rest space if required for early years
- requirement for designated space for library and flexible space to provide a quiet area and for small teaching groups e.g. those needing additional help
- need for improved access to toilet facilities for all children
- lack of cloakroom/storage space and accessibility to it
- need for a dedicated home economics area as promoted by the government for healthy eating in schools.
- lack of assembly hall means that children have to use the hall in the main prep school for activities such as PE, dance drama. They have no area within Hart house where the whole early years school can meet
- need for identified front entrance for security and safety and provide a clear separation point for parents and children. An identified area is also needed where parents can safely wait to collect children.
- need for improved staff facilities giving a larger staff room with an additional wc (no increase in staff is proposed).
- need for the school to comply with Part M of the Building Regulations and the Disability Discrimination Act

10.12 The application for the proposed works under TP/06/1310 sought to meet these deficiencies by the internal reorganisation of space together with the proposed extension. It was noted that the proposal would incorporate existing floor area and provide additional floorspace of 200sq.m. to meet the

current educational needs of the existing pupils. This represented an overall 4.2% increase in floorspace on the site. Having regard to the amount of floorspace approved the educational need and that the works would not materially impact on the openness of the Green Belt it was concluded at the time that a fundamental objection should not be raised to the submitted proposal.

- 10.13 In terms of Policy S5 : Extensions to Existing Schools or Colleges, the proposed works provided improved facilities but with no increase in pupils. The final criterion (iv), requires that the proposals do not conflict with Green Belt policy. The issues relating to compliance with adopted Policy C1 . This has been addressed above.

Variation of condition application

- 10.14 The agent has submitted the variation of condition application to the Local Planning Authority as demand for places in Hart House (pre -prep school) has increased. The reallocated 30 pupil spaces created within the pre-prep school would cater for this demand. However, overall the school has experienced a decline in demand for the spaces throughout the other school age ranges. Therefore the overall number of pupils at Edge Grove School would remain at 400.
- 10.15 Furthermore, the agent has stated that the 30 additional pupils for Hart House would be accommodated with existing school buildings. Therefore the redistribution of pupils throughout the existing school would not result in the intensification of the school or require the construction of additional school buildings within the Metropolitan Green Belt.

Other matters

- 10.16 On researching the planning history, it was noted under planning application TP/06/1310 that six conditions were not formally discharged by the Local Planning Authority. These relate to hard surfaced areas , underground works, protective fencing, arboricultural method statement, method statement and travel plan. Four of these conditions were pre-commencement and should have been signed off before development was undertaken.
- 10.17 The development was built and is in situ. It should be noted that approximately six years have passed since the decision was granted. The agent could submit details for the conditions to regularise the works however it would be not be expedient to enforce against the school due to the period of time involved.

Costs and implications

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

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

- 10.19 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.

Conclusion

- 10.15 The variation of condition 10 is to allow the rewording from 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 120 shall attend Hart House' to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'. The rewording of condition 10 allows the applicants to redistribute the numbers of pupils across the whole school. Therefore the rewording of this condition would not require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003 and no objection is raised.

11.0 Conclusion

- 11.1 No undue adverse effects would result from the proposed variation of condition 10 attached to planning permission TP/06/0680 for the re-wording of condition 10 from 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 120 shall attend Hart House' to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'. It is considered that redistribution of pupils across the school would not require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003.

12.0 Recommendation

- 12.1 Grant planning permission subject to conditions.

Conditions/Reasons

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The external facing, and roofing tiles to be used on surfaces of the development hereby permitted shall only be of the type and colour of materials which match exactly those of the existing building

Reason:

To ensure that the finished appearance of the building is satisfactory and to comply with Policies D21 and S5 of the Hertsmere Local Plan 2003.

- 3 The details of the materials to be used in the construction of the glazed covered area over the hardsurface play area hereby approved shall be in accordance with the details approved under TP/06/1310 dated 9/1/2008.

Reason:

To ensure that the finished appearance of the development is satisfactory and to comply with Policies D21 and S5 of the Hertsmere Local Plan 2003.

- 4 **BEFORE ANY DEVELOPMENT COMMENCES**, details of all materials to be used for hard surfaced areas within the site including the area at the front entrance shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason:

To ensure that the development does not detract from the appearance of the locality and to comply with Policies D21 and S5 of the Hertsmere Local Plan 2003.

- 5 The details of the landscaping hereby approved shall be in accordance with the details approved under TP/06/1310 dated 26/3/2009.

Reason:

To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To screen and enhance the development in the interests of visual amenity and to comply with Policies E7 and E8 of the Hertsmere Local Plan 2003.

- 6 **BEFORE ANY DEVELOPMENT COMMENCES** detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, shall be submitted to, and approved in writing by, the local planning authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with the details as approved.

Reason:

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

- 7 **BEFORE ANY DEVELOPMENT COMMENCES** details of a protective fence to accord with BS 5837 shall have been submitted to, and approved in writing by, the Local Planning Authority and shall have been erected

around each tree or group of trees to be retained on the site. The fence shall be retained in position at all times until the completion of the development. The land so enclosed shall be kept clear of all contractors' vehicles, materials, debris and machinery at all times. The existing soil levels around the trunks and roots of the trees shall be retained unaltered.

Reason:

To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to comply with Policies E7 and E8 of the Hertsmere Local Plan 2003.

- 8 **BEFORE ANY DEVELOPMENT COMMENCES** an Arboricultural Method Statement detailing the works to be undertaken to the existing trees and within the root protection area (RPA) and, if applicable, a performance specification relating to the any special surfaces required to be used during the period of construction (including demolition) shall be provided, and approved in writing by, the local planning authority. This should include details of how the hardsurfaced areas of the site will be provided without harming the boundary trees.

Reason

To ensure that the retained trees on-site are not adversely affected during the period of construction and to comply with Policies D21, H8 and E7 of the Hertsmere Local Plan 2003.

- 9 The construction of the development hereby approved, shall be carried out in accordance with a method statement which shall have been previously submitted to, and approved in writing by, the local planning authority. Any demolition shall be carried out in complete accordance with the approved scheme.

Any details submitted in respect of the above shall provide for the provision of on-site wheel cleaning facilities during excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials.

Reason:

In the interests of local amenity and highway safety (HLP Policies K1 & M13).

- 10 The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House

Reason:

To ensure that the number of pupils attending Edge Grove School does not materially require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003.

- 11 BEFORE THE DEVELOPMENT IS FIRST OCCUPIED a detailed Travel plan to minimise car borne travel to and from the site shall be submitted to, and approved in writing by, the local planning authority and the development shall be carried out and the site operated in accordance with the approved plan. The plan shall include details for implementation and provisions for it to be regularly assessed and reviewed.

Reason:

In the interests of sustainability and minimising vehicle trips to and from the site in accordance with Policies M1 and M2 of the Hertsmere Local Plan.

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

Location plan (drawing number 12/HH/01 Rev 01) date stamped 7/6/2012
Block plan (drawing number 12/HH/02 Rev 0) date stamped 29/3/2012

012/10 rev.14, 12/250, 12/252, 12/254rev.01,12/255rev.04, 12/256rev.03, 12/257rev03, 12/258rev.01, 12/260rev.01, and 12/261.

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

General Reason(s) for Granting Permission

- 1 No undue adverse effects would result from the proposed variation of condition 10 attached to planning permission TP/06/0680 for the re-wording of condition 10 from 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 120 shall attend Hart House' to 'The total number of pupils attending Edge Grove School at any one time shall not exceed 400 of which no more than 150 shall attend Hart House'. It is considered that redistribution of pupils across the school would not require the construction of additional buildings within the Green Belt contrary to Policy C1 of the Hertsmere Local Plan 2003.

13.0 Background Papers

- 1 The Planning application (TP/12/0680) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework (2012), Circular 11/95, Hertsmere Local Plan adopted 2003 policies C1, S5, E16, E7, E8, E9 and D21. Policies CS12,

CS13, and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D Of the Planning and Design Guide 2006.

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

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

This page is intentionally left blank

This page is intentionally left blank

TP/12/0988: BRE, Bucknalls Lane, Garston

Legend
Proposed Development Boundary
Existing Buildings (with Street Corners & Boundary)

18 APR 2012

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP

Authoring No
1646/P/100A
Scale
1:250 (1:500 @ A3)
Date
18 APR 2012
City
Garston
EP



DATE OF MEETING 16 July 2012

APPLICATION NO: TP/12/0988

DATE OF APPLICATION: 08 May 2012

STATUTORY START DATE: 08 May 2012

SITE LOCATION

Building Research Establishment, Bucknalls Lane, Garston

DEVELOPMENT

Outline permission sort for the demolition of existing buildings & construction of up to 100 new dwellings with associated facilities & access (Consultation from St Albans City & District Council)

AGENT

APPLICANT

Mr P Vosper
St Albans City & District Council
District Council Offices
St Peter's Street
St Albans
Hertfordshire
AL1 3JE

WARD CONSERVATION AREA No

GREEN BELT No
LISTED BUILDING No
TREE PRES. ORDER No

1.0 Purpose of Report

1.1 The purpose of this Committee report is for Members to decide the position of Hertsmere Borough Council on this consultation for a planning application being determined by St Albans City & District Council. Overall, Officers recommend that no objections be raised to impact of the development on Hertsmere as a neighbouring borough. However, it is strongly advised that the indicative spatial layout is revised as this should be done at the outline stage to enable the proposal to achieve best practise. Such details can be required through Circular 01/2006, Section 2.

2.0 Proposal

2.1 This application is a consultation from the St Albans City & District for outline permission with all matters reserved for the following development:

- 100 new homes forming a mix of 2 and 3 storey terraced, semi-detached and detached dwellings and apartment units of which 35% would be affordable;

- The provision of the community crèche
- The provision of two community greens
- A new childrens play area
- New allotments and communal gardens
- A sustainable surface water drainage system and attenuation pond

2.3 Hertsmere Borough Council's Constitution states that

'responses to consultations on planning and planning related applications cannot be delegated to Officers where the development involves the construction of five or more dwellings'.

Therefore the application has been brought to Committee for determination.

3.0 Application site and surrounding area

3.1 The application site comprises the existing BRE site located adjacent to the M1 motorway approximately 1.5miles from the north western boundary of Hertsmere (Falcon Way, Garston). The site is 26ha in size and is partially within the Metropolitan Green Belt.

3.2 The site is currently occupied by the Building Research Establishment and comprises buildings currently or previously in use as offices, laboratory's and research facilities (B1 uses) which are in a poor state of repair and many are vacant. These buildings range in style, age and design and are between single and 4 storeys in height. The site is surrounded by mature trees with a large woodland area to the north. The site has two vehicular accesses, one from Bucknalls Lane and the other from Bucknalls Drive to the north.

4.0 Relevant Planning History

4.1 None

5.0 Notifications and Consultations

5.1 None – consultation from adjoining authority

6.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
2	Circulars	11/95	Circular 11/95 - Conditions

7.0 Key Issues

- History
- Principle of development
- Impact on Hertsmere Borough Council
- S106 Contributions

8.0 Comments

History

- 8.1 The application site has a complex planning history with the majority of the existing buildings on the site pre-dating the modern planning system. Newer buildings have been added to the site over the years, however these were previously exempt from planning control due to the site being a Government establishment. In 1997 a planning brief was prepared for the site due to the surplus employment land identified by St Albans Council. This brief indicated that the land could be developed for housing.
- 8.2 A number of housing applications have been submitted for this site with the most recent (2001) subsequently being refused following a 'call in' by the Secretary of State due to conflict with national Green Belt policies. In assessing these applications, the Inspector considered that the development would be inappropriate within the Green Belt, however, due to the existing built form on the site, it would have less of an impact on the overall openness of the Green Belt. Very Special Circumstances were therefore considered to exist. It was also not considered, by the Inspector that the development would impact on the free flow and safety of the Highway. However, the application was refused as it was considered that the site did not perform well in sustainability terms in relation to lack of public transport, lack of need for additional housing and underdevelopment of the site.
- 8.3 Since 2001 the site has now been identified in the Strategic Housing Land Availability Assessment (SHLAA) and the emerging Core Strategy as being a suitable housing site and therefore since 2001 there is now a need for additional housing in this area.

Principle of development

Land use

- 8.4 At the heart of the National Planning Policy Framework 2012 (NPPF) is a presumption in favour of sustainable development. Local Planning Authorities should positively seek opportunities to meet the development needs of their area. In addition to this, Paragraph 51 stipulates that Local Planning Authorities should approve planning applications for change to residential use and any associated development from commercial buildings (currently in B use class) where there is an identified need for additional

housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. In addition to this, the NPPF (paragraph 69) seeks to facilitate social interaction and create healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment.

- 8.5 The need for new housing within this area has been identified by St Albans Council and therefore the site is considered acceptable in this respect. In addition the NPPF seeks to encourage effective use of land, by reusing that that has been previously developed. The application site is currently occupied by a range of buildings used by BRE and therefore the reuse of this site for an identified need, such as housing, is also considered acceptable.

Green Belt

- 8.6 Paragraph 87 of the NPPF advises that within Green Belt locations there is a presumption against inappropriate development. Inappropriate development, is by definition, harmful to the Green Belt and development should not be approved unless very special circumstances exist to outweigh the harm caused. Paragraph 89 however, advises that not all development within the Green Belt need be inappropriate, provided it falls within one of the six categories including the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt.

- 8.7 Through the determination of previous applications for this site, the Planning Inspectorate has concluded that the redevelopment of this site for housing would be inappropriate development in the Green Belt. The site is however, already occupied by a number of buildings, of vary heights, which would be demolished and replaced by dwellings. Previously, the Inspector concluded that new development on this site is likely to have a lesser impact on the openness of the Green Belt, however, it is noted that this application was for 50 new dwellings.

- 8.8 The current application seeks outline permission for 100 new houses, which would include the redevelopment of a previously developed site. Therefore there would no longer be an in principle objection to the scheme, if it could be demonstrated that the development would not have a greater impact on the openness of the Green Belt. No details of indicative elevations or volume have been provided with the scheme. However, details of the existing and proposed floorspace have been provided indicating that the development would result in an 11% increase. It has also been confirmed that the new buildings on the site would not be higher than any of those existing. However, without any elevations or volume calculations Officers are of the opinion that it has not been satisfactorily demonstrated that the development would not have greater impact on the openness of the Green Belt and therefore for the development to be acceptable in Green Belt terms, as case of very special circumstances would need to be demonstrated to outweigh the harm caused by its inappropriateness.

- 8.9 A case of very special circumstances has been put forward by the applicants advising the development would increase openness and enhance the visual amenity of the area and provide a more sustainable development. This would be achieved through the demolition of the existing buildings on the site and others outside the application which project into the woodland area to the south east corner of the BRE campus. In addition no new buildings would be higher than those existing on the site and the gap between Bricket Wood and Garston would still be maintained. In addition the development would allow for a more appropriately designed development in this Green Belt location with improvements to the landscaping and biodiversity of the area.
- 8.10 With regards to the sustainability of the site, it has been proposed that the new dwellings would be built to meet Level 5 of the Code for Sustainable Homes. It is also proposed to improve the accessibility of the site with the provision of a travel plan which would encourage public transport use by providing a new bus route through the site. Walking and cycling initiatives are also proposed. It has also been advised that the application site is now surplus to the BRE's requirements and the whole site is disjointed, old and redundant. It is proposed to consolidate its activities and redevelop the core area and the funds from the redevelopment of the rest of the site would allow this to take place. Other uses have been considered for the site including a new business park, but this use was not considered viable and would not allow the retained BRE use to remain in the area.
- 8.11 In considering this case put forward, Hertsmere Officers consider that the benefits to the overall openness and visual appearance of the site would be of benefit to the wider Green Belt. Whilst it is proposed to increase the overall footprint by 11%, other buildings, outside the application site, but within the same complex are also to be demolished. This is considered to improve the overall visual appearance of the woodland area to the south. Through the introduction of amenity spaces and soft landscaping, the overall amount of hardstanding on the site would also be reduced. It is also considered that the redevelopment of the site would allow for a well-designed and sustainable form of development which would replace the existing dilapidated and disused buildings with potentially good quality residential units in an area where there is an identified need.
- 8.12 Therefore, whilst the 11% increase in the overall footprint of the built form on the site would result in harm to the Green Belt Officers considered that a case of very special circumstances is present to outweigh this harm. Especially as there would be an opportunity to vastly improve the overall visual appearance of the site and the views afforded through the site, into the wider Green Belt. Officers therefore considered that the principle of residential development on this site is acceptable.

Impact on Hertsmere Borough Council

Visual impact and layout

- 8.13 Due to the distance of the application site from the Hertsmere Boundary and its location beyond the M1 motorway, the proposed development would have little impact on Hertsmere as a Borough. However, Paragraph 56 of the National Planning Policy Framework, states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58, also states that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The proposed development therefore has the opportunity to provide a well-designed development to the benefit of the visual amenity of wider area.
- 8.14 The application seeks outline permission only, with all matters reserved. An indicative layout however, has been provided which shows that the development is to be split into areas of terraced, semi-detached and detached dwellings and 3 storey apartment blocks. In general terms the spatial form should be based on the perimeter block approach. The units should 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).
- 8.15 From the submitted drawings, Officers do raise concerns that the indicative layout would not follow these design principles, with each block appearing disjointed from the next. Concerns are also raised that no consideration has been given to the corner properties and the way they interact with the wider dual streets. The information provided is limited and indicative only, with all matters, including layout and design to be submitted at a later date, for which Hertsmere would again have the opportunity to comment. However, these matters can be clarified and required through the requirements and guidance of Circular 01/2006, section 2. On this basis, Officers would want to raise concerns to the scheme at this stage. There would be an expectation for the layout of the site to be substantially altered for Officers to find it acceptable and it is advised that this should be done at the outline stage to confirm that the quantum provided can be designed to meet best practice in urban design terms and to set a benchmark for the reserved matters stage.

Traffic

- 8.16 During the consideration of previous schemes for this site, the Inspector did not consider that the proposed development would impact on safety or operation of adjacent highways. The site is located 1.5 miles to the north western part of Hertsmere, however, this element only serves a few streets, with the main habitable areas of Bushey and Radlett being over 3 miles away. The site is also well connected by the M1, M25 and A405 which takes you straight to Watford and St Albans in the opposite directions. Therefore, due to the remoteness of the site in relation to the main habitable areas of Hertsmere it is unlikely that the development would have a detrimental impact on the safety and operation of local roads within the Borough.

S106 Contributions

- 8.17 Following consultation with the Policy and Transport Manager, it is considered that, given the proposed development's distance from the boundaries of Hertsmere Borough Council, the development fails to meet the three tests presented in the Planning Obligations SPD, which are:

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

In addition to this, the Planning Obligations SPD only relates to developments within the Borough, it would be unreasonable to request financial contributions in this instance because of the location of the proposed scheme within an area outside of the boundaries of Hertsmere Borough Council.

9.0 Conclusion

- 9.1 No objection is raised with respect to the impact of the development on Hertsmere as a neighbouring borough. However, it is strongly advised that the indicative spatial layout is revised as this should be done at the outline stage to enable the proposal to achieve best practise. Such details can be required through Circular 01/2006, Section 2. In addition, it is noted that once the Revered Matters application is received, Hertsmere Borough Council will make further comments regarding the more detailed elements of the scheme.

10.0 Recommendation

- 10.1 Hertsmere Borough Council raises no objections to the proposed development

11.0 Background Papers

- 1 The Planning application (TP/12/0988) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

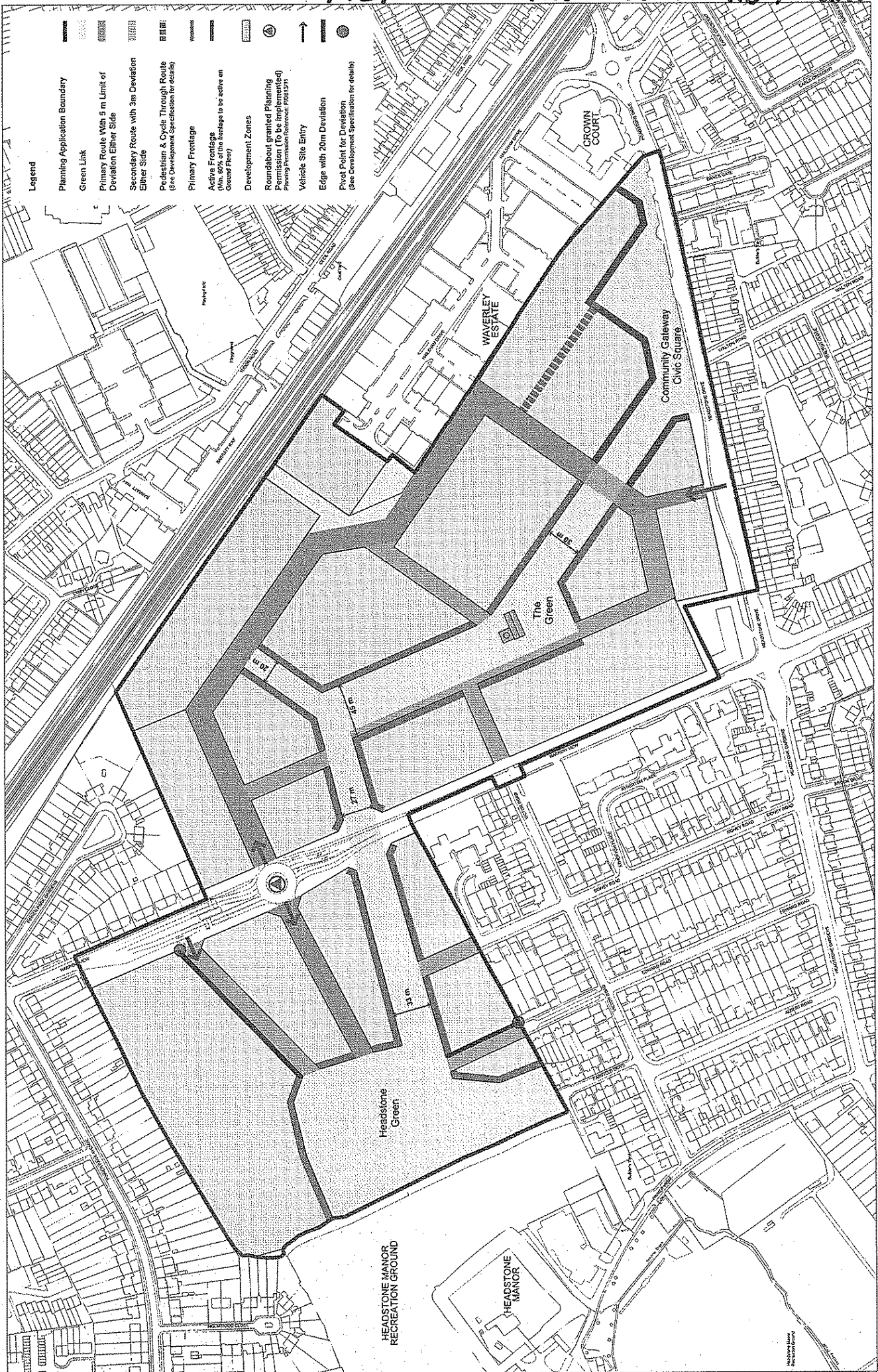
Case Officer Details

Karen Garman ext 4335

Email Address karen.garman@hertsmere.gov.uk

This page is intentionally left blank

TP /12/0776: The Kodak Site, Harrow



PARAMETER PLAN

BDP:

History Reference: TP/12/0776
 Project Public Realm Area: [Blank]
 Drawing No: [Blank]
 Date: [Blank]

Copyright © 2000 The Corporation of Harrow. All Rights Reserved.
 No part of this publication may be reproduced without the prior written permission of the Corporation of Harrow.
 All figures are subject to change without notice.
 All drawings shall be based on the latest available information.
 The Corporation of Harrow is not responsible for the accuracy or completeness of any information provided in this publication.

DATE OF MEETING 16th July 2012

APPLICATION NO: TP/12/0776

DATE OF APPLICATION: 02 April 2012

STATUTORY START DATE: 11 April 2012

SITE LOCATION

The Kodak Site, Land at Harrow View and Headstone Drive

DEVELOPMENT

Outline planning application for a comprehensive, phased, mixed use development of land at Harrow View & Headstone Drive, as set out in the development specification (March 2012). The development comprises the demolition of existing buildings & structures (with the exception of the chimney and part of powerhouse) & redevelopment of the site for a mix of uses comprising business & employment uses (within classes B1(a), B1(b), B1(c), B2 & B8 - up to 35,975sqm); residential dwellings (within use class C3 - up to 985 units); student accommodation (Sui Generis use - up to 220 units); senior living accommodation (within use class C2); assisted living care home (within use class C2) (total C2 uses up to 9300sqm); retail & restaurant use (within use classes A1, A2, A3, A4 & A5 - up to 5000sqm); commercial leisure uses (use class D2); community uses (use class D1); health centre (Use class D1); a primary school (use class D1) (total D1/D2 use up to 8830sqm); energy centre (Sui Generis use - up to 4500sqm); together with new streets & other means of access & circulation; highway improvements; associated parking; re-profiling of site levels; utilities diversions & connections; open space; landscaping & ancillary development including infrastructure, works & facilities. (Consultation from Harrow Council)

AGENT

APPLICANT

Harrow Council
Planning Services
PO Box 37
Civic Centre
Station Road, Harrow
HA1 2UY

WARD
CONSERVATION AREA No

GREEN BELT No
LISTED BUILDING No
TREE PRES. ORDER No

1.0 Purpose of report

1.1 The purpose of this Committee report is to allow Members of the Planning Committee the opportunity to decide whether they agree with the Officer's Recommendation to this Consultation Response for a development in a neighbouring Authority, London Borough of Harrow. Officers recommend that no objection is raised to the proposed scheme.

2.0 Application site / Surrounding area

- 2.1 The subject site is located 3.7 miles from the Hertsmere Borough Council boundary at Common Road, Stanmore. The site fronts Headstone Road and Harrow View. The site contains Kodak's current operations and a sports field. The site has been occupied by Kodak since the late 1800s. Harrow and Wealdstone Station is located 400m to the south of the site. Harrow town centre is located approximately 1 mile from the site which is a major outer London Metropolitan Town Centre retail and commercial areas. The area between the Kodak site and Harrow town centre is primarily residential with a number of key government offices along Station Road. To the north and to the west of the site are low-medium density residential areas of Harrow Weald, Pinner and North Harrow. Pinner Park is located within close proximity of the site.
- 2.2 The Design and Access Statement submitted by the applicant states that the site has become available for development as Kodak are in the process of scaling down its operations at the factory and has recently vacated and demolished a number of buildings. The existing site is industrial in character and contains landmark structures such as a large chimney and a cluster of tall buildings.

3.0 Proposal

- 3.1 Outline planning application for a comprehensive, phased, mixed use development of land at Harrow View & Headstone Drive, as set out in the development specification (March 2012). The development comprises the demolition of existing buildings & structures (with the exception of the chimney and part of powerhouse) & redevelopment of the site for a mix of uses comprising business & employment uses (within classes B1(a), B1(b), B1(c), B2 & B8 - up to 35,975sqm); residential dwellings (within use class C3 - up to 985 units); student accommodation (Sui Generis use - up to 220 units); senior living accommodation (within use class C2); assisted living care home (within use class C2) (total C2 uses up to 9300sqm); retail & restaurant use (within use classes A1, A2, A3, A4 & A5 - up to 5000sqm); commercial leisure uses (use class D2); community uses (use class D1); health centre (Use class D1); a primary school (use class D1) (total D1/D2 use up to 8830sqm); energy centre (Sui Generis use - up to 4500sqm); together with new streets & other means of access & circulation; highway improvements; associated parking; re-profiling of site levels; utilities diversions & connections; open space; landscaping & ancillary development including infrastructure, works & facilities. (Consultation from Harrow Council)

Key Characteristics

Site Area	25.4 hectares
------------------	---------------

4.0 Consultations

Highways, HCC	No response received to date
Environmental Health & Licensing	No response received to date

5.0 Relevant Planning Policies

- 1 Circular 11/95
- 2 National Planning Policy Framework

6.0 Key Issues

- Principle of Development
- Impact on Hertsmere Borough Council
- Section 106 Contributions

Principle of Development

Introduction

- 6.1 The site is currently in use as a large industrial and commercial site and would be considered to be in an employment use. The National Planning Policy Framework (NPPF) seeks to "build a strong and competitive economy. The Government is committed to securing economic growth in order to create jobs and prosperity." In relation to employment land sites, Paragraph 22 of the NPPF states that "*Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and relative need for different land uses to support local communities.*"
- 6.2 At the heart of the NPPF is a presumption in favour of sustainable development. Local Planning Authorities should positively seek opportunities to meet the development needs of their area.
- 6.3 In addition to this, Paragraph 51 stipulates that Local Planning Authorities should approve planning applications for *change to residential use and any associated development from commercial buildings (currently in B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.* In addition to this, the NPPF (paragraph 69) seeks to facilitate social interaction and create healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment.
- 6.4 It is considered acceptable that an application for alternative uses of land or buildings, in this instance, a large scale mixed use development, under the

principles of the National Planning Policy Framework, Paragraph 22 and paragraph 69.

- 6.5 The NPPF under the Core Planning Principles (paragraph 17) seeks to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF defines "Previously developed land" as land which is or was occupied by a permanent structure, including the curtilage of the of the developed land. The Planning Officer notes that the site would be considered to be previously developed land, redeveloping the site for a mixed use scheme would be considered to be an efficient reuse of existing land. It is the view of the Planning Officer that the proposal to develop this brownfield site is an efficient use of the site that is within a prominent location within the London Borough of Harrow. Such a scheme would provide a surge of economic growth within the area in terms of the creation of employment, the provision of new retail units and new residential properties. The development is large scale and will result in the creation of a new settlement within an existing community. In addition to this, the site is well connected to existing infrastructure and transport networks.
- 6.6 The applicant seeks approval for outline permission relating to the principle of the development and the layout of the scheme. At this preliminary stage there are no drawings relating to design submitted, therefore no comments can be made relating to the potential impact on HBC in this context. However, indicative plans relating to the proposed layout and heights of the scheme have been submitted along with the application.

Conclusion

- 6.7 It is considered acceptable that an application for alternative uses of land or buildings, in this instance, a mixed use development, should be treated on their merits having regard to market signals and relative need for different land uses to support local communities. As such, the principle of releasing employment land would be considered to be in accordance with Paragraph 22 of the NPPF. Therefore, Hertsmere Borough Council is satisfied that the land can be released for residential development, in accordance with the Paragraphs 17 and 22 of the NPPF. It is noted that the application would also be required to be in accordance with the local plan policies at the London Borough of Harrow as well as policies contained within The London Plan.

Layout

National Policy

- 6.8 Paragraph 56 of the National Planning Policy Framework, states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58, states that planning policies and decisions should aim to ensure that developments: Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

- 6.9 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it function. It is acknowledged that at this early stage, design is not something to consider, however, the layout will be assessed in accordance with the NPPF.

Assessment

- 6.10 The applicant seeks outline permission for the principle and the layout of the proposed scheme. The applicant has submitted a drawing (Zoning and Land Uses Drawing number HV (00) AP103) that illustrates the proposed layout of the scheme. The plan illustrates that the proposal will be broken into a number of zones with various uses.

Zone A

Leisure D2 - up to 1,155 sqm
Retail - Foodstore- A1 - up to 4,000 sqm
Retail - A1-A5 - up to 400 sqm
Community-D1/D2 - up to 1,562 sqm
Health Centre - D1 - up to 2,816 sqm
Student Housing - sui generis - up to 220 units
Residential - C3 (up to 74 units)

Zone B

Employment - B1 - up to 3,032 sqm
Retail - A1-A5 - up to 400 sqm

Zone C -

Employment B1 - up to 1,430 sqm
Residential C3 - up to 129 units

Zone D -

Care Home - C2 - up to 5,500 sqm
Residential -C3 - up to 66 units

Zone E

Employment -B1/B8 - up to 8,426 sqm

Zone F -

Cafe/Community - D1/D2 - up to 550 sqm

Zone G -

Residential - C3 - up to 153 units

Zone H -

Senior Living - C2 - up to 4,730 sqm
Residential -C3 - up to 106 units

Zone J

Employment - B1 - up to 1,860 sqm

Residential - C3 - up to 134 units

Zone K -

Energy Centre - sui generis - up to 4,950 sqm

Car Park - sui generis - up to 400 spaces

Zone L -

Employment - B1/B2 - up to 16,225 sqm

Zone M -

Employment - B1 - up to 7,700 sqm

Zone N -

Residential - C3 - up to 109 units

Retail - A1-A5- up to 200 so metres

Zone P -

School - D1 - up to 3,630 sqm

Zone Q -

Residential C3 - up to 59 units

Zone R -

Residential C3 - up to 65 units

Zone S -

Residential C3 - up to 62 units

Zone T -

Residential C3 - up to 128 units

6.11 If further details are submitted it would be expected that the spatial layout should be based on a perimeter block structure. This allows for the continuation of street frontage by adopting continuous building lines and creating enclosure (close the gaps between buildings), which further reinforces active frontages and creates important defensible spaces. This approach is recognised to achieve the following:

- a high level of permeability for the site and wider area as all the streets are connected;
- greater legibility given the linear form of the streets and its connections;
- an environment that creates greater variety;
- an active interface which increases vitality. An active interface will also provide the best natural surveillance for the street, day and night (crime prevention). It also provides stimulation and interest to the street;
- a robust and sustainable spatial form

From the plans submitted it is evident that the layout could be centred around a structured perimeter block layout. This type of layout is considered to be desirable as it would allow for active street frontages along the new streets within the development. In general terms. This type of layout would be in accordance with the principles of the NPPF, which seeks to ensure good quality mixed use schemes that will provide opportunities for improving the character and quality of an area.

- 6.12 Whilst the layout plans gives details relating to the overall layout scheme, in terms of the locations of the proposed uses within the site that are broken down into zones. However, the plans do not provide any individual layout details of the individual zones. Indicative Heights as per the Parameter Plan submitted (Plan number Hv (00) Ap105) illustrates the proposed indicative heights within the proposed scheme. Much of the development will be 2 & 3 storey residential units. The plan indicates that proposed new building heights will vary from 70.0 metres to 82.0 metres AOD (measured above ordnance datum).
- 6.13 The existing chimney on site currently measures 117 metres AOD. Other existing buildings with the site measure from approximately 55metres AOD to 80 metres AOD. Given the distance of 3.7 miles from the boundary of HBC, it is unlikely that the proposed units will have a negative impact on the visual amenity of residents within HBC boundary. It is noted that the development is of a large scale and may be visible from certain vantage points within the borough. In addition to this, the plans submitted indicate that the proposed new buildings will be of a similar height to what is currently on the site.

Impact on Hertsmere Borough Council

- 6.14 The proposed development is located a distance of 3.7 miles from the Hertsmere Borough Council boundary. Environmental Health and Hertfordshire Highways have been consulted on the application, however, no responses have been received to date. Given the distance from the HBC boundary, it is unlikely that the development will have a direct impact on the residents of HBC, however, there may be a impact in terms of increased traffic in the area. In the absence of Highways Comments, the Planning Officer cannot make assumptions relating to the impact on traffic and highways.

Section 106 Contributions

- 6.15 Section 106 Contributions is a levy that allows local authorities to raise funds from owners or developers of land undertaking new buildings projects. The Hertsmere Borough Council Planning Obligations SPD (December 2010) states that the Council will negotiate S106 agreements within the parameters set by this circular and its guiding principles, including the need for obligations to be -

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

6.16 Following consultation with the Policy and Transport Manager, it is considered that, given the proposed development's distance from the boundaries of Hertsmere Borough Council, the development fails to meet the three tests presented in the Planning Obligations SPD (above). In addition to this, the Planning Obligations SPD only relates to developments within the Borough, it would be unreasonable to request financial contributions in this instance because of the location of the proposed scheme within an area outside of the boundaries of Hertsmere Borough Council, in this case being 3.7 miles away.

7.0 Conclusion

7.1 No objection is raised with respect to the impact on the development on Hertsmere as a neighbouring borough at the outline stage of planning. It is noted that once the Revered Matters application is received, Hertsmere Borough Council will make further comments regarding the more detailed elements of the scheme.

8.0 Recommendation

8.1 Hertsmere Borough Council raise no objections to the subject development.

9.0 Background Papers

- 1 The Planning application (TP/12/0776) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

Case Officer Details

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

Planning Committee

16 July 2012

Non determined applications over the statutory expiry date on 05/07/2012

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

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

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/11/1274	Bhaktivédanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ	Retrospective application for 19 new lamp posts, 3 lamp posts with security cameras and 3 columns with security cameras only (Amended plans received 7/2/12)	Committee	Major - Other Large Scale developments	08/05/2012 0	21	Under consideration.
TP/12/0207	25 Grove Road, Borehamwood, WD6 5DX	Erection of 4 x terraced, two storey, three bedroom houses with associated parking (Amended Plans received 9/3/2012 and Amended Design and Access Statement received 23/3/12).	Committee	Minor - Dwellings	11/04/2012 0	20	Awaiting completion of S106.
TP/12/0294	Little Organ Hall, Theobald Street, Radlett	Implementation of landscaped earth bunds (retrospective application).	Delegated	Other - Householder developments	27/04/2012 0	18	Under consideration.
TP/12/0457	Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX	Redevelopment of site to provide 9 x single storey units for flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey unit for Class A1 retail (bulky goods) use, along with provision of 253 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively.	Committee	Major - Large Scale Offices/R&D/light	07/06/2012 0	17	Under consideration.
TP/12/0533	26 Barham Avenue, Elstree, Borehamwood, WD6 3PN	Demolition of existing & erection of detached, two storey, 5 bedroom dwelling with habitable loft accommodation. (Amended plans received 11May 2012).	Committee	Minor - Dwellings	14/05/2012 0	15	Due to be heard at committee on 12th July.
TP/12/0545	Bayshill Cottage, Barnet Lane, Elstree, Borehamwood, WD6 3QU	Demolition of existing dwelling & erection of replacement 2 storey, detached 4 bedroom dwelling	Delegated	Minor - Dwellings	16/05/2012 0	15	Under consideration.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/0601	1 Cranes Way, Borehamwood	Erection of 2 x detached, two storey, 4 bedroom dwellings with habitable loft accommodation & associated parking (amendment to TP/06/0154 - demolition of existing dwelling and erection of two x 4 bed detached dwellings with integral garages).	Delegated	Minor - Dwellings	17/05/2012 0	15	Under consideration.
TP/12/0469	Shenley Garage, 38 London Road, Shenley, Radlett, WD7 9EN	Demolition of 2 no. timber workshops and erection of 1 no. metal clad workshop with 3 no. entrance roller shutters (Revised Application).	Delegated	Minor - Other minor development	23/05/2012 0	14	Under consideration
TP/12/0547	302 Mutton Lane, Potters Bar, EN6 2AX	Erection of detached, 2 bedroom chalet bungalow within curtilage of existing property.	Delegated	Minor - Dwellings	24/05/2012 0	14	Under consideration
TP/12/0671	32 Barham Avenue, Elstree, Borehamwood, WD6 3PN	Demolition of existing & erection of 2 x detached, two storey, 5 bedroom dwellings with habitable loft accommodation & associated parking. (Amended Plans dated 4/5/12).	Committee	Minor - Dwellings	28/05/2012 0	13	Awaiting S106.
TP/12/0706	Former Honeywood House Site, 261 Darkes Lane, Potters Bar	Erection of a part two part three storey building to provide Assisted Living Extra Care accommodation and associated communal facilities for the frail elderly with associated access, parking and landscaping.	Committee	Major - Other Small Scale developments	03/07/2012 0	13	Due to be heard at committee on 16th July.
TP/12/0691	99-101 Gills Hill Lane, Radlett	Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application).	Committee	Minor - Dwellings	30/05/2012 0	13	Due to be heard at committee on 12th July.
TP/12/0677	Land to the rear of 4, Park Close, Bushey	Erection of detached, 2 bedroom bungalow with associated access & parking.	Committee	Minor - Dwellings	06/06/2012 0	12	Due to be heard at committee on 16th July.

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

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/0879	Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood	Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application).	Committee	Minor - Other minor development	25/06/2012 0	9	Due to be heard at committee on 16th July.
TP/12/0822	47 Manor Road, Potters Bar, EN6 1DQ	Erection of single storey side/rear extension & conversion of loft into habitable accommodation to include rear dormer window.	Delegated	Other - Householder developments	25/06/2012 0	9	Under consideration.
TP/12/0778	Heath End, Common Road, Stanmore, HA7 3HX	Conversion of existing dwelling into 1 x 3 bedroom flat & 1 x 3 bedroom maisonette to include habitable loft accommodation & extensions to existing building & erection of 1 x 4 bedroom bungalow with habitable basement accommodation on land to rear of Heath End; Creation of new access, associated parking & landscaping.	Committee	Minor - Dwellings	27/06/2012 0	9	On committee agenda for 12th July 2012.
TP/12/0995	7 Southerton Way, Shenley, Radlett, WD7 9LJ	Demolition of existing conservatory & erection of single storey rear extension with internal alterations (Amended plans received 02/07/12)	Delegated	Other - Householder developments	04/07/2012 0	8	Under consideration. Re-consultation on amended plans.

**Planning Committee
16 July 2012**

**Current Planning Appeals
update from 30/06/2012 to 02/07/2012**

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

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

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

This page is intentionally left blank

HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE

16th July 2012

ENFORCEMENT OF PLANNING CONTROL

(1) Enforcement Notices Subject of Appeal

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

(2) Enforcement Notices not Subject of Appeal

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

(3) Breach of Condition Notices

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

(4) Planning Contravention Notice (PCN)

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

(5) Prosecutions

	SITE	Committee Res.	ACTION	PRESENT SITUATION

(6) Other Enforcement issues

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

(7) s.330 & s.16 Notices

	SITE	Committee Res.	ACTION	PRESENT SITUATION

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank