



HERTSMERE BOROUGH COUNCIL

Planning Committee Agenda

THURSDAY, 4 OCTOBER 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.

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

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

SPECIAL NOTICE FOR MEMBERS OF THE PUBLIC

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

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

We will need to know:

The application on which you wish to speak

Your full name

Your address

Your telephone number

Whether you are in favour of or against the application

Whether you also represent anyone else

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

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

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

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

AT THE MEETING

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

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

The number to ring is 0500 400160

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

SOME ADVICE ON COMMENTING ON PROPOSALS

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

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

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

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

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

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

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

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

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

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

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

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

We hope you find this information useful.

URGENT LATE BUSINESS

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

1. MEMBERSHIP

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

2. COMMUNICATIONS AND APOLOGIES

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

(b) Apologies for absence.

3. DECLARATIONS OF INTEREST

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

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

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

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
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Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your
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election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) - (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In cases of disclosable pecuniary interest, Members must withdraw from the meeting room while the matter is being considered. *For more details see the Code of Conduct for Members and Officers dealing with Planning Matters (Section 5.7 of the Constitution).*

4. **MINUTES**

To confirm and sign the minutes of the meeting of the Committee held on 6 September 2012.

(Pages 1 - 14)

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

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

NOTE

(Pages 15 - 17)

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/09/0641 - Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford WD25 8EZ** (Pages 18 - 39)
- b) **TP/12/1456 - Gemini House, Manor Way, Borehamwood WD6 1QQ** (Pages 40- 73)
- c) **TP/12/1495 - 61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey** (Pages 74 - 107)
- d) **TP/12/1432 - Green Dragon Public House, Leeming Road, Borehamwood WD6 4EB** (Pages 108 - 135)
- e) **TP/12/1701 - 44 Clay Lane, Bushey Heath, Bushey WD23 1NW** (Pages 136 - 153)
- f) **TP/12/1602 - 99-101 Gills Hill Lane, Radlett** (Pages 154 - 191)
- g) **TP/12/0804 - 28 Three Valleys Way, Bushey WD23 2FF** (Pages 192 - 203)
- h) **TP/12/1689 - Annexe at 1 Wilton Farm Cottages, Radlett Lane, Shenley WD7 9AJ** (Pages 204 - 219)
- i) **TP/12/1504-Metropolitan Police Sports Ground, Aldenham Road, Bushey** (Pages 220 - 235)
- j) **TP/12/1521 - Radlett Sorting Office, 122 Watling Street, Radlett WD7 7AF (change of use to pre-school/nursery)** (Pages 236 - 253)

- k) **TP/12/1566 - Radlett Sorting Office, 122 Watling Street, Radlett WD7 7AF (change of use to offices)** (Pages 254 - 269)
- l) **TP/12/1861 - Maccabi Sports Association, Rowley Lane, Barnet EN5 3HW** (Pages 270 - 280)
6. **REVIEW OF PART D OF THE PLANNING AND DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)**
- Report of Officers No. PLA/12/16. (Pages 281 - 330)
- To consider the changes that are proposed to Part D of the Planning and Design Guide Supplementary Planning Document, including new sections on garden land development and residential internal guidelines.
- The views of the Planning Committee are sought prior to the revised Part D being considered by the Council's Executive for a period of public consultation.
7. **REQUEST FOR DELEGATION OF POWERS UNDER SECTION 225 OF THE TOWN AND COUNTRY PLANNING ACT 1990**
- Report of Officers PLA/12/19. (Pages 331 - 334)
- The Committee is asked to recommend to Council the delegation of the powers conferred within Section 225 of the Town & Country Planning Act 1990 with respect to the issuance of notices requesting the removal of unlawful advertisements and the undertaking of the obliteration/removal of said advertisements to the Head of Planning and Building Control.
- The Committee is also asked to authorise a specific delegation of powers in respect of advertisements/fly posters currently in place at Shenley Road, Borehamwood.
8. **OTHER PLANNING APPLICATIONS**
- a) **Non-determined applications more than eight weeks old** (Pages 335 - 340)
9. **PLANNING APPEALS AND ENFORCEMENT OF PLANNING CONTROL**
- a) **Current position regarding planning appeals** (Pages 341 - 346)
- b) **Current position regarding breaches of development control** (Pages 347 - 350)

10. **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.

11. **DATE OF NEXT MEETING**

The next meeting of the Committee is scheduled to take place on Thursday 8 November 2012 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

12. **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.

<u>Part II Agenda Item</u>	<u>Paragraph in Schedule 12A</u>
Enforcement action in respect of 206 Barnet Road, Potters Bar EN6	6
Enforcement action in respect of 496 Mutton Lane, Potters Bar EN6 3BB	6
Enforcement action in respect of Black Lion, London Road, Shenley WD7 9BT	6
Enforcement action in respect of Land at rear of 27 Field View Road, Potters Bar EN6 2NA	6
Enforcement action in respect of Cooperscroft, Coopers Lane Road, Potters Bar EN6 4AE	6

13. **ENFORCEMENT ACTION IN RESPECT OF 206 BARNET ROAD, POTTERS BAR EN6**
- Report of Officers PLA/12/13. (Pages 351 - 358)
14. **ENFORCEMENT ACTION IN RESPECT OF 496 MUTTON LANE, POTTERS BAR, EN6 3BB**
- Report of Officers PLA/12/14. (Pages 359 - 366)
15. **ENFORCEMENT ACTION IN RESPECT OF BLACK LION, LONDON ROAD, SHENLEY, WD7 9BT**
- Report of Officers PLA/12/15. (Pages 367 - 378)
16. **ENFORCEMENT ACTION IN RESPECT OF LAND AT REAR OF 27 FIELD VIEW ROAD, POTTERS BAR, EN6 2NA**
- Report of Officers PLA/12/17. (Pages 379 - 390)
17. **ENFORCEMENT ACTION IN RESPECT OF COOPERSCROFT, COOPERS LANE ROAD, POTTERS BAR EN6 4AE**
- Report of Officers PLA/12/18. (Pages 391 - 400)

Civic Offices
Elstree Way
Borehamwood
HERTS WD6 1WA

26 September 2012

HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

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

6 September 2012

Present:

Voting Members:

Councillors David (Chairman), Silver (Vice-Chairman), Worster (Vice-Chairman), Clapper (for part of the meeting), Gilligan, Graham, Harrison, Keates, Kieran, Quilty and Ricks

Also Present:

Councillors Bright, Morris and Swallow

Officers:

G Wooldrige	Director of Environment
J Blank	Acting Head of Legal Services
P Harris Gorf	Head of Planning & Building Control
S Laban	Area Team Leader
B Leahy	Area Team Leader
M Cahill	Senior Planning Officer
D Morren	Enforcement and Appeals Team Leader
A Smith	Senior Planning Officer
S Di Paolo	Democratic Services Officer

231. **MEMBERSHIP**

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

232. **COMMUNICATIONS AND APOLOGIES**

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

The Chairman announced that an urgent late item of business, application no. TP/12/1616 – Former Builder’s Yard and 22 Station Road, Radlett would be considered after Item 5d) – TP/12/1786 Brookes Place, Barnet Road, Potters Bar and before Item 5e) – TP/12/1361 Land at Otterspool Way, Watford. The application needed urgent consideration in order to allow the Council to meet the obligations of its service standards.

Apologies for absence had been received from Councillor R Butler and Councillor Heywood.

233. **DECLARATIONS OF INTEREST**

Councillor Quilty declared a non-pecuniary interest in Item 5c) – TP/12/1194 Radlett Fire Station, 201 Watling Street, Radlett because he was an elected County Councillor and the County Council were named as part of the application. Also, because of the history of the site, with which he had been involved for many years, there could be a perception situation so for clarity he would withdraw from the meeting while this application was considered.

Councillor Graham declared a non-pecuniary interest in Item 5j) – TP/12/1602 99-101 Gills Hill Lane, Radlett and undertook to withdraw from the meeting while this application was considered.

234. **MINUTES**

RESOLVED that the minutes of the meeting of the Committee held on 9 August 2012 be approved and signed as a correct record.

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

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

235.1 **TP/12/1131 - Radlett and Bushey Reform Synagogue, 118 Watling Street, Radlett WD7 7AA**

Applications TP/12/1131 and TP/12/1132 were considered together then voted on separately.

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

Mr A Boyden of Radlett and Bushey Reform Synagogue spoke in favour of the application on behalf of the applicant.

Mrs P Lowe of Slade Court, Radlett spoke against the application on behalf of local residents.

During debate Members acknowledged that the proposed development would provide a useful community facility, however it was considered to be too large for the size of the site and that the privacy of the residents of Slade Court would be adversely affected. The locally listed building proposed for demolition had historical significance.

RESOLVED that planning permission be refused.

Reasons for refusal

- 1 The NPPF (2012) states that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This clear and convincing justification has not been provided to justify the loss of the Local Important Building (number 109), which is deemed as a heritage asset. Therefore, objection is raised by virtue of policy E18 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.
- 2 The proposal, by virtue of its lack of harmony with the existing Synagogue due to its over dominant relationship, its large scale and its incongruously designed roof, would fail to preserve or enhance the Radlett North Conservation Area. The proposal would be contrary to policies T7 (iii), D21, E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.
- 3 The proposal, by virtue of its close proximity to Slades Court and its predominately glazed design would introduce an uneighbourly form of development which would result in an unacceptable impact upon those who reside at Slades Court in terms of intrusion to privacy and excessive glare and light spillage. Objection is therefore raised by virtue of policies T7 (i) (ii), D19 (iii) and S7 (ii) of of the Local Plan (2003) and the NPPF (2012) Section 7.

235.2 **TP/12/1132 - Radlett and Bushey Reform Synagogue, 118 Watling Street, Radlett WD7 7AA (Application for Conservation Area Consent)**

RESOLVED that Conservation Area Consent be refused.

Reason for not granting Conservation Area Consent

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

Having previously disclosed a non-pecuniary interest in the following item, Councillor Quilty withdrew from the meeting at this point, at 6.37 pm.

235.3 **TP/12/1194 - Radlett Fire Station, 201 Watling Street, Radlett WD7 7AW**

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

Mr I Gray of Consensus Planning, Chesham spoke in favour of the application as agent for the applicant.

Members raised concerns about the provision of car parking and the proportion of the development being allocated for community use, which was not considered to be 'significant' as required by the Radlett and District Supplementary Planning Document (SPD). The need for additional facilities for medical/clinical use in Radlett was questioned; other community bodies would have been interested in the ground floor provision but the space was too small to be of use.

Officers explained that it was difficult to assess the proportion allocated for community use because, as a fire station, the site was not deemed to be D1 but sui generis. A large area of the ground floor and primary frontage had been allocated to community use and car parks were available nearby. If the community element were increased there could be viability issues.

Councillor Graham, seconded by Councillor Gilligan, proposed that the application be refused because in the Radlett District Centre SPD there was a requirement for a significant area of the building to be set aside for community use. The planning application as presented did not provide sufficient area for it to be considered sufficient and therefore the application did not meet the requirements of the Radlett District Centre SPD.

RESOLVED that the application be refused and that the Head of Planning and Building Control be asked to provide a wording for the reason for the decision that included reference to the appropriate local planning policies.

Reason for refusal

The application failed to provide sufficient area for community use to satisfy the requirements of the Radlett District Centre SPD.

At this point Councillor Quilty returned and Councillor Clapper joined the meeting, at 7.05 pm.

235.4 **TP/12/0786 - Brookes Place, Barnet Road, Potters Bar, EN6 2SJ**

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

Mr A Mclean of Ladbrooke Drive, Potters Bar spoke against the application on behalf of the Potters Bar Society.

Councillor Swallow spoke against the application on behalf of local residents, who had held a meeting at which they had voiced their concerns about the site. She explained that there was concern that the proposals would open up the site for the rent or sale of accommodation. It was not possible to separate the application from the boundary issues and unauthorised work which had resulted in land collapsing onto the highway, creating a danger to traffic and pedestrians. There were already more caravans on the site than was being proposed; no enforcement action had been taken in the past and there was no confidence that the 29 caravan limit proposed would be adhered to. Enforcement in respect of the encroachment onto the highway was requested as a matter of urgency.

In response, the Head of Planning and Building Control stated that the slippage onto the highway was being actively monitored by Hertsmere Borough Council Building Control officers as it was a potentially dangerous structure. As the landowners, it was the role of the County Highways authority to take action. The situation had been closely monitored for at least the last four years. The application provided an opportunity to improve the Borough's position with respect to gypsy traveller pitches and provide a scheme that accorded with proper standards and amenity and gave some assurance to adjoining neighbours. Any complaints with regard to enforcement would be followed up.

During discussion, Members acknowledged the need for local pitches and noted that the site would not change much under the proposals but conditions would be imposed and enforced. The importance of the enforcement of any breach of permission, and the need to address the embankment issues were emphasised.

It was noted that the Holding Direction applied by the Highways Agency had now been lifted.

RESOLVED that powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in the officer's report.

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

Consideration of this additional item had been announced by the Chairman at the start of the meeting.

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

In response to questions from Members, Officers confirmed that:

- permitted development rights for the site had been removed, and
- no additional windows were proposed, merely an increase in the existing roof space.

RESOLVED that:

1. planning permission be granted subject to a Section 106 Agreement and conditions as set out in the officer's report as amended in the tabled addendum;
2. Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 24th September 2012, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire hydrants and the sustainable transport measures has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the

requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

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

Mr T Rainbird of Quod, London spoke in favour of the application as agent for the applicant.

Mr D Townsley of Otterspool Way, Watford spoke against the application.

During discussion Members noted that any effects planning proposals might have on business matters were outside the remit of the Committee.

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

235.7 **TP/12/1079 - 128 Aldenham Road, Bushey WD23 2ET**

Mr N Stafford of Church Road, Stanmore spoke in favour of the application as agent for the applicants.

RESOLVED that:

1. powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act;
2. should the agreement or unilateral undertaking under Section 106 not be completed by 20 September 2012, the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

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

November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.

At 7.50 pm the Chairman announced a short break and Councillors Bright, Morris and Swallow left the meeting. Councillor Clapper gave her apologies and also left the meeting at this point.

The meeting resumed at 8.04 pm.

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

Applications TP/12/1483 and TP/12/1484 were considered together then voted on separately.

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

Members voiced concern that the proposed development would restrict views of the Cage. A condition was requested to ensure that planting was restricted to low level shrubs so that views of the Cage were not obstructed.

The Head of Planning and Building Control undertook to include an informative in the decision notice to specify that shrubbery plants should be no more than 700mm high.

RESOLVED that:

1. powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act;
2. should the agreement or unilateral undertaking under Section 106 not be completed within 6 months from this decision, the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

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

with Parts A and B (2010) and the National Planning Policy Framework 2012.

235.9 **TP/12/1484 - Queen Adelaide, London Road, Shenley (Application for Conservation Area Consent)**

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

RESOLVED that Conservation Area Consent be granted subject to the conditions set out in the officer's report.

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

Mr T Millican of Msquare Architects Ltd, Market Harborough spoke in favour of the application as architect for the applicant.

Mr P Hordern of The Rose Walk, Radlett spoke against the application on behalf of local residents.

Members expressed concern about the proposed car parking arrangements but noted that the proposals would be an improvement on the current provision.

RESOLVED that Planning Permission be granted subject to the signed S106 agreement that was completed 27 July 2012.

Having previously declared a non-pecuniary interest in the following application, Councillor Graham withdrew from the meeting while it was considered, at 8.57 pm.

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

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

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

Mr J Galinsky of Nightingale Close, Radlett spoke against the application on behalf of neighbouring residents.

In response to questions from Members, officers confirmed that car parking provision would be sufficient for a five-bedroom house and that potential drainage issues should be addressed as suggested at pages 218-219 of the officer's report. Environmental Health legislation would

be used to control excessive noise in the event of this becoming a problem. Members requested a condition that the rear window lights be obscurely glazed.

RESOLVED that:

1. that powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in the officer's report, an additional condition in respect of obscure glazing of the rear window lights and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act;
2. should the agreement or unilateral undertaking under Section 106 not be completed by 20 September 2012, the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

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

Councillor Graham returned to the meeting at this point, at 9.16 pm.

235.12 **TP/12/0905 - 56A-56B Harcourt Road, Bushey**

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

The Chairman explained that the original application had been called in for decision by the Committee because of concerns as to the size and appearance of the development. The current application had been called in because the houses differed from those for which planning permission had been given.

Members expressed concern at the size of the properties and queried how the applicants had been able to build in a way that exceeded the original planning permission. The Head of Planning and Building Control undertook to investigate why the changes had not been picked up during inspections of the building process.

RESOLVED that:

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

suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museums and cultural facilities, section 106 monitoring fees, education , youth services, libraries and sustainable transport measures has not been secured, as a consequence of the proposed form of development contrary to the requirement of policies R2, L5 and M2 of the Hertsmere Local Plan 2003 and CS20 of the Revised Core Strategy (consultation draft) November 2011, approved for interim development control purposes on 16 November 2011, together with the guidance of the Council's Planning Obligations SPD Parts A and B and the National Planning Policy Framework.

235.13 **TP/12/1431 - Land and Oubuildings to the rear of 1 to 2 Watling House, High Street, Elstree**

Applications TP/12/1431 and TP/12/1430 were considered together then voted on separately.

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

A member of the public making representations spoke against the application to create a parking space at the rear of 9 West View Court, High Street, Elstree.

In response to questions from Members, officers confirmed that the two parking spaces proposed for the two one-bed apartments could be considered adequate, however provision of an additional car parking space at the rear of 9 West View Court would ensure that parking provision was fully compliant.

Members questioned the practicality of having a shared parking space on a separate site to the apartments and whether it was needed.

RESOLVED that:

1. powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report, receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act and also subject to no additional adverse representations regarding new planning issues being received during the rest of the consultation period (13th September 2012);
2. should the agreement or unilateral undertaking under Section 106 not be completed within six months from the date of this determination, the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reasons set out below:

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

235.14 **TP/12/1430 - Land to the rear of 9 West View Court, High Street, Elstree**

RESOLVED that a decision be deferred, to allow the comments of the Committee to be passed to the applicant and for further negotiations with the applicant.

235.15 **TP/12/1218 - Adventure Experience Ltd, Golf Driving Range, Rowley Lane, Barnet**

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

235.16 **TP/12/1705 - Kingsley Green, Harper Lane, Harper Lane, Shenley, Radlett WD7 9HQ**

In response to questions from Members, officers confirmed that none of the proposed development would encroach on land in Hertsmere.

Officers were asked to clarify with St Albans District Council as to whether St Albans District Council's policy for the area had changed, because any change would affect Hertsmere.

RESOLVED that no objection be raised with respect to the impact of the development on Hertsmere as a neighbouring borough.

235.17 **TP/12/1692 - Oaklands College, Smallford Campus, Hatfield Road, St Albans**

RESOLVED that no objection be raised with St Albans District Council.

(Action: Head of Planning and Building Control)

236. **OTHER PLANNING APPLICATIONS**

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

International University Site, The Avenue, Bushey

Following complaints from residents, the Enforcement and Appeals Team Leader was asked to investigate whether the black hoarding fence and metal fencing now erected was permitted development and whether anything could be done to improve its aspect.

Telecommunications Mast in Car Park, Radlett Railway Station, Station Approach, Radlett

Noted that this appeal had been allowed.

Royal Connaught Park development, The Avenue, Bushey

Noted that the statement had been sent off. The site visit had taken place in December 2011 and the Inspectorate was being given regular reminders.

(Action: Enforcement and Appeals Team Leader)

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

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

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

3 Black Lion Hill, Shenley

Noted that a recent application for judicial review had been refused and that enforcement officers were now seeking to prosecute. The Enforcement and Appeals Team Leader undertook to provide Councillor Gilligan with further information outside the meeting.

(Action: Enforcement and Appeals Team Leader)

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

There was no additional urgent business other than application TP/12/1616 – Former Builder’s Yard and 22 Station Road, Radlett which had been considered earlier in the meeting (Minute 235.5 refers).

239. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 4 October 2012 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

240. **EXCLUSION OF THE PUBLIC**

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

<i>Part II Agenda Item</i>	<i>Paragraph in Schedule 12A</i>
Enforcement action in respect of 85 Harcourt Road, Bushey WD23 3PQ	6

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

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

(Action: Enforcement and Appeals Team Leader)

CLOSURE: 10.15 pm

CHAIRMAN

Items for Hertsmere Planning Committee

04 October 2012

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
18-39	01	TP/09/0641	Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ	Retrospective application for the installation of a geo-grid and grass re-seeding to reinforce and stabilise existing car parking areas.	Karen Garman	Grant Permission
40-73	02	TP/12/1456	Gemini House, Manor Way, Borehamwood, WD6 1QQ	Demolition of existing light industrial building and the erection of part two and part six storey buildings, plus basement parking, for 172 homes (58 x 1 bed, 96 x 2 bed, 9 x 3 bed, 6 x 4 bed flats and 3 x 3 bed houses) with associated car parking, bin and cycle storage, the removal of 12 trees and provision of landscaping, including podium open space (Amended Description).	Andrew Smith	Grant Permission - Section 106 Agreement
74-107	03	TP/12/1495	61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey	Demolition of units 61 - 63 Bushey Hall Road and Walker Lodge and the construction of a 3 storey building comprising of 16 x 2 bed flats and 6 x 1 bed flats (Extra Care Home Units) with ancillary amenities, landscaping, car parking and access.	Marguerite Cahill	Refuse Permission
108-135	04	TP/12/1432	Green Dragon Public House, Leeming Road, Borehamwood, WD6 4EB	Demolition of the existing Green Dragon Public House Function Hall. Separation of the proposed site from the public house. Construction of 3 no. 3 bedroom town houses and 3 no. 2 bedroom flats, 11 car parking spaces, secure cycle and refuse/recycling storage facilities, new vehicle and pedestrian accesses to Torworth Road and associated hard and soft landscaping. Removal of existing window to the first floor of the public house and other minor works to complete the separation of the proposed site (Additional plan received 20/08/2012).	James Chettleburgh	Grant Permission - Section 106 Agreement

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
136-153	05	TP/12/1701	44 Clay Lane, Bushey Heath, Bushey, WD23 1NW	Erection of a two bedroom end of terrace dwelling, two new vehicular accesses for the existing and proposed dwellings and associated car parking.	Brenda Louisy-Johnson	Grant Permission - Section 106 Agreement
154-191	06	TP/12/1602	99-101 Gills Hill Lane, Radlett	Amendment to planning permission reference TP/12/0691 to include basement level and habitable loft accommodation to all properties.	Louise Sahlke	Grant Permission - Section 106 Agreement
192-203	07	TP/12/0804	28 Three Valleys Way, Bushey, WD23 2FF	Erection of detached, two storey, 4 bedroom dwelling (amendment to previously approved dwelling to now include conservatory).	Marguerite Cahill	Grant Permission
204-219	08	TP/12/1689	Annexe at, 1 Wilton Farm Cottages, Radlett Lane, Shenley, WD7 9AJ	Retrospective application for change of use from residential annexe to self contained single family dwelling.	Andrew Smith	Grant Permission
220-235	09	TP/12/1504	Metropolitan Police Sports Ground, Aldenham Road, Bushey	Erection of a marquee on land to the rear of the clubhouse for a temporary period of 5 years between the months of May to September of each year.	Brenda Louisy-Johnson	Refuse Permission
236-253	10	TP/12/1521	Radlett Sorting Office, 122 Watling Street, Radlett, WD7 7AF	Change of use from Royal Mail delivery office to pre-school/nursery.	Louise Sahlke	Refuse Permission
254-269	11	TP/12/1566	Radlett Sorting Office, 122 Watling Street, Radlett, WD7 7AF	Change of use from Sui Generis (Post Office Sorting Office) to B1 (Offices)	Louise Sahlke	Grant Permission
270-280	12	TP/12/1861	Maccabi Sports Association, Rowley Lane, Barnet. EN5 3HW	Construction of two full size grass football pitches and one junior size grass football pitch with associated works. Tree removals, temporary and permanent fencing and the use of an existing maintenance yard as construction compound with associated temporary access rout at the Rowley Lane Sports Club (Consultation from Barnet Council)	James Chettleburgh	Raise No Objections

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TP/09/0641

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



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/09/0641

DATE OF APPLICATION: 23 April 2009

STATUTORY START DATE: 27 April 2009

SITE LOCATION

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

DEVELOPMENT

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

AGENT

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

APPLICANT

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

WARD Aldenham West
CONSERVATION AREA Letchmore Heath

GREEN BELT Yes
LISTED BUILDING II

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

1.1 Grant permission for installation of the geo grid surface to field 2 and note that field 1 now has deemed consent.

2.0 Application site / Surrounding area

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

2.2 The surrounding area consists of open Green Belt land with the village of Letchmore Heath to the east and north east which comprises a mix of terraced, semi detached and detached properties all located within the Conservation Area.

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

3.0 Proposal

3.1 The application seeks retrospective planning permission for the installation of a geo grid surface to two fields to the west of the Main Manor building and the adjacent walled garden. The geogrid is a synthetic plastic material installed to reinforce the soil, it allows the grass to grow within the grid.

3.2 This application has previously been brought to committee on 18 June 2009, 29 April 2010 and 3 June 2010 and was deferred each time to allow for a master plan of the site to be agreed. A draft planning brief has now been prepared in consultation with ISKCON and is currently going through a consultation period, ending 10 September 2012. The application is therefore being brought back to committee for determination given the fact that the consultation period of the planning brief has now finished.

Key Characteristics

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

4.0 Relevant Planning History:

TP/89/0180	Removal of existing front classroom wall and creation of a new wall under front gable (section 53)	Grant Certificate 29/03/1989
TP/91/0119	Replacement of roof timbers, tiles and window frames. (Listed Building Application)	Grant Consent 26/03/1991
TP/92/0542	Installation of two new and two replacement dormers in roof slope of south elevation (Listed Building Application)	Grant Consent 27/08/1992
TP/92/0625	Installation of four replacement dormers in roof slope of south elevation	Grant Permission 29/10/1992

TP/93/0064	Replacement of existing cowbarns.	Grant Permission 16/03/1993
TP/94/0014	Change of use to a residential and non-residential theological college and religious community, together with use for public worship (including the observance of religious festival days) AND	Refuse Permission 19/10/1994
TP/94/0844	Erection of detached hay and straw barn with equipment store together with extension to existing cowshed	Grant Permission 04/08/1995
TP/95/0630	Erection of new (and replacement) fencing and other means of enclosure	Grant Permission 16/01/1996
TP/95/0575	Introduction of self closing fire doors on the ground and first floor (Application for Listed Building Consent). (Amended plans received 23/04/96)	Grant Consent 29/04/1996
TP/94/0014	Change of use to a residential and non-residential theological college and religious community, together with use for public worship (including the observance of religious festival days) AND	Allowed 10/05/1996
TP/97/0139	Erection of windpump (Agricultural prior notification)	Non-Determination 13/03/1997
TP/97/0345	Erection of 8m high wind pump (Agricultural Prior Notification)	Application details not required 16/05/1997
TP/97/0220	Alterations to former stable block including insertion of 2 no. dormer windows, 2 no. conservation roof lights, construction of lobby extension and alterations to roof to provide kitchens,	Grant Permission 19/05/1997
TP/97/0381	Alterations to existing 'stable' block building including erection of single storey entrance porch, insertion of 2 no. high level dormers, 2 no. roof lights and additional roof area.	Grant Consent 23/06/1997
TP/98/0650	Erection of glazed canopy to rear of kitchen building	Grant Permission 08/09/1998
TP/98/0800	Erection of glazed canopy to rear of former stable block. (Application for Listed Building	Grant Consent 05/10/1998

	Consent)	
TP/98/0767	Erection of agricultural cart shed under Class A of Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. (Application for Prior Approval)	Application details not required 21/10/1998
TP/02/1060	Erection of two greenhouses following demolition of existing greenhouses.	Grant Permission 17/12/2002
TP/03/0101	Demolition of existing greenhouses (Application for Conservation Area Consent).	Grant Consent 17/04/2003
TP/03/0354	Erection of agricultural building (Notice of intention to erect an agricultural building and Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995).	Prior Approval Required & Approve Detail 02/05/2003
TP/03/0333	Repairs to existing fabric and minor alterations including details of scaffolding (application for listed building consent) (additional information received 4/4/03).	Grant Consent 20/05/2003
TP/03/0690	Construction of children's playground (Additional and amended plans and information received 13 August 2003).	Refuse Permission 02/09/2003
TP/03/0566	Erection of multi-purpose agricultural building. To accommodate livestock, milking parlour, treadmill, storage of hay, grain and straw and other farm equipment, workshop and other associated uses together with visitor and educational facilities.	Refuse Permission 23/10/2003
TP/04/0503	Erection of temporary marquee for Temple related activities, including weddings.	Refuse Permission 20/08/2004
TP/04/0996	Construction of children's playground.	Grant Permission 15/10/2004
TP/04/1391	Erection of new agricultural building (with a total gross external floor area in the range 3,086 to 3,660 sq metres), including removal of existing agricultural building.	Refuse Permission 04/02/2005
TP/05/0186	Renewal of existing roof tiling to roof slopes (Listed Building Consent)	Grant Consent 14/04/2005
TP/04/1391	Erection of new agricultural building (with a	Dismissed

	total gross external floor area in the range 3,086 to 3,660 sq metres), including removal of existing agricultural building.	23/03/2006
TP/04/1485	Erection of an agricultural building to house cattle with an approximate floor area of 3800sqm (involving demolition of existing cowsheds).	Dismissed 23/03/2006
TP/05/0590	Erection of temporary marquee for Temple related activities. (Certificate of lawfulness - proposed)	Refuse to Grant Certificate 31/03/2006
TP/06/0655	Erection of agricultural building (Notice of intention to erect an agricultural building and Part 6, Schedule 2 of the Town and Country Planning Order 1995).(General Permitted Development).	Withdrawn by applicant 12/07/2006
TP/06/0654	Erection of polytunnel for growing flowers.	Grant Permission 10/01/2007
TP/07/0161	Erection of polytunnel for agricultural purposes (to be sited at former Holland Farm)	Grant Permission 15/05/2007
TP/07/1155	Erection of temporary marquee for 11 weeks.	Withdrawn by applicant 08/08/2007
TP/07/0263	Demolition of 3 existing agricultural buildings and erection of 4 new buildings (for agricultural use with additional viewing facilities for visitors) and provision of new slurry lagoon.	Grant Permission 01/11/2007
TP/08/1595	Erection of temporary marquee for 11 weeks, for temple related activities, including weddings.	Refuse Permission 30/01/2009
TP/08/1522	Erection of two polytunnels for agricultural purposes.	Grant Permission 13/02/2009
TP/08/1595	Erection of temporary marquee for 11 weeks, for temple related activities, including weddings.	Withdrawn 16/07/2009
TP/09/1565	Erection of oak timber, free standing shelter with cedar shingle roof & matching nursery roof (amended plan received 23/11/09).	Grant Permission 18/01/2010
TP/09/1913	Erection of temporary wedding marquee between 6 June and 22 August 2010 and 22	Refuse Permission 01/07/2010

May and 7 August in 2011 and associated car parking (Amended description 29/04/10)

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

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

5.0 Notifications

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
1	11		12	0	0

Neighbours notified, site notice posted, press notice advertised. 1 letter received in support and 11 letters received objecting to the application. No further letters have been received since the application went to Committee on 18 June 2009.

Letter of support

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

Letters of objection

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

6.0 Consultations

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

Aldenham Parish

Object to the application on the grounds that the Manor has not proved exceptional circumstances for development of a car park in the Green Belt, the detrimental impact it would have on residents and in terms of noise and traffic density.

Radlett Society & Green Belt Association	No comments received
Environmental Health & Licensing	No comments received
Conservation Officer	Advises that the application site is outside the Conservation Area it is also separate from the immediate visual settings of the Listed Building, therefore raises no objection.
Highways, HCC	The retrospective works do not propose to include alterations to the existing access and would not result in an increased traffic flow. Therefore they raise no objections
Letchmore Heath Village Trust	Object to the application on the grounds that at the time of the Inspectors ruling in 1996 conditions were imposed on the use of the manor, the intention was that the field used for occasional parking should remain as a field within the Green Belt and therefore object to any action that takes this area out of accepted Green Belt use
Patchetts Green, Roundbush & Aldenham Conservation Society	Object to the application on the grounds that the application would be an inappropriate use within the Green Belt to allow a permanent surface of geo grid. The development would cause more traffic and would result in a loss of farm land. They refer to the planning appeal for the rebuilding of the Cow Sheds whereby the application site was described as agricultural land, if this land is used for parking it will no longer be able to be used for agriculture. The fields between footpath 28 and the Driveway have in the past been used for overflow parking on festival days only, this is only 6 days per year. When these fields are in use for parking flood lights are used which is intrusive to those in Delrow house.

7.0 Policy Designation

7.1 Metropolitan Green Belt

8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	Hertsmere Local Plan Policies	C1	Green Belt
3	Hertsmere Local Plan Policies	D21	Design and Setting of Development
4	Hertsmere Local Plan Policies	E16	Listed Buildgs - Devlpmnt Affectng Settnng of a Listed Buildg
5	Hertsmere Local Plan Policies	E27	Conservation Areas - Adjacent Development
6	Hertsmere Local Plan Policies	M2	Development and Movement
7	Hertsmere Local Plan Policies	M12	Highway Standards
8	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
9	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
10	Revised Core Strategy	REV_CS21	High Quality Development
11	Revised Core Strategy	REV_CS24	Accessibility and parking
12	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
13	Circulars	11/95	Circular 11/95 - Conditions

9.0 Key Issues

- Background and history of application
- The Planning Brief
- Principle of development
- Impact on the Green Belt, listed building and conservation area
- Impact on residential amenity
- Use of access

10.0 Comments

Background and history of application

Background

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

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

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

- 10.3 Details to comply with this condition were submitted and discharged in September 1996. These details included a plan which specified the designated parking areas for both daily and Sunday evening use, as required. The letter discharging this condition noted the proposed use of the main car park and tennis courts for regular daily parking and the alternate use of the areas known as the Cow Field on Sundays, as required, to avoid overuse of each field.

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

History of application

- 10.5 On 23rd April 2009 Planning Permission was applied for, for the retrospective permission for the installation of a geo grid surface to fields 1 and 2, as indicated on the submitted drawings. These work also included grass re-seeding, stabilising and re-profiling of the fields so that they would be level and consistent with adjoining land.

- 10.6 The applicants in their submission contend that the works have not resulted in a material change of use of land, as the use of the fields will still be used alternatively on Sundays, as required, which has permission under the 1996 appeal decision. In addition, it is advised that the use of the fields for parking since 1996 has rendered the fields

unsuitable for agricultural/grazing purposes, due to the level of human activity on the fields. The purpose of the geo grid is to stabilise the land so that during periods of wet weather, the surface does not get waterlogged and churned up by cars.

- 10.7 The application was first taken to the Planning Committee meeting of 18th June 2009 with an Officer Recommendation of refusal. Officers considered that the proposed development would be harmful to the openness of the Green Belt and therefore inappropriate development, for which no case of very special circumstances has been demonstrated.
- 10.8 After fully considering the application Members resolved to defer the application to allow for further negotiations with the applicant regarding a case of very special circumstances that may exist to outweigh the harm caused by the inappropriateness of the development. Following extensive negotiations and a meeting with the applicants and their agents, a case of Very Special Circumstances was submitted. The application was therefore taken back to the Planning Committee on 29th April 2010 with an Officer recommendation of approval. The Case of Very Special Circumstances included:
- Without the geo grid the surface of the fields were unstable and unsuitable for parking in wet weather, this resulted in cars getting stuck in mud and parking on the access drive;
 - The geo grid has allowed for adequate levels of parking to be accommodated, within the scope of the original 1996 permission, at all times of the year and there is no longer need to park elsewhere on the site;
 - The geo grid still allows for grass to grow through and a drainage system has been installed to remove any water logging;
 - The land is inappropriate for agriculture or grazing due to their use for parking since 1996, the geo grid has therefore not resulted in a loss of fields for other purposes.
- 10.9 Also taken to this committee was the application for the temporary marquee at the Manor, the two applications were heard sequentially. After consideration of both applications, concerns were raised regarding the amount of development going on at the Manor. Therefore both applications were deferred so that the applicants can submit a Master Plan (planning brief) of the site and provide more information on noise levels arising from the development.
- 10.10 Following further discussions with the applicants and their agents and a letter sent inviting the Manor to work with the Council to produce a Planning Brief, the Manor showed a willingness to develop a brief for the long term aspirations of ISKCON. In addition further information was sought regarding noise levels and a memo from Environmental Health was produced advising that the matter could be satisfactorily controlled by

conditions.

- 10.11 On this basis it was agreed to take the application back to the following Planning Committee of 03 June 2010 with a recommendation for approval. Again, the application for the marquee was also taken back to be heard. After fully considering both schemes, Members of the committee resolved to refuse the application for the marquee and again deferred the geo grid application to allow for a planning brief to be submitted.
- 10.12 Since this time negotiations and discussion have taken place with representatives from the Manor to produce a planning brief, details of this are discussed in paragraphs 10.14.
- 10.13 However, since the application was last deferred in 2010, it has been brought to Officers attention that field 1 has been in use since June 2008 and therefore 4 years has past which would make the works to field 1 immune from enforcement action and thereby giving it lawful status. Field 2 however, was completed later and therefore would not become immune until 29th April 2013. The LPA therefore still have control over this part of the development.

The Planning Brief

Preparation of the brief

- 10.14 Following consultation with local Members and the Portfolio Holder in 2010, a scoping report was prepared setting out the scope of the work, which would result in the preparation of a planning brief. The expectation was that an acceptable planning brief would, subject to the outcome of full public consultation, be adopted by the Hertsmere Borough Council with the status of a Supplementary Planning Document. Such a document would then become a material consideration in respect of future planning applications at Bhaktivedanta Manor.
- 10.15 As detailed in the report taken to the Planning Committee of 15 March 2012, relating to the consultation of the planning brief has been prepared with involvement from ISKCON. Their advisors have prepared a detailed needs assessment report setting out both how the site is currently used and the anticipated future needs over the next 15 years and beyond.
- 10.16 The Council had originally considered the option of putting Bhaktivedanta Manor forward as a Major Developed Site (MDS) within the Green Belt. 80% of the Borough is designated Green Belt and there are a number of MDSs nearby including Aldenham School, the Haberdashers Aske schools and the Bio Products laboratory. However, the designation of an MDS would place significant pressure on the Listed Building because a defined area or envelope for appropriate infilling which have to be drawn tightly around the existing buildings – as they are on all MDSs - also in doing so, could undermine the setting of the listed Manor by directing any future development very close to the Manor.

- 10.17 The draft brief seeks to respond to the prepared needs assessment by setting out a number of options for the location of a new Haveli (community building). This building is proposed to be an accessible and predominantly single storey building, enabling a number of existing structures to be removed. The Haveli would provide for ISKCON's wider needs, including weddings, worship, dining areas and additional administrative and ancillary spaces, reducing the pressure on the Manor's public areas and its temple room, and removing the need for further piecemeal temporary and/or temporary structures on the site. The general proposed location for the new building is within the existing walled garden area, with an extended option including the land to the east, previously used to site the temporary wedding marquee.
- 10.18 The planning brief advocates that no increase in parking levels are proposed above the current levels already provided. This includes fields 1 and 2. It is worth noting however, that under the scope of this application, should it be approved, the geo grid parking areas can only be used alternatively on Sundays only. Should this requirement change, a further application would need to be submitted.

Public consultation on planning brief

- 10.19 Following the report to Committee on 15 March 2012 it was agreed by the Portfolio Holder that the planning brief be put out for a period of public consultation running from 9 July 2012 to 10 September 2012. This period has now ended and the Planning Policy Team is currently in the process of reviewing the responses. Further details of the number and contents of the responses received will be included on the update sheet. However, to date relevant responses relating to this application advise, other than what currently exists (i.e. fields 1 and 2) no further car parking should be provided on the site, these are in line with the contents of the planning brief.

Principle of development

- 10.20 Paragraphs 87 and 88 of the NPPF 2012 state that "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". When considering applications, local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. This advice is generally reiterated in Policy C1 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy 2011.
- 10.21 Paragraph 90 advises that certain forms of development may not necessarily be inappropriate provided it maintains openness. The geo grid surface itself comprises an interconnecting structure that has been

placed within the existing ground so that grass can grow through it. The surface sits flush with the ground level and although this limits its visual impact, at close inspection, is visible within the ground. The development carried out however, has resulted in the fields being leveled somewhat, giving them a slightly artificial appearance to the previous undulating fields. It is these works to level the fields which are not considered to maintain the openness of the Green Belt as the nature of the fields have been altered. Therefore, the proposed works are considered to be inappropriate in the Green Belt, for which a case of very special circumstance must be demonstrated.

- 10.22 As discussed within para 10.8 of this report, a case of very special circumstances has been submitted with the application which has previously been accepted by Officers. This situation has not changed since the application previously went to Committee and therefore Officers still accept that this case demonstrates a number of special circumstances, which collectively amount to very special circumstances are present which outweigh the harm caused by the inappropriateness of the development. The proposed development would therefore comply with Policy C1 of the Hertsmere Local Plan 2003, Policy CS12 of the Revised Core Strategy 2011 and the NPPF 2012.

Impact on the visual amenity, listed building and conservation area

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

Visual amenity

- 10.24 The geo grid system has been designed so that it does not emerge above ground level, in addition to this, the surface allows the grass to grow through the interconnecting structure limiting its visual appearance. Since the time the application was submitted, the surface has now become established with the grass having grown through it and therefore limiting its impact further. It has been noted, following more recent visits to the site, that the laying of the surface has leveled the fields slightly. This does give them an neat and slightly artificial appearance, when compare the previous undulating fields. However, this is only noticeable within the site at close range and is not considered to have a detrimental impact on the wider visual amenity outside of the site.

Listed building and Conservation Area

- 10.25 With regard to the impact on the Grade I Listed Manor Building and the Conservation Area, during the consultation process initially carried out, the Council's Conservation Area Officer has advised that the fields are located some distance from the Manor House and the adjacent Conservation Area and therefore do not fall within their immediate visual setting. This situation has not changed on the site since this initial consultation, therefore no objections are raised in relation to the impact on the setting of the Listed Building or the Conservation Area.
- 10.26 Overall, whilst Officers accept that the laying of the geo grid surface has created a slightly artificial look to the land, this is only noticeable from well within the site. The proposed development would not therefore impact on the wider visual amenity of the area and due to their distance, would maintain the character and appearance of the Conservation Area and the setting of Listed Building to comply with Policies D21 , E16 and E27 of the Hertsmere Local Plan 2003, Policies CS13 and CS21 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

Impact on residential amenity

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

Use of the access

- 10.30 The proposed development would not result in an intensification of the use

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

11.0 Conclusion

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

12.0 Recommendation

12.1 Grant permission for installation of the geo grid surface to field 2 and note that field 1 now has deemed consent.

Conditions/Reasons

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

Reason:

To ensure that the installation of the geo grid does not result in an

intensification of the use of the fields. To comply with Policy C1 of the Hertsmere Local Plan 2003, Policy CS12 of the Revised Core Strategy 2011 and the NPPF 2012.

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

Reason:

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

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

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

Reason:

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

General Reason(s) for Granting Permission

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

13.0 Background Papers

- 1 The Planning application (TP/09/0641) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: Policies C1, D21, E16, E27, M2 and M12 of the Hertsmere Local Plan 2003, Policies CS12, CS13 and CS24 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

Building Regulations

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

- 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)

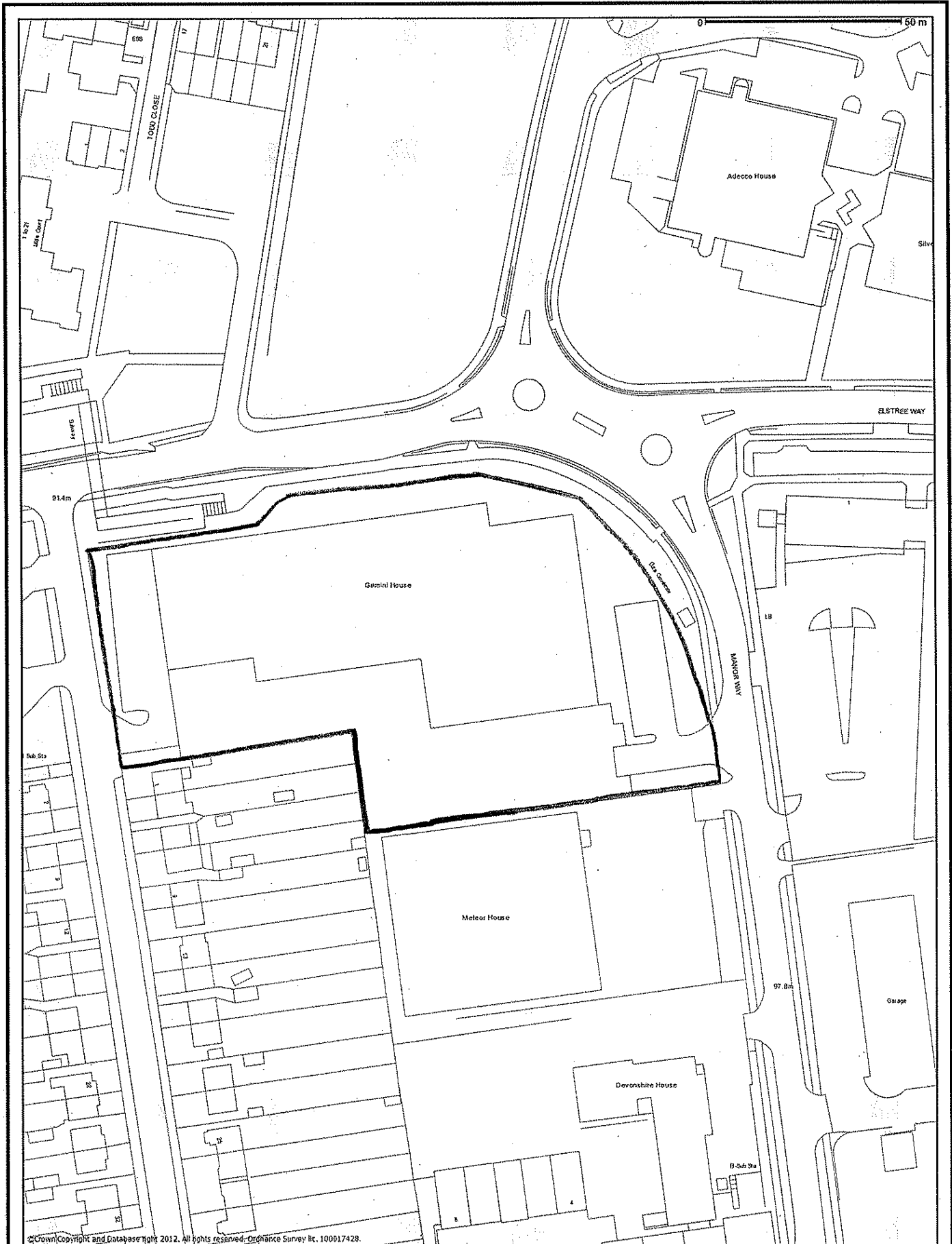
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

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
Karen Garman ext 4335
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TP/12/1456

Gemini House, Manor Way, Borehamwood,
 WD6 1QQ



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1456

DATE OF APPLICATION: 05 July 2012

STATUTORY START DATE: 09 July 2012

SITE LOCATION

Gemini House, Manor Way, Borehamwood, WD6 1QQ

DEVELOPMENT

Demolition of existing light industrial building and the erection of part two and part six storey buildings, plus basement parking, for 172 homes (58 x 1 bed, 96 x 2 bed, 9 x 3 bed, 6 x 4 bed flats and 3 x 3 bed houses) with associated car parking, bin and cycle storage, the removal of 12 trees and provision of landscaping, including podium open space (Amended Description).

AGENT

Ms L Rigg
Armstrong Rigg
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LQ

APPLICANT

Taylor Wimpey North Thames & GPX Holdings Ltd
C/O Agent

WARD Borehamwood Hillside
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act within 6 months from the date of this decision.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months from the date of this decision, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

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

libraries, provision for fire hydrants and improvements to local infrastructure has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Revised Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010).

2.0 Application site / Surrounding area

- 2.1 This site is located in a prominent corner position on Elstree Way located between Bullhead Road, a residential street of two storey semi detached houses, and Manor Way, a commercial road lined with various business uses in buildings up to four storeys high. Studio Way and Elstree Way both rise in land levels to the north and east respectively and Manor Way to the south.
- 2.2 The site lies adjacent to a double roundabout where Studio Way joins Elstree Way from the north and Manor Way joins it, in an offset arrangement, from the south. The site is consequently visible from a number of positions surrounding it; along Elstree Way, a significant length of Studio Way and Manor Way.
- 2.3 Immediately behind the site are houses with over 40m deep gardens and the large warehouse building of Meteor House. To the west is a Shell petrol station with Kwik Fit behind. Elstree Way comprises buildings up to 6 storeys high; the Ibis hotel located 200 m to the west. The terracotta rendered leisure centre of The Venue provides a more contemporary design adding vibrancy to the area. It is seen that many of the buildings are out of scale (eg too low and lacking street engagement) or lack a consistent building frontage to the wide nature of the streetscene in the area.
- 2.4 Two sites being developed for housing to the north are almost complete. This includes the former Oaklands College site (now with addresses at Mills, Taylor & Lockwood Courts within Todd Close) for 125 homes of up to four storeys in height exhibiting a traditional flatted design of brick and render, setback from the road. Studio Plaza to its east is at similar heights containing 85 affordable homes bordering Studio Way of a more contemporary design. To the north east of the roundabouts is Adecco House containing vacant offices. There is a pedestrian subway of 30m length to the immediate north of the site, with 30m long ramps and steps, either side of the main road leading to The Venue leisure centre.
- 2.5 The Gemini House site comprises a mainly vacant light industrial building constructed with brick and metal cladding split into units surrounded by trees and set back from the frontage. The current building has little positive presence or relationship with Elstree Way with an inactive frontage. It has no access from Elstree Way with access from Manor Way, the main entrance, and Bullhead Road, that is conditioned to be used only in

emergencies.

2.6 The site currently lies adjacent to the Elstree Way Corridor, a regeneration initiative centred around the civic core. This is located on the edge of Borehamwood town centre which includes the public realm in front of the site. This proposes a comprehensive redevelopment of sites within this corridor to create a more coherent and attractive environment with associated infrastructure to create an improved sense of place and identity.

3.0 Proposal

3.1 Demolition of existing light industrial building and the erection of part two and part six storey buildings, plus basement parking, for 172 homes (58 x 1 bed, 96 x 2 bed, 9 x 3 bed, 6 x 4 bed flats and 3 x 3 bed houses) with associated car parking, bin and cycle storage, the removal of 12 trees and provision of landscaping, including podium open space (Amended Description).

3.2 The proposal comprises five residential blocks denoted from A to E from east to west with partly basement parking accessed from Manor Way. Direct access for pedestrians would be from pathways positioned between the blocks. The change in levels across the site have been used to provide a parking area partly below the buildings and two communal amenity areas including a podium plus private areas. It would be at its tallest 6 storeys above the semi- basement parking area down to 2.5 storeys immediately adjacent to the closest house on Bullhead Road.

Key Characteristics

Site Area

1.04Ha

Density

165 dwellings per hectare

Mix

Bedrooms	Total		Social rent		Intermediate		Private	
1	58	33.7%	14	31.8%	10	66.7%	34	30.1%
2	96	55.8%	14	31.8%	5	33.3%	77	68.1%
3	12	7.0%	10	22.7%	0	0.0%	2	1.8%
4	6	3.5%	6	13.6%	0	0.0%	0	0.0%
Total	172	100.0%	44	100.0%	15	100.0%	113	100.0%

25.60%

8.70%

65.70% Market housing

34.30% total AH

Dimensions

	Type	No of homes	No of storeys	Max. Height (m) on street level facade	Max. Width (m)	Max depth (m)
Block A (Manor Way)	Social rent	26	5	17.4	57	20
Block B	Private	49	6	18.8	58	20
Block C	C1 Social rent	15	6	17.7	28.6	18
	C2 Intermediate	15	5	15		
Block D	Private	64	3 to 6	18	45	20
Block E (Bullhead Road)	Social rent	3 houses	2.5	9.8	16.5	13
		172				

Number of Car Parking Spaces

The proposal would provide 187 off street spaces within either the secure parking semi basement parking area (181 spaces) or the frontages of the three houses (6 spaces). This would include 26 spaces of sufficient size for disabled parking, 206 secure cycle parking spaces and 8 secure motorcycle parking spaces.

4.0 Relevant Planning History

TP/01/051 Change of use of building from B8 (wholesale warehouse, distribution, repository) to B1 (c) (light industry) and external alterations. Approved 1.4.03

Conditions applied include a restriction against use of the vehicular access from Bullhead Road, working outside the building, at unsocial hours, that creates noise above 50 Db(A) or involves the doors being kept open.

5.0 Notifications

5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
11	2	4	13	0	0

The proposal was the subject of pre application consultation as detailed in paragraphs 10.1 and 10.2. The planning application was advertised in the local press and several site notices displayed near the site with 34 neighbours directly notified.

Those in support state that the additional housing and landmark building will only create a positive enhancement to the Elstree Way corridor.

Concerns that have been stated are as follows:

- The volume of traffic using Bullhead Road and its speed needs reducing which this development will add to with speed bumps and restrictions on traffic speed needed
- Loss of privacy from flats overlooking houses nearest on Bullhead Road
- On street parking congestion from those flat occupiers that have more one car
- Bullhead Road is used for parking for local businesses and the train station
- Need to remove path to Bullhead Road from the proposal to discourage occupants from parking there
- The town houses will conflict in design terms with the 1930s traditional design of houses in Bullhead Road of three storeys in height
- What of the impact on local services from this new housing?
- The trees that are lost should be placed on Elstree Way in front of the Venue
- Please remove the underpass and have a replacement crossing as it is no longer in use, it floods, is littered with broken glass, etc, and doesn't offer an advantage to anybody
- Loss of the employment use not good for local employment
- Noise disturbance from building outside agreed times
- We do not want communal open spaces available to all behind our houses in Bullhead Road where kids can cause disruption
- Need screening to the new car park from the houses it would back onto

6.0 Consultations

Senior Traffic Engineer	There is concern from local residents as to the impact on surrounding roads from parking from those visiting or living in the new homes proposed. However this would not be an issue that would be addressed by a CPZ, which is aimed towards commuter parking problems rather than problems from resident created parking congestion. Consequently a contribution from the developers towards the investigation of a CPZ is not considered necessary.
Environmental Health & Licensing	No objection but would wish for a condition relating to minimising noise impacts by ensuring that a scheme to allow for double glazing and ventilation is provided within the homes. A condition would be required for a remediation scheme to be conditioned, as there is evidence of gas present on site. As the proposed flats would be adjacent to a source of nitrogen dioxide pollution (Elstree Way) a S106 should be entered into to provide resources for an air quality monitoring station to monitor air quality in this location, that can be positioned on the roadside.
Housing	Support the mix of affordable homes offered.

Hertsmere Waste Management Services	The internal accesses should be designed to allow for the weight of refuse collection vehicles (28 tonnes) twice a week with adequate height clearance. The turning area needs to be kept clear. There will need to be a collection point nearer the highway for block D.
Tree Officer	No objection. The scheme builds on the footprint of the existing building and seeks to remove only those trees of low value. This is agreed subject to there being an acceptable impact in the long term from residents on the significant oak tree on the northern side of the site that is on highway land. Conditions are recommended provision of the new landscaped areas, tree planting (to mitigate for the loss of trees) a new tree protection plan (as there is an inconsistency in the tree protection plan) and a condition to ensure services are dug away from roots of trees which are to be retained.
Hertfordshire County Council Street services	Do not consider that there is likely to be a high risk for the significant oak tree, to the front of the site on the public highway, to be removed. This is because requests from the public on such are not granted on the grounds of a tree affecting a view from a flat.
Highways, HCC	No objection subject to a number of standard conditions to be applied that relate to the details of the junction of the access road to the highway, closure of existing access, retention of parking spaces, a construction methodology statement and a green travel plan. A provision should be accepted for on-street parking management measures, should it be necessary as part of the green travel plan. A sustainable transport contribution is requested as from 2017 the development is likely to increase queuing on Elstree Way from the east (from the A1). There are works envisaged for the Elstree Way that should also be requested as part of the S106 package which directly relate to the site, namely the removal of the pedestrian underpass immediately outside the site and improvements to the crossing of one of the roundabouts adjacent.
Environment Agency	No objection subject to a condition being applied requiring a drainage strategy to be provided that limits surface water runoff from the site to no more than currently exists for a 1/100 year critical storm.
Hertfordshire Fire & Rescue Service	In addition to that required under the Building Regulations the developer should be required to provide a fire hydrant with dry riser for each block.

Architectural Liaison Officer (Police)	There are concerns about whether there can be too easy access made to the ground floor flats from the proposed pathways around the flats and their proximity to surrounding fencing. Surveillance could be improved to various spaces around the site from having more windows. Details will be needed of the boundary structures and balcony details to ensure that they differentiate public from private areas and do not allow for easier burglaries.
Hertfordshire Development Services (s106)	Provision should be made for financial contributions towards the education and other services as well as fire hydrants from this scheme in accordance with the County SPD on S106 agreements.
Spatial & Land Use Planning, HCC	The developer will have to provide a site waste management plan (SWMP) to encourage recycling of building waste that will assist in applying the policies of the County Council on this issue.
Hertfordshire Biological Records Centre	No objection. The site has negligible bat roost potential and a condition to provide ecological enhancements to the scheme is recommended.
NHS Hertfordshire	No formal comments have been made. However NHS research suggests that there is some spare capacity for GP registrations immediately and locally in Borehamwood but this may get used up quickly. There would also be some impact on secondary and community care services from the additional population.
Drainage Services	No objection subject to standard drainage conditions.
Building Control	No comments made
Elstree & Borehamwood Town Council	No comments made
EDF Energy Networks	No comments made
National Grid Company Plc	No comments made
Thames Water	No comments made
Veolia Water Central Limited	No comments made

7.0 Policy Designation

7.1 Designated Employment Area

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	B1	Employment Areas
3	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
4	Hertsmere Local Plan Policies	D13	Noise-sensitive Development
5	Hertsmere Local Plan Policies	D15	Energy Efficiency - Design and Layout of Development
6	Hertsmere Local Plan Policies	D16	Renewable Energy Sources
7	Hertsmere Local Plan Policies	D20	Supplementary Guidance
8	Hertsmere Local Plan Policies	D21	Design and Setting of Development
9	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
10	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
11	Hertsmere Local Plan Policies	H1	Housing Land - overall supply
12	Hertsmere Local Plan Policies	H8	Residential Development Standards
13	Hertsmere Local Plan Policies	H15	Accessible Housing and the Ability to Adapt
14	Hertsmere Local Plan Policies	H16	Affordable Housing Provision
15	Hertsmere Local Plan Policies	K1	Sustainable Development
16	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
17	Hertsmere Local Plan Policies	M2	Development and Movement
18	Hertsmere Local Plan Policies	M5	Pedestrian Needs
19	Hertsmere Local Plan Policies	M6	Cyclists
20	Hertsmere Local Plan Policies	M12	Highway Standards
21	Hertsmere Local Plan Policies	M13	Car Parking Standards

22	Hertsmere Local Plan Policies	R2	Developer Requirements
23	Revised Core Strategy	REV_SP1	Creating sustainable development
24	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
25	Revised Core Strategy	REV_CS2	Housing beyond existing built-up areas
26	Revised Core Strategy	REV_CS4	Affordable Housing
27	Revised Core Strategy	REV_CS7	Housing mix
28	Revised Core Strategy	REV_CS8	Scale and Distribution of employment land
29	Revised Core Strategy	REV_CS10	Land use within employment areas
30	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
31	Revised Core Strategy	REV_CS14	Promoting recreational access to open spaces and the country
32	Revised Core Strategy	REV_CS15	Environmental Impact of development
33	Revised Core Strategy	REV_CS16	Energy and CO2 Reductions
34	Revised Core Strategy	REV_CS17	Access to services
35	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
36	Revised Core Strategy	REV_CS21	High Quality Development
37	Revised Core Strategy	REV_CS22	Elstree Way Corridor
38	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
39	Revised Core Strategy	REV_CS24	Accessibility and parking
40	Revised Core Strategy	REV_CS25	Promoting alternatives to the car
41	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
42	Supplementary Planning Document	AH	Affordable Housing Supplementary Planning Document
43	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
44	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

45	Any Other Policy	AOP	Elstree Way Corridor Brief 2003
46	Circulars	11/95	Circular 11/95 – Conditions
47	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
48	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development

9.0 Key Issues

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

10.0 Comments

Scheme Evolution

- 10.1 Proposals for site have evolved mainly through being driven by the planning authority and advice of the Hertfordshire Design Review Panel in its later development. The scheme has been transformed within a year from a traditional scheme of dispersed residential blocks of flats, similar to the design being completed at the Oaklands College, to the denser and more developed scheme seen in this application. The main issues being addressed related to design so that it would suit this prominent site on the the Elstree Way Corridor.
- 10.2 The original lower density scheme was considered to fail to take the full opportunity to create a landmark development on this key corner site. There was a wasteful approach to the use of space with swathes of land left over for undesirable communal areas next to car parking with little natural surveillance. There was little cohesion with buildings positioned apparently randomly with car parking dominating their setting. At this point the scheme was redesigned fundamentally through requests to push the buildings towards the site boundaries, create defensible space to this edge and to follow the curvature of the roads to ensure the buildings would frame the street with limited gaps in order to reinforce continuity and the main access point from Manor Way.
- 10.3 The design was discussed at a Design Review Panel in March 2012. The new design, produced after the planning authority comments were made, was supported in principle but wished for concerns to be addressed. These concerns included the need to improve the quality and amount of communal amenity space being offered in the scheme in order to create a usable and attractive space. The parking was encouraged to be placed below flats or under amenity space. The design was considered dull and the massing overly horizontal requiring gaps to be provided between buildings and the provision of vertical articulation of the frontages with top floors being setback.
- 10.4 The design was then amended and a pre application public exhibition was held at the Leisure Centre on 24 May 2012, between 13:00 and 20:00hrs, with 432 private and business being invited. 28 persons attended and two people provided comments in the comments book, with 1 letter and 3 emails being received after the exhibition. Comments raised included that the amount of affordable housing is lower than the 35% level (34.3%) and that on street parking may be generated locally. This is effectively the proposal now before the Planning Committee.

Principle of Development

Loss of Industrial Land

- 10.5 Policies CS8, CS10 of the Revised Core Strategy 2011 and policy B1 of the Local Plan 2003 require Employment Areas to be preserved for B-class developments. However, policy CS8 and the NPPF 2012 states that where there is no reasonable prospect of a site being used for its allocated employment use, that other uses shall be treated on their merits.
- 10.6 There is some demand for B-class development however the applicant has submitted a marketing report for the site. This shows that the building and site has been marketed for over 3 years (since July 2009), with a broad campaign using four separate agents, flexibly for lease, sale and redevelopment and now has only one tenant occupying 20% of the floor area. One of the constraints of the premises for employment reuse is the close proximity of the site to residential properties, which limits the noise and activity that can take place on site and so limits potential tenants interested in using the site at unsocial hours. Consequently, it is seen as unattractive to prospective B-class tenants or occupiers. The evidence of marketing undertaken is considered convincing to a degree that alternative residential use is considered appropriate on this site. Consequently, it is considered that as there are no alternative B-class employment uses that are likely to use the site, therefore the release of the site for housing is in accordance with the policies stated above.

Elstree Way Corridor

- 10.7 The site is the subject of policy CS22 of the Revised Core Strategy 2011 that supports residential development in the Elstree Way Corridor area. It is neighbouring the edge of the defined area of the Elstree Way Corridor Planning & Design Brief (Supplementary Planning Guidance June 2003). An Area Action Plan is currently being drafted for this area to now include the Gemini House site. This has involved preliminary technical work on the costings associated with upgrading the public realm linked to development of key community sites in this civic centre area. The SPG supports the need to provide housing as also expressed for the borough in policies H1 of the Local Plan and CS1 and CS2 of the Revised Core Strategy 2011.
- 10.7 The Elstree Way Corridor Planning & Design Brief SPG and the aspirations for the forthcoming Area Action Plan seek to;
- Enhance the appearance of the area,
 - Promote a high density and lively civic centre with active building frontages especially on corner sites,
 - Apply a design-led, rather than density-led, approach that seeks residential development at a density above 50 dwellings per hectare and over 800 new homes to be provided,
 - Encourage heights of up to 5 to 6 storeys,
 - Provides mainly 2 bed flats close to public services and 3 storey town houses in less prominent positions,

- Support the closure of the subway crossing, in front of Gemini House, and replacement with an at-grade “Toucan” crossing. However since 2003 a greater need to prioritise traffic flows has meant that the County Council are not considering that a replacement crossing point is required in this position.

10.8 The proposal would provide a high quality design that would enhance the appearance of this area, as discussed later in the report, and would provide resources to remove the subway crossing to assist in enhancing the appearance of the public realm. This would comply with the Elstree Way SPG.

Affordable Housing

10.9 The NPPF has defined affordable housing as social rent, shared ownership but excluding low cost discount sale. Policy CS4 of the Revised Core Strategy 2011, supported by H16 of the Local Plan 2003, requires schemes to provide 35% of the homes on a site as affordable housing. The Affordable Housing SPD (2008) as updated outlines an indicative mix of sizes for the social rented homes with a requirement for 75% of the affordable homes to be of this type. This proposal would provide 35% of the homes as affordable housing. This would comprise 59 homes of which 44 would be social rented homes or 74.7% of the affordable homes. This would be to a similar mix as recommended by the SPD as shown in the table below. This mix and provision would comply with the affordable housing policies. The S106 agreement will control this element of the scheme.

Size mix of social rented homes		
	Social Rent/Intermediate (%)	Gemini House scheme (%)
1 bedroom	25	32%
2 bedroom	30	32%
3 bedroom	30	23%
4 bedroom	15	13%

10.10 The social rented homes will be provided within Block A on Manor Way and block C1, with intermediate homes in block C2. This would allow for easier management by a future estates manager for the homes.

10.11 Policies H15 of the Local Plan 2003 and CS21 of the Revised Core Strategy 2011 require homes to be designed to Lifetime Homes Standards to allow for flexible use as occupants get older. All homes will be designed as Lifetime Homes. This proposal would comply with the above affordable housing policies.

Design & Impact on Visual Amenity

- 10.12 Hertsmere Local Plan (2003) policies H8 and D21 seek to ensure proposals respect or improve the character of their surroundings and adjacent properties in terms of privacy, scale, massing, materials, layout, bulk and height. Policy CS21 of the Revised Core Strategy 2010 generally complements these policies.
- 10.13 The Planning & Design Guide 2006 gives specific guidance as to the appropriate design of new developments. This states that developments should offer the following;
- Urban structure – Offer to create new landmarks and views and sustain existing views (including of trees), that are safe, legible (logical) and attractive in a liveable way that promotes sustainable travel patterns (inc for pedestrians),
 - Density/Mix – High densities are supported where there is no adverse affect on the area in the more highly accessible locations of the Borough, such as town centres, where they do not overdominate their surroundings. The mix should be in accordance with the affordable housing SPD and should all be Lifetime Homes,
 - Height/Massing – Tallers buildings, particularly on corner sites, should use designs of architectural merit without having an overbearing impact on the surrounding area, using changes in ground levels where appropriate. They should allow for visual breaks between buildings and create a sense of identity,
 - Layout – Developments should avoid being bland or overbearing and have a harmonious pattern of buildings and space between. They should have defined public and private space so that there is no ‘leftover’ space,
 - Materials – Habitable windows should face frontages and be proportionate in size with materials being robust and of high quality in prominent corner locations,
 - Crime prevention – Safe environments can be produced by having surveillance of public areas with defined routes through the development. A balance needs to be made between privacy against surveillance of this space. Plans for maintenance of landscaping and use of security features, such as lighting and CCTV, can assist in reducing the likelihood of vandalism and anti social behaviour. High security gates should be avoided unless they are setback and well screened otherwise this can increase the fear of crime.

Height, Size & Massing

- 10.14 Gemini House is a utilitarian industrial uninspiring blue building of shed like appearance. It does not address the shape of the site nor befit its prominent location facing the roundabout being seen along Manor Road and Studio Way being. This does not serve to raise the image of the area in need of regeneration.

10.15 The proposal would provide five buildings in blocks A to E, with block A on the Manor Way/Elstree Way corner and block E the three houses on the Bullhead Road frontage of the site. It would be a prominent feature on these two corners, with Manor Way of a commercial nature and Bullhead Road of a residential nature. The highest six storey buildings would be on the corner curving around from Manor Way to Elstree Way, with an 8.4m separation distance with Meteor House to the south. The top floor would appear less dominant than otherwise being setback with the use of balconies. The pavement levels rise to the east and allow for level access from the pavement to the proposed flats on Elstree Way which would be above the semi-basement parking. On Bullhead Road the scheme would lower to 2.5 storey houses adjacent to the two storey housing starting at No 1 Bullhead Road.

10.16 There are neighbouring high buildings that are four storey, but appear as five storey due to level changes in relation to this site; the Cardiff Pinnacle building to the east and Devonshire House on Manor Way to the south. The Ibis hotel on Elstree Way is six storeys in height 200m to the west. The scale of the setting of the site is significant with Elstree Way having a width of over 20m and more in some places with buildings significantly set back from the road. This allows for landscaping however it also disengages building uses from the public realm whilst allowing significant buildings to appear dwarfed by this street breadth. The proposal would create buildings closer to surrounding roads, with appropriate visual breaks between, allowing for the street to be framed and allow for the opportunity of closer engagement of the development to public areas surrounding the site.

Layout, Spacing & Setting

10.17 The buildings have been positioned to allow for views between them with gaps of 2.5m to 5m wide on all three frontages of the site between the five buildings. This allows for views of landscaping to the rear and of sky gaps between the blocks. Pedestrian access would be gained from between the blocks with the main entrances to the rear facing the amenity space. The space to the front of the blocks would include private amenity space with further details to be provided on boundary treatment using planting and low level fences. The gap from block A to the boundary would be 8.4m and from block E to the boundary would be 2.5m. This would allow for adequate spacing between blocks and to the edges of the site. The parking areas would not dominate the appearance of the site as they have been designed to be mainly beneath the podium amenity area proposed and the flats.

Architectural Design

10.18 The design concept has involved a balance between having the horizontal effect of balconies and windows curving around the most prominent facade on Manor Road/Elstree Way whilst adding some vertical emphasis

in the surrounds to windows. Roofs have been set back and amenity areas added with mainly recessed balconies giving variation, depth and visual interest to all elevations. Further details of materials and boundary treatment will be required as a condition to ensure that these are of high quality in this prominent location. This will also ensure that fences and walls are designed to minimise a risk of encouraging crime and anti-social behaviour.

- 10.19 The terrace of three houses proposed on Bullhead Road would have pitched roofs, with one side truncated slightly, with eaves levels matching those of the street and ridge levels 0.9m higher. The houses would have a contemporary design with 1.4m two-storey projections to the front, with materials to be determined, although the ground levels will be rendered. These would be a positive addition to the streetscene that will build on the context of traditional architecture providing a transition to the modern flatted design on the main part of the scheme.

Impact on Residential Amenity

- 10.20 Policy H8 of the Local Plan 2003 seeks to ensure that the privacy of neighbours are maintained with adequate separation between buildings and to site boundaries. This is followed through in the Planning & Design Guide 2006 which sets a minimum distance between proposals of three storeys or more with neighbours to be no less than 28 metres. Flank walls without windows should not be closer than 16m from facing habitable room windows. The Design Guide also discourages balconies and roof terraces where there would be a loss of privacy. There is a need to ensure that buildings do not impinge on a line taken at 45 degrees from a neighbouring edge of window. Developments should comply with the Building Research Establishment (BRE) sunlight/daylight planning guidance.
- 10.21 Amenity space requirements within developments within the Planning & Design Guide Part D are 75% of the floorspace of the scheme (gross internal area or GIA) and 80 sq.m. for 4 bed houses. These require long term maintenance with soft landscaping counted towards this requirement if it can be used as private space. The space should help visitor orientation within the site, using native species for longevity and different textures to create identity.

Privacy

- 10.22 The proposal has provided a scheme which, on this large 1.04 Ha site, can provide sufficient distance to neighbours so as not to impinge on their private amenity areas or allow overlooking to habitable room windows. The nearest house is 1 Bullhead Road that is an extended house at ground and loft level with secondary or non habitable room windows facing the side of its boundary towards the site. The most direct overlooking that could occur is from the back of block D at five storeys with balconies towards the sides of the rear gardens of 1 Bullhead Road

from a distance of 33m at their closest point. These windows would overlook the rear two thirds of the long gardens of these properties some 16m away from the most private areas of this closest house at No1. Given the distance from the private patio areas of this house and that these windows would overlook the further areas of No 1's garden this relationship is not considered detrimental to the occupier's living environment through loss of privacy.

- 10.23 The distance from the rear of the five storey block A on Manor Way to the backs of these same houses is also appreciable at 71m. This distance is far in excess of the minimum distance recommended in the Planning & Design Guide for three storeys or above of 28m. Within the scheme the layout allows for no overlooking at all between proposed facing windows. Privacy screens are being shown on the 2nd floor (4th level) sides of balconies proposed in block D facing block E to protect their privacy and a condition to ensure this is maintained in proposed. There are windows placed in the sides of flats across the spaces between the blocks. These have been offset so as not to face one another, and are of a secondary nature so that they allow for surveillance of the public spaces between the blocks without causing loss of privacy or outlook to the future occupants. The development of flats at Studio Plaza is located 47m away across Elstree Way to the north of the proposal. This would be a sufficient distance away not to be detrimentally impacted on by the structures proposed in terms of privacy. Consequently there is an acceptable impact on privacy grounds from the development.

Outlook

- 10.24 The development has been located to the edge of the site so that there is no detrimental impact on outlook to either neighbours nearby or across Elstree Way, or within the development between future occupiers, from projecting rear elevations. The bottoms of the gardens of houses in Bullhead Road backing onto the site include a solid wall and would have parking to the rear, which is the same use that is being made of the land as existing but related to a business. The podium above the parking would be 2m higher but would be over 16m away from the bottom of these gardens, which are over 43m in length. Consequently with this distance there would be an acceptable impact on the amenities of these houses in terms of outlook.

Sunlight and Daylight

- 10.25 The proposal does not impinge to a detrimental degree on sunlight or daylight received by neighbours or future occupiers within the development being due north of the nearest houses on Bullhead Road. The proposal would comply with the guidance from the Building Research Establishment also as to the impact on the flats on the other side of Elstree Way.

Amenity space

- 10.26 The policy target for private amenity areas of 75% of the gross internal area of the development would create the need for 10,559 sq.m. of this space for the development (75% of 14,079sq.m). Each flat would have a balcony and with the roof terraces there would be 4,315 sq.m. of private amenity space provided plus 2,942 sq.m. of communal space in the podium deck and communal garden. In addition each of the three houses would be provided with sufficient amenity space. The private amenity space to be provided for the flats would only be 40% of the 10,559 sq.m. target. However, if including the other private communal space on the ground floor this amount would be 69% of this level totalling 7,258 sq.m. of open space. A condition is recommended that removes permitted development rights for the houses to enable control over the impact of potential future developments of the house, and to protect the amount of amenity space they would have. Given the high density and flatted nature of the development close to a town and civic centre it is considered that overall the proposal would provide sufficient amenity space to meet the needs of the development within this style.

Noise

- 10.27 The proposal is adjacent to an industrial use of Meteor House (former Impex House) to the south and the development has been amended to move the proposed flats away from this site. This in order to allow for this business to function with less potential noise complaints from future occupiers should a more noisier use choose to use these premises. The noise assessment considers that, with double glazing proposed, noise from the surrounding roads is not considered at a high level to be considered detrimental to the living environment of future occupiers. Further details on the mitigation to ensure adequate ventilation is provided as well as a required quality of double glazing suiting this noise is proposed.

Parking, Access & Highway Safety

- 10.28 The NPPF 2012 requires local authorities to define local parking standards in accordance with their needs and take into account the accessibility of a site and the opportunities for the use of public transport. Policies M2, M5 & M6 of the Local Plan 2003 seek to support developments that do not overburden the highway network and that cater for pedestrians and cyclists.
- 10.29 Policy M12 of the Local Plan 2003 requires developments to comply with design guidance on highway matters, consider whether traffic generation would adversely impact on the local road network and ensure that there is adequate space for circulation, parking, manoeuvring and servicing.

10.30 Policies M13 of the Local Plan 2003 and CS24 of the Revised Core Strategy 2010, with the Parking Standards Supplementary Planning Document 2008 (updated 2010), refer to the need to accommodate off street parking within developments. Policy CS25 seeks to encourage awareness and provision of alternatives to the car in new developments.

Car Parking

10.31 The Parking Standards SPD (updated 2010) sets out parking standards for different sizes of homes according to the number of bedrooms. This standard can be reduced in areas of high accessibility where there is a demonstration that parking demand will be less from the development. This site is within Zone 3 of the Residential Accessibility Zone set out under the SPD where the maximum parking standard can be reduced by up to 50%. For the mix proposed the number of parking spaces could vary between a minimum of 161 to a maximum of 321 spaces. In addition are requirements for disabled parking (at 6% of the number of parking spaces) and such larger spaces useable to all (at a standard of 1 for every 10 homes). In addition, are motorcycle parking (5% of the parking provided) and cycle parking (at 1 long term space per home and 1 short term space for five homes). There are cycle pathways running past the site along Elstree Way.

10.32 The proposal would provide for 187 parking spaces (comprising 161 parking spaces, 10 disabled spaces and 16 of similar size standard) plus 8 motorcycle bays and 206 cycle parking spaces (169 long term spaces within the car park, 3 for the three houses and 34 short-term spaces). This would be a ratio of just over 1 per home. This would meet the relevant standards, including at a 50% reduction from the maximum. Conditions would be applied that require the parking areas to be available before the homes are occupied.

10.33 The applicant has provided evidence on the actual number of cars people have owned in the local area of Borehamwood Hillside ward. This suggests that, should this ratio be repeated within the development, that 65% of the proposed spaces would be used. Although this may not be repeated for new residents within the development the site does have a locational advantage of being within 1.4km walking/cycling distance of Elstree & Borehamwood Railway Station, a bus stop outside it and a close proximity to the town centre, so that a lower parking standard could apply here. It is consequently considered that there is an acceptable level of off street parking in the scheme that will meet the demands from the new residents who would live in the homes.

10.34 The developer has offered up a financial resource to support an investigation into the provision of a controlled parking zone in this area. However, the parking section of the council does not consider that there will be a need for a controlled parking zone around this site as there is not seen a likelihood of commuter parking pressure created by the scheme.

Consequently with this level of parking the scheme is considered to comply with the above parking standards.

Access & Highway Safety

- 10.35 There is not anticipated to be any material impact on traffic flows from the development on the surrounding highways until 2017, a view supported by the Highways Authority. The Transport Statement outlines traffic flow impacts on the local double roundabout in the scenario of the development being occupied. The figures show a minor impact on these flows in 2017 where there would be queuing in any case. The scheme would provide vehicular access to its semi basement car park from Manor Way, that is currently used as the main access to the industrial site. There will be a ramp to the parking spaces and for refuse collection vehicles (RCVs) to collect waste from the lower level bin areas. The layout will allow for a turning area within the site for these large vehicles.
- 10.36 Conditions would be applied that provide for a strong enough surface for the access routes within the site for the RCVs up to 28 tonnes, to ensure that the accesses are built to the required highway standards. A further condition would seek the implementation of a green travel plan to encourage use of other modes of transport than the car available in this location. The development will involve the removal of the existing access from Bullhead Road that is an improvement to local residents worried about noise impacts from this existing access. This will be conditioned to ensure the new accesses provided would meet with the County council highway design standards. Improvements within the local area are proposed to be financed through the S106 agreement to be attached to this scheme of the infilling of the subway immediately outside the site and the improvement of one of the crossings near the roundabouts closeby. With these conditions and benefits, the proposal would comply with highway safety policies.

Trees, Landscaping & Protected Species

- 10.37 Policies E3, E7, E8 of the Local Plan 2003 and CS12 of the Revised Core Strategy 2011 support conservation of the natural environment, protected species, trees and hedgerows.
- 10.38 The site does not have evidence of protected species, habitats or plants of value to be retained. There are some valuable trees on the frontage and within the site and none are proposed to be lost through the development. Trees that would be removed are of low amenity value. The scheme will not be building closer to trees than the hardsurfacing that currently exists. Where there are trees of high value these are to be protected through a condition to provide protective fencing during the construction process. The most valuable tree, that is an Oak to the front of the site, is a street tree and this will be protected under the control of the County Council.
- 10.39 The new landscaping proposed within the scheme will use the White Hornbeam trees adjacent to 1 Bullhead Road and trees along Elstree Way

as part of the design.

- 10.40 The SPG on Recreation Provision for Residential Development, supported by policy L5 of the Local Plan 2003, requires for schemes of this size accommodating between 250 and 499 persons (with this scheme able to house 318 persons) a Neighbourhood Equipped Area for Play (NEAP or larger play area) on site. This should be made available to the public taking up 1,000 sq.m. of space with eight pieces of play equipment involving a commuted sum being granted to the council for maintenance.
- 10.41 Instead of this provision two landscaped areas would be provided – a western area to include imaginative play of boulders and textured hard surface and an eastern podium deck with a large communal plaza with pergola feature for passive recreation with open space in front available for active recreation. There are also proposals in the area to provide a NEAP play space in Maxwell Park, which is a walking distance from the application site, for which resources from other S106 agreements are awaiting to be spent. There are opportunities for play locally, with a local area for play proposed as part of Oaklands College and open space at Meadow Park and Kenilworth Park. This will meet the needs of the development in terms of outdoor play space in a high density scheme where a traditional playground would not be considered appropriate on site. The landscaping proposals have been provided in sufficient detail and a condition to ensure that they are planted in accordance with these plans is recommended.
- 10.42 The scheme has been assessed by the council trees officer and with the new landscaping proposed and the conditions to be applied it is felt that there will be an acceptable impact on trees and protected species for the scheme to comply with these policies.

Land Contamination

- 10.43 Policy D17 of the Local Plan 2003 supports refusal where there is a potential health risk to occupants on a site from contamination that cannot be mitigated.
- 10.44 Conditions would be applied to the scheme that will involve the submission of a remediation scheme to ensure that contamination present on site is effectively made safe for future residents and the wider environment. A condition would ensure that mitigation is provided against noise from the road through appropriate glazing and ventilation to the flats. The environmental health team consider that this location of the site would justify the provision of an air quality monitoring station. This has been agreed as part of the S106 agreement.

S106 Contributions

- 10.45 The NPPF 2012 states that requests from local authorities for S106 payments should take into account the development viability to ensure development can be delivered. This to ensure that the scale of

obligations and policy burdens are such that the ability to develop viably is not threatened. Policies R2 of the Local Plan 2003 and CS20 of the Revised Core Strategy 2010 require provision for off site improvements necessary to support new development. This is detailed in the Planning Obligations SPDs from Hertsmere in 2010 and Hertfordshire County Council (2008).

- 10.46 The Hertsmere SPD is designed for smaller schemes up to 15 homes and allows some flexibility for larger sites such as this. Consequently in defining the requirement there is more flexibility, particularly when the scheme is providing almost the full requirement of affordable housing as is the case here. The affordable housing would be delivered in accordance with the types and mix outlined previously. There will also be a requirement for a fire hydrant clause to be included in the agreement.
- 10.47 The council has considered the demands being created from the development. There are obligations on a local authority, as part of the Community Infrastructure Levy Regulations 2010 (CIL), to ensure that a planning obligation being agreed is; necessary; directly related to the development; and fairly and reasonably related in scale and kind to it. In this respect it is not considered that it is reasonable to request a contribution towards leisure facilities as the Venue leisure centre is provided opposite the site. Neither is it considered that it is reasonable for sustainable transport measures to be financed from the development given previous appeal decisions in Hertsmere where it was considered that this request did not meet the CIL tests above. Consequently the requests below have been reduced by these amounts.
- 10.48 However the applicant has offered up contributions as stated below which ringfence the amounts required for the local highway improvements and the air quality monitoring station but reduce the others in an otherwise equal way. The reduced contributions from the scheme have been explained through evidence provided of the higher than normal building costs for the development. This is partly explained by the need, during the design process, to create a podium open space above a basement car park area to improve the attractiveness of the development. Costs are also higher per square metre due to the taller buildings proposed when considering the stronger materials and extra lifts required with the scheme being divided into several blocks. These reasons are considered reasonable in order to ensure that the overall scheme remains viable and deliverable.
- 10.49 The contributions, as requested and agreed with the applicant taking into account demands on local services and what the scheme can viably absorb are as follows:

Hertsmere Borough Council	SPD requirement	Agreed by developer
Public open space	£216,113	£93,970
Playing Fields	£10,418	£4,530
Greenways	£29,999	£13,044
Allotments	£78,842	£34,282
Cemeteries	£4,364	£1,898
S106 Monitoring	£8,629	£3,752
Crime prevention	£31,373	£13,642
Museums & Cultural facilities	£28,210	£12,266
Remediating amenity space charge	£400,428	£174,113
Air Quality monitoring station	£72,054	£72,054
Hertsmere subtotal	£880,430	£423,550
Hertfordshire County Council		
Primary education	£205,874	£89,518
Secondary education	£122,400	£53,222
Nursery Education	£31,326	£13,621
Childcare	£11,328	£4,926
Youth	£2,432	£1,057
Libraries	£20,944	£9,107
Local Improvements (Underpass infill & crossing enhancement)	£75,000	£75,000
Hertfordshire CC subtotal	£469,304	£246,450
TOTAL	£1,349,734	£670,000

Other matters

Sustainable Design

- 10.50 Policies D15 of the Local Plan 2003, K1 and CS16 of the Revised Core Strategy 2011 requires development to reduce their use of carbon through incorporation of renewable energy generation or sustainable design. The Planning & Design Guide Part D states that this can include south facing windows to habitable rooms and space for solar panels. The scheme will have many flats having south facing windows whilst having space on the roof for solar panels to comply with these policies. Many design issues encouraging sustainable design are regulated under the Building Regulations also.

Waste

- 10.51 The Planning & Design Guide Part D and the Technical Note on Waste Storage Provision Requirements for New Developments state that boundaries of developments should not be more than 25m from where waste collection vehicles stop, have access roads that can withstand a 28

tonne refuse collection vehicle within the site and meet the needs of the occupiers' waste streams. The proposal has provided space for 100 Eurobins and 6 wheelie bins in two areas for collection from the car park access and to be brought towards the frontage on Elstree Way. This is acceptable to the waste manager at Hertmere Borough Council and would comply with the above policies and guidance.

Drainage

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

Construction Methodology

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

11.0 Conclusion

- 11.1 The proposal for this significant residential scheme on this employment site has been supported as it has been established that the site is no longer considered of value to meet a need for employment purposes. The proposal would have an acceptable impact on the character and appearance of the area, residential amenities, parking, access and highway safety, valuable trees and would meet the demands on local public services that would be created by future occupiers. The proposal would be compliant with policies of the NPPF 2012, B1, D3, D15, D16, D20, D21, E7, E8, H1, H8, H15, H16, K1, L5, M2, M5, M6, M12, M13 & R2 of the Local Plan 2003, SP1, CS1, CS2, CS4, CS7, CS8, CS10, CS12, CS15, CS16, CS20, CS21, CS22, CS23, CS24, CS25 of the Revised Core Strategy 2011, the Affordable Housing SPD 2008 (and draft 2011), Planning Obligations SPD 2008, Parking Standards SPD (updated 2010), the Elstree Way Corridor Planning & Design Brief 2003 and the Planning & Design Guide 2006 Part D.

12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act within 6 months from the date of this decision.

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

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

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
CR01 Development to commence by - Full
- 2 **CE01** Prior Submission - Access etc. Details
CR20 Highway Site Visibility
- 3 **CE02** Completion of Access etc (Before Works)
CR18 Highway Traffic Flow
- 4 **CE03** Completion of Access etc (Before Use)
CR18 Highway Traffic Flow
- 5 **BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT**
the parking spaces on the approved plans shall be provided in accordance with the approved details and thereafter retained for the sole use of parking for the development hereby approved.
CR23 Highway Parking Provision
- 6 **CE16** Construction Management
CR37 Wheel Cleaning
- 7 **CE18** Green Travel or Transport Plan
CR42 Green Travel Plan

- 8 **CB02** Prior Submission - External Surfacing
- CR08** Visual Amenity - Residential
- 9 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority. This shall include construction details of the access ramp and routes within the site for vehicles and Refuse Collection Vehicles in order to safely withstand a weight of 26 tonnes. Development shall be carried out in accordance with the details so approved.
- CR29** Landscape/Trees Underground
- 10 **CB13** Prior Submission - Fencing etc (General)
- CR12** Visual & Residential Amenities
- 11 The approved scheme of landscaping, phased in relation to any phasing of the development, include details of both hard and soft landscape works and earthworks shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.
- CR27** Landscape/Trees Provision
- 12 **CB20** Prior Submission - Underground Works
- CR29** Landscape/Trees Underground
- 13 **CB21** Prior Submission & Deploy Tree Protect.
- CR28** Landscape/Trees Protection
- 14 **CB21** Prior Submission & Deploy Tree Protect.
- CR28** Landscape/Trees Protection
- 15 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm (with an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the

development is completed. Scheme to include: 1. Run-off to be restricted to 7l/s in all events up to the the100 year critical storm (with an allowance for climate change) 2. Drainage strategy to included swales, permeable paving and underground attenuation.

Reason:

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

16 NO DEVELOPMENT SHALL BE COMMENCED until a contaminated land assessment and, if necessary, associated site investigation, and remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted (two copies of each report) and approved in separate phases, as required, taking full account of the following:

a) The Contaminated Land Assessment shall include a desk-top study and site reconnaissance exercise (Phase 1) to establish whether the site is potentially contaminated and to produce a conceptual model of the site indicating sources of potential contamination and possible pathways to receptors of concern. If findings demonstrate it is necessary, a site investigation strategy shall be produced, which should be discussed with the Environmental Health Department.

b) The site investigation (Phase 2) shall consider relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy.

c) The Local Planning Authority shall approve this remediation strategy (Phase 3) as proposed prior to any remediation commencing on site. The work shall be of such a nature so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Any laboratories used for sampling shall be compliant with UKAS/MCERT or an equivalent approved accredited quality control system as appropriate. If during any works contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition then the additional contamination shall be fully assessed and an appropriate remediation

scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.
Reason: To ensure the development does not give rise to unacceptable levels and types of pollution and to comply with Policy D17 of the Hertsmere Local Plan 2003.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS15 of the Local Plan 2003.

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

Reason: In the interests of protecting the amenities of future occupiers from noise to comply with policies D13 of the Local Plan 2003 and CS15 of the Revised Core Strategy 2011.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, or new building or enclosure erected within the garden space, without the prior written approval of the Local Planning Authority.

Reason:

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

- 19 **PRIOR TO OCCUPATION OF THE DEVELOPMENT** details of the southern facing sides of the proposed balconies at 2nd floor of block D shall be submitted and approved in writing by the local planning authority. The panels shall be completed in accordance with these plans and shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

CR11 Residential Amenity (includes privacy)

- 20 **CB04** Prior Submission - Levels

CR38 Levels

- 21 This Determination Refers to Plans:
- 763.100 & 101 received 9.7.12
 - 763.105C; 106C; 107C; 108C; 110D; 112C; 113C received 13.9.12
 - 763.102D; 103D; 104D, 111D & 114 cross section received 21.9.12
 - 763.114 & Open Space Play report (received 30.7.12)
 - Design & Access Statement, DPP Planning Statement, Statement of Community Involvement, Tree Report, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan, Landscape Specification, Landscape Management Plan, Landscape Proposals 1 & 2 and Open Space Plan (TWNT 18136-11 Sheets 1 & 2 and TWNT18136-05), Habitat Survey, Transport Assessment, noise Assessment, Flood Risk Assessment, Drainage Strategy, Sustainability Statement, Geo-environmental assessment, Supplementary Geo-environmental assessment & Employment Report received 5.7.12.

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

General Reason(s) for Granting Permission

The proposal for this significant residential scheme on this employment site has been supported as it has been established that the site is no longer considered of value to meet a need for employment purposes. The proposal would have an acceptable impact on the character and appearance of the area, residential amenities, parking, access and highway safety, valuable trees and would meet the demands on local public services that would be created by future occupiers. The proposal would be compliant with policies of the NPPF 2012, B1, D3, D15, D16, D20, D21, E7, E8, H1, H8, H15, H16, K1, L5, M2, M5, M6, M12, M13 & R2 of the Local Plan 2003, SP1, CS1, CS2, CS4, CS7, CS8, CS10, CS12, CS15, CS16, CS20, CS21, CS22, CS24, CS25 of the Revised Core Strategy 2011, the Affordable Housing SPD 2008 (and draft 2011), Planning Obligations SPD 2008, Parking Standards SPD (updated 2010), the Elstree Way Corridor Planning & Design Brief 2003 and the Planning & Design Guide 2006 Part D.

13.0 Background Papers

- 1 The Planning application (TP/12/1456) 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.

14.0 Informatives

1. The application has been considered in the light of the following policies: the NPPF 2012, B1, D3, D15, D16, D20, D21, E7, E8, H1, H8, H15, H16, K1, L5, M2, M5, M6, M12, M13 & R2 of the Local Plan 2003, SP1, CS1, CS2, CS4, CS7, CS8, CS10, CS12, CS15, CS16, CS20, CS21, CS22, CS23, CS24, CS25 of the Revised Core Strategy 2011, the Affordable Housing SPD 2008 (and draft 2011), Planning Obligations SPD 2008, Parking Standards SPD (updated 2010), the Elstree Way Corridor Planning & Design Brief 2003 and the Planning & Design Guide 2006 Part D.

2. Building Regulations

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

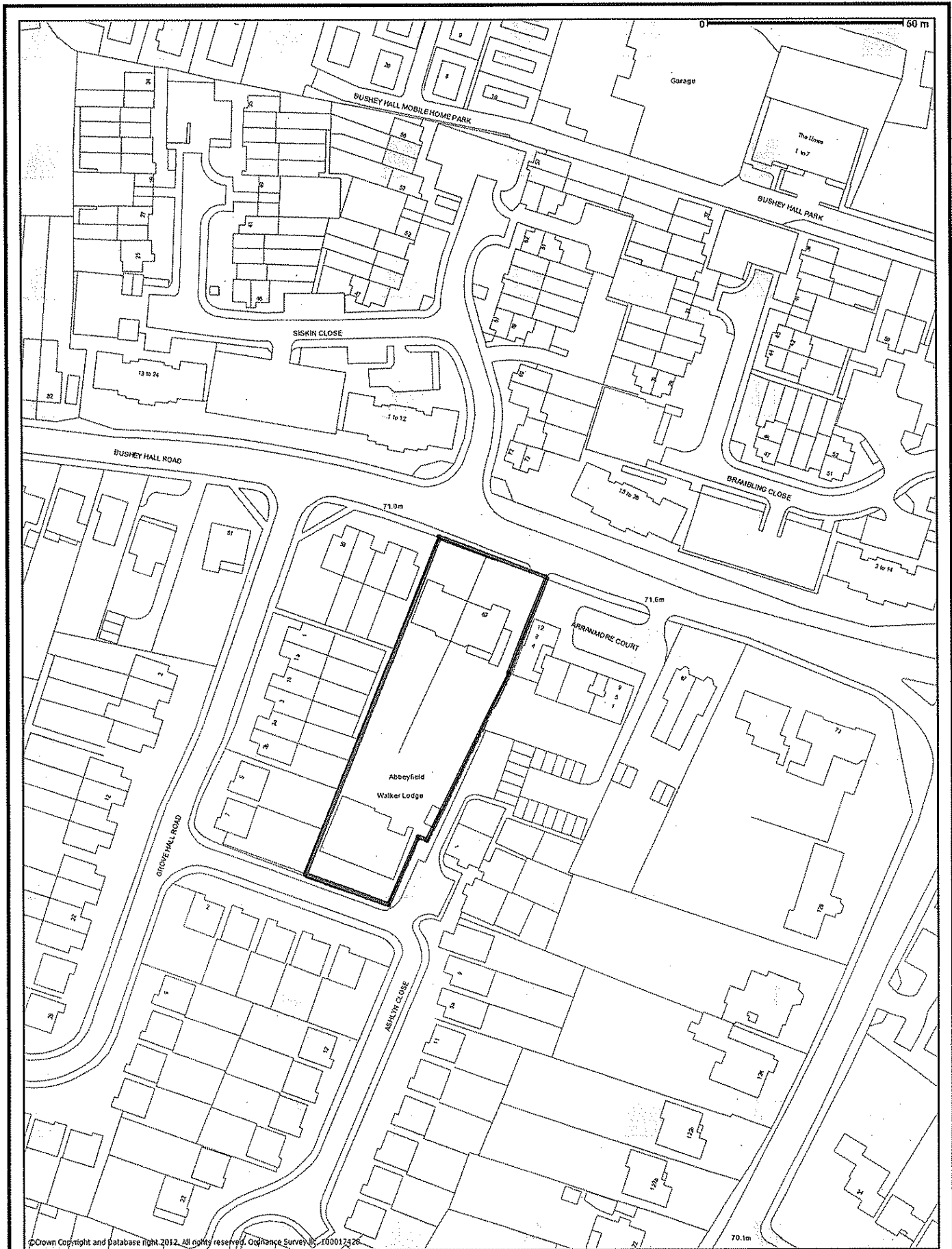
3. This application is the subject of a S106 agreement.

Case Officer Details

Andrew Smith 0208 207 2277 - **Email Address** andrew.smith@hertsmere.gov.uk

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Scale 1:1250

TP/12/1495

61-63 Bushey Hall Road and Abbeyfield
Society Walker Lodge, Ashlyn Close, Bushey



HERTSMERE

DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1495

DATE OF APPLICATION: 12 July 2012

STATUTORY START DATE: 03 August 2012

SITE LOCATION

61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey

DEVELOPMENT

Demolition of units 61 - 63 Bushey Hall Road and Walker Lodge and the construction of a 3 storey building comprising of 16 x 2 bed flats and 6 x 1 bed flats (Extra Care Home Units) with ancillary amenities, landscaping, car parking and access.

AGENT

Ms E Beardmore
GL Hearn
20 Soho square
London
W1D 3QW

APPLICANT

The Abbeyfield Society
C/O Agent

WARD

Bushey North

CONSERVATION AREA Not in a Conservation Area

GREEN BELT

No

LISTED BUILDING LOC

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

1.1 Refuse to grant planning permission.

2.0 Application site / Surrounding area

2.1 The site is located in a predominately residential area on the edge of Bushey. The site is located on the southern side of Bushey Hall Road and extends to Ashley Close to the rear. The site has an area of 0.25 hectares and contains two large buildings at opposite ends of the site. The building that fronts Bushey Hall Grove, Parkminster, is a Locally Listed Building constructed around 1905. The building is constructed of brown brick with brown roof tiles. The second building on site which fronts Ashlyn Close, Walker Lodge, is a 2 storey building that is finished in red brick with a large board fascia with a pitched roof. This building is currently in use as a care home.

2.2 The site is bounded by properties of Grove Hall Road, whose gardens back onto the western boundary of the site. There are a number of flatted developments in the area, primarily fronting onto Bushey Hall Road. Ashlyn

Close, located to the south of the site, comprises two storey detached and terraced dwellings with parking to the front.

3.0 Proposal

- 3.1 The proposal is for the erection of what is described by the applicant as residential 'extra care home units' for the elderly and disabled but falling under the definition of C3 as stipulated on the application forms. The proposed building will take the form of a large 2-3 storey building that will extend from Bushey Hall Road to Ashlyn Close to the rear. The building will contain 22 flats, all of which contain a range of habitable rooms, including separate bathroom, kitchen and lounge facilities. The residents will include those over 55 years and where a degree of care is required there will be appropriate facilities available. As already noted the applicant describes the development as Use Class C3 Extra Care Residential. 11 car parking spaces are proposed to accommodate the development.
- 3.2 The applicant states that the development will benefit from an on-site manager and care contracts to suit individual requirements will be arranged as necessary. No information has been provided on how the 'extra care' part of the proposals will be operated.

Key Characteristics

Site Area	0.25
Mix	Residential
Dimensions	Height - 9.5 metre to 9.7 metres Width -19.8 metres to 24 metres Depth - 71 metres
Number of Car Parking Spaces	7 spaces proposed 4 to be retained

4.0 Relevant Planning History

None

5.0 Notifications

5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	64		64	1	0

Neighbours were notified, a newspaper notice and sites notices were erected. In summary, the following responses have been received -

Objections

Impact on visual amenity

- The size of the proposed building is inappropriate and out of keeping with the character of the area.
- Infilling is unacceptable
- Height, mass and density of the development is unacceptable
- Building will dominate the area
- Proposed building looks like an office block which would be out of character in a residential area
- Surrounding area comprises of semi detached and terraced housing, three storey flat complex would be out of character
- Appearance of Bushey Hall Road will be changed dramatically
- A brick wall fronted wall with a railing at Walker Lodge is against the open plan layout of the area
- Consultation statement describes the building as a 2.5 storey building, when in fact it is a 3 storey building

Car Parking

- Insufficient parking proposed for the scheme
- Lack of on site parking would exacerbate existing parking problems in the area
- Homes are aimed at over 55s, with only 8 car parking spaces proposes this suggests that residents will not drive.
- Lack of parking spaces on site will result in parking on Ashlyn Close and surrounding areas which are already congested
- Estimated 38 residents and 9 staff - proposed parking not sufficient

Traffic

- The proposal would exacerbate existing parking problems in the area
- The proposal will result in more congestion that would impede emergency services gaining access to the cul de sac
- Traffic analysis seriously under estimates the amount of traffic the development will generate
- Hazard to pedestrians as a result of increased traffic

Residential Amenity

- The height of the three storey building will have a serious impact on the privacy of neighbouring properties
- Three storey building will result in a loss of light and overshadowing
- Considerable loss of amenity for residents of Arranmore Court and other neighbouring properties
- Proposed balconies will result in a loss of privacy
- The proposal contravenes the Council's Planning and Design Guide Part D.

- Proposed glass day room will result in overlooking

Access

- There are currently issues with parked cars causing problems for refuse collection

Impact on Listed Building

- Locally Listed building should be retained to protect the character of the area
- demolition of Locally Listed Building should be challenged
- Design of new building on Bushey Hall Road is poor in comparison to the existing building on site

Other

- The proposal will result in extra noise in the area
- There is a covenant on the lands that restricts development on this plot
- Meetings were held with developers and neighbours, not all neighbours were notified of these meetings.
- Demolition and construction works will cause disruption
- Applicant has not demonstrated the need for such an extensive development
- Loss of trees and open green space
- An application to develop a block of flats on the site was rejected in the 1980s
- Abbeyfield is not a "not for profit" organisation
- The site itself is on higher ground than its surrounding neighbours
- Development is not for a change of use but for a far larger enterprise
- Impact on local ecology
- Building over the gardens would result in a loss of open ground to absorb rainwater that may lead to increased flash flooding
- Some residents have put their properties up for sale as a result of the proposal for sheltered accommodation. Sheltered accommodation would have a negative impact on the sale of properties in the area
- Residents of the development are likely to be able to drive
- The development would dominate the site in both a physical and psychological way
- Smells and fumes from the restaurant would be unwelcome

6.0 Consultations

Hertfordshire Biological Records Centre The Initial Bat Survey undertaken by Middlemarch Environmental Ltd (Report Number RT-MME-110898-03, June 2012) is inconclusive as to whether bats are present within one or more of the buildings (Building 1 and 2) on the proposal site. The buildings were deemed to offer high potential to

	support roosting bats and the report recommends further bat activity surveys should be undertaken. Permission should not be granted.
Drainage Services	No objection to the proposed development subject to conditions.
Asset Management - Parks and Cemeteries	Comments received - no objection to the proposed works.
Tree Officer	No objection to the proposed works.
Highways, Hertfordshire County Council	No objection to the proposed development. Highways Officer note that on-street parking is already occurring in Ashyn Close and the limited amount of on-site parking is likely to result in additional pressure on the limited available on-street parking. The existing access from Bushey Hall Road will be improved and a new access from Ashlyn Close is proposed. The applicant will therefore be required to contact Herts Highways and enter into a Section 278 Agreement to enable the highway works.
Thames Water	No objections subject to the following conditions. Been unable to determine the waste water infrastructure needs of this application. Should the LPA look to approve the application ahead of further information being provided, we request that the following "Grampian Style" conditions be applied.
Veolia Water Central Limited	The site is located with an Environment Agency defined Groundwater Protection Zone corresponding to th Bushey Hall pumping station. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices.
Conservation Officer	The current designs reflect a series of discussions held at pre-planning stage. The Conservation Officer recommends that the demolition of the Locally Listed building is not the subject of objection due to adequate design qualities having been incorporated into the replacement building fronting Bushey Hall Road. Recommends approval subject to two conditions.
Hertfordshire Health & Wellbeing Board	No response received to date

Building Control	No response received to date
Senior Traffic Engineer	No response received to date
Environmental Health & Licensing	No response received to date
Housing	No response received to date
Hertsmere Waste Management Services	No response received to date
EDF Energy Networks	No response received to date
National Grid Company Plc	No response received to date

7.0 Policy Designation

7.1 Bushey Urban Area

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
4	Circulars	11/95	Circular 11/95 - Conditions
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
7	Hertsmere Local Plan Policies	E3	Species Protection
8	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
9	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
10	Hertsmere Local Plan Policies	E13	Listed Buildings - Alteration and Extensions
11	Hertsmere Local Plan Policies	E18	Buildings of Local Interest
14	Hertsmere Local Plan Policies	H8	Residential Development Standards
15	Hertsmere Local Plan Policies	S3	Residential Care and Supported Accommodation

16	Hertsmere Local Plan Policies	M2	Development and Movement
17	Hertsmere Local Plan Policies	M13	Car Parking Standards
18	Hertsmere Local Plan Policies	R2	Developer Requirements
19	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
20	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
21	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
22	Revised Core Strategy	REV_CS18	Key community facilities
23	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
24	Revised Core Strategy	REV_CS24	Accessibility and parking
25	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
26	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
27	Any Other Policy	AOP	Any Other Policy

9.0 Key Issues

- Pre- Application
- Use Class of Development
- Principle of development
- Design and Visual Appearance
- Loss of Locally Listed Building and Historic Environment
- Affordable Housing
- Residential Amenity
- Highways and Access
- Car Parking
- Drainage
- Trees
- Amenity Garden Provision
- Refuse
- Ecological Considerations
- S106 Contributions

10.0 Comments

Pre Application Advice

- 10.1 The applicant engaged in extensive pre-application with Planning Officers and

with the Conservation Officer with regards to the proposed development. Overall, the principle of the scheme was agreed with the Planning Officer and the agent.

- 10.2 At the pre planning stage, advice given by the Planning Officer was based on the assumption that the scheme would be submitted as a C2 residential institution development. However, the applicant has now submitted the scheme as a C3 development with a care function. Therefore, some elements of advice previously given to the application will not be relevant to the current application.
- 10.3 In terms of the locally listed building, the applicant was advised that if the building were to be demolished, considerably more efforts on the design of the new building would be needed before a replacement building of sufficient quality to match the existing, is produced.
- 10.4 In broad terms, the principle of the re-development of the site has been established at the pre-planning stage. It was agreed subject to the satisfaction of the Conservation Officer, that the locally listed building could be demolished and the site in its entirety could be redevelopment into a care home scheme to replace the existing buildings on site.
- 10.5 The pre-application advice provided the applicant with information based on the fact that the use on the site would be a C2 - residential institution, this would include advice on parking and amenity provision which is different for C3 developments.
- 10.6 The applicant and Officers engaged over a lengthy period of time regarding the design and layout of the proposed scheme. The applicant was advised that the residential amenity of neighbouring properties would be a primary issue for this development, given that the new scheme would introduce a new two storey element in the centre of the site. In broad terms, the applicant has submitted a scheme that largely reflects the agreed design and spatial layout advice given at the pre - planning stage.

Use Class of Development

- 10.7 The proposal is for the erection of what is described by the applicant as residential 'extra care home units' for the elderly and disabled. This would include 22 flats, all of which contain a range of habitable rooms, including separate bathroom, kitchen and lounge facilities. The residents will include those over 55 years and where a degree of care is required there will be appropriate facilities available. The planning supporting statements establishes that there will be staff employed on site however no information on how the 'extra care' part of the proposals will be operated. It is noted that the applicant describes the development as Use Class C3 Extra Care Residential.
- 10.8 According to the RTP1 Good Practice Note 8, Extra Care Housing, is defined as "purpose-built accommodation in which varying amounts of care and support can be offered and where some services are shared."

- 10.9 The proposed development would include 22 one and two bedroom units, each of which would incorporate a separate kitchen facility and have its own front door. It is considered, from looking at the proposed layout, that it is likely that future occupiers would potentially be able to live independently within these units and presumably pay separate Council Tax. Clearly these units would become the primary residence of their inhabitants.
- 10.10 Significant current case law exists which classifies what is considered to be a C2 use and any such use that would require its residents to receive an element of care. This was determined in the Tiddington Fields, near Stratford -Upon - Avon (APP/J3720/A/07/2037666) appeal whereby the Inspector concluded that 1.5 hours of care, per person, per week, would, as a matter of fact and degree, fall within a C2 use. As noted, evidence from the Planning Inspectorate shows that the level of care provided should be a minimum of 1.5-2 hours of care per resident per day to enable accommodation to be classed as C2. The applicant has yet to demonstrate the level of care to be provided. However, it is noted that the applicant describes the development as C3. Should the level of care to be provided be less than 1.5 hours and by virtue of the character of the proposed units, the Planning Officer would be of the opinion that the proposed development would be within Use Class C3, which is in agreement with the applicant.

Principle of development

National Policy

- 10.11 At the heart of the NPPF is paragraph 14 which sets the context for the presumption in favour of sustainable development and how this relates to both plan making and decision making.

Local Policy

- 10.12 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.

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

- 10.13 It is considered that the principle of a residential care home (the erection of what is described by the applicant as residential 'extra care home units' for the

elderly and disabled.) on site would be acceptable. The proposed development would be required to meet the objectives of both Local Plan and Emerging Core Strategy policies.

Design and Visual Appearance

National Policy

- 10.14 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. This is reinforced in more detail by paragraph 58.
- 10.15 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 functions.

Local Policy

- 10.16 Policies H8 and D21 of the Hertsmere Local Plan requires that new development must respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height; retain, enhance or create spaces, views, landmarks or other features which make a material contribution to the character of the area and not impact adversely on prominent ridge lines, or other important features. Policy S3 of the local plan also seeks to ensure that new development does not significantly impact on the visual amenity of the area. This advice is generally reiterated in Policy CS20 of the Core Strategy 2008 and Part D of the Planning and Design Guide 2006.

General spatial layout and architectural approach

- 10.17 The applicant seeks to erect a residential unit that will accommodate 22 flats, the building will be arranged over a 2 / 3 storey building. The site is extensive in its depth, approximately 45 metres in depth, extending from Bushey Hall Road to the Ashlyn Close to the rear of the site. The site is generally rectangular in shape, and contains two large buildings at either end of the site and a large garden area in the centre. There are a number of mature trees within the site. The site is surrounded by residential buildings.
- 10.18 The area immediately surrounding the application site is characterised by detached and terrace dwellings and flatted developments. Dwellings on Grove Hall Road are standard two storey semi detached and terraced properties with parking to the front and gardens to the rear. Ashlyn Close comprises detached dwellings varying in style and design. To the south east of the site there is a flatted development with a small access road which leads to garages. To the north and east of the site bordering Bushey Hall Road the neighbouring properties are a mix of 3 storey dwellings. The surrounding buildings are a mix of architectural styles with the 2 storey dwellings to the South and West predominately 1970's design.

10.19 The proposed development will be set back from the respective roads of Bushey Hall Road and Ashlyn Close. The development is divided into three parts (as described by the applicant. Villa A will front Bushey Hall Road, Villa B is the central part of the building and Villa C is the element of the building that will front Ashlyn Close. The proposed new building at Villa A will be set slightly forward of the existing building on site, however, it will maintain the overall building line of the street. To the rear of the site the proposed new building at Villa C will be set back from the existing building to make way for a new parking area. Villa B (within the centre of the site) consists of a low level spine building connecting Villa A and C together whilst housing communal facilities as well as accommodation.

10.20 The applicant states that the central part of the building has been offset towards the eastern boundary and is lower in height so as to exceed the minimum overlooking distances to the residents of Grove Hall Road, whilst seeking to retain some of the mature trees on site.

Height, Scale, Mass & Bulk

10.21 The height, massing and scale of the proposed scheme reflects that of the existing buildings on site. Drawing number 3246-P-0704 indicates the outline of the two existing buildings superimposed on top of the proposed buildings. It is clear from this drawing that the proposed new building fronting Bushey Hall Road, will be similar in height and width to the existing building on site. However, this drawing also highlights a 1.8 metre height increase between the existing building and the proposed new building fronting Ashley Close.

Villa A

10.22 The proposed building that fronts onto Bushey Hall Road is referred to in the plans submitted as Villa A. This building will adopt the same eaves and ridge height as that of the existing locally listed building on site. The subject building will have a similar footprint to the existing building, and will have a number of elements that will project beyond the existing footprint. These elements include a number of double height bay projections to the front and a single storey element to the side.

10.23 As the existing building on site is a locally listed building, there are a number of key design elements incorporated into the design of the building, that have been agreed by Officers and the Conservation Officer. These elements include brick quoining, brick plinth detailing, bay windows, the use of reconstituted stone, chimneys, brick banding detailing around the windows, detailing beneath the eaves as well as horizontal banding. The design of the subject building is modern but reflects the traditional design of the original building. Window design and proportions reflect the traditional approach of the existing building on site. It is considered that the design of the proposed new building that will replace the Locally Listed Building fronting onto Bushey Hall Road is acceptable and to the satisfaction of the Conservation Officer.

Villa B

- 10.24 The central part of the building is referred to in the plans and drawings submitted as Villa B. This element essentially forms a link between the Villa A and Villa C. The applicant was advised at the pre-planning stage to ensure that the design of the central element is designed sensitively. The scale of this element of the building is notably less than that of Villas A and C. This element will be 2 storey in height and will have a flat and green roof with a flush parapet. This central element will be modern in its design, and finished in contemporary finishes such as timber effect cladding and a high level of glazing. A double height pitched roof glazed central element will act as a feature design element on the south east elevation. There are a number of balconies on both the South East and North West elevations. The proposed central element will have a number of windows in varying sizes that will ensure there are no blank elevations.

Villa C

- 10.25 The southern Villa fronting Ashlyn Close is set back within the site than the existing building creating a parking forecourt. The design of Villa C is considered to be a more modern and contemporary design to that of Villa A. Villa C takes the form of a 3 storey building with 2 storey eaves to the side and rear elevations sympathetic to its neighbours. This two storey eaves is continued along the southern elevation to Ashlyn Close with interruptions in the form of two gable ends and timber effect projecting bay. The gable projection reflects the gable characteristics of the neighbouring properties. The use of gables also helps to frame the elevation by providing "book ends" to each side of the building, adding visual interest to the building. A timber three storey projecting bay demarcates the entrance to the building.
- 10.26 The parking forecourt to the front of Villa C is located within boundary walls, railings and buffered by the perimeter planting zone incorporating new trees and planting to enhance the amenity value along Ashlyn Close.

Materials

- 10.27 The applicant states that the choice of materials has been made with reference to the local context picking up on the historical characteristics in the area. This is reflected in the proposed use of red brick and grey slate finishes, that are common on this part of Bushey Hall Road. Timber effect boarding is proposed to be used within the Villa C (central building) and on the front entrance to Villa B. The applicant also seeks to use a green roof on the top of Villa C, this green space will be used as tool to limit rainwater run off. Throughout the development the use of glazing will be prominent. It is noted that the proposed materials are similar to those agreed at pre-application stage.

Conclusion

- 10.28 The design of the proposed building is similar to the design that was agreed at

with Officers at pre applications stage. Officers and the Conservation Officer engaged in extensive pre planning discussions with regards to the design of the proposed scheme and the impact it would have on the surrounding area. Given that there are two buildings on site at present, the applicant was advised to create a scheme that reflects the height and scale of these building whilst maintain a positive relationship with the existing properties in the area. The applicant proposes two main buildings, that are similar to height and width to the existing buildings on site. A new central element (Villa C) introduces a new element to the site, that will be lower in height to the two main buildings and will have a flat roof. The Planning Officer considers that the design and spatial layout of the proposed development is acceptable and is considered to be in accordance with the provisions of Local Plan Policy H8 and Part D of the Planning and Design Guide.

Loss of Locally Listed Building and Historic Environment

- 10.29 Paragraph 128 of the National Planning Policy Framework, advises that in determining *applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*". The applicant was advised at pre-planning that it is recommended that the submission of a planning application should be accompanied by a statement describing the significance of the locally listed building and a justification for its demolition.
- 10.30 Policies E13 and E18 of the Hertsmere Local Plan 2003 seek to retain the architectural and historic character of Listed Buildings. Policy CS13 of the Core Strategy 2011 also reiterates this.
- 10.31 Abbeyfield Bushey Hall Road is identified as Local list no. 197 in the Council's Lists of Locally Important Buildings (2008). The building is described as a semi-detached house. The building is finished brown brick with red dressings, two and a half storey building with three large decorated chimney stacks and a hipped slate roof facing north onto Bushey Hall Road, located within a residential area. In terms of its architectural significance, the building has strong design in the mock Jacobean style and retains some of its original features. Due to its size, the building makes a significant contribution to the local area.
- 10.32 The building was built in c1905 (between 1898 and 1910) as a semi-detached residence within the late Victorian suburban expansion of Bushey along Bushey Hall Road. It was built on land owned by Charles William Burge of Richmond House, 24 Aldenham Road.
- 10.33 During the pre- application the Conservation Officer was consulted on the proposal to demolish and replace the subject Listed Building. An evaluation of the Locally Listed Building concluded that the more efforts were required before a replacement building of sufficient quality to match that of the existing building is produced.

- 10.34 It is noted that the site is not within a Conservation area. The building to the front of the site (facing Bushey Hall Road) has been locally listed by virtue of the size of the building and the contribution it makes to the street scene. Policy E12 of the Local Plan affords locally listed buildings the same protection as listed buildings in that their preservation is sought where possible.
- 10.35 The applicant states that the Abbeyfield Society is a charitable organisation that provides support and care for the elderly. Abbeyfield House on Bushey Hall Road is one of the society's older properties, and as the property is older it does not meet the standards that are found in modern purpose built units. The retention of the house would only be possible if it is redeveloped for an alternative use.
- 10.36 The applicant states that due to the repair of the house and the age of the property it is not financially viable to bring the house back up to the standards required in this sector so the house will remain vacant as it has been for some years. It is therefore considered that it is in-keeping with the NPPF's objective of bringing forward sustainable development to allow the building to be demolished in order to enable the reuse of the brownfield site.
- 10.37 The Conservation Officer states that the current designs reflect a series of discussions held with Officers and the agent. Regarding the architectural style, form, mass and details the proposed design is considered to be of sufficient quality. The proposal is considered to be acceptable and would be considered to be in accordance with Local Plan Policy E18.
- 10.38 In relation to the other building on site, Walker Lodge, this building is a post-War block that stands at the end of the former gardens of Abbeyfield. The building has no special architectural or historical qualities. Its replacement would be subject to the same constraints and requirements on good design. Furthermore, the Conservation Officer notes that the scheme is not located within a Conservation Area.
- 10.39 In conclusion, following discussions with the agent and Officers at pre-planning stage, the applicant has followed guidance provided and provided a scheme to replace the Locally Listed Building that is to the satisfaction of the Conservation Officer. As such, the replacement of the Locally Listed Building is considered to be acceptable and would be in accordance with Local Plan Policies E13 and E18, as well as Revised Core Strategy Policy CS13. The replacement of the Locally Listed Building, Abbeyfield, is considered to be acceptable, subject to conditions in relation to external materials and external construction methods.

Affordable Housing

National Planning Policy

- 10.40 Paragraph 173 of the National Planning Policy Framework (NPPF) covers the material planning consideration of ensuring viability and deliverability of

proposed development. The NPPF now requires Local Planning Authorities (LPA's) to pay careful attention to viability and costs in plan-making and decision-taking.

Local Policy

- 10.41 Local Plan Policy H16: Affordable Housing Provision, states that within Borehamwood, on housing developments of 25 or more new dwellings, or residential sites of one hectare or more, irrespective of the number of dwellings, the Council will seek to secure an element of affordable housing. The size and type of dwellings provided shall reflect the needs of those households requiring affordable accommodation, in accordance with the Councils latest assessment of housing needs.
- 10.42 The Councils Revised Core Strategy policy CS4 states that developments of 10 residential units or more (gross) or of sites of more than 0.3 hectares should make provision for Affordable Housing with requirement of 35% of total the housing units. The proportion is supported by the Council's Development Economics Study and will be applied across the Borough to reflect Affordable Housing SPD 3.10. It is expected that 35% of the total development to be allocated to affordable housing with tenure mix for rented and shared ownership housing with the breakdown that reflects the Affordable Housing SPD 3.19.

Assessment

- 10.43 The applicant states that the current development plan Policy H16 requires that sites of 25 or more units or sites of a hectare or more provide affordable housing. As the application is less than a hectare and proposes only 22 units, a contribution for affordable housing is not required.
- 10.44 The Planning Officer notes that the applicant is incorrect in this assumption and has sought confirmation from the Planning Policy and Transport Manager with regards to Affordable Housing. Policy CS4 of the Revised Core Strategy 2011 requires affordable housing for proposals of more than 10 residential units. There should be a mix of 75% to be social rented housing and affordable rent, and 25% to be intermediate housing. The Planning Officer calculates that of the proposed 22 units, 7.7 units would be required to be affordable units.

Conclusion

- 10.45 As the agent proposes no affordable housing units, the applicant has failed to comply with a number of key policies that includes, the NPPF, Local Plan Policy H16 Policy CS4 of the Revised Core Strategy 2011, as such a refusal is recommended. It is noted that affordable housing provision would have been debated with the agent at the pre planning stage if they confirmed the use was C3 and not C2. The applicant should note that the onus is on the applicant to adhere to the requirements for affordable housing.

Residential Amenity

National Policy

- 10.46 The National Planning Policy Framework, Core Planning Principles, states Planning Authorities should always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Local Policy

- 10.47 Criterion on (iii) of Local Plan Policy H8 requires that the privacy and amenity of residents should be maintained with adequate separation between buildings and appropriate distances to site boundaries. Policy H8 criterion (xii) recommends that account should be taken of Supplementary Planning and Design Guide Part D when assessing new developments. Part D advises that new dwellings should be orientated so that their front and rear building lines fit comfortably within a line drawn at 45 degrees from the nearest edge of the neighbouring front or rear facing windows. In addition the Planning and Design Guide requires that where developments will be expected to maximise gaps between buildings, particularly where there are facing windows. In addition to this, the guidelines note that where development proposes buildings that face (front or rear) onto the side of existing buildings and vice a versa, they should be a minimum of 16 metres apart.
- 10.48 Part D also states that the availability of natural daylight within the habitable rooms of a property improves the quality of living conditions, whilst reducing reliance on artificial lights, limits the amount of energy consumption. Privacy involves balancing people's expectations of avoiding over intrusion into their lives, with the unavoidable interactions which occur between properties in an urban or suburban environment.

45 Degree Line and Outlook

- 10.49 The plans submitted indicate that there would be a slight breach of the 45 degree line as drawn from number 59 Bushey Hal Road. It is noted that this a slight breach and that the existing building on site already breaches the 45 degree line. Therefore, the location of the proposed building will not exacerbate the existing problem experienced by the residents of number 59 Bushey Hall Road. Having examined the surrounding properties within close proximity to the site, there are no further breaches of the 45 degree line that would impede the development.

Privacy and Overlooking

- 10.50 The proposed new building will be located within close proximity to a number of existing dwellings, it is therefore necessary to assess the impact of the proposed development on the neighbouring properties in terms of a potential loss of privacy and overlooking. The Planning Officer has received a large number of objections that relate to loss of privacy and overlooking. Concerns

were raised with regards to the impact that balconies a glazed atrium in the centre of the building would have on the private amenity space of neighbouring properties at Grove Hall Road. The applicant has submitted a drawing (drawing number 3246-P-0101) that indicates the location of windows on nearby properties.

Assessment of properties to the west of the site

- 10.51 The main dwellings to consider in relation to overlooking are numbers 1-7 Bushey Hall Road. From the plans submitted, distances vary from 19 metres to approximately 25 metres will be maintained between the proposed new building and these existing dwellings at Bushey Hall Road. Part D of the Planning and Design Guide states that where there are directly opposing windows within new developments to habitable rooms, one and two storey buildings should be a minimum of 20 metres apart, or 28 metres where one of both of the buildings is 3 storey. Having reviewed the plans submitted, the proposed building has been designed in such a way that the separation distances meet the requirements of the Council's Planning and Design Guide.
- 10.52 The rear of number 5 Bushey Hall Road will be a distance of 19 metres from its rear to the proposed side elevation . It is noted a kitchen window of the flats 8 (ground floor level) and flat 16 (first floor level). A 19 metre distance is considered to be acceptable and would not be in conflict with the guidance as set out in Part D of the Planning and Design Guide. The floor plans submitted indicate that the subject kitchen window is not the primary window for the open plan living and kitchen area. As such, this window could be condition to be removed or to be obscurely glazed to prevent unnecessary perceived overlooking of number 5 Bushey Hall Road.
- 10.53 A projecting first floor balcony that will serve Flat 16 will be located an approximate distance of 17 metres from the first floor windows of Number 3b Bushey Hall Road. This would be a clear breach of the Council's guidance in relation to the separation distances between first floor opposing windows. The Planning Officer acknowledges that balconies are considered to be superfluous to the overall scheme and could be removed by condition, or any projecting balconies could be replaced with Juliette balconies.
- 10.54 In relation to the remaining properties on Bushey Hall Road, the distances between the proposed scheme and the existing properties meet the requirements of the Planning and Design Guide Part D. In addition to this, existing trees that are located on the western boundary of the site will be retained. Conditions can be imposed to ensure that these trees are retained to protect the residential amenity of the residents on Bushy Hall Road.

Conclusion

- 10.55 Overall it is not considered that the proposed development would result in any undue adverse impact on the neighbouring properties in terms of loss of outlook, overlooking or loss of privacy. Balconies and windows that have been identified that may result in overlooking, however, these windows /

balconies are not primary windows and can be removed from the scheme or could be obscurely glazed to protect the residential amenity. The proposed development would therefore comply with Policies H8, D20, D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide.

Assessment of properties to the east of the site

- 10.56 Ashlyn Court lies to the south east of the site and a distance of approximately 20 metres from the proposed new building. It is noted from the site visit that there are a number of single storey garages located directly east of the site. At ground level, a kitchen and bedroom window of Flat number 6 will be located a distance of 20 metres from the ground floor and first floor opposing windows of Ashlyn Court. This distance is considered to be acceptable and in accordance with the provisions of Part D of Planning and Design Guide. Arranmore Court is located to the north east of the site. Arranmore Court is a residential scheme comprising of a number of flats contained within a three storey building.

Assessment of properties to the south of the site

- 10.57 The proposed development will be set back 13 metres from the highway to the south of the site. Ground and first floor windows fronting onto Ashlyn Close will be located a distance of 27 metres from the front of the existing properties. The subject distance of 27 metres is in accordance with the provisions of Part D of Planning and Design Guide, thereby minimising the impact on the residential amenity of future occupiers as well as existing residents. It is noted that this part of the building fronting Ashlyn Close, will utilise the roof space, essentially creating a three storey element. Part D of the Planning and Design states that where there are directly opposing windows within new developments to habitable rooms, one and two storey buildings should be a minimum of 20 metres apart, or 28 metres where one of both of the buildings is 3 storey. As noted previously, the building at ground and first floor levels is 27 metres from the properties at Ashlyn Close. The Planning Officer notes that the windows at third floor level have been recessed back into the building by approximately 1 metre, thereby achieving the 28 metre separation distance required. It is noted that the siting of the proposed new building fronting onto Ashlyn Close will be set back a further 5.5 metres into the site than the current two storey building within this part of the site.

Highways and Access

Local Plan Policy

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

Core Strategy

- 10.59 Revised Core Strategy Policy CS23 states that *the Council will work towards Hertfordshire County Council's vision of providing a safe, efficient and affordable transport system that allows access for all to everyday facilities. Schemes of 25 residential units will only be permitted where it is accompanied by a suitable Travel Plan prepared in accordance with guidance set out in the Parking Supplementary Planning Document.*

Accessibility

- 10.60 The proposed development will be located within a residential area which has a moderate access to a range of public transport services. Accessibility of the site will be a key determinant of how staff and visitors to and from the facility.

Public Transport

- 10.61 The site can be accessed from bus stops within a 250m walk from the site. In addition to this Bushey Rail Station is located 1.2km walk from the site, and Watford High Street Station is located 1.1km from the site.

Assessment

- 10.62 The applicant proposes that the existing vehicular access to the north of the site is supplemented with a second vehicle entrance providing the opportunity for an "in and out" access arrangement. This will offer a better use of the site and enable vehicles to enter and exit from Bushey Hall Road in forward gear. To the south of the site, the applicant proposes a new parking court that will provide 7 car parking space, 2 of these will be accessible spaces. A separate pedestrian and refuse access route is provided alongside all of which will be buffered from Ashlyn Close by a boundary wall with railings and planted borders.
- 10.63 Pedestrian access routes to the building at both the north and south of the site and also via the side gates that will be fitted with controlled secure access. Appropriate use of bollards and kerbs will be used to protect the building and pedestrian routes from vehicles whilst maintaining a level access approach to the building. Vehicle and pedestrian site access off Ashlyn Close are separated to minimise potential conflict with reversing vehicles. Visitors arriving by car will be dropped off close to entrance of canopy of Villa A.

Conclusion

- 10.64 The Highways officer notes that on-street parking is already occurring in Ashlyn Close and the limited amount of on-site parking is likely to result in additional pressure on the limited available on-street parking. He notes that parking would be assessed by the Planning Officer in accordance with the Parking Standards SPD. The existing access from Bushey Hall Road will be improved and a new access from Ashlyn Close is proposed. Overall the Highways Officer has no justifiable reason to recommend a refusal of permission and as

such has no objection to the proposed scheme. The Planning Officer notes that the Transport Statement submitted refers to the scheme as a C2 Use, therefore the information with regards to parking is not valid as the application has been submitted as a C3 Use.

Car Parking

Policy

- 10.65 The Council's Parking Standards SPD (revisions December 2010) requires that under C3 use a 1 bedroom flat would require 1.5 car parking spaces, and a 2 bedroom flat would require 2 car parking spaces. In addition to this, Elderly Persons Housing (Category II) requires 1.5 spaces for each one or two bedroom flat. Furthermore, there should also be a minimum provision of 1 short term cycle parking space per 3 units and 1 long term space per 5 units, of which there is no proposed provision in the plans.

Assessment

- 10.66 Firstly, with regard to the level of car parking provided for the development, there has been a number of concerns raised by nearby residents that the level of parking provided for the development would be insufficient and that the development would lead to an increase in on street car parking. The Car Parking Standards SPD (revised 2010) gives guidance on the level of off street parking a development such as this should provide, and takes into account both the number of residents proposed and the number of non residential staff. The applicant has submitted a Transport Statement in support of the application. The transport statement states that there are currently 9 staff working within the existing facility. The application form states that there will be 2 full time and 6 part time staff proposed which equates to an equivalent of 4 full time staff. It is noted that there is a discrepancy in the figures provided by the applicant and those quoted in the Transport Statement. The Transport Statement states that there will be 9 staff working in the facility.
- 10.67 The plans submitted indicate that 7 car parking spaces will be provided for 22 one and two bedroom units, which are described in the documentation (Transport Statement) submitted as Use Class C3. In particular, reference is made to the fact that 1 parking space per 5 resident bed space plus 1 additional space per 2 non-resident staff, would be required to serve a C2 use. The applicant also states 11 car parking spaces would be required for a C2 development that with 22 bed spaces and 9 non - resident staff. However, this figure represents a C2 development, the applicant has submitted the application as a C3 Residential development.
- 10.68 It is noted that 4 existing spaces to the front of Parkminister will be retained. A total of 11 car parking spaces will serve the development. The applicant states that despite the "extra care" element it could be anticipated that residents of 55 years old would be able to live independently, meaning that the full requirement of car parking spaces would be needed. As previously stated,

the application will be dealt with as a C3 Use. Based on this assumption, the applicant would be required to provide the following parking provision -

- 6 x 1 Bed x 1.5 spaces = 9 parking spaces
- 16 x 2 Bed x 2 spaces = 32

The applicant would be required to provide 41 car parking spaces.

- 10.69 Part of the site is located in Accessibility Zone 4, whereby a the level of car parking could be reduced within the range of 75% - 100%. However, this is only a small part of the site, therefore no reduction parking would be permitted in this instance. As such a shortfall of 30 car parking spaces has been identified.

Conclusion

- 10.70 There is a significant shortfall in the provision of car parking spaces. The Planning Officer is of the view that a shortfall of 30 spaces for a residential development located within an existing residential area is not acceptable and would be to the detriment of the surrounding areas and the safety and operation of the adjacent highway due to indiscriminate car parking on the local highway network. As such, the scheme fails to meet the requirements of the Council's Car Parking Standards SPD (Revisions 2010), as such a refusal is recommended.

Drainage

National Policy

- 10.71 The National Planning Policy Framework, paragraph 94, states that Local Planning Authorities should *adopt pro active strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.*

Local Plan Policy

- 10.72 Local Plan Policy D3 states that planning permission will not be granted for development within areas at risk of flooding unless it incorporates appropriate flood protection measures. Policy CS15 of the Revised Core Strategy states that *"The Council will work with key partners, including the Environment Agency and Natural England, to ensure that development proposals do not create an unacceptable level of risk to the occupiers of a site, the local community and the wider environment "*
- 10.73 Comments were received from Hertsmere's Engineering Services who have no objection to the proposed development on site subject to conditions. There are no issues with regards to drainage associated with the development. The proposed development is therefore in accordance with Local Plan Policy D13 and CS15 of the Revised Core Strategy.

Trees

Local Plan Policy

- 10.74 Firstly, with regards to the trees on the site Policies E7 and E8 seek to ensure that retained trees are protected during any development and that new planting is a suitable replacement for any removed trees. This advice is generally reiterated in Policy CS12 of the Core Strategy 2010.

Assessment

- 10.75 A number of letters of objections have been received in relation to the potential loss of trees within the site and the impact this will have on neighbouring properties in terms of a loss of privacy. The applicant has submitted an arboricultural survey as part of the application. The Tree Officer was consulted on the application and has established that there are no Tree Preservation Orders within the site. There are a number of low category trees within the site that are either small or in poor condition and should not be considered a constraint to any development proposals. There may be pressure in the future to prune/remove the 2 oak trees on the western boundary due to their location, however, they have poor form and are in a state of decline. The applicant has submitted plans for replanting within the site that is considered to be to the satisfaction of the Tree Officer.

Conclusion

- 10.76 Overall Officers consider that the proposed development has satisfactorily demonstrated that the existing trees within the site are of low amenity value. As such, the proposed development can be accommodated on the site without a detrimental impact on important trees within the site. Therefore in light of the above, no objection is raised to the proposed development and its impact upon existing trees within the site.

Landscaping

Policy

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

Assessment

- 10.78 The proposed development will provide hard and soft landscaping to public and private areas. In order to accommodate the proposed new building, it will

be necessary to remove two existing trees in the eastern side of the garden. Oak trees along the western boundary will be retained. The applicant proposes to plant replacement trees along the southern end of the site. It is noted that the applicant has submitted a detailed plan (Drawing number 3246-P-0101) that provides information on the proposed soft and hard landscaping scheme. The drawing provides details of trees that will be retained with the scheme. Six trees will be retained along the western boundary of the site and two along the northern boundary. The plan also provides details of the location of proposed new trees within the site. In addition to this details are provided of the location of paving and fencing within the site.

Conclusion

- 10.79 The applicant has not submitted a detailed landscaping scheme with the application. In the absence of the landscaping details it is difficult for the Planning Officer accurately assess the overall scheme. For example, there is no information with regards to the species of replacement trees and shrubbing. No objection is raised to the proposed trees and landscaping scheme by virtue of policies E7 and E8 of the Hertsmere Local Plan (2003), policy CS12 of the Core Strategy and the NPPF (2012). However, hard and soft landscaping conditions can be imposed to ensure a high quality hard and soft landscaping scheme is provided with the scheme should permission be granted.

Amenity Garden Provision

- 10.80 In relation to the levels of amenity provision required, there are no specific standards relating to the amenity provision for care home developments, such as this. However, it has been established that the application has been submitted as a C3 Use. As such, Part D of the Planning and Design Guide 2006 in relation to amenity space would apply. The applicant would be required to provide 15m² of amenity should be provided for every 20m² of the internal floorspace.
- 10.81 The proposed residential development would be required to provide sufficient amenity space for residents in accordance with the provisions of Part D of the Planning and Design Guide. The Planning and Design Guide states that 75% of internal floor space should be provided in amenity space. The Design and Access Statement states that there would be 2,367 sq.m of internal floor space, meaning that there should be amenity provision of 1,775 sq.m which is private and useable. There is a small garden area to the west of the plans which appears to be about 450 sq.m. when measured. However, the site layout indicates (drawing number 3246-P-0101) indicates that communal garden space will equate to an area of 1381sq metres. There is a significant shortfall of 1325sq metres in the provision of private and useable amenity space at the site.
- 10.82 Whilst it is acknowledged that the shortfall in amenity space is considerable, a financial payment in lieu of amenity space can be imbedded in to the Section 106 Agreement. This monies would be used for the maintenance and upkeep

of existing parks and open spaces.

Refuse

Policy

- 10.83 The Hertfordshire Interim Technical Note: Waste storage provision requirements for new developments sets out guidance on the Council's current requirements for waste and recycling storage provision at new developments. It covers the volume of waste storage space that would be required for a new development and some additional guidance on design for bin storage areas.
- 10.84 Part D of the Planning and Design Guide states that all new development will be expected to provide areas for the sorting, storage and collections of materials for recycling and general refuse. Refuse storage areas should be sited sensitively and should be designed not to dominate the appearance of a new development. The maximum acceptable "carry distance" from refuse storage to collection point is 25 metres.
- 10.85 The agent has confirmed that refuse is currently collected at both Parkminster front entrance and at the front entrance at Walker Lodge. For the current scheme, a central refuse and recycling store is located externally to the east of the site for easy access by residents and staff. Refuse will then be transferred to a secondary staging area adjacent to the Ashlyn Close parking courtyard. Refuse vehicles will access this secondary bin store which will be within the 12 m maximum designated limits. Clinical waste will be stored securely and collected under a separate contract. Kitchen waste will be stored adjacent to the kitchen area and will also be collected under a separate commercial contract. The applicant has not submitted detailed information with regards the design of refuse stores etc, this can normally be dealt with by condition should permission be granted.

Ecological Considerations

National Policy

- 10.86 The National Planning Policy Framework ,paragraph 109, states *that Planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Governments commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

Local Plan Policy

- 10.87 Policy D3 of the Hertsmere Local plan and is also concerned with the impact of new development on wildlife. The presence of a protected species is a material consideration in a planning decision. It is therefore essential that the presence or otherwise of a protected species and the development impacts are established prior to the granting of planning permission.

Furthermore, under Policy E2 and E3 of the Hertsmere Local Plan (2003) development which would have an adverse effect on a local nature reserve, wildlife site or regionally importantly geological site as well as badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 would be refused planning permission.

Assessment

10.88 As part of the application, the applicant has submitted a bat survey in two parts. The survey comprises of an Initial Bat Survey and an Extended Phase 1 Habitat Survey. Hertfordshire Biological Records were consulted on the application and have stated that the Initial Bat Survey undertaken by Middlemarch Environmental Ltd (Report Number RT-MME-110898-03, June 2012) is inconclusive as to whether bats are present within one or more of the buildings (Buildings 1 and 2) on the proposal site. The buildings were deemed to offer high potential to support roosting bats and the report recommends further bat activity surveys should be undertaken. Hertfordshire Biological Records Centre recommends the following -

1. The bat consultants are uncertain as to whether a bat roost is present and whether it is currently being used as such.
2. As the Bat Report contains insufficient ecological information the LPA do not know whether they are dealing with a bat roost or not. Therefore the LPA are unable to make a fully informed planning decision regarding the demolition of the buildings. The LPA do not know if they are dealing with a bat roost or not; therefore, they are unable to apply the three derogation tests as set out in the Habitats Directive 2010.
3. Planning permission should not be granted for the demolition of the buildings.
4. The buildings should only be demolished following the results of bat emergence and re-entry surveys, to confirm the presence or absence of bats, and confirm that the buildings do not support bat roosts.

10.89 If a bat roost is present, the buildings can only be demolished once an appropriate mitigation strategy or compensation measures have been provided. This will ensure the favourable conservation status of the species in their natural range will be maintained. Work must not start until the European Protected Species licence has been issued by Natural England.

It should be noted that whilst initial bat inspection surveys can be undertaken at any time of year, if further bat activity survey work is required, this can only be undertaken in the active season for bats (May to September) with the optimum period being May to August. We therefore recommend that the applicant undertakes this survey as soon as possible to avoid delays in the planning application process.

Conclusion

10.90 The Bat Survey submitted fails to establish whether or not there is a bat roost on site, in the absence of this information, the proposed scheme is considered to be in conflict with Policy E2 and E3 of the Hertsmere Local Plan (2003) and Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as such a refusal is recommended.

S106 Contributions

10.91 The Council should seek financial contributions in line with the Planning Obligations SPD (December 2010). The Council should seek contributions that would mitigate the individual and cumulative impacts of any new development on services and infrastructure. Such contributions should be necessary to make such development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind. As set out within the Planning Obligations SPD (December 2010), the Council's current approach to seeking contributions reflects the provisions of the Community Infrastructure Regulations 2010 and the statutory requirement for planning obligations to meet the tests set out by Circular 05/05.

10.92 In respect of the proposed development it may be appropriate to seek contributions towards the greenways network, given that the development requires the provision of cycle parking spaces, and community transport improvements, given that future occupiers are likely to require individual transport to access goods and services.

10.93 The Heads of Terms in relation to Hertsmere Borough Council's contributions were proposed in writing with the agent on the 12th of September 2012. The agent has not agreed the proposed contributions in respect of Hertsmere's Borough Council's contributions. In addition to this, Hertfordshire County Council were consulted with regards to County contributions. The agent was contacted By County to establish the number of rooms and sizes of the rooms in the existing facility. The agent failed to make any contact County regarding this matter and as a result the County Contributions calculations could not be assessed accurately. In the absence of an agreed Section 106 agreement, the application is recommended for a refusal. The Heads of Terms are as follows :

<u>Hertfordshire County Council</u>	Policy Expectations	Agreed with Agent
Childcare		
Secondary Education	£	£
Primary Education	£	£
Youth	£	£

Sustainable Transport	£	£
Libraries	£	£
Provision for Fire Hydrants	£	£
<u>Hertsmere Borough Council</u>		
Open Space	£34,179.48	£34,179.48
Public Leisure Facilities	£591.75	£591.75
Playing Fields	£6,840.63	£6,840.63
Greenways	£3,837.02	£3,837.02
Cemeteries	£733.77	£733.77
Allotments	£11,530.08	£11,530.08
Shortfall in Amenity space	£89,795.25	£89,795.25
Museum and cultural facilities	£3,458.00	£3,458.00
Monitoring Fee	£2,211.00	£2,211.00

11.0 Conclusion

- 11.1 The proposed development of the demolition of units 61 - 63 Bushey Hall Road and Walker Lodge and the construction of a 3 storey building comprising of 16 x 2 bed flats and 6 x 1 bed flats (Extra Care Home Units) with ancillary amenities, landscaping, car parking and access is considered to be acceptable in principle. However, a number of issues have been identified, that include the lack of clarity with the proposed Use Class. The applicant engaged in a lengthy pre application process with Planning Officers where the principle of a C2 - Residential Institution - has been established. Guidance was provided on the design and layout of the scheme as well as design guidance with respect to the demolition of the existing Locally Listed Building on site. The applicant has now submitted a scheme as a C3 Use, which has implications for affordable housing, Section 106 contributions, parking provision, and amenity provision. In addition to this, documentation submitted with the application refers to the scheme as both C2 and C3 Use, which has lead to confusion among members of the public.
- 11.2 The Planning Officer has assessed the scheme as C3 residential development. The proposed scheme is unacceptable for a number of reasons, the applicant has failed to provide affordable housing, the applicant has failed to agree a Section 106 Agreement, there is a shortfall of 30 car

spaces. In addition to this, the bat survey submitted does not contain sufficient information and a refusal of permission is recommended. The proposed development fails a number of key principles set out in the National Planning Policy Framework, Local Plan Policy Local Plan Policy H16 Policy CS4 of the Revised Core Strategy 2011, Planning Obligations SPD (December 2010) Policy E3 of The Hertsmere Local Plan 2003, meet the requirements of the Council's Car Parking Standards SPD (Revisions 2010) Policy CS12 of The Councils Emerging Core Strategy 2011.

12.0 Recommendation

12.1 Refuse to grant planning permission.

Reasons for refusal

1 Planning Obligations SPD 2010 Parts A and B, Revised Core Strategy (for submission to the Secretary of State) November 2011, policy CS21, Policies R2, L5 and M2 of the Local Plan 2003 look at the developers requirements. Policy R2 of the Local Plan 2003 states the design and provisions of development will be expected to help achieve the sustainability aims and objectives of the Local Plan 2003. Development will be required to make provision for environment works, infrastructure and community facilities, services and other needs that are directly related to it, and necessary to the grant of planning permission. Developers will be required to provide, or to finance the cost of, all such provision which is fairly and reasonably related to the scale and kind to the development.

Provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museums and cultural facilities and S106 monitoring has not been secured. The application therefore fails to adequately address the environmental works, infrastructure, greenways, sports and recreation and community facility requirements arising as a consequence of the proposed form of development, Therefore the proposal does not mitigate through financial contributions the impact of the proposed development on local infrastructure and facilities.

The proposal is therefore contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and Revised Core Strategy (for submission to the Secretary of State) November 2011, policy CS21. Together with the guidance of the Planning Obligations SPD 2010 Parts A and B.

2 In accordance with the emerging Core Strategy (2010) Policy CS4, the site would be expected to provide 35% of units as affordable housing, which is a total of 7.7 affordable units. The applicant has failed to propose any affordable housing units as part of the overall scheme. The lack of affordable housing provision is in direct conflict with the NPPF, Policy CS4 of the emerging Core Strategy (2010), Policy H16 of the Hertsmere Local Plan (2003) and the Affordable Housing SPD (2008).

- 3 The Parking Standards 2008 SPD (revised 2010) requires that residential developments are required to provide sufficient parking spaces. The proposed development has been submitted as C3 -Residential use. The scheme has been assessed against the provisions of the Parking Standards SPD 2008 (revised 2010) and subsequently, a shortfall of 30 car parking spaces has been identified. A shortfall of 30 car parking spaces for a residential development of 22 units is considered to be unacceptable because, this will result in indiscriminate car parking on the local highway network. The proposal would be therefore, contrary, to policies M2, M12 and M13 of the Hertsmere Local Plan (2003), the emerging Core Strategy policy CS24 (2010) and the Parking Standards SPD 2008 (revised 2010).
- 4 The application has failed to provide sufficient information to demonstrate the presence or otherwise of bats within the existing development so that the Local Planning Authority may adequately assess the proposal. However, in the absence of sufficient details, it is considered that the proposal would likely have an adverse impact on bat species and their habitat. The proposal is therefore contrary to the NPPF, Policy E3 of The Hertsmere Local Plan 2003, Policy CS12 of The Councils Emerging Core Strategy 2008.

13.0 Background Papers

- 1 The Planning application (TP/12/1495) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Appendices

- 14.1 Appendix 1 -

15.0 Informatives

This Determination Refers to Plans:

- Site location plan @ scale 1:1250 - date stamped 27th July 2012
- Existing Site Plan - drawing number 3246-E-0050 - date stamped 13th July 2012
- Existing Elevations Sheet - drawing number 3246-E-0051- date stamped 13th July 2012
- Existing Elevations Sheet 2 - drawing number 3246-E-0052 - date stamped 13th

July 2012

- Existing Street Elevations - drawing number 3246-E-0060 date stamped 13th July 2012
- Proposed Site Plan - drawing number 3246-P-0100 - date stamped 13th July 2012
- Proposed Site Plan at First Floor Level - drawing number 3246-P-0101 - date stamped 13th July 2012
- Proposed Ground Floor Plan - drawing number 3246-P-0200 - date stamped 13th July 2012
- Proposed First Floor Plan - drawing number 3246-P-0201- date stamped 13th July 2012
- Proposed Second Floor Plan - drawing number 3246-P-0202- date stamped 13th July 2012
- Proposed Elevations Sheet 1 - drawing number 3246-P-0700A - date stamped 03 August 2012
- Proposed Elevations Sheet 2 - drawing number 3246-P-0701 - date stamped 13th July 2012
- Proposed Elevations Sheet 3 - drawing number 3246-P-0702A - date stamped 03 August 2012
- Proposed Elevations Sheet 4 - drawing number 3246-P-703A - date stamped 03 August 2012
- Proposed Elevations Sheet 5 - drawing number 3246-P-0704 - date stamped 17th August 2012
- Proposed Elevations in Context - drawing number 3246-P-0710A - date stamped 03 August 2012
- Proposed Roof Plan - drawing number 3246-P-0900- date stamped 13th July 2012
- Artist's Impressions Proposed View - drawing number 3246-P-1000- date stamped 13th July 2012
- Artist's Impressions Existing View - drawing number 3246-P-1001- date stamped 13th July 2012
- Floor Plans 1 bed flat type 1 - drawing number 3246-P-2000B - date stamped 13th July 2012
- Floor Plans 2 bed flat type 1 - drawing number 3246-P-2001A - date stamped 13th July 2012
- Floor Plans 1 bed flat type 3 - drawing number 3246-P-2002B - date stamped 13th July 2012
- Floor Plans 1 bed flat type 3a - drawing number 3246-P-2003B - date stamped 13th July 2012
- Floor Plans 1 bed flat type 4 - drawing number 3246-P-2004A - date stamped 13th July 2012
- Floor Plans 1 bed flat type 4a - drawing number 3246-P-2005A - date stamped 13th July 2012
- Floor Plans 2 bed flat type 5 - drawing number 3246-P-2006 - date stamped 13th July 2012
- Floor Plans 2 bed flat type 5a - drawing number 3246-P-2007 - date stamped 13th July 2012
- Floor Plans 1 bed flat type 5b - drawing number 3246-P-2008 - date stamped 13th July 2012

- Floor Plans 2 bed flat type 6 - drawing number 3246-P-2009A - date stamped 13th July 2012
- Floor Plans 2 bed flat type 6a - drawing number 3246-P-2010A - date stamped 13th July 2012
- Floor Plans 2 bed flat type 6b - drawing number 3246-P-2011 - date stamped 13th July 2012
- Floor Plans 2 bed flat type 7 - drawing number 3246-P-2012 - date stamped 13th July 2012
- Floor Plans 2 bed flat type 7a - drawing number 3246-P-2013 - date stamped 13th July 2012
- Floor Plans 2 bed flat type 7b - drawing number 3246-P-2014 - date stamped 13th July 2012
- Floor Plans 2 bed flat type 7c - drawing number 3246-P-2015 - date stamped 13th July 2012
- Site Sections J-J & K-K - drawing number 3246-P-0150 - date stamped 27th July 2012
- Topographical Survey - drawing number T09/0234/P/0001 - 13th July 2012
- Design and Access Statement - date stamped 13th July 2012
- Planning Support Statement - date stamped 13th July 2012
- Consultation Statement - date stamped 13th July 2012
- Transport Statement - Paul Mew Associates - date stamped 13th July 2012
- Aboticultural Impact Appraisal and Method Statement - Barrell Tree Consultancy - date stamped 13th July 2012
- Report on a Ground Investigation - Geotechnical & Environmental Consultants - date stamped 13th July 2012
- Drainage Strategy Report - Barry Saunders & Partners - date stamped 13th July 2012
- Initial Bat Survey - Middlemarch Environmental Ltd - 03/09/2012
- Extended Phase 1 Habitat Survey - Middlemarch Environmental Ltd - 03/09/2012
- Code for Sustainable Homes Ecological Assessment - Middlemarch Environmental Ltd - date stamped 13th July 2012

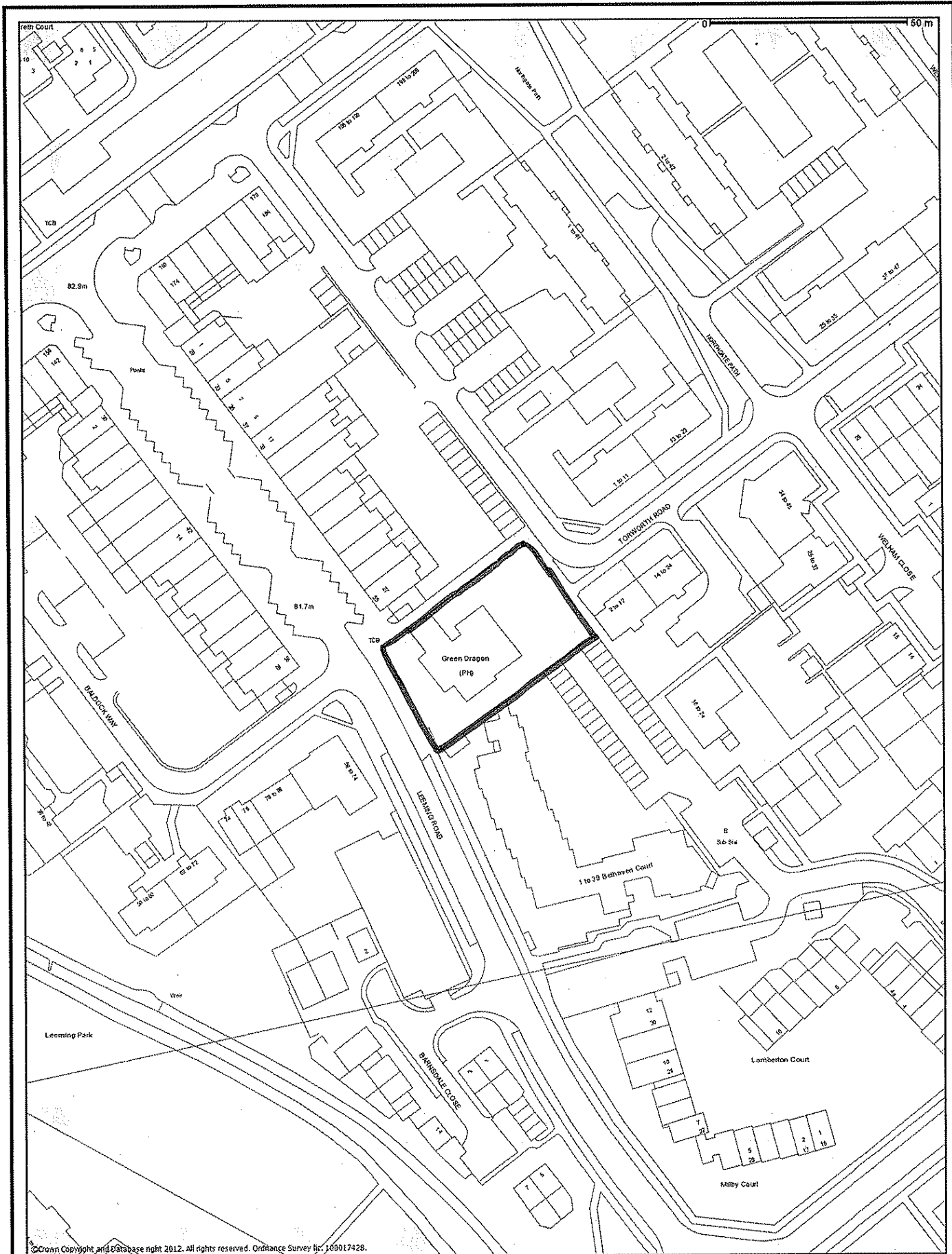
This application was determined having regard for the guidance of the following policies: National Planning Policy Framework, Policies H8, D20, D21, S3, E2, E3, E7, E8, E13, E18, D3, M2 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS13, CS18, CS21 and CS24 of the Core Strategy 2010, Part D of the Planning and Design Guide 2006, the Parking Standards SPD, As amended 2010.

Case Officer Details

Marguerite Cahill ext 020 8207 2277 - Email Address
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Scale 1:1250

TP/12/1432

Green Dragon Public House, Leeming Road,
Borehamwood, WD6 4EB



DATE OF MEETING 4 October 2012

APPLICATION NO: TP/12/1432

DATE OF APPLICATION: 05 July 2012

STATUTORY START DATE: 06 July 2012

SITE LOCATION

Green Dragon Public House, Leeming Road, Borehamwood, WD6 4EB

DEVELOPMENT

Demolition of the existing Green Dragon Public House Function Hall. Separation of the proposed site from the public house. Construction of 3 no. 3 bedroom town houses and 3 no. 2 bedroom flats, 11 car parking spaces, secure cycle and refuse/recycling storage facilities, new vehicle and pedestrian accesses to Torworth Road and associated hard and soft landscaping. Removal of existing window to the first floor of the public house and other minor works to complete the separation of the proposed site (Additional plan received 20/08/2012).

AGENT

Mr Sean Lacey
Herbert & Partners
2 Theobald Court
Theobald Street
Borehamwood
WD6 4RN

APPLICANT

Mr Jim O'Sullivan
Green Dragon
Leeming Road
Borehamwood
Hertfordshire
WD6 4EB

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

TREE PRES. ORDER NO

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 6 months from the date of the 4th October 2012 committee, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

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

2.0 Application site / Surrounding area

- 2.1 The application site has an area of 0.14 hectares and is located on the north-eastern side of Leeming Road. The site comprises the Green Dragon Public House to the front, adjacent to Leeming Road. Surface car parking serving the pub is accommodated to the front and rear of the site providing approximately 15 spaces with one bay for disabled users. The rear parking area is accessible from both Leeming Road and Torworth Road.
- 2.2 The Green Dragon Public House is constructed from London Brick which is finished in a white cement render. To the front of the building is a single storey forward projecting wing with a flat roof which forms the main entrance to the Public House. To the rear of the building is a function hall which is ancillary to the pub as well as a service yard with bin storage, smoking area and public house beer garden which back onto Torworth Road.
- 2.3 The application site has a generally level topography apart from the rear pub garden area which sits on a gentle decline from north-east to south-west.
- 2.4 The site is adjoined to its south-eastern boundary by Belhaven Court which is a two and three storey block of residential flats with ancillary garages to the rear. Leeming Road contains a local shopping parade which has retail and commercial units on the ground floor and two storey flats positioned above. Torworth Road comprises of three storey residential blocks of flats and two-storey terraced residential properties.

3.0 Proposal

- 3.1 This application seeks planning permission for the demolition of the existing pub's function hall, beer garden and smoking shelter and re-development of the site comprising the following:
 - erection of 3 no. 3 bedroom town houses and 3no. 2 bedroom flats;
 - 11 car parking spaces;
 - secure cycle parking (including disabled);
 - refuse and recycle storage facilities;
 - new vehicular and pedestrian accesses to Torworth Road;

- associated soft and hard landscaping;
- removal of existing windows to the first floor of the public house;
- minor alterations to complete the separation of the site.

Key Characteristics

Site Area	Approximately 0.14 hectares (ha)
Density	Approximately 45 dwellings per hectare (dph)
Mix	Residential
Dimensions	<u>Existing public house</u> Depth - 9.8m x Width - 23.5m x Height - 8m <u>Existing function hall (to be demolished)</u> Depth - 8.5m x Width - 15.7m x Height - 4.4m <u>Proposed residential block of houses and flats</u> Depth - 8m x Width - 26m x Height - 8.4m
Number of Car Parking Spaces	11 parking spaces

4.0 Relevant Planning History

TP/05/0396	Variation of Public Entertainment/Liquor Licence (Consultation by the Licensing Officer)	Raise No Objections 01/07/2005
TP/07/0299	Installation of new doors and alterations to forecourt including new railings.	Refuse Permission 18/04/2007 Dismissed 01/11/2007
TP/09/1849	Erection of metal railings to top of existing front wall, replacement front entrance doors and disabled parking bays (Amended plans received 28/01/10)	Grant Permission 01/02/2010

5.0 Notifications

- 5.1 Summary: Forty seven neighbours were notified via a consultation letter and two site notices were displayed on a lamppost on Torworth Road and Leeming Road. No comments or representations have been received.

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

6.0 Consultations

CPZ - Parking Operations	<p>No objection.</p> <p>This area does not currently fall within a controlled parking zone. No concerns raised.</p>
Senior Traffic Engineer	<p>No objection.</p> <p>The proposed development is outside the area of existing parking controls. It is unlikely this development will have an impact on parking in the surrounding streets.</p>
Drainage Services	<p>No objection</p> <p>Recommend condition CG01.</p>
Highways, HCC	<p>No objection.</p> <p>The proposed site plan (Drg 2014 A) shows the relocated access towards the centre of the site. This would be located further up the footpath which is an improvement as it would enhance visibility splays in both directions.</p> <p>The existing access must be closed off prior to the occupation of the new development. The new access and associated works will therefore be included within a Section 278 Agreement with Hertfordshire Highways.</p> <p>The site plan shows that the refuse store is placed at the rear of the site. This is likely to be serviced from the road, as it is less than 25 metres from the access.</p> <p>In respect to manoeuvrability, there is 6m behind the parking bays to allow a motor-vehicle to turn into the bays. However, bay 1 and the disabled bay maybe difficult but is still acceptable under highway standards.</p> <p>The proposed development if permitted is unlikely to result in a significant material increase in traffic</p>

movement from the site. Therefore, it is unlikely to impact on the safety and operation of the adjacent highway.

Recommend if granted some conditions to be attached to any permission issued. Furthermore, the applicant is to enter into a Section 278 agreement for the Highways Works with Hertfordshire Highways. They will also be required to contribute £5,625.00 towards sustainable highways contributions as the site falls within Zone 4 of the Borehamwood and Elstree Transport Plan.

Hertfordshire Fire & Rescue Service

No objection

The provision of fire appliances and water supplies appear to be adequate.

Thames Water

No objection

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

Water supply comes from area covered by Veolia.

Architectural Liaison Officer (Police)

No objections.

Recommend that the gates have hasps and padlocks.

Environmental Health & Licensing

No objections.

The proposed development would involve the change of use in the land to residential. There is the potential for contaminants on the land. Therefore, an investigation needs to be carried out to ensure the development would not harm the health of any

future occupiers.

Elstree & Borehamwood Town Council Observation

Recognise the need for housing in the area. However, there is concern over the density on the site.

EDF Energy Networks No comments received.

National Grid Company Plc No comments received.

Veolia Water Central Limited No comments received.

Estates No comments received.

Housing No comments received.

Hertsmere Waste Management Services No comments received.

7.0 Policy Designation

7.1 The application site has no specific policy designation - Established urban area of Borehamwood.

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
3	Hertsmere Local Plan Policies	D7	Re-use and Recycling in Construction
4	Hertsmere Local Plan Policies	D15	Energy Efficiency - Design and Layout of Development
5	Hertsmere Local Plan Policies	D17	Pollution Control
6	Hertsmere Local Plan Policies	D20	Supplementary Guidance
7	Hertsmere Local Plan Policies	D21	Design and Setting of Development
8	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
9	Hertsmere Local Plan Policies	H1	Housing Land - overall supply
10	Hertsmere Local Plan Policies	H8	Residential Development Standards

11	Hertsmere Local Plan Policies	K1	Sustainable Development
12	Hertsmere Local Plan Policies	M2	Development and Movement
13	Hertsmere Local Plan Policies	M12	Highway Standards
14	Hertsmere Local Plan Policies	M13	Car Parking Standards
15	Hertsmere Local Plan Policies	R2	Developer Requirements
16	Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
17	Revised Core Strategy	REV_SP1	Creating sustainable development
18	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
19	Revised Core Strategy	REV_CS4	Affordable Housing
20	Revised Core Strategy	REV_CS15	Environmental Impact of development
21	Revised Core Strategy	REV_CS17	Access to services
22	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
23	Revised Core Strategy	REV_CS21	High Quality Development
24	Revised Core Strategy	REV_CS24	Accessibility and parking
25	Supplementary Planning Document	AH	Affordable Housing Supplementary Planning Document
26	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
27	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
28	Circulars	11/95	Circular 11/95 - Conditions
29	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

9.0 Key Issues

- Background;
- Principle;
- Design and visual impact
- Impact on residential amenity;
- Trees and landscaping;
- Pollution and land contamination;
- Crime prevention;

- Car parking, cycle parking, access and highways implications;
- Construction;
- Waste storage
- Section 106;

10.0 Comments

Background

Original scheme submitted under pre-application

- 10.1 Pre-application PA/11/2481 was submitted seeking advice in respect to the potential re-development of the rear service yard and function hall of the Green Dragon Public House to create:
- 5 x 3 bedroom three-storey terraced town houses with associated parking and bin storage.
- 10.2 Officers raised concerns that one of the proposed houses would impinge upon the outlook of residents within 2 to 12 Torworth Road (the three storey residential block of flats located adjacent).
- 10.3 In order to overcome this concern, the applicant has omitted this house from the scheme and introduced a three-storey residential block of flats combined with 3 x 3 bedroom town houses. The residential block of flats would attach itself to the terrace of houses and turn around the corner at a 45-degree to ensure that the development would no longer harm the outlook from 2 to 12 Torworth Road. The proposed scheme is denser than the originally submitted scheme.

Principle

Assessment of residential use of the site

- 10.4 The application site, which is not designated for any particular land use within the Local Plan, is classified as previously developed land due to the existing public house and associated buildings which occupy the site. Therefore, the redevelopment of the site within the urban confines of Borehamwood for residential development is considered in principle acceptable under the NPPF. Further to this, the site is considered to be in a sustainable location which enables access to a range of community facilities, jobs, key services and infrastructure.
- 10.5 The proposed development would have a density of 42.85 dwellings per hectare. This does not reflect the density of the wider area which is 240 dwellings per hectare. However, given the constrained nature of this site and other factors, it is considered that any greater on-site dwelling density would likely result in a development which would not meet policies on private amenity provision, parking provision and design grounds. Despite the density

of the proposed scheme not reflecting the wider area, the site is located within a sustainable location. The site is in close proximity to a shopping parade as well public transport and the local cycle route network.

- 10.6 Taking this into consideration, the proposed development would be in keeping the sustainability principles set out within the National Planning Policy Framework 2012 (NPPF).

Community facility

- 10.7 Policy S1 of the Local Plan stipulates that development which results in the loss or reduction or would have an adverse impact on social and community facilities will not be permitted unless there is evidence to suggest that there is a deficiency in the social and community facility. This is supported by policy CS17 of the Revised Core Strategy (2011).
- 10.8 The proposed development seeks to retain the main public house main building. However, the development would involve the loss of the existing beer garden, part of the rear hardstanding area, function hall and smoking area. The applicant has confirmed that these facilities have become redundant and have poor access, with patrons needing to pass through the function hall to reach the beer garden and smoking area. The main public house building has sufficient space to continue to operate adequately.
- 10.9 The function hall is a large space which requires extensive heating, lighting and staffing which has become surplus to requirements whilst the cost of running it is a financial burden to the owner of the public house and these costs potentially affect the longevity of the pub. The rear hardstanding area which is used for car parking which has rarely been in use with most patrons visiting the site by foot. Car parking facilities to the front of the site would be retained.
- 10.10 In summary, officers consider that the applicant has demonstrated that the development which results in a loss of part of the public house, would not affect the function of the public house as a community facility. This is because the main public house would remain on site if permission was granted with many of the functions being within the confines of the main building.

Housing need and mix

- 10.11 The current application would provide a mix of 3 bedroom town houses, within a terrace, and a residential block of 3 flats each of which would have 2 bedrooms. This is considered to be appropriate given the context of the area on the fringe of the district centre and comprising of flatted development and terraced housing. Moreover, the housing mix proposed would contribute towards the general housing need of the local population within and around Borehamwood.

Conclusion

- 10.12 It is considered that the redevelopment of part of the site for residential dwellings is acceptable in principle and would not result in an unacceptable loss of a community facility. Furthermore, the proposed housing mix reflects the existing mix of dwellings within the area. The proposal therefore complies with policy S1 of the Local Plan (2003), policy CS1 and CS17 of the Revised Core Strategy (2011) and the NPPF.

Design and visual impact

Context

- 10.13 The proposal is located on a complex site heavily constrained by external factors given its location at the edge of a district centre surrounded by existing development. The site is a 28.3 metre (m) wide and 28m long square strip of land located between a public footpath and garage block. The site is also bound by the Green Dragon Public House to the south-west and Torworth Road to the north-east. The majority of properties along Torworth Road are three-storey residential blocks of flats and two-storey terraced houses. The existing layout on the site is grouped together on the north-western part with the majority of the site comprising hard surfacing. The residential block of flats within the immediate vicinity of the site are broken up by their respective communal parking areas, communal gardens and main access roads which serve these flats.

Spatial Layout

- 10.14 The proposed development would project forward of the front building line of the block of flats located to the north-west of the application site. However, the northern side of Torworth Road has a staggered built form where the 1960's residential blocks step back from the rear building line of the residential block of flats on Welham Close by 4.7m. On Leeming Road, Belhaven Court as well as the shopping parade staggers because of the bend in the road which sweeps round towards Aycliffe Road.
- 10.15 The proposed three-storey town houses have been orientated so that they would face onto the access road and proposed car park courtyard. This approach creates a strong building line within the site, as well creating an active frontage and framing the development within the confines of the site itself. The block of residential flats which connect to the town houses would be orientated at a 45-degree angle in order to face towards the access road and Torworth Road. This helps to retain a continuous active frontage for the development reducing the likelihood of a dead facade. The location of the front windows and doors of the dwelling houses and flats help to promote this active frontage retaining the principle of 'eyes on the street'. The communal gardens and private amenity gardens of the proposed development would be located towards the rear of the developments built form. This helps to distinguish between public fronts and private backs.

Space and setting

- 10.16 The development proposed reflects the general block format of the surrounding development which is broken up by the communal / private garden space and courtyard parking.
- 10.17 The separation gap between the residential block of flats and 2 to 12 Torworth Road would be 3 metres. Between the fronts of plot 1 to the flank elevation of 27 Leeming Road would be 19.8m. However, the gap between plot 1 and the Green Dragon Public House would only be 1m at ground and first floor level. Notwithstanding this, given the varied nature of the street scene, it is considered that this separation gap would be acceptable. This is supported by the fact that the site is bound by garage blocks and open courtyards which help to create greater separation distances between the block of residential flats ensuring sufficient sky gaps and separating the development from the surrounding built form.
- 10.18 Adequate spacing would be provided around the development through the introduction of soft landscaping whilst separation distances are maintained between the development and existing buildings due to the siting of public footpaths and garage blocks.

Height, size and mass

- 10.19 The application site has a gentle sloping topography which declines from north-east to southwest towards Leeming Road where the land levels out. The proposed development is mindful of this slope whereby incorporating descending ridge heights from Torworth Road to Leeming Road.
- 10.20 The proposed development would stand 10.2 metres when measured from the ground floor to the ridge at its highest point. The residential block of flats at nos. 2 to 12 Torworth Road currently stand 11 metres from ground level to ridge and Belhaven Court stands 10.4 metres in height. However, the Green Dragon Public House is 8 metres in height from ground level to the ridge. Notwithstanding this, the predominant height of development close to the proposal has been reflected in the scheme proposed.
- 10.21 The proposed built form of the houses and residential block of flats would have a depth of 8m. The development as a whole spans 26m in width when viewed from the public footpath adjacent to the site. In context to the surrounding built form, residential blocks comprising nos. 1 to 23 and 2 to 24 Torworth Road span 38.2m in width and 8.34m in depth. In respect to Belhaven Court, this measures 51.5m in width and 14m in depth. Taking the context of the surrounding development into consideration, it is considered that the scale of the proposed built form is consistent with that which exists in the locality.

Architectural detailing

- 10.22 The application proposal would primarily address the street scene of Torworth Road. Torworth Road consists of three storey blocks of flats with gable or

hipped roofs clad in concrete inter-locking roof tiles and finished in a stock London red brick. To the south of the application site is a three storey block of flats finished in pebble dash cement render with a flat roof which has been felted with ancillary pre-fabricated garages with corrugated metal roofs. The design quality of buildings locally can be described as modest.

- 10.23 The architects have adopted a relatively uniform and simplistic architectural design to the proposed development. The proposed town houses and block of flats which form a terrace would have clean symmetrical lines, staggered ridge heights, traditionally proportioned pitched roofs with front dormer windows and rear roof lights. The proposed development would appear to be constructed externally with a one brick finish with a flat first floor elevation. At the ground floor of the terrace houses single storey porches have been introduced to break up the visual mass and add character to the built form. The windows throughout the development would be standard uPVC with brick detailing around the edge.
- 10.24 The front entrance to the block of flats would be orientated toward Torworth Road in order to address the street. The entrance detail would be three-storeys where the internal stairwell would be positioned to serve the flats. This element of the development adds verticality to the built form. The entrance would comprise a fully glazed frontage spanning three-storeys in order to create a feature point for the development which would be sited on the bend along Torworth Road.
- 10.25 Overall, the proposed development (given the context with Torworth Road) is considered likely to represent an acceptable form of development in terms of design, scale and form. This is because the development would not harm the character and appearance of the street scene subject to further detailed considerations including the appropriate use of materials to be considered as part of a condition.

Impact on residential amenity

Privacy

- 10.26 The proposed development has been designed and orientated to allow sufficient levels of separation from neighbouring development and to ensure that it does not overlook private spaces / habitable room windows to cause a loss of privacy. In relation to 1 to 11 Torworth Road, the front facing habitable room windows would be sited 29m from front facing windows within the development which is adequate.
- 10.27 With regard to the proposed front dormer windows, these would overlook the service and rear car parking area of the Leeming Road shopping parade. The proposed house located adjacent to the public house would have no side-ward facing windows which would cause any overlooking. It is therefore considered that the proposed development would not be of detriment the privacy of neighbouring residential occupiers whilst future occupiers would have adequate privacy,

10.28 To ensure that no new windows could be installed at a future date once the development had been completed, a condition in accordance with Circular 11/95 would be attached to any permission issued, to ensure at no time any windows or doors can be installed without first seeking express planning permission from the LPA. This is to ensure that the amenities of residential occupiers who reside within the properties surrounding the site would not be affected.

Outlook

- 10.29 Part D of the Planning and Design Guide SPD 2006 sets minimum distances to be achieved between new and existing buildings to achieve adequate levels of outlook from habitable room windows of 16 metres.
- 10.30 The proposed development would only be 4m from the first floor rear elevation of the public house which currently serves a habitable room window for a flat above the pub. However, this rear window would be removed and re-positioned to overlook the proposed courtyard car park so that there will be no resultant loss of outlook.
- 10.31 The rear elevation of the proposed end terrace property closest to the public house would be sited 14 metres, from the side elevation of Belhaven Court which is a shortfall of 2 metres, however, this is at an oblique angle with the window serving bedroom 2 generally overlooking the rear courtyard of Belhaven Court. The rear outlook from this window would be enhanced through the introduction of trees and landscaping within the rear garden of that property. This would be reflective of the outlook from the rear aspects of each of the houses proposed.
- 10.32 The front facing habitable room windows of the proposed units would face towards Torworth Road and the rear service yard and car parking area of Leeming Road shopping parade. This outlook is considered to be of limited quality. However, this is a similar level of outlook to that currently enjoyed by local residents within the nearby blocks of flats. Furthermore, additional landscaping where feasible would be added to enhance the outlook of these properties.
- 10.33 The proposed residential block of flats located adjacent to 2 to 12 Torworth Close has been splayed at 45 degrees to ensure that it would not breach the 45-degree amenity line of flats within the residential block adjacent to the site and therefore would not infringe upon the outlook of residents within these flats.

Impact on sunlight and daylight

- 10.34 Due to the orientation and positioning of the application site located north of Belhaven Court and the separation distances to be maintained between the development and the properties within Torworth Road, the proposed development is not considered likely to impact upon the levels of sunlight and daylight received to the neighbouring residential properties or to the future occupiers of the development.

Private amenity space

- 10.35 Criteria (iv) of policy H8 under the Local Plan (2003) and Part D of the Planning and Design Guide SPD (2006) seek the provision of adequate amenity space for new dwellings. The guidance states that for private amenity space required to adequately serve a new three bedroom house should be a minimum of 60 square metres. Areas of 'soft' landscaping around the building(s) will only be counted as outdoor amenity areas, where they form usable and reasonably private amenity spaces. For flatted developments 15m² of communal private amenity space would be required for every 20m² of residential floorspace provided.
- 10.36 The proposed development seeks to create 3 x three bedroom town houses and therefore a requirement of 180m² (combined) of private amenity space would need to be provided. However, there would be a shortfall of 52m² of private amenity space across the three properties. In respect to the block of flats there is a shortfall of 123m² of private amenity space. In total, there would be a shortfall of 175m² of usable private amenity space across the site. It is considered that this is not unusual given the constrained nature of the site. Future occupiers of the properties would also be within walking distance to local green spaces. For example, the playing field on Torworth Road is located 113 metres from the application site and Aberford Park is 146 metres from the site.

Conditions

- 10.37 Given that there is a shortfall in on-site provision of private amenity space across the site, conditions would be attached to any permission issued to remove 'permitted development' rights for extensions and alterations and the erection of outbuildings to ensure that private amenity space is retained.

Conclusion

- 10.38 Overall it is not considered that the proposed development would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the neighbouring properties or limit the amenities of future occupiers of the proposed units, subject to conditions. The proposed development would therefore comply with policies D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006.

Trees and soft landscaping works

Trees

- 10.39 The application site does not consist of or include any trees and hedgerows nor is it bounded by any trees or hedgerows. Therefore, no arboricultural assessment was required to be submitted with this planning application.

Landscaping works

- 10.40 The Agent has indicated that soft landscaping works are proposed as part of the development. A variety of trees and shrubs are to be planted to soften the development. The landscaping has been detailed on drawing 2014.A. 22 A. However, the applicant has not provided any details of the shrubs and tree species which would be planted on the site. Furthermore, the applicant has not submitted a Landscape Management plan. Therefore, it is recommended that conditions be attached to provide more details in respect to plant species, a landscape schedule and management plan to ensure that any landscaping on-site would enhance the visual appearance of the development.
- 10.41 No objection is raised by virtue of policies E8 of the Hertsmere Local Plan (2003), policy CS12 of the emerging Core Strategy (2011) and the NPPF (2012).

Pollution and land contamination

- 10.42 Officers have identified the site as one that should be subject to an investigation, due to the proposed change of use from a public house function hall to residential. This need has been supported by the Council's Environmental Health Officer. As such, it has been recommended that, should permission be granted, a 'contaminated land' condition be attached to ensure that if there is any contaminants found on-site, a sufficient remediation strategy is in place to remove any harm to health of future occupiers. This is to ensure compliance with policy D17 of the Local Plan (2003), Revised Core Strategy 2011 policy CS15 and the NPPF and to ensure that the development would pose no undue health risks to future occupiers.

Crime prevention

- 10.43 The Hertfordshire Constabulary's Crime Prevention Advisor has raised no objection to the scheme. The officer recommends that any gates to be erected have hasps and padlocks. This would be covered under 'Building Regulations'.

Car parking, cycle parking, access and highways implications

Car parking

- 10.44 In accordance with the Parking Standards 2008 (revised 2010) two and three bedroom properties are required to provide two on site car parking spaces per unit. This site is within accessibility zone 4, therefore provision between 75% to 100% may be acceptable subject to justification. In this case a range of 8 to 12 spaces would be required on-site.

Assessment

- 10.45 The proposed development seeks to provide 10 parking spaces within the courtyard to the front of the site. The proposal also incorporates an additional

disabled parking bay located adjacent to the residential block of flats total of 11 spaces is provided overall. The car parking provision would consequently comply with the Council's Car Parking SPD. The justification for the shortfall in 1 parking space is because the application site is well connected by local public transport given Leeming Road is on a main bus route and the site is in close proximity to a shopping parade. Therefore, future owner / occupiers are within walking distance to convenience stores located along Leeming Road.

Cycle parking

- 10.46 The Council's Parking Standards SPD states that for residential development 1 secure /long term space per unit plus 1 short term space per 5 units, should be provided. Under these standards, 7 cycle parking spaces would be required to serve the development. The applicant is seeking to create 7 secure spaces within the development which would be located adjacent to the bin / recycling store. The proposal would meet the requirement set out under the Council's cycle Parking Standards.

Access and highways implications

- 10.47 The existing access into the site from Torworth Road would be closed off. A new access would be created in a more central position in order to accommodate sufficient space on site for parking. The width of the access road would be 9.4 metres at the bell mouth with the main access road being 5 metres in width. This is of a sufficient width to allow vehicles to adequately pass into and through the site. The Highways Manager considers that the development would not create a materially greater level of traffic generation from the site. Furthermore, when officers visited the site, Torworth road was not heavily congested with traffic. The development would therefore have minimal impact on the operation of the adjacent highway with sufficient accessibility.

Service and emergency vehicles access

- 10.48 The largest width of a fire engine, an ambulance, HGV and a refuse vehicle is 2.55m. The proposed access road off Torworth Road is acceptable to accommodate the largest type of vehicle with an additional 2.45m to the side (1.225m each side of the vehicle). The vehicles are able to egress in reverse gear as they are supervised with a reversing alarm and then exit the site in a forward gear.

Construction

Overview

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

owned land is entered into this would be a civil matter that does not fall under the remit of the Planning Regulations. If indiscriminate car parking occurs that is detrimental to the safe and free flow of vehicle and pedestrian movement then this is for the Police and/or the Highways Authority to enforce against.

Method statement

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

Dust

- 10.51 The Planning Regulations do not enable control over the amount of dust generated by a development. If dust arises from the proposed works and subsequent concerns arise this matter would be dealt with by the Environmental Health Department at the Borough Council.

Waste storage

- 10.52 Refuse is required to be provided on each site in accordance with the Waste Storage Provision Requirements of the Borough Council. Drawing number 2014.A. 22 A details the position of the bin / recycle store to be located adjacent to the rear wall of the Public House courtyard. 1 no. 1100lt Eurobin, 2 no. 770lt Eurobin and 1 no. 240lt wheelie bin would be provided to serve the flatted and housing development. In addition, each of the houses would have 3 no. 240lt wheelie bins which would be stored in cupboards located adjacent to the front door to these houses. It is considered the proposal would meet the requirements set out under the Council's Waste Storage Provision Requirements.

Section 106

- 10.53 The Heads of Terms have been confirmed by the Agent on the 12th September 2012. The Borough Council and County Council would receive full monies for the scheme. The Heads of Terms are as follows:

Hertsmere Borough Council (based on 610 m2 floor space and a shortfall of 175m2 of private amenity space)	Head of Terms generated from S106 Calculator	Agreed Heads of Terms.
Public Open Space	£9,363.50	£9,363.50 (Agreed)
Public Leisure Facilities	£152.50	£152.50 (Agreed)

Playing Fields	£451.40	£451.40 (Agreed)
Greenways	£1,046.46	£1,046.46 (Agreed)
Allotments	£3,416.00	£3,416.00 (Agreed)
Cemeteries	£189.10	£189.10 (Agreed)
Section 106 Monitoring	£402.00	£402.00 (Agreed)
Short fall in on site amenity	£11,222.75	£11,222.75 (Agreed)
Museums and Cultural Facilities	£1,365.00	£1,365.00 (Agreed)
Total HBC contributions	£27,608.71	£27,608.71
Hertfordshire County Council	Head of Terms generated from Toolkit.	Agreed Heads of Terms.
Primary Education	£9,843.00	£9,855.00 (Agreed)
Secondary Education	£9,015.00	£9,015.00 (Agreed)
Nursery Education	£1,605.00	£1,605.00 (Agreed)
Childcare	£585.00	£585.00 (Agreed)
Youth Facilities	£189.00	£198.00 (Agreed)
Library Facilities	£981.00	£981.00 (Agreed)
Sustainable Transport	£5,625.00	£5,625.00 (Agreed)
Total HCC Contributions	£27,843	£27,864

Justification of figures

- 10.54 The Borough Council has published a "Planning Obligations" SPD (December 2010)" which sets out the general principles for Section 106 obligations together with formula calculated in accordance with the SPD.
- 10.55 Hertfordshire County Council under their planning obligations tool kit also require the provision of a fire hydrant along with the above Heads and Terms having been confirmed. The above figures have been calculated using the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel.
- 10.56 The above S106 requirements are considered to comply with policy R2 of the Hertsmeire Local Plan (2003), policy CS20 of the Revised Core Strategy (2011) and the Council's Planning Obligations SPD Parts A and B (2010) as well as the terms of Regulation 122 of the Community Infrastructure Levy (2010) in that they are:
- (i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development;
 - (iii) Fairly and reasonable related in scale and kind to the development.

11.0 Conclusion

- 11.1 No objection is raised to the principle of redeveloping the subject site to creating residential flatted units and town house. The siting, design and appearance of the proposal would not result in any undue impact on the character and appearance of the surrounding area. The layout and design of the proposal would not impact upon neighbouring amenities. Car parking and cycle parking is considered to be sufficient.
- 11.2 The proposal would comply with: NPPF (2012); Hertsmere Local Plan (2003) policies D3, D7, D15, D17, D20, D21, E8, H1, H8, K1, M2, M12, M13, R2 and S1. Hertsmere Revised Core Strategy (2011) policies SP1, CS1, CS4 CS15, CS17, CS20, CS21 and CS24. Part D of the Planning and Design Guide SPD (2006), the Parking Standards SPD (2008) (Revised June 2010), Planning Obligations SPD (2010), Affordable Housing SPD (2008), Circular 11/95.

12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 6 months from the date of the 6th September 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

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

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
 CR01 Development to commence by - Full
- 2 **CB02** Prior Submission - External Surfacing

- CR10** Visual Amenity - Residential (variant)
- 3 **CB03** Prior Submission - Hard Surfacing
- CR10** Visual Amenity - Residential (variant)
- 4 **CB13** Prior Submission - Fencing etc (General)
- CR10** Visual Amenity - Residential (variant)
- 5 **CG01** Prior Submission - Surface Water Run-Off
- CR32** Drainage Overload
- 6 **CE01** Prior Submission - Access etc. Details
- CR18** Highway Traffic Flow
- 7 Within one month of the access being brought into use, all other existing access points not incorporated in the development shall be stopped up by raising the existing dropped kerb and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.
- Reason:
To limit the number of access points onto the highway where vehicular movement occur for the safety and convenience of the highway user. To comply with policy M12 of the Hertsmere Local Plan (2003) and policy CS21 of the Revised Core Strategy (2011).
- 8 **CE16** Construction Management
- CR45** Construction Management
- 9 **CB19** Prior Submission-Hard & Soft Landscaping
- CR27** Landscape/Trees Provision
- 10 **CB22** Landscape Management
- CR27** Landscape/Trees Provision
- 11 **CB23** Landscape Maintenance
- CR27** Landscape/Trees Provision
- 12 **CC01** No New Enlargements to Dwellings
- CR08** Visual Amenity - Residential
- 13 **CC02** No New Outbuildings for Dwellings
- CR08** Visual Amenity - Residential

14 Means of vehicular access to the permitted development shall be from the access road of Torworth Road as detailed on drawing number 2014.A.22 Revision A. All existing access(es) to the site shall be closed off.

CR19 Highway Turning

15 **CB08** No New Windows

CR12 Visual & Residential Amenities

16 **CG04** Submission of Remediation Scheme

CR44 Land Contamination

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

- Design and Access Statement - date stamped 06/07/2012;
- Location Plan (drawing number: 2014.A. 01) date stamped 06/07/2012;
- Site Plan as Existing (drawing number: 2014.A.02) date stamped 06/07/2012;
- Plans as Existing (drawing number: 2014.A.05) date stamped 06/07/2012;
- Elevations as Existing (drawing number: 2014.A. 06) date stamped 06/07/2012;
- Site plan as proposed (drawing number: 2014.A. 22 A) date stamped 06/07/2012;
- Plans as proposed (drawing number: 2014.A. 25 A) date stamped 06/07/2012;
- Elevations as proposed (drawing number: 2014.A. 26 A) date stamped 06/07/2012;
- Street elevations as proposed (drawing number: 2014.A. 27 A) date stamped 06/07/2012;
- Bin and Cycle Store Plans as Proposed (drawing number: 2014.A. 30) date stamped 17/08/2012.

Reason:

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

General Reason(s) for Granting Permission

No objection is raised to the principle of redeveloping the subject site to creating residential flatted units and town house. The siting, design and appearance of the proposal would not result in any undue impact on the character and appearance of the surrounding area. The layout and design of the proposal would not impact upon neighbouring amenities. Car parking and cycle parking is considered to be sufficient.

The proposal would comply with: NPPF (2012); Hertsmere Local Plan (2003) policies D3, D7, D15, D17, D20, D21, E8, H1, H8, K1, M2, M12, M13, R2 and S1. Hertsmere Revised Core Strategy (2011) policies SP1,

CS1, CS4 CS15, CS17, CS20, CS21 and CS24. Part D of the Planning and Design Guide SPD (2006), the Parking Standards SPD (2008) (Revised June 2010), Planning Obligations SPD (2010), Affordable Housing SPD (2008), Circular 11/95.

13.0 Background Papers

- 1 The Planning application (TP/12/1432) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: NPPF (2012); Hertsmere Local Plan (2003) policies D3, D7, D15, D17, D20, D21, E8, H1, H8, K1, M2, M12, M13, R2 and S1. Hertsmere Revised Core Strategy (2011) policies SP1, CS1, CS4 CS15, CS17, CS20, CS21 and CS24. Part D of the Planning and Design Guide SPD (2006), the Parking Standards SPD (2008) (Revised June 2010), Planning Obligations SPD (2010), Affordable Housing SPD (2008), Circular 11/95.

INFORMATIVE 1

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

DEVELOPMENT CONTROL

STANDARD DRAINAGE CRITERIA (CG01)

- **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)

- **STORAGE REQUIREMENTS**

The need for storage will be calculated for the proposed site layout for 1 in 100 year return period critical storm duration conditions taking into account the maximum allowable discharge previously calculated. The contributory

areas will allow for 100% of the impermeable surfaces plus an equivalent 10% of the permeable surfaces as though impermeable areas.

- **VOLUMETRIC RUNOFF COEFFICIENT**

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

In order to assist in a decision to advise the discharge of a planning drainage condition please supply 2 copies of drawings relating to the drainage layout, plus long sections and standard details (identifying any proposed storage and runoff control), along with calculations supporting the design and details of any flow restriction device.

Please also include the pre and post development permeable and impermeable areas of the site in m².

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

Notes:

STANDARD DRAINAGE CRITERIA (CG01)

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

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

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

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

1. Proposed maximum surface water discharge rate i.e. up to the maximum allowable as calculated using CG01.
2. Proposed method of limiting surface water discharge to this rate.
3. Proposed volume of storage as calculated using CG01.
Proposed method of providing this volume of storage.

The following 5 areas:

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

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

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

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

INFORMATIVE 2

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

INFORMATIVE 3

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.

INFORMATIVE 4

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

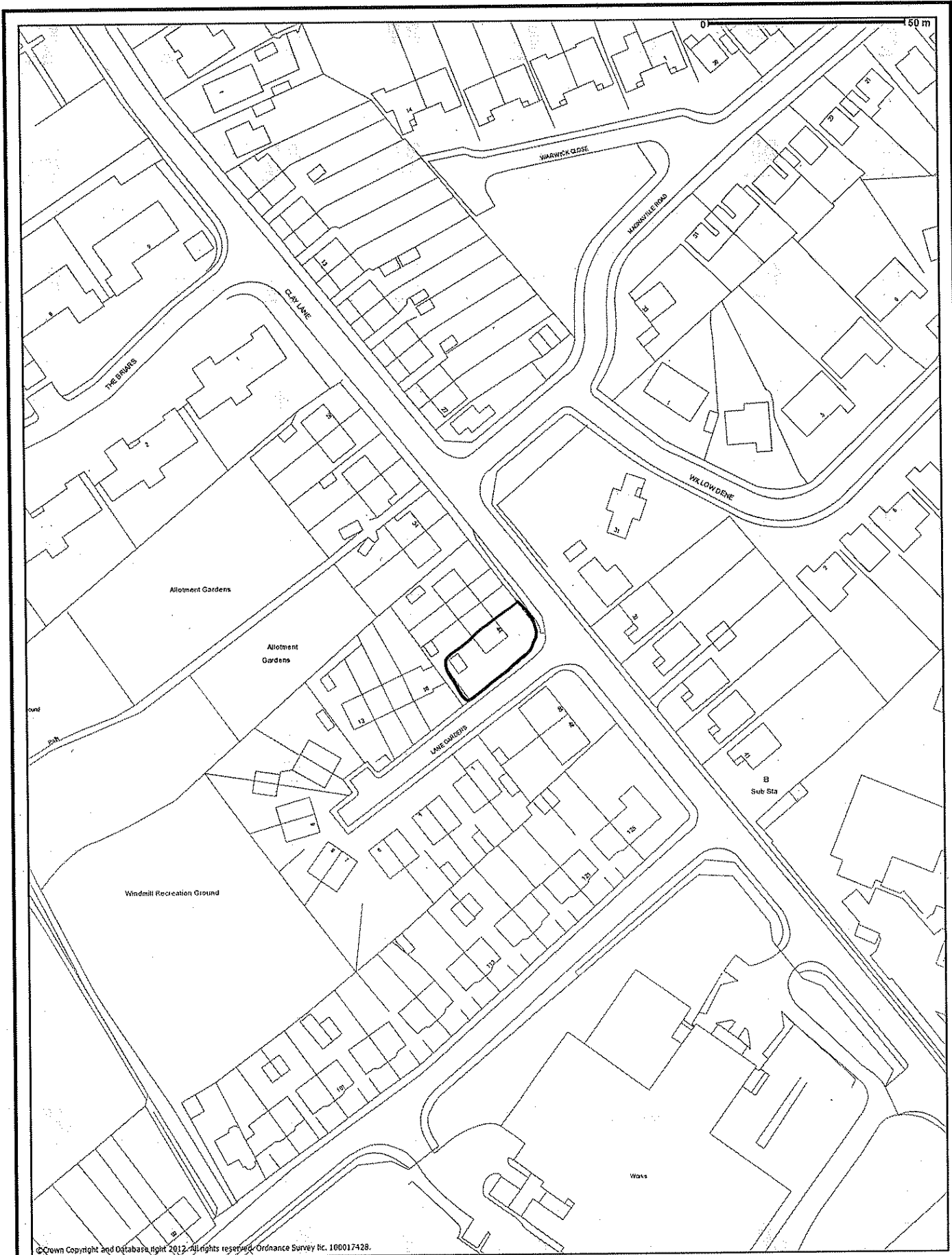
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council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

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

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Scale 1:1250

TP/12/1701

44 Clay Lane, Bushey Heath, Bushey, WD23
1NW



HERTSMERE

DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1701

DATE OF APPLICATION: 08 August 2012

STATUTORY START DATE: 17 August 2012

SITE LOCATION

44 Clay Lane, Bushey Heath, Bushey, WD23 1NW

DEVELOPMENT

Erection of a two bedroom end of terrace dwelling, two new vehicular accesses for the existing and proposed dwellings and associated car parking.

AGENT

Mr Nathan Sergent
Anglia Design LLP
11 Charing Cross
Norwich
Norfolk
NR2 4AX

APPLICANT

Mr Imran Haq
C/O Anglia Design LLP
11 Charing Cross
Norwich
NR2 4AX

WARD

Bushey Heath

GREEN BELT

No

CONSERVATION AREA Not in a Conservation Area

LISTED BUILDING NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 12 October 2012, the expiry date of the application, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 1.3 *Suitable provision for libraries, youth, nursery education, primary and secondary education, Greenways, sustainable transport, public open spaces, public leisure facilities, playing fields, cemeteries, museums and cultural facilities, remediating amenity space and monitoring fees has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, policy CS20 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Parts A and B of the Planning Obligations SPD 2010 and the National Planning Policy Framework 2012.*

2.0 Application site / Surrounding area

- 2.1 The application site is located on the east side of Clay Lane at its junction with Lane Gardens. The application site is a corner plot comprising a two storey, end of terrace dwelling on a raised ground level, with an outbuilding in the rear garden.
- 2.2 The local context consists of generally similarly designed, two storey, semi-detached and detached dwellings, set back from the road and with rear gardens. The dwellings on the same side of the road as the application site sit within small plots and have shallow rear gardens. The separation distances between dwellings is moderate. The ground level gradually falls towards the south east end of Clay Lane.

3.0 Proposal

- 3.1 The application seeks planning permission for the erection of a two bedroom end of terrace dwelling, two new vehicular accesses for the existing and proposed dwellings and associated car parking.
- 3.2 The application has been called-in by Cllr Brenda Batten because of issues relating to residential development standards, impact on neighbouring properties and impact on character of the street scene.

Key Characteristics

Site Area	0.025 hectares
Density	80 dwellings per hectare
Mix	One two bedroom dwelling
Dimensions	height = to eaves 4.9 to 5.3 metres, width = 5.2 metres, depth = 9.2 metres
Number of Car Parking Spaces	1 space proposed for the existing dwelling and two spaces proposed for the proposed dwelling.

4.0 Relevant Planning History

There is no relevant recorded planning history.

5.0 Notifications

- 5.1 Summary: 5 neighbours were notified and a site notice was displayed.

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

Reasons for objection:

Highway Safety, Access and Parking

- there is no access to the rear of 44 Clay Lane;
- creating vehicular access in Lane Gardens and Clay Lane would result in loss of on-street car parking space;
- the proposal is detrimental to highway safety;
- the loss of street access to the rear garden;
- the pathway at the back of no.44 leading to no.42's garage is on the deeds of nos.40 and 42 as theirs to use and does not give access to any other property;
- and
- proposal would result in additional road congestion.

Design and Appearance

- the dwelling is too small and narrow;
- over-development;
- adverse impact to the visual amenity of the street scene; and
- the impact of the re-routing of the soil and waste pipes from the exterior of the side wall.

Residential Amenity

- loss of light; and
- loss of view from the front of 15 and 16 Lane Gardens.

Miscellaneous

- loss of green space;
- additional flooding in winter;
- lack of rear garden space;
- there is no legal access to the rear of no.44 only nos. 40 and 42;
- the amount of hardstanding could become dangerous in cold weather;
- waste bins will be stored in a highly visible position at the front of the property;
- and
- the loss of a total of four windows in the side elevation as it becomes a party wall.
- extra pressure on local services.

Comment:

- a request is made that if any building is proposed, the builders concerned are not allowed to break any conditions laid down as to hours of working and days of working such as Sundays and adequate safety barriers be erected.

6.0 Consultations

Highways, Hertfordshire
County Council

No objection. The Highway Officer considers that the Lane Gardens access at this location would not

be a significant problem. The proposed access to the existing house in Clay Lane is again not ideal. However, the Highway Officer has taken into consideration the vehicle movements on Clay Lane, which is a local access road and the junction with Clay Lane is a cul-de-sac. There are also many other houses with similar parking arrangements in Clay Lane. Therefore, the Highway Officer does not consider that he could substantiate a recommendation for refusal on these grounds.

The Highway Officer also considers that the proposed development if permitted will not materially increase traffic movements from the site therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and therefore, the Highway Officer has no objection to the grant of planning permission subject to 3 conditions relating to construction management, access and surface water run-off.

Drainage Services	No objection. No conditions.
Hertfordshire Fire & Rescue Service	No comment received.
Hertsmere Waste Management Services	No comment received.
EDF Energy Networks	No comment received.
National Grid Company Plc	No comment received.
Thames Water	No comment received.
Veolia Water Central Limited	No comment received.

7.0 Policy Designation

- Bushey urban area
- Watling Chase Community Forest

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	11/95	Circular 11/95 - Conditions
3	Community Infrastructure Levy	CIL	Community Infrastructure Levy Regulations
4	Hertsmere Local Plan Policies	K1	Sustainable Development

5	Hertsmere Local Plan Policies	H8	Residential Development Standards
6	Hertsmere Local Plan Policies	H10	Back Garden Development
7	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
8	Hertsmere Local Plan Policies	M2	Development and Movement
9	Hertsmere Local Plan Policies	M12	Highway Standards
10	Hertsmere Local Plan Policies	M13	Car Parking Standards
11	Hertsmere Local Plan Policies	C7	Watling Chase Community Forest
12	Hertsmere Local Plan Policies	D20	Supplementary Guidance
13	Hertsmere Local Plan Policies	D21	Design and Setting of Development
14	Hertsmere Local Plan Policies	R2	Developer Requirements
15	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
16	Revised Core Strategy	REV_SP1	Creating sustainable development
17	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
18	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
19	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
20	Revised Core Strategy	REV_CS21	High Quality Development
21	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
22	Revised Core Strategy	REV_CS24	Accessibility and parking
23	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
24	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
25	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A

9.0 Key Issues

- Principle of Development
- Principle of Sustainable Development

- Visual Amenity
- Spacing and Setting
- Residential Amenity
- Access and Parking
- Storage of Refuse and Recyclable Material
- Other Matters
- Section 106 Contributions

10.0 Comments

Principle of Development

- 10.1 The proposal involves the erection of a single dwelling in the side garden area of 44 Clay Lane. The NPPF paragraph 53 states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where the development would cause harm to the local area. Policy H10 of the Local Plan has regard to back garden development. This policy states,

"In locations characterised by detached and semi-detached houses where sites can be formed through the assembly of a number of long rear or side gardens, developments will not be granted permission unless:

- (i) A proper means of access which is convenient and safe for motorised and non-motorised highway users is provided which keeps to a minimum any visual impact within the street scene; and
- (ii) The proposal complies with the criteria listed in Policy H8 (Residential Development Standards).

- 10.2 Therefore, the principle of the development is acceptable subject to satisfactory accesses and the criteria listed in Policy H8 of the Local Plan

Principle of Sustainable Development

- 10.3 Specifically relating to housing, Policy CS1 of the Revised Core Strategy 2011 promotes the addition of further new residential units as part of the Borough's provision of new homes to meet local targets. Policy CS1 stipulates that new residential development must take account of environmental constraints, the character, pattern and density of the surrounding area, the need to retain existing housing, the need to locate new development in the most accessible locations and should be focussed within the boundaries of existing built up areas.
- 10.4 No environmental constraints are identified. The proposed development would be in keeping with the character and pattern of the surrounding area. The proposed dwelling would be lower in height than the other terraced houses it would adjoin to reflect the topography of the area. It is noted that the new build will be without steps leading to the front door which characterises the other houses in the terrace. But this will ensure adequate disabled access. In all other respects the design of its front elevation copies

that of the houses in the terrace.

- 10.5 Due to the topography of the land, which is at a lower level at this end of the terrace, the proposed dwelling was deliberately designed to be lower, so that it does not appear as an imposing and visually prominent three storey building at this exposed corner location to public views from Clay Lane and Lane Gardens.
- 10.6 The proposed development would have a high density at 80 dwellings per hectare which is characteristic of the surrounding area. However, whether the density of the development is acceptable depends upon whether there is sufficient private amenity space and spacing, which the application fails upon. The shortfall in amenity space provision will be mitigated by a Section 106 contribution of a remediating amenity space charge.
- 10.7 No existing housing would be demolished, but additional housing created.
- 10.8 The proposed development would be sited within the existing built up area of Bushey in a location accessible to the public transport, shops and services of the town centre. Given the above, It is considered that the proposal represents sustainable development.

Visual Amenity

- 10.9 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development. This is supported by Local Plan Policies D21 and H8, Revised Core Strategy Policy CS21 and Part D of the Planning and Design Guide SPD.
- 10.10 Local Plan Policies D21 and H8 require new development to respect surrounding development in terms of size, height, mass and appearance.

Layout

- 10.11 The layout of the local context is typically dwellings located at the front of plots, set well back from the road following a formal building line, with shallow rear gardens, particularly on the east side of Clay Lane. On the west side of Clay Lane, dwellings tend to be situated in large plots with longer rear gardens. The proposed dwelling would have a similar conventional layout to its immediate identical neighbours. The parking bays located at the rear of the house, adjacent to the rear garden area, would result in the rear garden being very limited in size, particularly the depth. The proposed layout is acceptable, but given the parking requirements it is important to establish whether there is satisfactory private useable amenity space. This is assessed in the section *Spacing and Setting*. The density of the local area is approximately 80 dwellings per hectare. The density of the proposed site is similar. Due to the limited resultant pace that would be available within the site for future development and the likely adverse impact to visual amenity due to further development, conditions have been imposed restricting future

development under permitted development rights.

Built Form

- 10.12 There is a similar built form amongst the dwellings in the local area. Dwellings are generally two storeys, deeper than they are wide and have hipped roofs. The proposed dwelling has an identical built form from the front to the other houses that form the terrace. It is lower in height, which is in response to the topography of the land which slopes down towards this end of the terrace block. The lower height of the proposed dwelling prevents it from appearing as an imposing and prominent building that would dominate the street scene to the detriment of visual amenity. This is a welcomed approach. To ensure that the eaves, ridge and floor levels of the finished development would respect those of neighbouring properties within the street scene a condition has been imposed requesting levels.

Architectural Approach

- 10.13 The existing terrace that the proposed dwelling is to adjoin is symmetrical in design, with a slightly projecting symmetrical gable forming a catslide and steps leading up to the front door. The proposed dwelling would replicate these design features of the existing dwellings in the terrace, including their fenestration arrangement. Overall, the proposed dwelling is very similar in design to the other houses in the terrace, it is not considered that there would be an adverse impact on the visual amenity of the street scene. Therefore, it is considered that the design and appearance of the proposed dwelling is acceptable.

Materials

- 10.14 The external materials of the buildings in the terrace include red brick and sand coloured pebble dash render and red clay tiles. On one of the houses in the terrace the pebble dash render has been painted white. A condition has been imposed requiring that the materials to be used in the external surfaces of the proposed dwelling match those used in the existing terrace of dwellings. This is appropriate as the dwellings in the existing terrace appear as one whole development and the proposed dwelling is to be part of it. To ensure that the finished appearance of the dwelling maintains visual amenity conditions relating to materials for external surfacing, hard surfaced areas and fencing have been imposed.

Spacing and Setting

- 10.15 Local Plan Policy H8 and Part D of the Planning and Design SPD require proposals to provide appropriate space around buildings and plot coverage to respect the setting of neighbouring buildings and to protect privacy.
- 10.16 Part D requires in areas where there is little separation between buildings that a 1 metre separation to side boundaries is maintained and in areas where there is significant separation between buildings a 2 metre separation

to side boundaries should be maintained.

- 10.17 The spacing between buildings in the local context is typically around 3 metres. The proposed dwelling would leave a 1.2 separation distance to the side boundary. The adjacent property on the other side in Lane Gardens, 46 Clay Lane, which is also on a corner plot, is 1 metre from the side boundary. Therefore, the distance of the proposed dwelling from the side boundary would not be out of character with the existing pattern of development and as such is acceptable.
- 10.18 Part D of the Planning and Design Guide states that where new developments propose buildings that face (front or rear) onto the side of existing buildings and vice versa, they should be a minimum of 16 metres apart. The rear elevation of the proposed dwelling would face the side of elevation of no.16 Lane Gardens. The distance between these elevations is approximately 16 metres, therefore, it is considered that there would be no privacy issues. Furthermore, the first floor bedroom and bathroom window in the rear elevation of the proposed dwelling, would face a first floor obscure glazed bathroom window in the side elevation of no.16 Lane Gardens, a circumstance which maintains privacy, for the occupants of both dwellings.
- 10.19 Local Plan Policy H8 and Part D of the Planning and Design Guide SPD require new residential development to provide adequate private useable amenity space. Part D specifies that a 2 bedroom dwelling should provide at least 60 square metres of private amenity space. However, the application proposes 27.26 square metres of private amenity space, which is significantly below the minimum requirement of 60 square metres. Therefore, the proposal fails to comply with Local Plan Policy H8 and Part D of the Planning and Design Guide SPD with regard to provision of private useable amenity space. However, a relaxation of this policy guidance is acceptable in this instance as the Section 106 contribution of remediating amenity space charge mitigates this lack of private useable amenity space.

Residential Amenity

- 10.20 Local Plan Policy H8 and Part D of the Planning and Design Guide requires that new development does not adversely impact on neighbouring residential amenity in terms of loss of natural light, outlook, privacy and noise disturbance. What is relevant in this instance is the impact on natural light to and outlook from neighbouring residential properties and privacy.

Outlook

- 10.21 The proposed dwelling would breach a 45 degree line taken from the nearest ground and first floor habitable room windows of adjoining property 44 Clay Lane. However, as the proposed dwelling would project only a very modest 2 metres beyond the rear elevation of 44 Clay Lane, outlook from this property is unlikely to be significantly reduced.

Privacy

- 10.22 The rear elevation of the proposed dwelling faces the side elevation of 16 Lane gardens. The elevations are the required 16 metres apart. Furthermore, the first floor bedroom and bathroom window in the rear elevation of the proposed dwelling would face a first floor obscure glazed bathroom window in the side elevation of no.16 Lane Gardens. Therefore, there would not be any overlooking and loss of privacy to the occupants of the existing dwelling.
- 10.23 The side elevation of the proposed dwelling would face the side habitable room windows of adjacent property 46 Clay Lane. However, the side elevation of the proposed dwelling facing these habitable room windows does not contain any windows therefore, there would be no overlooking and loss of privacy to 46 Clay Lane.

Sunlight/Daylight

- 10.24 The proposed dwelling would be located to the south east of 44 Clay Lane and would project 2 metres beyond its rear elevation. Due to the modest projection of the proposed dwelling beyond the rear elevation of 44 Clay Lane, there is unlikely to be significant overshadowing and loss of mid-morning sunlight to that adjoining dwelling due to the orientation of the sun.
- 10.25 The proposed dwelling is to the north west of 46 Clay Lane, due to the significant distance of 11 metres between the dwellings and the orientation of the sun there is unlikely to be significant overshadowing to the habitable room windows in the side elevation of 46 Clay Lane facing the north-west.

Access and Parking

- 10.26 The Parking Standards SPD determines the maximum number of off-street parking spaces based on the number of bedrooms per residential unit. The existing parking situation for no.44 is no off-street parking. A 2 bedroom dwelling is required to have a maximum of 2 off-street car parking spaces. The proposed parking situation is 2 off-street parking spaces at the back of the proposed dwelling and 1 off-street parking space for the existing dwelling no. 44. Although, 1 parking spaces would be insufficient for a dwelling that has a minimum of 2 bedrooms, 44 Clay Lane currently has no off-street parking, therefore, the addition of one off-street parking space contributes to some extent to meeting the Parking Standards and is acceptable given that there is no existing off-street car parking provision. The provision of 2 parking spaces for the proposed 2 bedroom dwelling meets with the requirements of the Parking Standards SPD.
- 10.27 Local Plan Policy M2 states that development proposals will only be permitted where good access exists. The Highway Officer has assessed both proposed accesses. The Highway Officer has no objection to the proposed access in Lane Gardens. Although, the Highway Officer considers proposed access to the existing house in Clay Lane not be ideal, but finds it acceptable

given that there are similar arrangements on Clay Lane.

- 10.28 The Highway Officer also considers that the proposed development, if permitted will not materially increase traffic movements from the site therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and therefore, the Highway Officer has no objection to the grant of planning permission subject to 3 conditions relating to construction management, access and surface water run-off.

Storage of Refuse and Recyclable Material

- 10.29 Local Plan Policy H8 and Part D of the Planning and Design Guide SPD require new development to provide areas for the sorting, storage and collection of materials for recycling and general refuse. Part D also requires that bin stores should be sensitively located and should not dominate the front of developments. The "Proposed Ground Plan" shows a bin store adjoining the rear elevation of the proposed dwelling. Therefore, the proposal would comply with Local Plan Policy H8 and Planning and Design Guide Part D with respect to the provision of storage for refuse and recyclable material.

Other Matters

- 10.30 It is noted that the Highway Officer recommended a condition relating to surface water run-off in respect of the creation of hard-surfaced parking areas. However, the Engineering Department only recommend drainage conditions with respect to developments of 3 dwellings or more.

Section 106 Contributions

- 10.31 Local Plan Policies R2 and L5 and Revised Core Strategy Policy CS20 require developers to enter a Section 106 legal agreement to provide financial contributions to Hertsmere Borough Council and Hertfordshire County Council to mitigate the impact of the development.
- 10.32 The heads of terms and financial contributions that would be required by Hertsmere Borough Council and Hertfordshire County Council are given below. (These heads of terms have not yet been agreed).

Table 1: Heads of Terms

HBC	Required	Agreed
Public Open Space	£1,378.15	To be confirmed
Public Leisure Facilities	£23.86	To be confirmed
Playing Fields	£275.82	To be confirmed
Greenways	£174.41	To be confirmed
Cemeteries	£29.59	To be confirmed
Museums and Cultural Facilities	£182	To be confirmed

Remediating Amenity Space Charge	£2191.00	To be confirmed
Section 106 monitoring contribution	£67	To be confirmed

HCC

Sustainable Transport Measures	£750	To be confirmed
Primary Education	£1,035	To be confirmed
Secondary Education	£802	To be confirmed
Nurseries	£175	To be confirmed
Youth	£16	To be confirmed
Libraries	£147	To be confirmed
Total	£7,246.83	To be confirmed

11.0 Conclusion

- 11.1 The proposal is acceptable. The principle of the development is acceptable so to is the principle of sustainable development. The layout, built form, architectural detailing and materials would be in keeping with the character and pattern of development in the local context and as such the impact on visual amenity is acceptable. There would be no adverse impact on the residential amenity of neighbouring occupants. In addition, the Highway Officer considers the proposed accesses to be acceptable and there is sufficient off-street parking provision. Therefore, the proposal would comply with policies the relevant planning policies and as such is recommended for approval subject to conditions.

12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 12 October 2012, the expiry date of the application, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

Suitable provision for libraries, youth, nursery education, primary and secondary education, Greenways, sustainable transport, public open spaces, public leisure facilities, playing fields, cemeteries, museums and cultural facilities, remediating amenity space and monitoring fees has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, policy CS20 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Parts A and B of the Planning Obligations SPD 2010 and the National Planning Policy Framework 2012.

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
CR01 Development to commence by - Full
- 2 **CB03** Prior Submission - Hard Surfacing
CR08 Visual Amenity - Residential
- 3 **CB04** Prior Submission - Levels
CR38 Levels
- 4 The bathroom window to be created in the first floor rear elevation shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
CR11 Residential Amenity (includes privacy)
- 5 **CB13** Prior Submission - Fencing etc (General)
CR12 Visual & Residential Amenities
- 6 **NO DEVELOPMENT** (including any demolition, earthworks or vegetation clearance) **SHALL TAKE PLACE BEFORE** a scheme of landscaping which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.
CR27 Landscape/Trees Provision
- 7 **CC01** No New Enlargements to Dwellings
CR12 Visual & Residential Amenities
- 8 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a

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

CR45 Construction Management

- 9 **THE DEVELOPMENT SHALL NOT COMMENCE UNTIL** details of the proposed accesses onto the public highway have been approved in writing by the Local Planning Authority. The building shall not be occupied until that access has been constructed in accordance with the approved details.

CR18 Highway Traffic Flow

- 10 The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing terrace to which the dwelling is to adjoin unless otherwise approved in writing by the Local Planning Authority.

CR08 Visual Amenity - Residential

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

CR12 Visual & Residential Amenities

- 12 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 09/08/2012)
 - NS-3236-100 Rev A (date stamped 28/08/2012)
- Photographs and Location Plan (date stamped 09/08/2012)

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

General Reason(s) for Granting Permission

The application has been considered in the light of the following policies of the Hertsmere Local Plan 2003 K1, H8, H10, L5, M2, M12, M13, C7, E8, D20, D21 and R2, the following policies of the Hertsmere Revised Core Strategy 2011 SP1, CS1, CS12 CS20, CS21, CS23 and CS24, Part D of the Hertsmere Planning and Design Guide SPD 2006, the Council's Parking Standards SPD Revised 2010, the Hertsmere Planning Obligations SPD Parts A and B 2010, Circular 11/95: The Use of Conditions in Planning Permissions, The Community Infrastructure Levy Regulations 2011 and the National Planning Policy Framework 2012 and is considered satisfactory. The principle of the development is acceptable so to is the principle of sustainable development. The layout, built form, architectural detailing and materials would be in keeping with the character and pattern of development in the local context and as such the impact on visual amenity

is acceptable. There would be no adverse impact on the residential amenity of neighbouring occupants. In addition, the Highway Officer considers the proposed accesses to be acceptable and there is sufficient off-street parking provision.

13.0 Background Papers

- 1 The Planning application (TP/12/1701) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies K1, H8, H10, L5, M2, M13, C7, D20, D21 and R2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS1, CS20, CS21, CS23 and CS24. Part D of the Council's Planning and Design Guide SPD 2006. The Council's Parking Standards SPD Revised 2010. Planning Obligation SPD Parts A and B 2010.

Building Regulations

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

Highways (Hertfordshire County Council)

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

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

Case Officer Details

Brenda Louisy-Johnson ext - Email Address

brenda.louisyjohnson@hertsmere.gov.uk

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TP/12/1602

99-101 Gills Hill Lane, Radlett



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1602

DATE OF APPLICATION: 19 July 2012

STATUTORY START DATE: 26 July 2012

SITE LOCATION

99-101 Gills Hill Lane, Radlett

DEVELOPMENT

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

AGENT

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

APPLICANT

Godfrey Investments Ltd
C/O Agent

WARD Aldenham West
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER 1022/2000
(no.99)

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 20 November 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

Suitable provision for Greenways, parks and open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural

facilities and monitoring fees has not been secured. As a consequence of the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) of the planning obligations SPD and the National Planning Policy Framework 2012.

2.0 Application site / Surrounding area

- 2.1 The application site currently comprises a pair of semi-detached dormer style houses on Gills Hill Lane.
- 2.2 The site is located on the western edge of Radlett and is 0.24 ha in area. The plot is covered by a Tree Preservation Order. The site is on the north-east of Gills Hill Lane near the junction with Loom Lane. Two vehicular and pedestrian accesses are located off Gills Hill Lane.
- 2.3 The site currently includes two semi-detached houses and two detached garages which were still occupied at the date of the case officers site visit. These structures are set back from Gills Hill Lane by approximately 16.7 Metres and are largely set in line with the front building line with 103 Gills Hill Lane. The neighbouring properties at 95 and 97 Gills Hill Lane are set behind the front building line of 99-101 Gills Hill Lane by approximately 4 metres. In front of this build line at 99-101 Gills Hill Lane are areas of hardstanding used for car parking. Both properties have retained a grassed area on about half the frontage. The boundary treatment at both properties is mature hedgerow. The frontage is of a more open nature.
- 2.4 At the rear of the existing houses, the gardens are primarily grassed with mature trees and hedgerow on the boundaries.
- 2.5 The surrounding area is predominantly residential, being a mix of detached and semi-detached dwellings and dormer bungalows, all of which are of a variety of styles, designs and built form. It is noted that many of these also have large areas of off street parking. Many of these properties have been extended over a period of time.

3.0 Proposal

- 3.1 The application seeks planning permission to demolish the existing pair of semi detached dwellings and erect 4 detached dwellings in tandem spatial layout. The application also includes the creation of a new vehicular access in the centre of the site and associated soft and hard landscaping. The existing two access points are to be removed have been applied for. It is important to note that this application is a resubmission of a previous proposal (TP/12/0691) that was granted planning permission

by the planning committee dated 12/7/2012.

- 3.2 This resubmission is hereby seeking to create loft and basement accommodation (there is no increase in bedrooms). For plots 1 and 4, this would result in the insertion of four rear rooflights, two light wells, external staircase below ground level and 1.1 metre high railings. For plots 2 and 3, it would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the overall approved dimensions of the dwellinghouses. All other aspects of the proposed works are the same.
- 3.3 The application has been recalled to committee as Hertfordshire County Council have withdrawn their request for S106 contributions.

4.0 Relevant Planning History

TP/00/1010	Erection of 2 detached (4 bedroom) houses and 4 semi-detached (4 bedroom) houses, following demolition of 99 and 101 Gills Hill Lane. (Additional plans received 9/11/00)	Refuse Permission 16/11/2000
TP/11/0982	Demolition of the existing two dwellings and erection of four dwellings (Amended plans received 11/08/2011).	Grant Permission 11/10/2011 Dismissed at appeal.
TP/12/0691	Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application).	Grant Permission subject to Section 106 16/07/2012

5.0 Policy Designation

- 5.1 None - Urban area of Radlett

6.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	M2	Development and Movement
2	Revised Core Strategy	REV_CS21	High Quality Development
3	Hertsmere Local Plan Policies	R2	Developer Requirements
4	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
5	Supplementary	PO	Planning Obligations Supplementary

National Planning Policy Framework 2012
Circular 11/95

7.0 Key Issues

- S106

8.0 Comments

S106

8.1 The planning application was presented to planning committee dated 06/09/12 where Members of the planning committee resolved to grant planning permission subject to completion of the S106 involving the various obligations noted in the committee report. Since the resolution to grant planning permission Officers have sought to complete and sign the S106. However, HCC have confirmed that they do not require any contributions and therefore will not sign the S106. Officers have sought to get agreement from HCC but unfortunately this has not been successful. Consequently, the planning application has to be represented to planning committee with HCC obligations having been removed. The obligations are as follows:

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

8.2 The previous committee covering all the other material planning considerations has been attached under Appendix One.

9.0 Recommendation

- 9.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 9.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 20 November 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

Suitable provision for Greenways, parks and open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural facilities and monitoring fees has not been secured.

As a consequence of the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) of the planning obligations SPD and the National Planning Policy Framework 2012.

10.0 Background Papers

- 1 The Planning application (TP/12/12/1602) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

11.0 Informatives

See appendix report

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

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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.

Associated S106 Obligations

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

Highways

Access: Before any development commences, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans (dwg no. 1069/P/102) and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction. The applicant should contact the Development Control Manager, Herts Highways. Highways House, 41-45 Broadwater Road, Welwyn Garden City AL7 3AX.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development Plan.

Case Officer Details

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

Appendix one

DATE OF MEETING 06 September 2012

APPLICATION NO: TP/12/1602

DATE OF APPLICATION: 19 July 2012

STATUTORY START DATE: 26 July 2012

SITE LOCATION

99-101 Gills Hill Lane, Radlett

DEVELOPMENT

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

AGENT

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

APPLICANT

Godfrey Investments Ltd
C/O Agent

WARD

Aldenham West

CONSERVATION AREA

Not in a Conservation Area

GREEN BELT

No

LISTED BUILDING

NO

TREE PRES. ORDER 1022/2000
(no.99)

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 20 September 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 1.3 *Suitable provision for libraries, youth, childcare, nursery education, primary*

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

2.0 Application site / Surrounding area

- 2.1 The application site currently comprises a pair of semi detached dormer style bungalows on Gills Hill Lane.
- 2.2 The site is located on the western edge of Radlett and is 0.24 ha in area. The plot is covered by a Tree Preservation Order. The site is on the north-east of Gills Hill Lane near the junction with Loom Lane. Two vehicular and pedestrian accesses are located off Gills Hill Lane.
- 2.3 The site currently includes two detached houses and two detached garages which were still occupied at the date of the case officers site visit. These structures are set back from Gills Hill Lane by approximately 16.7 metres and are largely set in line with the front building line with 103 Gills Hill Lane. The neighbouring properties at 95 and 97 Gills Hill Lane are set behind the front building line of 99-101 Gills Hill Lane by approximately 4 metres. In front of this build line at 99-101 Gills Hill Lane are areas of hardstanding used for car parking. Both properties have retained a grassed area on about half the frontage. The boundary treatment at both properties is mature hedgerow. The frontage is of a more open nature.
- 2.4 At the rear of the existing houses, the gardens are primarily grassed with mature trees and hedgerow on the boundaries.
- 2.5 The surrounding area is predominantly residential, being a mix of detached and semi detached dwellings and dormer bungalows, all of which are of a variety of styles, designs and built form. It is noted that many of these also have large areas of off street parking. Many of these properties have been extended over a period of time.

3.0 Proposal

- 3.1 The application seeks planning permission to demolish the existing pair of semi detached dwellings and erect 4 detached dwellings in tandem spatial layout. The application also includes the creation of a new vehicular access in the centre of the site and associated soft and hard landscaping. The existing two access points are to be removed have been applied for. It is

important to note that this application is a resubmission of a previous proposal (TP/12/0691) that was granted planning permission by the planning committee dated 12/7/2012.

- 3.2 This resubmission is hereby seeking to create loft and basement accommodation (there is no increase in bedrooms). For plots 1 and 4, this would result in the insertion of four rear rooflights, two light wells, external staircase below ground level and 1.1 metre high railings. For plots 2 and 3, it would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the overall approved dimensions of the dwellinghouses. All other aspects of the proposed works are the same.
- 3.3 The application has been called into committee as the previous application was determined by members of the planning committee.

Key Characteristics

Site Area	0.24ha
Density	N/A
Mix	N/A
Dimensions	<p>Refused scheme</p> <p>Plot 1 = 11.3m x 16m x 9.9m Plot 2 = 11.3m x 14.3m x 9.3m Plot 3 = 11.3m x 14.3m x 9.3m Plot 4 = 11.3m x 16m x 9.9m</p> <p>Current scheme</p> <p>Plot 1 = 11.3m x 14.5m x 9.9m Plot 2 = 14.9m x 9.3m x 10m Plot 3 = 14.9m x 9.3m x 10m Plot 4 = 11.3m x 14.5m x 9.9m</p>
Numbers of Car Parking Spaces	16

4.0 Relevant Planning History

TP/12/1602 Amendment to planning permission reference Grant Permission

	TP/12/0691 to include basement level and habitable loft accommodation to all properties.	subject to Section 106
TP/00/1010	Erection of 2 detached (4 bedroom) houses and 4 semi-detached (4 bedroom) houses, following demolition of 99 and 101 Gills Hill Lane. (Additional plans received 9/11/00)	Refuse Permission 16/11/2000
TP/11/0982	Demolition of the existing two dwellings and erection of four dwellings (Amended plans received 11/08/2011).	Grant Permission 11/10/2011 Dismissed at appeal.
TP/12/0691	Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application).	Grant Permission subject to Section 106 16/07/2012

5.0 Notifications

5.1 Summary:

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

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

6.0 Consultations

Aldenham Parish	No comments received.
Radlett Society & Green Belt Association	No comments received.
Veolia Water Central Limited	No comments received.
Housing	No comments received.
Hertsmere Waste Management Services	No comments received.
Policy and Transport Manager	No comments received.
Tree Officer	No comments received.

EDT Energy Networks	No comments received.
National Grid Company Plc	No comments received.
Hertfordshire Fire & Rescue Service	<p data-bbox="647 344 810 374">Comments.</p> <p data-bbox="647 418 1342 488">Access for fire appliances and provision of water supplies would be adequate.</p>
Thames Water	<p data-bbox="647 533 810 562">Comments.</p> <p data-bbox="647 607 1398 815">Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or suitable device to avoid the risk of back flow at a later date on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p data-bbox="647 860 1398 1406">Surface water drainage is the responsibility of the developer to make proper provision to ground, water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p data-bbox="647 1451 1398 1839">Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building works fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/ near agreement is required.</p>

	Water supply comes from area covered by Veolia.
Drainage Services	<p>Comments.</p> <p>CG01 applies.</p>
Building Control	<p>Comments.</p> <p>This work requires a building regulation application and will be checked in the normal manner if applicant decides to use Hertsmere's Building Control Service.</p>
Highways, Hertfordshire County Council	<p>Comments.</p> <p>This is a revised application that has alterations to the design and layout of the site. Have amended comments accordingly; however, the highway access is unchanged from the previous proposal.</p> <p>The submitted site plan has been altered (dwg 1069/P/102 - March 2012) shows the site layout and that all existing accesses (three) will be closed. Section 6 of the planning application indicates that there will be a new highway access to the development. A new 4.1m wide access road is proposed to serve the new dwellings. Section 10 indicates the total number of parking spaces will be 16 No. an increase of 10 No spaces.</p> <p>Consider that the proposed parking layout for this development is a poor design. It will be necessary to tandem park for all of the four dwellings, thereby requiring considerable manoeuvring, with associated difficulties. The outside spaces (if occupied) for the end houses will also restrict turning for service/ delivery vehicles. This therefore will be considered by the LPA in their decision process.</p> <p>Have considered requesting Section 106 Contributions , as there is no longer a minimum threshold. However, as contributions were not requested previously, consider that it would not be appropriate in this case.</p> <p>It should be noted that this development would not meet the required standards for subsequent adoption.</p> <p>The development is unlikely to result in a significant</p>

impact on the safety and operation of the adjacent highway. No objection to the grant of permission subject to the following conditions. 1) access, 2) visibility splays, 3) existing access to be closed, 4) construction management, 5) surface water run-off.

Environment Agency No comments.
 Senior Traffic Engineer No comments.

7.0 Policy Designation

7.1 None - Urban area of Radlett

8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	H8	Residential Development Standards
2	Hertsmere Local Plan Policies	D20	Supplementary Guidance
3	Hertsmere Local Plan Policies	D21	Design and Setting of Development
4	Hertsmere Local Plan Policies	E3	Species Protection
5	Hertsmere Local Plan Policies	M2	Development and Movement
6	Hertsmere Local Plan Policies	M12	Highway Standards
7	Hertsmere Local Plan Policies	M13	Car Parking Standards
8	Revised Core Strategy	REV_CS21	High Quality Development
9	Revised Core Strategy	REV_CS24	Accessibility and parking
10	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
11	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
12	Hertsmere Local Plan Policies	R2	Developer Requirements
13	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential

14	Plan Policies Supplementary Planning Document	PO	Developments Planning Obligations Supplementary Planning Document Parts A
15	Hertsmere Local Plan Policies	H10	Back Garden Development
16	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
17	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
18	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
19	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment

National Planning Policy Framework 2012
Circular 11/95

9.0 Key Issues

- History
- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Amenity provision
- Trees and landscaping and ecology
- Access and car parking
- S106
- Noise and air pollution

10.0 Comments

History

10.1 In 2011, an application was refused by committee members for the demolition of the existing two dwellings and erection of four dwellings. The committee members refused the application against the recommendation of the case officer for the following reasons:

- The proposal introduces a tandem form of development which is out of character with the prevailing pattern of development in the area and is therefore contrary to policies D21, H8 and H10 of the Hertsmere Local Plan.
- The proposed separation distance between the opposing front elevations

of plots 2 and 3 at only 12 metres will likely result in inadequate levels of residential amenity to the detriment of the future occupiers of these properties. The proposal is therefore contrary to policy H8 of the Hertsmere Local Plan and Part D of the Hertsmere's Planning and Design Guide under paragraph 9.2.2.c which requires a 20 metre separation between opposing front elevations.

10.2 The applicant appealed against the application which was subsequently dismissed. The reasons for dismissal are outlined in paragraphs 5, 6, 7 and 11 of the appeal decision. The agent has summarised these within the design and access statement as:

- The relationship between the two rear plots were too close and would create an unsatisfactory front to front relationship;
- The proposal in respect to plot 3 would provide insufficient space to the boundary and that the large hedge would lead to a loss of light from the rear projecting family room;
- The proposal through the orientation of the rear properties would prejudice the development of the adjacent land to the north if an application was submitted.

10.3 The Planning Inspectorate commented in the appeal decision that the impact on the street scene as a result of the appeal site in detail, although a change from the current situation. The Inspector considered this to be very limited and not sufficient to appear unacceptable and not out of keeping with the character of the existing development so as to cause harm justifying a refusal of planning permission.

10.4 The Planning Inspectorate also considered the layout and windows would not result in a loss of privacy or overlooking to the neighbouring properties.

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

Plots 2 and 3

- the two properties at the rear have been redesigned and realigned so that there is a front to back relationship between the two proposed properties at the front of 20 metres;
- the redesign has resulted in a reduction in the overall depth from 14.3 metres to 9.3 metres. The width has been increased from 11.3 metres to 14.9 metres and the height has been increased from 9.3 metres to 10 metres;
- the car port for plot 2 has been moved to the left hand side of the amended property.

Plots 1 and 4

- the relocation and redesign of the single storey rear extensions;
- alterations to the windows;
- reduction in the overall depth from 16 metres to 14.5 metres.
- There are three more trees to be located on the front boundary line.

Latest planning application

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

Principle of development

- 10.7 The National Planning Policy Framework (NPPF) 2012 advises that there is a presumption in favour of sustainable development. Development should seek to secure high quality design and a good standard of amenity for all existing and future occupants. Good design in particular is considered to be a key aspect of sustainable development and great weight should be given to those developments which helps raise the standard of design and the overall scale, density, mass, height, landscape, layout, materials and access more generally in the area.
- 10.8 The application seeks full planning permission for the erection of four 4 bedroom properties. Under the appeal decision, the Planning Inspector considered that the principle was acceptable in this location even though concerns were raised in regards to backland development. Furthermore, the site would meet the criteria of Policy H10 of the Local Plan 2003 'Backland Development in that it has a proper means of access which is convenient and safe for motorised and non-motorised highway users and the proposal complies with Policy H8 of the Local Plan 2003. The site is located within a sustainable urban area where development is promoted, the acceptability of a new dwellings in this location would be subject to its spacing, setting, built form and impact on the visual and residential amenity of the area, as well as parking and highway matters. Therefore, whilst the principle of development in this area would be considered acceptable other factors must also be taken

into account, these are discussed below.

Impact on visual amenity

Introduction

- 10.9 Paragraph 57 of the National Planning Policy Framework 2012 states, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. Policy H8 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 require the design and layout of proposed development to be of a high standard which complements the character of existing development in the vicinity of the site and maintains a harmonious street scene. The size, height mass and appearance of the new dwellings should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

Spacing, setting and spatial layout

- 10.10 The existing site comprises a pair of semi-detached dwellings each with its own detached garage to the site. The existing dwellings are located within a central location width wise, and are set slightly further forward of the neighbouring dwellings at 97 and 95 Gills Hill Lane, they are however, still well set back from the street and set in between 6.5m to 9m from the common side boundaries. The characteristic of the area is either pairs of semi detached dwellings on long narrow plots or single detached dwellings on shorter wider plots.
- 10.11 The new development proposes a frontage development with two single detached dwellings sited either side of the new central vehicular access. Each of these frontage dwellings would be set in a minimum of 2m from the common side boundaries to comply with the guidelines and would be located 7 m from each other. This frontage form of layout would be in keeping with the surrounding development in the area and the dwellings would adopt a similar set back to the existing dwellings on the site, retaining the existing formalised building line.
- 10.12 The remaining two dwellings would be sited towards the rear of the site, creating a tandem spatial layout. Under planning application TP/11/0982, these dwellings were sited at right angles to the rear of the front dwellings, to face towards the new access road. The case officer considered that whilst this form of development was not characteristic of the pattern of development in this area there are no specific local planning policies or guidance to advise that this form of layout would be unacceptable in principle. The case officer considered that the main assessment would have been whether the

development complies with the relevant criteria in terms of distances to boundaries and distances between facing and flank elevations. The case officer considered that the cul-de-sac/tandem formation was not an uncommon housing layout and commented that the land does fall within the urban area of Radlett and has no specific designation. The distance to the boundaries of the two rear dwellings were set in over 5m from each side boundary and set back 8m from the rear boundary of the site.

- 10.13 Under the current planning application, the two rear dwellinghouses have been turned to face front to back with the two front dwellinghouses. The separation distance is 20m between the habitable windows on the front of the proposed properties and the rear elevations of the proposed units meets the guidance of Part D of the Planning and Design Guide 2006. The distance between the proposed rear dwellinghouses and side boundaries is between 5 metres and 5.75 metres and set back a minimum of 10.5 metres from the rear boundary of the site. Again there is no specific local planning policies or guidance to advise that this type of layout is unacceptable.
- 10.14 The reorientation and redesign of plot 3 results in a reduction in the depth of the unit leading to more space to the rear of the proposed property. This has overcome the Planning Inspectors objection in regards to a loss of light to the family room and is therefore now acceptable.
- 10.15 It is not therefore considered that the proposed tandem spatial layout would result a detrimental impact on the visual amenities of the surrounding area and the new dwellings would have sufficient space within their plots as to not appear cramped or contrived on the site. Furthermore the spatial layout of the proposed units does not impact on further development of the neighbouring properties as raised by the Planning Inspector. The siting, setting and spatial layout of the development is therefore considered acceptable.

Architectural Approach and built form

- 10.16 The existing dwellings on the site comprise dormer style bungalows, however, the roof element of these properties is vast with low eaves. Each dwelling is finished with render/pebble dash with the use of hanging tiles on the front dormers. Both dwellings have a single detached garage to the side with the gap between providing access to the rear garden. The garages have flat roofs.
- 10.17 The proposed new dwellings comprise two differing housetypes. Housetype 1 is proposed for plots 1 and 4, fronting Gills Hill Lane. These properties include a larger, more traditional forward gable adjacent to the common side boundaries on the site and lower eaves level as to not appear overbearing in relation to the neighbouring dormer bungalows. Each of the frontage

dwellings would have a Dutch hip roof with the single storey rear element having a parapet feature and glazed domed rooflight. This has been extended in width and relocated however is not considered dominant to the proposed unit. The proposed units includes intricate detailing including sash style windows, cill and header detail, chimney and banding which further promotes the traditional design of the property. It is important to note that the Inspector raised no issues with regard to the architectural approach and built form of the units fronting Gills Hill Lane. In addition, their scale and mass is not dissimilar to other two-storey properties in the surrounding area.

- 10.18 With regard to housetype 2, this housetype would be used for plots 2 and 3 at the rear of the site. Due to the concerns of the Planning Inspector, these properties have been redesigned. These are more traditional in style with a two storey forward and rear projecting gable. The proposed units includes intricate detailing including sash style windows, cill and header detail, chimney and banding which further promotes the traditional design of the property. The depth has been significantly reduced from 14.3 metres to 9.3 metres, although the width and height have been increased by 3.6 metres and 0.7 metres respectively. The proportions and design of these properties are considered acceptable in this location as they are similar to the surrounding properties overall characteristics. In addition, the separation gap between the first floor elevations is 5m, which is no different to the relationship found on a traditional street. These rear dwellings would not have integral garages but rather a car port located towards the rear boundary of the site. The car ports are a traditional design and open nature so not to appear bulky or out of character in the urban context. Overall, the two units at the rear are not dissimilar in scale and mass to the units at the front and therefore the built form is acceptable.
- 10.19 The amendments made to the approved scheme TP/12/0691 are minor in scale. On plots 1 and 4 , the creation of the loft and basement accommodation would result in the insertion of four rear rooflights, two light wells, and external staircase below ground level. On plots 2 and 3, the creation of the loft and basement would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the dimensions of the approved application TP/12/0691. All other aspects of the proposed works are the same.
- 10.20 Part D of the Planning and Design Guide 2006 states the number of rooflights are to be kept to a minimum and limited to the rear elevations. The proposed rooflights are small in size and positioned well. On the streetscene, the agent has kept the rooflights to the rear elevation. Overall the proposed rooflights are considered acceptable due to there position, size and number.
- 10.21 There is no specific guidance in regards to light wells, or external staircases. However both the light wells and external staircases would be located below

ground level and would not be visible. Therefore the amendments to the original scheme TP/12/0691 are considered acceptable as they would not impact on the existing architectural approach of the proposed dwellinghouses.

Height

- 10.22 The overall height of the frontage dwellings would be 2m higher than the existing dwellings on the site (chalet bungalows), 2m higher than numbers 97 and 95 (two storey dwellinghouses), adjacent to plot 1 and the same height as the other neighbour at 103 Gills Hill Lane. Although the new dwellings would be 2m higher than the adjacent properties at 97 and 95, the traditional design of the roof, with the low eaves and gable hipped away from these properties, would ensure that this increase in height would not appear overly prominent or excessive. In addition, this wider context consists of dwellings that have higher or similar ridge heights.
- 10.23 When viewed from the street only a small proportion of the front elevations would be visible and the oblique views would be partially screened by the dwellings at the front of the site. With regard to their heights, these would be a similar height to the new dwellings at the front of the site.

Materials

- 10.24 The materials to be used have not been fully outlined in the planning application and therefore in order to protect the visual amenity of the neighbouring properties and the locality, a condition is recommended that materials are submitted to the planning department prior to the construction of the dwellinghouse.

Conclusion

- 10.25 Overall, it is considered that the architectural approach and built form of the 4 new dwellings would compliment the design and visual amenity of the surrounding area. Although the tandem spatial layout of the site is not a common feature, the proposal would comply with policy in relation to distance to boundaries and visually the two rear properties would not be overly visible from the street. The amendments to TP/12/0691 are also considered acceptable. The development would therefore comply with the National Planning Policy Framework 2012, Policies H8, D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006.

Impact on residential amenity

Introduction

- 10.26 Policy H8 of the Planning and Design Guide 2006 requires that the privacy and amenity of adjacent residential properties be maintained. This advice is also reiterated in Part D of the Planning and Design Guide 2006 along with the fact that all new buildings should be orientated so that the front and rear building lines fit comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front and rear facing windows. In addition to this Part D of the Planning and Design Guide 2006 also advises that where directly opposing windows are proposed a distance of 20m between these facing elevations should be achieved. There would be no infringement on the 25 degree line taken from rear windows serving the properties in Nightingale Close, which is in compliance with the BRE guide to Good Practice on Daylight and Sunlight.

Assessment

45 degree line

- 10.27 Firstly, with regard to impact on the existing neighbours adjoining the site, a 45 degree line drawn from both the front and rear facing windows of 97 and 103 Gills Hill Lane would be maintained following the development. Plots 2 and 3, at the rear of the site, would be sited partially within a 45 degree line drawn from the rear facing windows of some of the properties in Nightingale Close. However, the closest point where this breach would occur would be over 20m away from these windows. There would not be, therefore a detrimental impact in terms of loss of outlook, sunlight or daylight.

Separation distances

- 10.28 Under the appeal decision, the Planning Inspector considered that the relationship between the two rear proposed units was too close at 12 metres and would have created an unsatisfactory front to front location. The agent has amended the orientation of the rear properties so that the relationship is now a front to back with the two front proposed properties.
- 10.29 Part D of the Planning and Design Guide 2006 states where there are directly opposing elevations within new development containing windows of habitable rooms, one and two storey buildings should be a minimum of 20 metres apart. The relationship with the rear elevations of the proposed properties at the rear and those in Nightingale Close would be a minimum of 23 metres away. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties in Nightingale Close.
- 10.30 Furthermore, this top area of the existing garden is also well screened by existing hedgerow and trees which are to be retained as part of the

development. A comprehensive landscaping scheme has also been submitted with the application which indicated that the existing 2 -5m high vegetation screening will be retained and the new trees and landscaping are also proposed to increase this level of coverage. Therefore subject to the implementation of the landscaping scheme, which can be controlled by condition, it is not considered that the siting of the two properties at the rear of the site would result in any loss of privacy and overlooking to the existing neighbours.

- 10.31 Part D of the Planning and Design Guide 2006 further states that where opposing elevations face each other at an angle, there may be some potential for overlooking without an adequate distance between buildings. The distance between the front elevation of plot 2 and the rear elevation of 97 Gills Hill Lane is 18.5 metres and the distance between the front elevation of plot 3 and rear elevation of 103 Gills Hill Lane is 21 metres. These distances are considered acceptable due to the positioning of the proposed dwellinghouses, there area of outlook, location and number of windows and positioning of trees. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties in Gills Hill Lane.

Future occupants

- 10.32 With regard to the residential amenities of the future occupants of the site, Part D of the Planning and Design Guide advises that where there is a front to rear window relationship, a distance of 20m should be achieved. The proposed layout would achieve this on the relationship of windows to habitable rooms to windows to habitable rooms. It should be noted that the single storey rear element has been designed so that there are no habitable windows in the rear elevation. Therefore, in this instance, this level of separation is considered acceptable and would overcome the Planning Inspectors objections.

Amendments

- 10.33 There is no specific guidance on the distances between properties in regards to proposed loft accommodation and the insertion of roof lights. It is considered that the amendments to planning application TP/12/0691 to insert rooflights would not result in a loss of privacy either to neighbouring properties or future occupiers of the proposed dwellinghouses. This is due to the height of the rooflights within the roofslope and the finished floor level which is demonstrated in the proposed section plans as 1.7 metres in this current planning application. Therefore there is no ability for an individual to look out of the rooflights whilst standing on the finished floor level of the loft accommodation.
- 10.34 Furthermore, Part D of the Planning and Design Guide 2006 states where

there are directly opposing elevations within new development containing windows of habitable rooms, one and two storey buildings should be a minimum of 20 metres apart. The relationship with the rear elevations of the proposed properties at the rear and those in Nightingale Close would be a minimum of 23 metres away. Part D of the Planning and Design Guide 2006 further states that where opposing elevations face each other at an angle, there may be some potential for overlooking without an adequate distance between buildings. The distance between the front elevation of plot 2 and the rear elevation of 97 Gills Hill Lane is 18.5 metres and the distance between the front elevation of plot 3 and rear elevation of 103 Gills Hill Lane is 21 metres. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties.

- 10.35 There would also be no loss of privacy caused by the external staircase or light wells as the highest point of these is at ground level. Therefore the amendments would not result in a loss of privacy or overlooking to neighbouring properties.

Plot 3

- 10.36 The Planning Inspector under the appeal statement also stated that the proposal in respect to plot 3 would provide insufficient space to the boundary and that the large hedge would lead to a loss of light from the rear projecting family room.
- 10.37 The reorientation of plot 3 and redesign resulting in a reduction in depth leading to more space to the rear of the proposed property. This has overcome the Planning Inspectors objection in regards to a loss of light to a main habitable room and is therefore considered acceptable.

Side windows

- 10.38 In relation to any loss of privacy, it is proposed to insert minimal windows into the side elevations of the proposed units, first floor windows would also serve bathrooms or en-suites and can therefore be conditioned to be obscurely glazed and non opening above 1.7m. This would ensure that no loss of privacy occurs to the future occupiers or neighbouring properties in Gills Hill Lane.

Conclusion

- 10.39 Overall, it is not considered that the proposed dwellings would result in a loss of outlook, privacy or residential amenity on the neighbouring properties and would comply with Policies H8 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. The amendments to planning application TP/12/1602 are also considered acceptable. However, in

order to minimise any inconvenience caused by the construction works and owing to the residential nature of the surrounding area it is proposed to impose a condition requiring the submission of a demolition and construction method statement before the works being, this statement will include requirements for wheel cleaning and the on site storage of materials.

Amenity provision

- 10.40 Part D of the Planning and Design Guide 2006 advises that dwellings with 4 bedrooms should provide a minimum of 80m² of usable garden space. Each dwelling would have well in excess of 80m² useable garden area which is considered acceptable to ensure that the site is not overdeveloped. However, to protect the future amenity land, a condition is recommended removing permitted development rights for extensions and alterations.

Trees and landscaping and ecology

Trees

- 10.41 The application has been submitted with a arboricultural report, survey and tree protection details. The report recommends that 3 trees on the site be removed for arboricultural reasons, 13 further trees are also proposed to be removed as they would be affected by the proposed development. These trees are a mix of small fruit trees, ornamental trees, 2 Cypress Trees and an Oak. Most of these trees have a limited life expectancy and are not good specimens of their species, some have also received substantial pruning and are of limited height. It is not considered that these trees contribute significantly to the visual amenity of the area as most are located towards the rear of the site, currently within the rear gardens of the existing properties. The remaining trees on the site are proposed to be retained following the development and the Arboricultural Method Statement and Tree Protection Plan advises the methods to be employed to ensure that these trees will not be damaged during the development.
- 10.42 Comments have not yet been received by the Council's Tree Officer in regards to the TPO's on site. These will be included in the update sheet however these would not be affected in light of the amendments to this application.
- 10.43 Therefore, subject to the development being carried out in accordance with these details and subject to the imposition of the retained tree condition, the proposed development would comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Landscaping

10.44 The application has been submitted with a comprehensive landscaping scheme which outlines both the proposed soft and hard landscaping for the site. This plan confirms that the existing hedgerow and mixed vegetation to the side and rear of the site will be retained and left to grow up to 5m in height where it is not at this height already. 11 new trees are also proposed as part of the scheme, 4 at the front of the site and the remaining 7 towards the rear of the site to the front, side and rear of plots 2 and 3. This is an improvement of three trees to the front of the site from the previous refused planning application TP/11/0982. These trees would have heights between 3m - 4.25m at planting. It is considered that this comprehensive landscaping scheme would mitigate against the loss of the existing trees which are to be removed as part of the development. The retained hedgerow would also retain and enhance the existing screening of the sit, to the benefit of residential amenity. The boundary treatment between the properties would be a 1.8 metre high brick walls. The proposed hard landscaping would be a mix of permeable paving and drivesetts with granite edging. It is considered that this proposed hard landscaping which is softened by the proposed planting beds and hedging would compliment the proposed development and would not be of detriment to the visual amenity of the area.

10.45 Therefore subject to a condition to ensure the works are carried out in accordance with the submitted plan, the proposed landscaping is considered acceptable.

Ecology

10.46 The proposal includes the demolition of the existing dwellings on the site, however the site is not within a rural location and is unlikely to have potential for bat roosts. In addition, having assessed the application against the biodiversity checklist, it is considered unlikely that any bats would be present in the existing houses as they are not close to woodland and the existing roof tiles brickwork are intact. The proposed development would therefore comply with Policies E2 and E3 of the Hertsmere Local Plan and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Access and Car Parking

Access

10.47 Firstly with regard to the access, it is proposed to create a new central access to the site which will serve the new dwellings. The two existing accesses will be removed as part of the scheme. Comments have not been received by the County Fire Department in regards to emergency vehicles. These comments will be included as part of the update sheet. Hertfordshire

Highways have raised no objections to the creation of the new access and do not consider the development would materially increase traffic movements within the area. They have however, requested conditions relating to details to be submitted for the access arrangements, provision of visibility splays, closure of the existing accesses, access and parking areas to be provided before first occupation, a construction management plan and surface water run-off.

Car Parking

- 10.48 The National Planning Policy Framework (2012) states transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It further states under paragraph 33 that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The Parking Standards SPD, as amended, 2010 advises that 4 bedroom dwellings should provide 3 off street car parking spaces per dwelling. Therefore totals to 12 spaces. The submitted layout plans shows that 10 spaces for the frontage dwellings, including a space in the garage would be provided and 6 spaces for plots 2 and 3 at the rear would be provided. In total 16 spaces are proposed as part of the scheme which is four more than the SPD requirement. This therefore ensures that the development would not result in an increase in on street car parking in the area and that visitors coming to the site would also have sufficient space to park without having to park on street. Furthermore, the amendments to the scheme would not result in any additional bedrooms. If a future application, which introduced further bedrooms was submitted to the Local Planning Authority, there would not be any pressure on car parking as four parking spaces would be required for a five bedroom property. Therefore the number of parking spaces is considered acceptable for current and future development.

Car parking design

- 10.49 It is clearly understood by practitioners that having parking to the respective frontages of residential properties creates car-dominated streetscapes. It is also acknowledged that parking arrangements have a major impact on the quality of a development. Where and how cars are parked has major consequences to the quality of the development. Once the level of parking provision has been confirmed, the main consideration is how to incorporate parking in the development without allowing it to dominate everything around. Therefore parking should be behind, under, above or to the side of the buildings or sensitively incorporated into the street.

10.50 It should be noted that the car parking approach has been given particular consideration due to its impact on the quality of a development. The car parking has been introduced as sensitively and honestly as possible to avoid some of the mistakes made under previous schemes. Where car parking is not strictly defined and so indiscriminate parking takes place this adversely dominates the street face. The proposal introduces several car parking approaches that are as follows:

- Garages.
- Formal car parking areas deliberately defined, located and honest in their respective approach with integrated soft landscape works.
- Car ports.

10.51 The car parking approach is varied with the deliberate attempt to clearly define these spaces to avoid ambiguity and so prevent indiscriminate car parking. Importantly the car parking approach has been developed in line with the soft landscaping strategy produced by the architects. Overall, the proposal has adopted parking arrangements, wherever possible and practicable, which are seen as best practice.

10.52 The proposed development would therefore comply with the National Planning Policy Framework 2012, Policies M2, M12 and M13 of the Hertsmere Local Plan 2003, Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, and the Parking Standards, as amended, 2010.

S106

Hertsmere Borough Council

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

Hertfordshire County Council

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

10.53 Should planning permission for this development be granted, the following sums has been sought by way of Unilateral Undertaking to mitigate the wider impacts of the development:

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

Noise and air pollution

10.54 To address concerns raised over the noise and air pollution that would arise as the result of any vehicles reversing into car parking spaces. The Council's Environmental Health department would deal with any noise or disturbance complaints.

11.0 Conclusion

11.1 The principle of residential development in this urban area of Radlett is considered acceptable. In addition the new dwellings would not result in a detrimental impact on the visual amenity of the area or the residential amenities of the neighbouring occupants. The level of amenity provision to serve the new dwellings are acceptable and the development would not have a detrimental impact on any protected species. Finally, the level of off street car parking is sufficient to serve the proposed dwellinghouses. The S106 has also been signed. The proposal would therefore comply with National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5 and M13, Policies CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), and Planning Obligations SPD Parts A and B.

12.0 Recommendation

12.1 That powers be delegated to the Head of Planning and Building Control to

grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.

- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 20 September 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 12.3 *Suitable provision for libraries, youth, childcare, nursery education, primary and secondary education, provision of fire hydrants, Greenways, parks and open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural facilities and monitoring fees have not been secured. As a consequence of the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
- CR01** Development to commence by - Full
- 2 **CB02** Prior Submission - External Surfacing
- Reason:
To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.
- 3 Treatment of retained trees
- Reason:
To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.
- 4 The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Report, Arboricultural Implications Assessment, Arboricultural Method Statement date stamped 26/7/2012 and Tree

Protection Plan date stamped 26/7/2012 and **shall be implemented before first occupation of the dwellings hereby permitted**, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

- 5 The development hereby permitted shall be carried out in accordance with the submitted Landscape Plan date stamped 26/7/2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

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

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 7 **CB08** No New Windows

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011

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

Reason: So that vehicles may enter and leave the site with the minimum of

interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2011.

- 9 Concurrent with the construction of the access, visibility splays of 2.5m X 60 m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site to comply with policies M2 and M12 of the Local Plan 2003 and policy CS24 of the emerging Core Strategy 2011.

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

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

- 11 **BEFORE FIRST OCCUPATION OF THE DWELLINGS HEREBY APPROVED**, the access roads and parking areas as shown on the approved Plan(s) shall be provided and maintained thereafter.

Reason:
To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 12 NO DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

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

- 13 NO DEVELOPMENT SHALL TAKE PLACE BEFORE a method statement

for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, sitehuts, site facilities and materials.

Reason: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2011.

- 14 The window(s) to be created in the first floor side elevations of all 4 properties shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

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

Design and access statement date stamped 26/7/2012

Arboricultural report date stamped 26/7/2012

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

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

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

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

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

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

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

Reason:

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

General Reason(s) for Granting Permission

- 1 The principle of residential development in this urban area of Radlett is considered acceptable. In addition the new dwellings would not result in a detrimental impact on the visual amenity of the area or the residential amenities of the neighbouring occupants. The level of amenity provision to serve the new dwellings are acceptable and the development would not have a detrimental impact on any protected species. Finally, the level of off street car parking is sufficient to serve the proposed dwellinghouses. The S106 has not been signed. The proposal would therefore comply with National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5, H10, E7, E8, E2 and M13, Policies CS12, CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), Planning Obligations SPD Parts A and B.

13.0 Background Papers

- 1 The Planning application (TP/12/12/1602) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5, H10, E7, E8, E2 and M13, Policies CS12, CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), Planning Obligations SPD Parts A and B.

Building Regulations

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

- 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.

Associated S106 Obligations

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

Highways

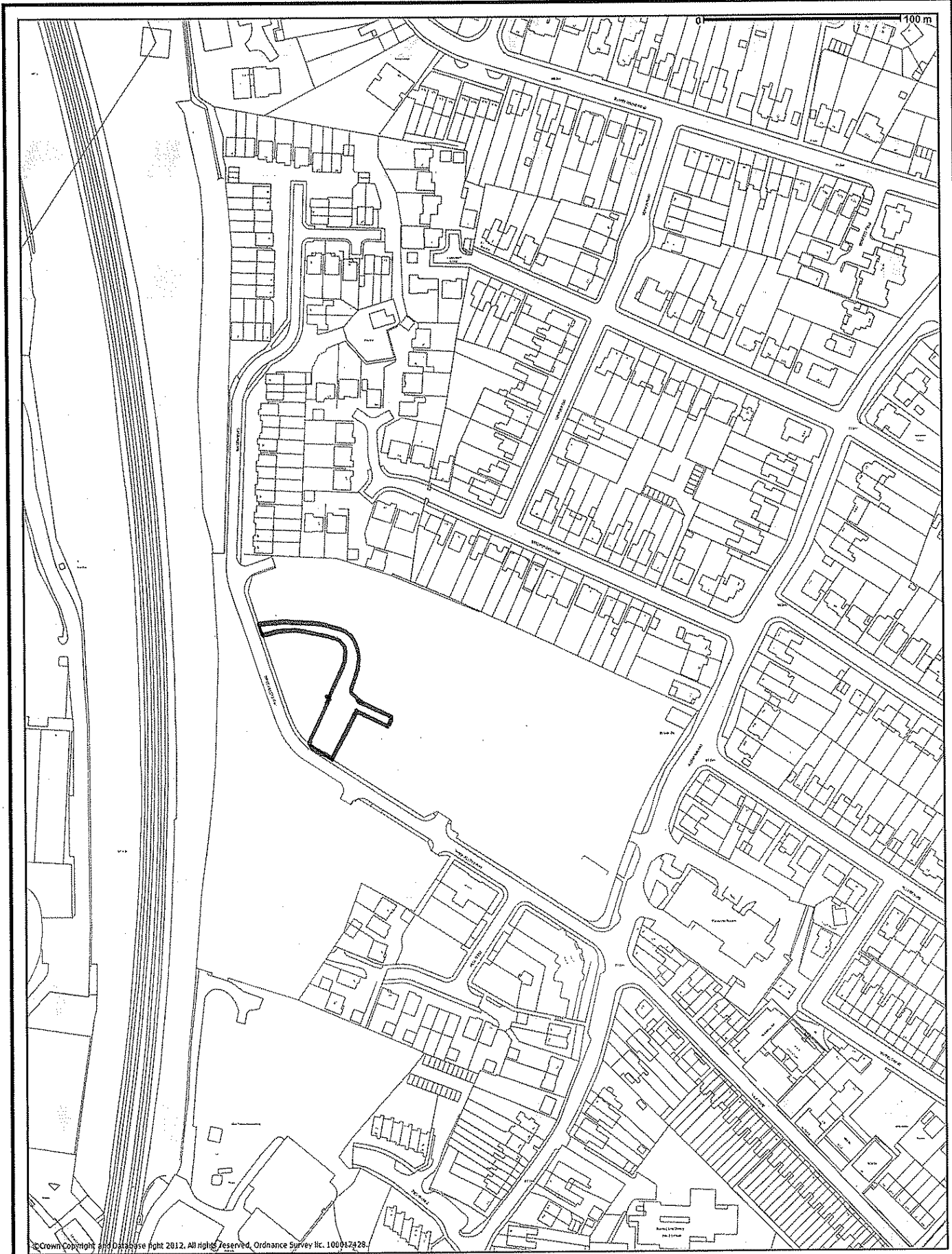
Access: Before any development commences, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans (dwg no. 1069/P/102) and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction. The applicant should contact the Development Control Manager, Herts Highways. Highways House, 41-45 Broadwater Road, Welwyn Garden City AL7 3AX.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development Plan.

Case Officer Details

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

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TP/12/0804

28 Three Valleys Way, Bushey, WD23 2FF



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/0804

DATE OF APPLICATION: 02 April 2012

STATUTORY START DATE: 04 July 2012

SITE LOCATION

28 Three Valleys Way, Bushey, WD23 2FF

DEVELOPMENT

Erection of detached, two storey, 4 bedroom dwelling (amendment to previously approved dwelling to now include conservatory).

AGENT

Mr S Ekins
Lantern Developments Ltd
The Cottage
Cross End Lane
Thurleigh
Bedford
MK44 2ED

APPLICANT

Persimmon Homes
Persimmon House
Vanwall Business Park
2 Vanwall Road
Maidenhead
SL6 4UB

WARD Bushey North
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

1.1 Grant Permission subject to Conditions.

2.0 Application site / Surrounding area

2.1 The site is located within a new housing development that is currently in the course of construction. The housing development site is located to the west of Aldenham Road, and is bordered by Aldenham Road to the east, the railway line to the west, properties along Beechcroft Road to the north, and Watford to the south.

2.2 The site is identified as Plot 78 within the overall housing scheme. The subject dwelling is referred to as 28 Three Valleys Way and has been previously approved as a detached two storey 4 bedroom dwelling.

2.3 The surrounding area is formed of residential properties to the north, with the rear gardens of properties in Beechcroft Road adjoining the site, and a previously developed part of the site further to the northwest (Malden Fields).

Properties at Beechcroft Road are characterised by large dwellings set on large plots. Malden Fields is a relatively new development constructed in the late 1990s. The area is characterised by two storey semi detached and terrace houses, with parking to the front.

- 2.4 To the east of the site (across Aldenham Road) is a small parade of local shops, an office building, and a mixture of residential properties. To the south is the recently developed Wellsfield (also a previously developed part of the site) which is a development of three storey apartment blocks fronting Three Valleys Way and a mixture of semi detached dwellings and flats to the rear of the development. Beyond this is the Watford portion of the site and other residential development in Watford Borough. To the west of the site is the railway embankment, which screens the site from the railway line. The topography of the area consists of significant levels rising to the north with properties on Beechcroft Road siting several metres above the site.

3.0 Proposal

- 3.1 The applicant seeks permission for the erection of detached, two storey, 4 bedroom dwelling (amendment to previously approved dwelling to now include conservatory).
- 3.2 The application was called into Planning Committee by Cllr. David, as the proposed development could potentially set a precedent for small scale extensions to properties within the overall development.

Key Characteristics

Site Area	238sqm
Density	N/A
Mix	N/A
Dimensions	See Plans
Number of Car Parking Spaces	N/A

4.0 Relevant Planning History

TP/10/1036	Demolition of existing operational buildings (s262, Part X1, T & C P Act). Erection of 6 x 1 bed flats; 27 x 2 bed flats; 13 x 2 bed houses; 44 x 3 bed houses and 31 x 4 bed houses, car parking, Neighbourhood Equipped Area for Play (NEAP), general Public Open Space, Landscaping and Associated works (Outline Application). (Amended plan received 31/8/10 and additional information received 16/9/10).	Grant Permission subject to Section 106 29/09/2010
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TP/11/1333 Application for approval of Reserved Matters Grant Permission
relating to layout, siting, design, external
appearance, access and landscaping following the
approval of Outline Consent ref TP/10/1036 for the
demolition of existing operational buildings and
erections of 121 units with associated car parking ,
NEAP, public open space, landscaping and
associated works. (Amended & Additional Plans
received 14/9/11).

5.0 Notifications

5.1 Summary:

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

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

No letters of objection or support have been received.

6.0 Consultations

Drainage Services	No response has been received to date
Highways, HCC	The development will not materially increase traffic movements within the area in general. No objection to the proposed development.
Hertfordshire Fire & Rescue Service	No response has been received to date
EDF Energy Networks	No response has been received to date
National Grid Company Plc	No response has been received to date
Thames Water	No response has been received to date
Veolia Water Central Limited	No response has been received to date

7.0 Policy Designation

7.1 The site is located within an "Estimated Housing Site" within the Hertsmere Local Plan 2003

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	11/95	Circular 11/95 - Conditions
3	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	H8	Residential Development Standards
7	Revised Core Strategy	REV_CS21	High Quality Development
8	Revised Core Strategy	REV_CS24	Accessibility and parking
9	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
10	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations

9.0 Key Issues

- Background
- Design and Appearance
- Residential Amenity
- Other Matters

10.0 Comments

Background

- 10.1 Under TP/10/1036 Outline Permission was granted for a development of 121 residential units on the site. Subsequently, under TP/11/1333 permission was granted for the Reserved Matters application.
- 10.2 Number 28 Three Valleys Way has been identified as House Type W under the previously approved scheme.
- 10.3 All elements such as principle of the development, design and appearance, residential amenity, amenity, parking, highway implications, trees, landscaping, ecology, Section 106, waste, construction, noise, legal and cost

implications and other matters were assessed under the previously approved application TP/10/1036 and TP/11/1333. The Officer's Report for TP/11/1333, ,Reserved Matters, (which contains details of each the design and appearance of each individual dwelling) application has been included as Appendix 1.

- 10.4 It is noted that under Condition 32 of TP/10/1036, Permitted Development Rights were removed.

Design and Appearance

Local Plan Policy

- 10.5 Hertsmere's Local Plan Policy D21 requires development proposals to respect or improve the character of their surroundings, retain, enhance or create spaces, views and landmarks and not impact on prominent ridge lines. Policy H8 (i) requires that size, height, mass and appearance of a dwelling should be harmonious and not over dominate the scale or adversely affect the character of the adjacent dwelling. These principles are supported by The Councils Planning and Design Guide 2006, Part E.
- 10.6 In addition, Policies H8 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Core Strategy 2010 and Part E of the Planning and Design Guide SPD all seek to ensure that any new development respects or improves the character of its surroundings.

Proposed Amendments Assessment

- 10.7 House Type W is described as follows in the Officer's Report under TP/11/1333 -

The subject units are corner sites located at prominent locations within the development. The design features a dual aspect detached dwelling that fronts two streets. The agent has successfully addressed all streets that the units front on all four units. This is considered to be good design, the dwellings offer surveillance and this design reduces dead street frontage. The units comprise of a traditional two storey, symmetrical unit, with bay windows on either side of the entrance at ground level. Two box windows at first floor level and two ground floor windows on the side elevation create a dual fronted unit that successfully addresses the corner. The dwellings will have a ridge height of 8.4 metres, a width to the front of 9.5 metres and depth of 10.2 metres. There are no design issues with these units, the proposed design is considered to be appropriate within an urban setting that consists of large semi detached suburban dwelling types and as such the proposal is acceptable.

- 10.8 It is noted that there will be no changes to the design or layout of the proposed dwelling itself. The conservatory to the rear of the property will be the only change in the design and appearance.
- 10.9 Under the current application, the applicant essentially seeks to amend the

previously approved design of Plot 78 to include a small conservatory to the rear of the property. The conservatory will be located off the living room. The subject conservatory will be standard in its design, with a pitched roof, glazing and brick dwarf wall. The structure will measure a height of 3 metres, a width of 3.4 metres and a depth of 4 metres. The subject conservatory will be glazed on the two exposed sides and will have a brick dwarf wall finished in bricks that will match those approved previously. As the conservatory will be located to the rear of the property it will not be visible from the street and therefore will have no impact on the streetscene. The design of the conservatory is considered to be acceptable and would not detract from the character of the main dwelling.

Conclusion

- 10.10 The proposed development to the rear of number 28 Three Valleys Way will not have a significant impact on the overall appearance of the scheme, and will not have a detrimental impact upon the previously approved detailing of the development. The works are considered to be acceptable and in accordance with Local Plan Policies D20, D21 & H8, and Revised Core Strategy CS21 and Parts D & E of the Planning and Design Guide.

Residential Amenity

Local Policy

- 10.11 Local Plan Policy H8 and Part E of the Planning and Design Guide require new development not to adversely impact on the residential amenity of neighbouring occupants in terms of loss of natural light, outlook, privacy and noise disturbance.
- 10.12 Firstly, with regard the 45 degree line, the plans submitted indicate that there is no breach of the 45 degree line as measured from the neighbouring property at Plot 79 which is located directly to the east of the site.
- 10.13 In terms of overlooking, there are no ground floor windows on the western elevation of Plot 79 that could be compromised by the erection of a new conservatory to the rear of number 28 Three Valleys Way. As such, there are no objections to the proposed development. The amendments to the previously approved scheme are considered to be acceptable in terms of residential amenity.

Overall

- 10.14 No objection is raised as the proposal would comply with policies H8, D20 and D21 of the Local Plan (2003), the emerging Core Strategy (2011) policy CS21, the Planning and Design Guide Part D and E (2006) and the NPPF (2012).

Other Matters

- 10.15 It has been confirmed by the Council's Principal Planning Solicitor that the

proposed development will have no impact on the agreed Section 106 under TP/10/1036 as the proposed development would not increase or vary the contributions sought. No new agreement is required to be drawn up.

- 10.16 It is noted that conditions relating to issues such as, foundation design, refuse, landscaping, contaminated land, and site clearance, etc have been submitted and are in the process of being discharged.

11.0 Conclusion

- 11.1 No undue adverse effects would result from this development in terms of visual impact, impact on neighbouring amenity or car parking. No objection is raised by virtue of the Hertsmere Local Plan adopted 2003 H8, M13, D20 and D21, the Council's emerging 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. The Parking Standards SPD 2008 (amended 2010), the NPPF (2012), Circular 11/95 and Circular 03/09.

12.0 Recommendation

- 12.1 Grant permission subject to conditions.

Conditions/Reasons

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

CR01 Development to commence by - Full

- 2 **CB01** Materials to Match

CR08 Visual Amenity - Residential

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

Reason:

To allow the Local Planning Authority to retain control over the development in the interests of visual and residential amenity. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

- 4 This determination hereby permitted shall be in carried out in accordance with the following plans:

- Sketch Layout - drawing number 10.078.H33.F - dated stamped 04/07/2012
- House Type W (1492) Working Drawing - Plots 78 - Drawing number 11.112.W04.C3 - Date stamped 13/04/2012
- Design and Access Statement date stamped 13th April 2012

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

General Reason(s) for Granting Permission

No undue adverse effects would result from this development in terms of visual impact, impact on neighbouring amenity or car parking. No objection is raised by virtue of the Hertsmere Local Plan adopted 2003 H8, M13, D20 and D21, the Council's emerging 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. The Parking Standards SPD 2008 (amended 2010), the NPPF (2012), Circular 11/95 and Circular 03/09.

13.0 Background Papers

- 1 The Planning application (TP/12/0804) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Appendices

- 14.1 Appendix 1 - Planning Officer's Report TP/11/1333

15.0 Informatives

This determination was determined having regards to the following policies -

- Local Plan Policies D20, D21, H8, Core Strategy Policy CS21, CS24, and Parts D & E of the Planning and Design Guide.

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:
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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:

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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

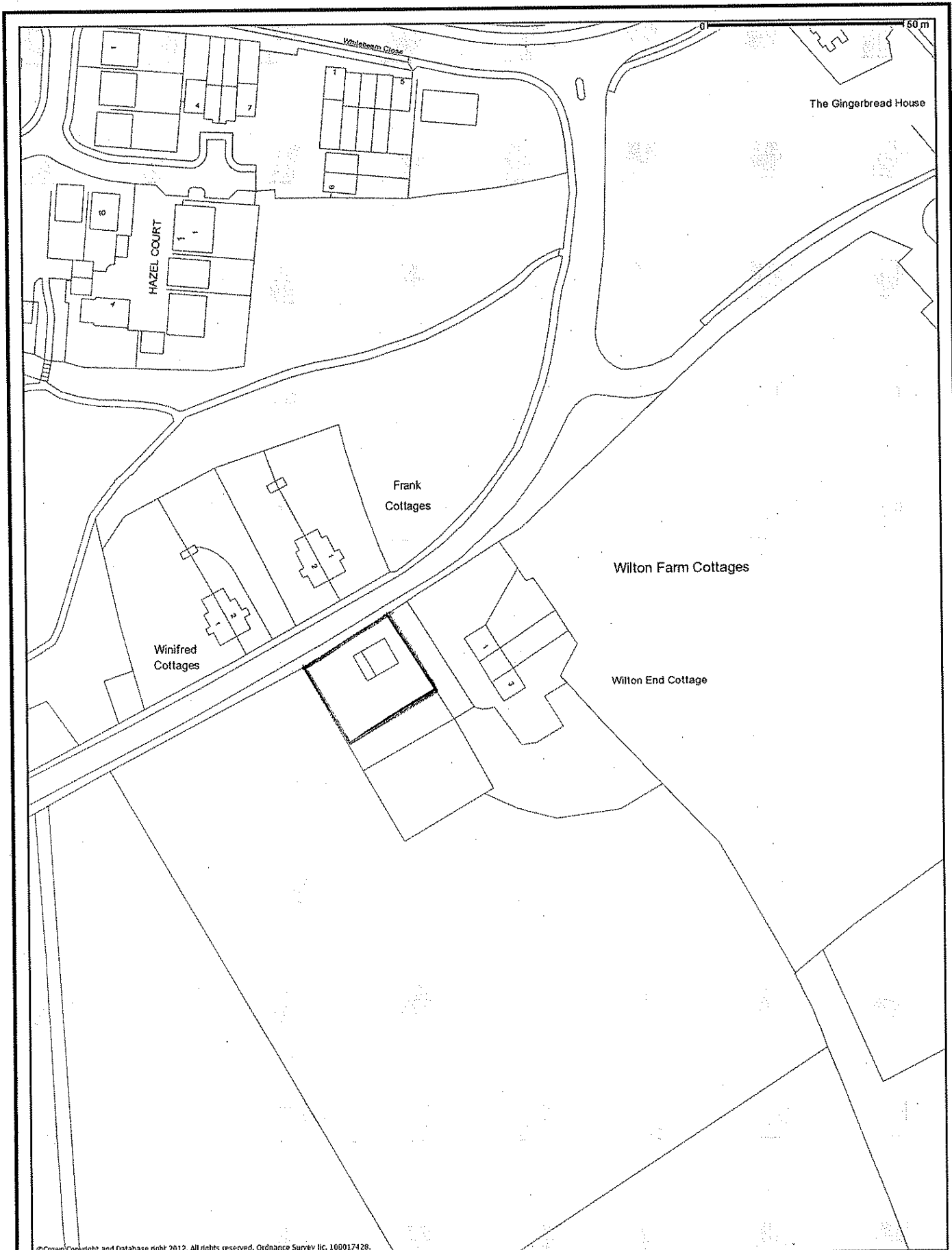
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Case Officer Details

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

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TP/12/1689

Annexe at, 1 Wilton Farm Cottages, Radlett
 Lane, Shenley, WD7 9AJ



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1689

DATE OF APPLICATION: 06 August 2012

STATUTORY START DATE: 08 August 2012

SITE LOCATION

Annexe at, 1 Wilton Farm Cottages, Radlett Lane, Shenley, WD7 9AJ

DEVELOPMENT

Retrospective application for change of use from residential annexe to self contained single family dwelling.

AGENT

Mr E Osborne
4D Planning Consultants Ltd
11 Carlisle Road
London
NW9 0HD

APPLICANT

Ms U Murga
Wilton Farm Cottages
Radlett Lane
Shenley
Radlett, Hertfordshire
WD7 9AJ

WARD

Shenley

GREEN BELT

Yes

CONSERVATION AREA

Not in a Conservation Area

LISTED BUILDING

NO

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act within 6 months from the date of this decision.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months from the date of this decision, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

Suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary, secondary and nursery education, childcare, youth, libraries & sustainable transport measures have not been secured. The application therefore fails to adequately address the infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsme Local Plan

adopted 2003, Policy CS20 of the Revised Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010).

2.0 Application site / Surrounding area

- 2.1 This site is lawfully part of the curtilage of 1 Wilton Farm Cottages, that is an extended terraced house in a row of three houses located just off of Radlett Lane. Originally these three houses were part of the Wilton House Farm and were rebuilt in 1967 with an agricultural occupancy condition that was later removed in 1984 to allow for general market housing as they are currently used.
- 2.2 The owner of the house is currently constructing a garage to its side between the house at No 1 and Radlett Lane that is lawful. In front of this house and across the internal access road for the houses is the annexe, the subject of this application, that comprises a two level building, including rooms in the roof, with hardsurfaced space surrounding. This was originally a barn linked to Wilton House Farm.
- 2.3 There are low level fences along the front boundary of the site with mature hedgerows and trees along the side and rear boundaries. The site is located within the Metropolitan Green Belt. There are several rows of cottages in this part of Radlett Lane which is close to Porters Park. On the other side of Radlett Lane, 20m away from the annexe, are four locally listed houses at 1 & 2 Winifred Cottages and 1 & 2 Frank Cottages, which are in the Shenley conservation area. Woodhall Farm is to the south of Wilton Farm Cottages.
- 2.4 The application was called in to be dealt with by the Planning Committee by the Head of Planning & Building Control for the reason that the application raises the policy issue about new dwellings in the Green Belt. Also Cllr Gilligan has raised concerns about the intensification of the site, car parking and amenity space.

3.0 Proposal

- 3.1 Retrospective application for change of use from residential annexe to self contained single family dwelling. The site has been unlawfully occupied as a separate home from the main house since March 2012. The existing building is on two levels with windows at first floor facing east and west containing lounge, kitchen and two bedrooms.

Key Characteristics

Site Area	0.13Ha
Density	n/a
Mix	1 x 2 bed house
Dimensions	Floorspace of 66.8 sq.m.
Number of Car Parking Spaces	2 spaces

4.0 Relevant Planning History

9378	Approval for rebuilding of terrace of three houses with agricultural occupancy condition imposed	1967
8310	Approval given to remove the agricultural occupancy conditions on the three houses	1984
TP/90/0716	Continued use of garage for the mechanical repair and servicing of motor vehicles	Refuse Permission 04/09/1990
TP/00/0204	Conversion of outbuilding for use incidental to the enjoyment of no.1 Wilton Farm Cottages involving construction of first floor; internal alterations and elevational modifications and erection of porch (Certificate of Lawfulness Application)	Refuse to Grant Certificate 04/05/2000
TP/00/0680	Proposed conversion of outbuilding for use as a residential annex incidental to the enjoyment of no. 1 Wilton Farm Cottages involving construction of first floor, internal alterations and elevational modifications. (Certificate of Lawfulness Application)	Grant Certificate (Proposed Development) 15/08/2000
TP/11/2438	Erection of detached double garage in front garden (Certificate of Lawful Development - Proposed).	Withdrawn by applicant 30/01/2012
TP/11/2322	Demolition of existing conservatory and erection of two storey side extension & new 1.2 metre 5 bar gate to front boundary.	Grant Permission 31/01/2012

5.0 Notifications

5.1

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	4	1	5	0	0

The occupiers of houses surrounding the site object on the following grounds:

- We value the rural country setting of the village and this would change the character of the area
- There would be a traffic risk from the access proposed to Radlett Lane
- Previous owners have, contrary to the deeds, restricted vehicle access to the existing three houses which had to be enforced against privately
- This house needs a separate access
- There is already parking overflowing onto Radlett Lane
- This will be a precedent for further development

- Object on grounds of Green Belt, Conservation area, impact on locally listed buildings and on views
- There will be noise particularly at night and this activity upsets our horses
- The cesspit is designed to serve just three houses and this fourth house is too much for it

6.0 Consultations

Shenley Parish Council	The use as a separate house would cause problems with the sewerage for the site, highway safety on this sharp bend in Radlett Lane, and would infringe on the conservation area and listed buildings.
Highways, Hertfordshire County Council	No objection and requests a contribution towards sustainable transport measures of £750. No justification on how this resource would be spent has been stated.
Hertfordshire Fire & Rescue Service	No comments made
Veolia Water Central Limited	No comments made
Thames Water	No objection

7.0 Policy Designation

7.1 Green Belt

8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Site specific constraint	GB	Green Belt
3	Hertsmere Local Plan Policies	C1	Green Belt
4	Hertsmere Local Plan Policies	C3	Reuse of Buildings in the Green Belt
5	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
6	Hertsmere Local Plan Policies	D4	Groundwater Protection
7	Hertsmere Local Plan Policies	D5	Water Supply & Sewerage Facilities for New Development
8	Hertsmere Local Plan Policies	D20	Supplementary Guidance
9	Hertsmere Local Plan Policies	D21	Design and Setting of Development
10	Hertsmere Local Plan Policies	H1	Housing Land - overall supply

11	Hertsmere Local Plan Policies	M2	Development and Movement
12	Hertsmere Local Plan Policies	M12	Highway Standards
13	Hertsmere Local Plan Policies	M13	Car Parking Standards
14	Hertsmere Local Plan Policies	R2	Developer Requirements
15	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
16	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
17	Revised Core Strategy	REV_CS15	Environmental Impact of development
18	Revised Core Strategy	REV_CS17	Access to services
19	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
20	Revised Core Strategy	REV_CS21	High Quality Development
21	Revised Core Strategy	REV_CS24	Accessibility and parking
22	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
23	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
24	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
25	Circulars	11/95	Circular 11/95 - Conditions
26	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

9.0 Key Issues

- 9.1
- Impact on the Green Belt
 - Visual amenities
 - Residential amenities
 - Car Parking
 - Waste

10.0 Comments

Impact on the Green Belt

- 10.1 The NPPF states that the reuse of existing buildings is not inappropriate development in the Green Belt. Policies C1, C3 & C4 of the Local Plan, supported by CS12 of the Revised Core Strategy 2011, states that where

proposals are not inappropriate and are for reuse of existing buildings they should be designed in a way that minimise their impact on the openness of the Green Belt. Uses are required to be subordinate and not reusing barns within 10 years of having been built under any agricultural permitted development.

- 10.2 The proposal seeks to regularise the reuse of an existing building approved as an annexe to the house in 2000 but as a single family dwelling house.
- 10.3 The lawful use of the annexe, formerly an agricultural building, was approved in 2000 and allowed for two bedrooms as well as living and study rooms within the building. A kitchen has been installed since that time for the benefit of previous occupiers who were relatives of the house owners at that time. In this year the house and annexe were sold and the new owner rented out the annexe separately from the house creating a break between the use of the two buildings. As a result of an enforcement investigation the owner has applied for retrospective planning permission.
- 10.4 The use creates a new planning unit for this new home. There are reasons why there is insufficient harm from the proposal in Green Belt terms from this proposal;
- the building that has been in situ for over 10 years and has a lawful residential use;
 - there is a fallback position for the current owner to lawfully erect freestanding buildings and provide fencing and hardstandings within the grounds of the annexe as part of the curtilage of the house; and
 - no external works or alterations to the boundaries or land are proposed to the property.
- Consequently this proposal is not considered an intensification of the use of the land.
- 10.5 Furthermore this application gives an opportunity to enable conditions to be applied to this site that would prevent new hardstandings, extensions and outbuildings, that could currently take place on the land. Furthermore the applicant is agreeable to a landscaping scheme to be provided and implemented to the site within one year of any consent to include any alterations to boundary treatment should it be considered necessary. Currently there are no controls over fences up to 2m around the site away from the public highway. This would be an improvement in Green Belt terms allowing more control over future structures that could be erected on the land.
- 10.6 The proposal is considered to comply with the NPPF and the above Green Belt policies. Consequently, as this would not be inappropriate, through harm through the change of use the proposal would comply with policies C1, C3 & C4 of the Local Plan, supported by CS12 of the Revised Core Strategy 2011
- 10.7 The proposal would also contribute towards the housing targets for the

borough stated in policies H1 of the Local Plan 2003 and CS1 of the Revised Core Strategy 2011. The latter states that windfall sites, such as this, can be supported if they comply with other policies.

Impact on Visual Amenities

- 10.8 Hertsmere Local Plan (2003) policies H8 and D21 seek to ensure proposals respect or improve the character of their surroundings and adjacent properties in terms of privacy, scale, massing, materials, layout, bulk and height. Policy CS21 of the Revised Core Strategy 2010 generally complements these policies.
- 10.9 The home would reuse an existing building and make no external alterations to it. Consequently there would be no detrimental impact to the visual amenities of the area. The site is located outside and opposite the boundary of Shenley's conservation area and the four locally listed buildings of Winifred and Frank Cottages on the other side of Radlett Lane. The proposal would consequently comply with the above policies relating to protecting visual amenity and heritage assets.

Impact on Residential Amenities

- 10.10 Policy H8, supported by the Planning & Design Guide 2006, supported by D20, seeks to ensure that privacy and outlook are respected as part of new developments and that daylight and sunlight levels not infringed upon to a detrimental degree. The design guide requires 60 sq.m. of private amenity space for a 2 bedroom house.
- 10.11 The home would use existing windows in the conversion that would, at first floor level, face east and west with no direct view of neighbouring windows nearby or private areas of gardens. It would face the garage currently under construction to the side of 1 Wilton Farm Cottages. There is a ground floor window facing north however there is dense hedging on this boundary and the nearest houses at Frank Cottages are 20m away across Radlett Lane. The house has enough space for a private amenity area at 363 sq.m. with some being hardstanding and it being of a bare appearance. A condition would be applied that would enable a garden to be designed as appropriate to enable an improvement to its visual appearance within one year. A condition removing permitted development rights would control the addition of any new windows and doors.

Impact on Highway Safety and Parking

- 10.12 The NPPF 2012 requires local authorities to define local parking standards in accordance with their needs. Policies M2 and M12 of the Local Plan 2003 requires developments to comply with design guidance on highway matters, consider whether traffic generation would adversely impact on the local road network and ensure that there is adequate space for circulation, parking, manoeuvring and servicing. Policies M13 of the Local Plan 2003 and CS24 of the

Revised Core Strategy 2010, with the Parking Standards Supplementary Planning Document 2008 (updated 2010), refer to the need to accommodate off street parking within developments. Under this document a two bedroom house is required to provide 2 off street parking spaces.

- 10.13 This proposal provides space sufficient to accommodate at least two cars to the south side of the house. This is accessed from the existing shared access from Radlett Lane which is sufficient for the purposes of the existing three houses and for the new house. There is a layby on Radlett Lane that is used generally as an informal parking area which is not linked to this site mentioned by objectors. The extra traffic flow from this house would be negligible and not prejudice the safety and operation of the public highway adjacent. There is no objection from the Highway Authority and the proposal would comply with the above highway and parking policies.

Waste

- 10.14 Policies exist to ensure that the waste storage provision is adequate and that there is adequate infrastructure provision for sewage to ensure that there is no pollution to the environment for residential development (policies CS15 and CS21 of the Local Plan 2003 and the technical guidance of waste storage provision). The site would accommodate wheelie bins, sufficient for the purposes of the use, within the site that are accessible to refuse collection vehicles should they be brought to the front with the other householders waste closeby.
- 10.15 Policies D4 and D5 of the Local Plan 2003 and CS15 of the Revised Core Strategy 2011 seek to ensure that pollution of ground water is avoided from development and appropriate sewerage facilities are provided. There is a concern raised by neighbours as to the effectiveness of the septic tank to accommodate this new home as well as existing properties. The owner however considers that with appropriate maintenance, to include servicing/clearance once or twice a year, the septic tank can be operated effectively. This would be a private matter between the householders to resolve the costs of this maintenance.
- 10.16 If a septic tank is not emptied frequently, or is ineffective at treating sewage before the water is released to ground water, this may pollute the environment. This duty to avoid pollution is enforceable against private owners of the sewage systems under the Environmental Protection Act 1990 by the Environment Agency and the Environmental Health section of Hertsmere Borough Council. If an occupier does not wish to connect to mains drainage there are these controls over these alternative forms of sewage provision that ensure that they are safe. If joint users of a septic tank do not agree and there is pollution due to poor management, then there are these controls available in order to protect the environment from harm from an insufficiently maintained system. An informative to this effect is recommended in the decision notice.

S106 Contributions

- 10.17 Policies R2 of the Local Plan 2003, CS17 and CS20 of the Revised Core Strategy 2010 require provision for off site improvements necessary to support new development to support local services. This is detailed in the Planning Obligations SPDs from Hertsmere in 2010 and Hertfordshire County Council (2008). As this is a retrospective application it has been agreed with the applicant that the contributions will be paid within 6 months of the date of the decision notice.
- 10.18 The contributions, as agreed with the applicant and taking into account demands on local services are as follows with all contributions to be provided as requested:

	Requirement	Agreed
Public open space	£1,028	£1,028
Public leisure facilities	£17	£17
Playing Fields	£50	£50
Greenways	£174	£174
Allotments	£375	£375
Cemeteries	£21	£21
S106 Monitoring	£101	£101
Museums & Cultural facilities	£182	£182
Hertsmere subtotal	£1,948	£1,948
Hertfordshire County Council		
Primary education	£1,036	£1,036
Secondary education	£802	£802
Nursery Education	£175	£175
Childcare	£64	£64
Youth	£16	£16
Libraries	£147	£147
Sustainable transport measures	£750	£750
Hertfordshire CC subtotal	£2,990	£2,990
TOTAL	£4,938	£4,938

11.0 Conclusion

- 11.1 The house would have an acceptable impact on the Green Belt, the visual amenities of the area and local heritage assets, with no adverse impact on the residential amenity of the neighbouring properties, highway safety or car parking. The proposal therefore complies with the Hertsmere Local Plan 2003 policies C1, C4, D4, D5, D21, H1, H8, M2, M12, M13 & R2. The Council's revised Core Strategy 2011, policies CS1, CS12, CS15, CS20, CS21 and CS24. Part D of the Council's Planning and Design Guide SPD 2006, the Council's Car Parking Standards SPD 2010 and the NPPF12.

12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act within 6 months from the date of this decision.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months from the date of this decision, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

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

Conditions/Reasons

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted or the insertion of new windows or doors, or any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason:

To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers and to ensure that there is control over structures that would harm the openness of the Green Belt. To comply with Policies C1, C3, C4, H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

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

Reason:

To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers and to ensure that there is control over structures that would harm the openness of the Green Belt. To comply with Policies C1, C3, C4, H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

3 **CC03 No New Hardstanding or Access**

Reason:

To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers and to ensure that there is control over structures that would harm the openness of the Green Belt. To comply with Policies C1, C3, C4, H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

- 4 **WITHIN 2 MONTHS FROM THE DATE OF THIS PERMISSION** a scheme of landscaping, which shall include details of both hard, soft landscape works and any changes to boundary structures, and earthworks, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be **CARRIED OUT WITHIN ONE YEAR** following the date of this decision notice. Any trees, shrubs or plants that die within a period of five years from the date of this decision notice or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason:

To improve the appearance of this site within the Green Belt. To comply with Policies C1, C3, C4, H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

- 5 This determination is in accordance with the following plans, unless agreed in writing by the local planning authority: 109-001-PLB (13.9.12)

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

General Reason(s) for Granting Permission

The house has an acceptable impact on the Green Belt, the visual amenities of the area and local heritage assets, with no adverse impact on the residential amenity of the neighbouring properties, highway safety or car parking. The proposal therefore complies with the Hertsmere Local Plan 2003 policies C1, C3, C4, D4, D5, D21, H1, H8, M2, M12, M13 & R2. The Council's revised Core Strategy 2011, policies CS1, CS12, CS15, CS20, CS21 and CS24. Part D of the Council's Planning and Design Guide SPD 2006, the Council's Car Parking Standards SPD 2010 and the NPPF12.

13.0 Background Papers

- 1 The Planning application (TP/12/1689) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.

4 Published policies / guidance

14.0 Informatives

1. The proposal has been considered in the light of the Hertsmere Local Plan 2003 policies C1, C3, C4, D4, D5, D21, H1, H8, M2, M12, M13 & R2. The Council's revised Core Strategy 2011, policies CS1, CS12, CS15, CS20, CS21 and CS24. Part D of the Council's Planning and Design Guide SPD 2006, the Council's Car Parking Standards SPD 2010 and the NPPF12.

2. Building Regulations

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

3. The applicants is advised that consideration should be given to ensuring that the foul water drainage from this house would have an acceptable impact on the groundwater or other pollutant receptors near the site to comply with the Environmental Protection Act 1990.

4. This scheme is the subject to a S106 Planning Obligation.

Case Officer Details

Andrew Smith 0208 207 2277 - **Email Address** andrew.smith@hertsmere.gov.uk

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Scale 1:5000

TP/12/1504

Metropolitan Police Sports Ground, Aldenham
Road, Bushey



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1504

DATE OF APPLICATION: 12 July 2012

STATUTORY START DATE: 01 August 2012

SITE LOCATION

Metropolitan Police Sports Ground, Aldenham Road, Bushey

DEVELOPMENT

Erection of a marquee on land to the rear of the clubhouse for a temporary period of 5 years between the months of May to September of each year.

AGENT

Mr David Mansoor
Drawing and Planning Ltd
Mercham House
25-27 The Burroughs
Hendon
Greater London
NW4 4AR

APPLICANT

Mr Colin Pridige
Metropolitan Police Sports Club Ltd
Aldenham Road
Bushey
Hertfordshire
WD23 2TR

WARD

Bushey North

GREEN BELT

Yes

CONSERVATION AREA Not in a Conservation Area

LISTED BUILDING NO

TREE PRES. ORDER No

1.0 Summary of Recommendation

Recommendation

1.1 Refuse permission.

2.0 Application site / Surrounding area

2.1 The application site is located within the grounds of the Metropolitan Police Sports Club, on the south east side of Aldenham Road. The site is a 14.39 hectare area of Green Belt land that is composed of a number of sports facilities, including football pitches, cricket greens, bowling greens, tennis courts and a mini pitch and putt facility. The front section of the site is composed of the main clubhouse which basically consists of small meeting rooms, small function rooms, a bar facility and gyms. The building is part single, part two storeys. It stretches for a considerable distance across the site towards Little Bushey Lane towards the north east, where the facility is composed of storage and other such facilities. There is a significantly large

car park to the front of the site that consists of 189 car parking spaces which includes 4 disable parking bays and 9 coach bays.

- 2.2 Although the site is located on Green Belt land the surrounding area is relatively diverse with a number of different planning uses in the area. The majority of the application site is flanked by open land primarily agricultural, particularly to the south and south east and to the immediate north of the site. There is a large cemetery to the immediate north east of the site. Immediately to the west of the site on the opposite side of Aldenham Road is the large grounds of Purcell School. Queens School is located to the south west of the site. There are no other buildings within the immediate vicinity of the site with the exception of these two schools and there are no residential buildings within the immediate proximity of the site.

3.0 Proposal

- 3.1 The application seeks temporary permission for five years to erect a marquee to the rear of the clubhouse between May and September each year. This application is a resubmission of a previous application (reference TP/11/2315) for the same development which was refused planning permission because of a lack of a case of very special circumstances to outweigh the harm to the Green Belt, inadequate parking provision and failure to submit a Transport Assessment.
- 3.2 This marquee would be for the purposes of facilitating weddings and other large banqueting events. It would also be available for local community, sporting and charity events as and when the local community and charity groups will require the facilities.
- 3.3 The footprint of the marquee would measure 37 metres by 24.7 metres (914 square metres) with a highest point of 8.5 metres at the peak points. The marquee would have windows flanking all elevations. It would be positioned to one side of the cricket green approximately 25 metres from the rear of the clubhouse and 23 metres from the main tennis courts. Additionally, the reasoning behind the positioning of the marquee at this location is to ensure that essential services such as rest rooms and disabled access are provided.
- 3.4 The application is to be decided at Planning Committee because the site is over 1 hectare and therefore is considered to be a major application.

Key Characteristics

Site Area	14.39 hectares
Density	N/a
Mix	N/a
Dimensions	width = 24.7 metres, depth = 37 metres, height = 8.5 metres
Number of Car Parking Spaces	189 parking spaces which includes 4 disabled bays and 9 coach parking bays.

4.0 Relevant Planning History

TP/11/2315 Temporary permission for five years to erect a Refuse Permission marquee to the rear of the clubhouse between April 27/02/2012 and September each year.

5.0 Notifications

5.1 Summary: 8 neighbours were consulted, a site notice was displayed on 14/08/2012 and the application was advertised in the local press on 24/08/2012.

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

6.0 Consultations

Environmental Health & Licensing

Raise no objection subject to a condition relating to noise levels. Given that the nearest habitable dwelling is approximately 150 metres from the proposed development the EH Officer suggests the following condition:

The level of noise emitted from the site shall not exceed the background noise level at any time as measured at the boundary of the nearest noise sensitive premises, measured as a 15-minute average A-weighted decibel noise level. Peak noise levels must not exceed the background noise level at any time by more than 10 dB (A).

With regard to the provision of food at the marquee during events the relevant EH Officer has no specific comments to make.

Veolia Water Central Limited

Raise no objection. The proposed development site is located within an Environment Agency defined Groundwater Protection Zone (GPZ) corresponding to Bushey Hall pumping station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Veolia Water Central. An informative is given recommending that construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management

	Practices.
Drainage Services	Raise no objection. No conditions recommended.
Environment Agency	Raise no objection. No comments to make.
Engineering Services	Raise no objection. No conditions.
Thames Water	Raise no objection. No comments to make.
Hertfordshire Fire & Rescue Service	Objection raised. The drawing does not indicate the precise location of the marquee and it is noted that the provision for access does not appear to be adequate to comply with BS9999:2008. The marquee must be sited within 45 metres of a parked fire appliance. It would appear from the drawing supplied that the only access would be by foot from the main car park.
Veolia Water Central Limited	Objection raised. The drawing does not indicate the precise location of the marquee and it is noted that the provision for access does not appear to be adequate to comply with BS9999:2008. The marquee must be sited within 45 metres of a parked fire appliance. It would appear from the drawing supplied that the only access would be by foot from the main car park.
EDF Energy Networks	No comment received.
National Grid Company Plc	No comment received.
Tree Officer	No comment received.
Sports Development Officer	No comment received.

7.0 Policy Designation

- Green Belt
- Watling Chase Community Forest
- Landfill Gas

8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012

3	Hertsmere Local Plan Policies	C1	Green Belt
4	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	S7	Community Centres and Religious Buildings
7	Hertsmere Local Plan Policies	M13	Car Parking Standards
8	Hertsmere Local Plan Policies	M12	Highway Standards
9	Hertsmere Local Plan Policies	M2	Development and Movement
10	Hertsmere Local Plan Policies	D14	Noisy Development
11	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
12	Hertsmere Local Plan Policies	D4	Groundwater Protection
13	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
14	Revised Core Strategy	REV_CS15	Environmental Impact of development
15	Revised Core Strategy	REV_CS18	Key community facilities
16	Revised Core Strategy	REV_CS21	High Quality Development
17	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
18	Revised Core Strategy	REV_CS24	Accessibility and parking
19	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
20	Hertsmere Planning & Design Guide	PartD	Guidelines for Development

9.0 Key Issues

- Principle of Development
- Impact on Visual Amenity
- Impact on Amenity
- Parking and Highway Considerations
- Flood Risk
- Other Matters

10.0 Comments

Principle of Development

Green Belt

- 10.1 The marquee does not fall within any of the definitions of appropriate Green Belt development listed in paragraph 89 of the NPPF and is therefore considered to be inappropriate development. Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances. This is supported by Policy C1 of the Local Plan.
- 10.2 Pre-application guidance given by Officers in the letter dated 18 March 2011 advised the applicants that a case of very special circumstances would need to be advanced to justify the appropriateness of the development and to outweigh the harm caused to the Green Belt. In that letter it was advised that the applicant should consider the following issues in formulating a case of very special circumstances:
- *Why is the marquee required?*
 - *What changes have happened at the existing clubhouse which mean that the marquee is now being sought.*
 - *Why is a marquee the solution to the problem.*
 - *What alternative solutions have been considered?*
 - *Can alterations or extensions to the clubhouse meet your needs?*
 - *What are the wider benefits that would be represented by the provision/use of the marquee?*
- 10.3 The email from the Applicant dated the 21 March 2011, in response to this guidance cited the following as special circumstances:
- Financial justification given because the need to support the up keep of the club. Due to the economic downturn very few companies have the resources to be able to attend the premises for events and club has suffered financially.
 - Potential use by the community for weddings, seminars, charity fund raising and local community projects.
 - Employment opportunities when used for weddings - such as the requirement for local catering companies to provide services.
- 10.4 The financial justification given in the *Poverty Statement* in the Design and Access Statement which lists the total loss in revenue every year from 2008 to 2011 for the Club is considered to be the only special circumstance for the justification for the marquee. The other reasons for the marquee are not considered to be special circumstances, therefore, the applicant has failed to demonstrate sufficient special circumstances to make a case of very special circumstances. The applicant has not demonstrated why the marquee is the only and most appropriate option for the club, and why this is the most appropriate location. The applicant has not taken on board the advice in the

letter dated 18 March 2011 from Officers. The applicant has failed to provide a robust case of why the marquee is the solution, and the potential demand for a facility of this size.

- 10.5 Whilst the Council welcomes the potential of additional community facilities, the applicant has not demonstrated that there is a relative demand and/or need for such a facility, from any particular groups, or whether there is a shortfall of facilities. The applicant lists the charities and sports clubs that use the existing facilities and states that other charities have been turned away because of lack of available space and that the marquee will provide charities that additional space with the opportunity to increase the club's funding capacity. However, the applicant does not provide evidence of these charities that have been turned away. Also, whether the marquee provides suitable desirable space for such groups. Whilst the creation of additional employment is welcomed this will perhaps be on an adhoc basis depending on bookings. In addition, no substantial evidence has been submitted that confirms this will be the case. Particularly when the applicants are noting that a loss is being made.
- 10.6 Insufficient very special circumstances has been provided to justify the marquee as inappropriate development within the Green Belt to outweigh the harm that would be caused to the Green Belt. Given that the marquee is inappropriate development and adversely impacts on the openness of the Green Belt, it is considered that the principle of the development is unacceptable. Therefore, the proposal application fails to comply with the NPPF 2012, Policies C1 and C4 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy 2011.

Policy S7: Community Centres and Religious Buildings

- 10.7 According to this policy proposals involving the provision of new or enhanced community centres and religious buildings will be granted permission where it can be demonstrated that the use and choice of location will principally serve a local community and the site would be or could be made easily accessible by a range of transport options. In addition, proposals should:
- (i) make adequate provision for car parking and have no adverse impact on the highway network;
 - (ii) have no significant impact on adjoining properties; and
 - (iii) not detract from the visual amenity of the area.
- 10.8 The proposal involves the erection of a temporary marquee primarily to be used for weddings and functions. However, the applicants also suggest it could be used for local communities. Therefore, it can be considered to be an addition to an existing community facility. However, it has not been successfully demonstrated that the marquee at the location proposed will serve the local community. No evidence has been provided of demand for such a facility from local community groups or that there is a shortage of

community facilities for community events.

(i) adequate provision for car parking and have no adverse impact on the highway network

This consideration will be dealt with in the following section of this report "*Parking and Highway Considerations*".

(ii) no significant impact on adjoining properties

There are no nearby adjoining properties on the site. The nearest buildings are Purcell School opposite on the other side of Aldenham Road and Queens School to the south west. Both of which would be approximately 175 metres away from the proposed marquee.

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

This consideration will be addressed in the following section of this report "*Impact on Visual Amenity*".

Impact on Visual Amenity

- 10.9 Local Plan Policy D21 requires new development to respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Revised Core Strategy policy CS21 requires all new development to be of a high quality of design.
- 10.10 The buildings that would be nearest the marquee are the Metropolitan Police Sports Club Building, Purcell School opposite, Queens School to the south west and the Metropolitan Police Sports Club Building. The Metropolitan Police Sports Club Building is an elongated, part single, part two storey building, the Purcell School is a part two storey, part three storey building and Queens School is a three storey building.
- 10.11 The marquee would rise to 8.5 metres and measure 24.7 metres wide by 37 metres deep. It would be located 23 metres from the tennis courts towards the north east of the site, 25 metres from the bowling green towards the west of the site and 29 metres from the Metropolitan Police Sports Club building towards the west of the site. The marquee would be located 82 metres from Aldenham Road. The marquee would be a large white structure, in effect as high as a two storey building which reflects the height of the surrounding buildings.
- 10.12 Standing 8.5m high and constructed in a white material the marquee would be highly visible within the Green Belt. The visual impact of the development fails to be appreciated in the design and access statement. The height and materials of the proposal would have a detrimental impact to the Green Belt. As such it is considered that the marquee would be harm the visual amenity of the local area, in this Green Belt location. Therefore, the proposal is contrary to Policies D21 and C4 of the Hertsmere Local Plan 2003, Policy

CS21 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide SPD 2006 and the NPPF 2012.

Impact on Amenity

- 10.13 Policy D14 states that new development involving noisy activities should be sited away from noise-sensitive land uses. Regard will be paid to the cumulative impact of noisy development, the time and nature of the noise and the character of the surrounding area. In particular there is a need to ensure that residential properties, and nature conservation sites, are protected from the impact of undue noise levels. Where planning permission is granted appropriate conditions may be imposed to control the level of noise emitted.
- 10.14 Some of the events proposed to take place inside the marquee could have the potential to create noise disturbance from music being played. The nearest residential buildings are 150 metres away, however, the Purcell School opposite the site could be affected by noise disturbance.
- 10.15 The applicant seeks to put in place measures to reduce noise disturbance such as a noise limiter which is a small electrical device that reduces the noise ambience emitted from music amplifiers. It should be noted however, that controlling noise disturbance is beyond the powers of the Planning Department and that the Environmental Health Unit has powers and responsibilities in respect of statutory noise nuisances.
- 10.16 Given that the nearest habitable dwelling is approximately 150 metres from the proposed development the EH Officer would have suggested the following condition if the application were to be granted:

The level of noise emitted from the site shall not exceed the background noise level at any time as measured at the boundary of the nearest noise sensitive premises, measured as a 15-minute average A-weighted decibel noise level. Peak noise levels must not exceed the background noise level at any time by more than 10 dB (A).

- 10.17 Environmental Health have also comment with regard to the proposed provision of food at the marquee. The EH Officer is not aware that the marquee will actually be provided with catering facilities. It would seem that either contract caterers will use the clubhouse kitchen (hired by the event organiser) or in house catering will be provided using the clubhouse kitchen. Therefore, the EH Officer does not have any specific comments to make.

Parking and Highway Considerations

Parking

- 10.18 The Council's Parking Standards SPD requires 1 car parking space per 9m² plus 1 car parking space per full-time staff for community and family centres. The proposal involves the erection of a marquee for weddings and functions,

but is also proposed to be used for local community events.

- 10.19 The site is located along the B462, Aldenham Road which is a main distributor road that passes through north Bushey. It is proposed that the marquee would cater for up to 600 visitors, but will regularly host 200-400 guests. The car park on the grounds has space for up to 189 cars which includes 4 disabled parking bays and 9 coach parking bays.
- 10.20 According to the Parking Standards 1 space per 9m³ and 1 space per full-time member of staff is required, in addition 3 disabled spaces for every 100 spaces or part thereof.
- 10.21 The existing building has a floor area of approximately 3639m³ therefore the car parking requirement for the existing building is 404 parking spaces and 17 spaces for full-time staff and an additional 15 disabled parking spaces. This makes a total of 436 car parking spaces required for the existing building. The marquee would have a floor area of 1,283.9m³ therefore the car parking requirement would be 143 parking spaces, plus 3 spaces for full-time staff and an additional 6 disabled parking spaces. This makes a total of 152 car parking spaces required for the marquee.
- 10.22 The total number of car parking spaces that would required for the existing building and the proposed marquee would be 567 spaces and 21 disabled spaces, making a grand total of 588 spaces.
- 10.23 The number of car parking spaces provided falls significantly short of the 588 spaces required by the Parking Standards. The Parking Standards does not take into account coach parking spaces. However, even if the 9 coach parking spaces were taken into account it is unlikely that with the large numbers of visitors to the site during events at the marquee that the proposed car parking provision would be acceptable.
- 10.24 The Highway Officer considers that for many of the larger functions guests would come by private car and with the likelihood that the site is at full capacity at peak times for most weeks of the year the parking facilities are unlikely to be adequate for a capacity of 200-400 guests on top of the normal parking requirements of the sports club. Given the above assessment of required car parking provision for the existing building and proposed marquee Planning Officers support the Highway Officers view.
- 10.25 It is stated in the Design and Access Statement that the marquee would be in close proximity to public transport infrastructure, buses along Aldenham Road and Watford Rail networks. However, Watford Rail Station is not in close proximity to the marquee and because no transport statement has been provided it is not clear to what extent the local bus services will be utilised by visitors to the venue. It is also stated in the Design and Access Statement that during the summer months, when the most popular sports played at the site are no longer played, that there will be a drop in vehicle movements and which would reduce any minor increase in volume of vehicles on the surrounding roads created by the proposal. The applicants

have failed to quantify the transport impact. As no transport statement has been provided, the drop in the number of vehicle movements in the summer months has not been substantiated and the traffic impact of the proposal has not been quantified.

- 10.26 It is considered that the existing and proposed car parking provision does not meet with the requirements of the Parking Standards SPD. This being the case, the proposed situation of a considerable amount of visitors to the site for events at the marquee, in addition to the usual amount of visits to the site, would exacerbate the parking situation. The shortfall in parking provision is significant and would lead to undue parking pressure in the surrounding area. No Transport Statement has been submitted to mitigate this significant shortfall in parking. The resultant undue parking pressure would lead to indiscriminate car parking in the surrounding area, causing road congestion to the detriment of highway safety for motorists and pedestrians. Therefore, it is considered that the proposal would fail to comply with the NPPF 2012, the Parking Standards SPD Revised 2010, Policy M13 of the Hertsmere Local Plan 2003 and Policy CS24 of the Revised Core Strategy 2011.

Highway Considerations

- 10.27 Local Plan Policy M2 states that development proposals will only be permitted in locations where good access exists, or can be created to passenger transport services, pedestrian and cycle routes, and where the highway network and the environment can accommodate the amount and type of transport movement likely to be generated.
- 10.28 It is proposed that the marquee could accommodate up to 600 visitors, although on a regular basis there would be 200-400 visitors to the site for each event. The high number of visitors expected would reflect on the vehicle movements to and from the site, which is likely to be significantly increased due to the high numbers of visitors, thereby causing congestion on Aldenham Road.
- 10.29 The Highway Officer has noted that the applicant has not submitted details of projected vehicle movements during proposed events. Therefore, as previously advised a Transport Assessment/Statement needs to be submitted to enable Officers to reach an informed view of the impact of transport on the local highway network. In the absence of the Transport Assessment/Statement the Highway Officer recommends refusal of the application and Planning Officers views accord with this. The proposal fails to comply with Policies M2 and M12 of the Hertsmere Local Plan 2003, Policy CS23 of the Revised Core Strategy 2011 and the NPPF 2012.

Flood Risk

- 10.30 The National Validation Requirements for planning applications require sites of 1 hectare or above to be accompanied by a flood risk assessment. Paragraph 2 of the Technical Guidance to the National Planning Policy Framework states that "areas of risk of flooding" means land within Flood

Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency.

- 10.31 The submitted Flood Risk Assessment states that the site does not lie within a flood zone. The site is located in close proximity to a main river but due to the topography of the application site it is evident that land north of the main river is lower and therefore has experienced flooding in the past. There is no historical record of flooding on this site from any source, e.g. ground water, overland flow or sewerage flooding. The Flood Risk Assessment concludes that the proposal would not increase the likelihood of flooding on the application site.
- 10.32 Note: The Flood Risk Assessment makes reference to Planning Policy Statement 25: Development and Flood Risk. However, this is a former national planning policy document which has been superseded by chapter 10 of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework an accompanying document.

Other Matters

- 10.33 The policy designation for the site includes a description of landfill gas. The Environmental Health were consulted and gave no comment regarding this issue. The Local Planning Authority will be consulting the Health and Safety Executive with comments placed on the update sheet.

11.0 Conclusion

- 11.1 The application is recommended for refusal. This application fails to overcome the reasons for refusal for the previous application. The principle of the development is unacceptable. The applicant has failed to provide a robust case of very special circumstances to outweigh the harm to the openness of Green Belt and its visual amenity. The application has failed to submit a Transport Assessment/Statement giving details of projected car movements to and from the site during proposed events which would enable Officers to assess the volume of vehicles and the impact of transport movements to and from the site. Lastly, the proposal fails to provide sufficient car parking provision.

12.0 Recommendation

- 12.1 Refuse permission.

Conditions/Reasons

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

The proposal is for a temporary permission for five years to erect a marquee to the rear of the Clubhouse between May and September each year. The marquee would be inappropriate development within the Green Belt and harmful to it. The marquee would encroach on the openness of the Green Belt and the extent of its height and mass and stark white colour would adversely affect the visual amenity of the Green Belt. The applicant has given several reasons for a case of very special circumstances. However, these reasons are not considered to be robust special circumstances that create a case of very special circumstances to justify the inappropriateness and to outweigh the harm that would be caused to the openness and visual amenity of the Green Belt.

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

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

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

13.0 Background Papers

- 1 The Planning application (TP/12/1504) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.

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

14.0 Informatives

This Determination Refers to Plans:

BHSTG-E-001 (date stamped 13/07/2012)
BHSTG-E-101 (date stamped 13/07/2012)
BHSTG-L000 (date stamped 13/07/2012)
BHSTG-L001 (date stamped 13/07/2012)
BHSTG-L101 (date stamped 13/07/2012)
BHSTG-S-001 (date stamped 13/07/2012)
BHSTG-S-101 (date stamped 13/07/2012)
Flood Risk Assessment (date stamped 13/07/2012)
CIL - Planning Application Additional Requirement Form (date stamped 13/07/2012)
Design and Access Statement (date stamped 13/07/2012)
Appendix 1.0 (date stamped 13/07/2012)
Appendix 2.0 (date stamped 13/07/2012)
Appendix 3.0 (date stamped 13/07/2012)
Appendix 4.0 (date stamped 13/07/2012)
Appendix 5.0 (date stamped 13/07/2012)
Appendix 6.0 (date stamped 13/07/2012)
Appendix 7.0 (date stamped 13/07/2012)

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies C1, C4, D3, D4, D21, S7, M13, M12, M2 and D14. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS17, CS18, CS21, CS23 and CS24. The Hertsmere Parking Standards SPD Revised 2010. Part D of the Hertsmere Planning and Design Guide SPD 2006. The National Planning Policy Framework 2012.

Case Officer Details

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Scale 1:1250

TP/12/1521

Radlett Sorting Office, 122 Watling Street,
 Radlett, WD7 7AF



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1521

DATE OF APPLICATION: 17 July 2012

STATUTORY START DATE: 17 August 2012

SITE LOCATION

Radlett Sorting Office, 122 Watling Street, Radlett, WD7 7AF

DEVELOPMENT

Change of use from Royal Mail delivery office to pre-school/nursery.

AGENT

Mr D Watters
CMC Projects LLP
New Cambridge House
Bassingbourn Road
Litlington
Royston
SG8 0SS

APPLICANT

Mr S Savage
Asquith Nurseries Ltd
Asquith House
34 Germain Street
Chesham
Bucks
HP5 1SJ

WARD

Aldenham East

GREEN BELT

No

CONSERVATION AREA

Not in a Conservation Area

LISTED BUILDING

LOC

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

1.1 Refuse planning permission

2.0 Application site / Surrounding area

2.1 The application site of 0.07 hectares is located on the west side of Watling Street between the Red House Surgery and Conway House. The site is occupied by the Postal Sorting Office which forms part of the complex with the Post Office. The agent has stated in the submitted design and access statement that Royal Mail have decided and announced that they will be closing Radlett Sorting Office from September 2012 whilst maintaining the counter service.

2.2 The existing property is set back from Watling Street and the adjoining residential, commercial and social buildings, Red House Surgery and Conway House. The buildings in this part of Watling Street are sited higher

than those in Watling Street due to the topography of the area. The existing property is part two, part single storey in height with associated basement. The building was constructed in the late 1920's to early 1930's in red brick with dark brown roof tiles and white timber windows. The property is a locally listed building along with a number of buildings in the high street. The rear part of the site is also adjacent to the Radlett North Conservation Area.

- 2.3 There is an existing car park with 4 marked car parking spaces to the rear of the building adjacent to Conway House. These car parking spaces are accessed from a service road with an electronic gate between Red House surgery and the application site. The boundary treatment is part retaining brick wall and part wooden fencing. There are a number of outbuildings and small raised grassed area to the rear of the site.
- 2.4 The surrounding area is a mix of commercial, social and residential uses. The site is located adjacent to the Red House surgery and Conway House which has a restaurant at ground level and residential properties above. Opposite the site is a typical shopping parade with shops on the ground floor and residential properties above. The property is on the main through road linking Borehamwood and Elstree to Radlett and Frogmore.

3.0 Proposal

- 3.1 The description of development at the sorting office site is change of use from use classes Sui Generis to use class D1 (pre-school/nursery).
- 3.2 There would be no internal or external changes to the existing site.
- 3.3 This application has been referred to the committee for determination as it has been called in by Councillor Graham for the following reasons:
- Impact on neighbouring properties,
 - Impact on character of street scene,
 - Impact on listed building/conservation area,
 - Re-locating the doctors surgery to the Post Office.
-

Key Characteristics

Site Area	00.07 ha
Density	N/A
Mix	N/A
Dimensions	No change to be made to the existing property.
Number of Car Parking Spaces	Existing car parking = 5 Proposed car parking = 5

Any other relevant statistical information as appropriate

4.0 Relevant Planning History:

TP/90/0164	Single storey side extension (Amended plans received 06/04/90)	Grant Permission 06/04/19
TP/08/0169	Installation of customer services window and canopy to front elevation of building.	Grant unconditionally 14/04/2008

5.0 Notifications

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

Twenty three neighbours notified, no comments received. Press notice advertised and site notice put up for 21 days.

6.0 Consultations

Aldenham Parish	Object
	<ul style="list-style-type: none">a) Serious concerns about the access and egress of vehicles from the property particularly onto Watling Streetb) Narrow driveway does not allow two way traffic into and out of the sitec) Our preference for the Sorting office would be for genuine community used) There is already a Nursery in close proximity to the building
Radlett Society & Green Belt Association	Object
	13/9/2012
	This site has been used for community purposes for many decades. Consider that it is unacceptable for it to be considered for commercial use now. Our preference would be for it to be used to accommodate the Red House Surgery which is seeking to re-locate from its cramped accommodation next door. Understand the doctors

would be happy to co-locate with the Post Office Counter so that this service would continue to be available to the residents of Radlett.

11/8/2012

This site has been used for community purposes for many decades. Consider that it is unacceptable for it now to be considered for commercial use. Our preference would be for it to be used to accommodate the Red House Surgery which is seeking to re-locate from its cramped accommodation next door. Understand the doctors would be happy to co-locate with the Post Office Counter so that this service would continue to be available to the residents of Radlett.

Note that it is proposed to use the area to the rear of the property as a dropping off area for children. This means that there will be a greatly increased volume of traffic arriving and leaving the site at critical times. The entrance/exit from the site is at a particularly sensitive part of the main road through Radlett immediately adjacent to zebra crossing. Consider that this will seriously impede traffic through the village and greatly enhance the risk of accidents.

Highways, Hertfordshire
County Council

Object

Section 6 of the planning application indicates that there will not be a new or altered access to the public highway. Watling Street (A5183) is a Main Distributor road in the Herts Highways hierarchy of roads.

Noted on site visit, that the existing access width the access to Watling Street in approximately 3m wide, and is therefore, too narrow to enable vehicles to pass. This is likely to cause congestion on Watling Street, should vehicles wait to enter the site, whilst a car is exiting. The existing access is also close to a pedestrian crossing; congestion on the highway at this location could cause obstruction to pedestrians crossing Watling Street. The applicant has not indicated how many vehicles are likely to use the access/parking area. Section 10 of the planning application indicates that the parking requirement

will be unchanged at 5No. spaces. However, consider that the number of vehicles associated with the nursery is likely to increase this number substantially.

It is not possible to determine pupil numbers attending the nursery, as sufficient details have not been submitted. Drawing No. 4239:02:00 is unclear but seems to show that at up to 60No children will be in attendance during the day.

The centre of Radlett is an extremely busy and congested area. On- street and off street parking is therefore difficult. Consider that there is insufficient space within the site to accommodate the potential increase in vehicle numbers for the proposal. Understand that the Post office will continue to operate in its existing capacity and this, combined with the change of use to office space (TP/12/1566) would cause conflict of vehicle movements within the site. Small service vehicles should be able to enter the site and leave in a forward gear, providing the turning area is not obstructed.

The Applicant has not submitted a Design and Access Statement or Transport Statement to support the application. Details have not therefore been provided to demonstrate, how the children will be transported to the school. If this is by private car, where will the vehicles park, whilst parents take the children into the school? The same situation would arise for the collection of the children at the end of the day.

The proposed use as nursery/school likely to generate additional vehicle movements to and from the site and is likely to cause congestion on Watling Street.

It would appear from the information supporting the application that the proposal is likely to result in additional vehicle movements and a detriment to highway safety. Therefore, Hertfordshire County Council as a Highway Authority considers that until sufficient and detailed information on the development has been provided permission should be refused.

(It should be noted that Highways Department has included comments in regards to the change of use

of the sorting office to offices (B1) as part of this consultation response)

Hertfordshire Fire & Rescue Service No comments received.

7.0 Policy Designation

- 7.1 Locally Listed Building
- 7.2 Adjacent to the Radlett North Conservation Area
- 7.3 Town centre

8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	D20	Supplementary Guidance
2	Hertsmere Local Plan Policies	D21	Design and Setting of Development
3	Hertsmere Local Plan Policies	M2	Development and Movement
4	Hertsmere Local Plan Policies	M12	Highway Standards
5	Hertsmere Local Plan Policies	M13	Car Parking Standards
6	Hertsmere Local Plan Policies	T6	Non-Retail Uses - Locational Criteria
7	Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
8	Hertsmere Local Plan Policies	E18	Buildings of Local Interest
9	Hertsmere Local Plan Policies	E27	Conservation Areas - Adjacent Development
10	Hertsmere Local Plan Policies	S6	Nurseries and Crèches
11	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
12	Revised Core Strategy	REV_CS18	Key community facilities
13	Revised Core Strategy	REV_CS21	High Quality Development
14	Revised Core Strategy	REV_CS24	Accessibility and parking
15	Revised Core Strategy	REV_CS27	Strengthening town centres

- 16 Hertsmere PartD Guidelines for Development
Planning &
Design Guide
- 17 National Planning Policy Framework 2012
- 18 Circular 11/95
- 19 Radlett District Centre Key Location Brief

9.0 Key Issues

- History and pre-application
- Principle
- Impact on vitality and viability
- Impact on Conservation Area
- Impact on locally listed building
- Impact on residential amenity
- Highway implications and car parking

10.0 Comments

History and pre-application

- 10.1 On observation of the planning history, all previous planning applications were associated with the use as a postal service. There have been no previous planning applications which sought to change the use of all or part of the building for this site. There is currently another planning application submitted for the change of use from existing sorting office to offices. This planning application will also be discussed at the 4/10/2012 planning committee.
- 10.2 The agent has not entered into formal pre-application with the Local Planning Authority.

Principle

- 10.3 The principle of the change of use of the sorting office (Sui Generis) to pre-school/ nursery is considered acceptable. The proposal is considered to overcome any restriction from Policy S6 of the Local Plan 2003 which states proposals for nurseries will be granted planning permission provided that there is no impact on car parking, highway safety, visual and residential amenity. The National Planning Policy Framework 2012 and Policies CS18 and CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 are also relevant in the promotion of community facilities and the promotion of the vitality and strengthening of the town centre.
- 10.4 It is considered that the site would be suitable for pre-school/nursery use

subject to meeting the criteria of Policy S6 of the Local Plan 2003 which will be discussed below. The Policy Department confirmed verbally that the principle of the scheme is acceptable. It should be noted within Clause 9.10 of the Radlett District Centre Key Location Planning Brief the protection of the social or community use of the post office is not afforded to the sorting office element. It was confirmed by the policy department that the protection did not extend to the sorting office and whilst planning consent would be required in policy terms this would not be against the terms of the aforementioned brief. This being the case there are no objections in principle to the submitted change of use.

Impact on vitality and viability

- 10.5 The site is located within the defined neighbourhood centre of Radlett as identified by the Hertsmere Local Plan 2003.
- 10.6 In the Hertsmere Local Plan 2003 changes to non-A1 uses are permitted unless the proposal would lead to an over-concentration of such uses in any clearly definable parade (Policy T6(i)). The Policy requires that the proposal, together with existing uses, should not lead to the establishment of more than two non-retail uses in any line of six units, as defined by looking to either side of the premises subject to the application. Policy T6(ii) seeks to ensure that proposed uses do not result in an over-concentration of non-retail uses in the centre as a whole, to the detriment of the retail viability and vitality of the centre. Policy CS27 of the Revised Core Strategy (consultation draft) December 2010, approved for interim development control purposes on 8th December 2010 is similar to this policy.
- 10.7 Economic growth and ensuring the vitality of town centres forms a key part of the National Planning Policy Framework 2012, particularly in section 2.
- 10.8 The application site is not located in the clearly defined parade of shops and is separated by Conway House, the Radlett & Bushey Reform Synagogue and Red House surgery. The unit is set back from Watling Street with an area of landscaping and access for the general public through ramps and stairs. The Post Office would remain in situ. Therefore the above test for T6 of the Local Plan 2003 do not apply in this instance as the site is not located in a clearly defined parade and therefore the proposed use is considered acceptable.

Impact on Conservation Area

- 10.9 Policy E27 of the Local Plan 2003 states for development adjacent to Conservation Areas consideration will be given to the impact on the character and appearance of the Conservation Area. Planning permission will be refused for those developments that will not preserve its special

character or appearance or will adversely affect its setting. Policy S6 of the Local Plan 2003 states proposals should not detract from the visual amenity of the area.

- 10.10 The rear of the application site is adjacent to the Radlett North Conservation Area. The proposal does not seek to alter the external appearance of the building. It is therefore considered that the development will preserve the special character or appearance of the building and its setting. The proposal would be in compliance with Policies S6 and E27 of the Local Plan 2003.

Impact on locally listed building

- 10.11 Policy E18 of the Local Plan 2003 states listed buildings of local architectural or historic interest. They will be subject to the same conservation standards as statutorily listed buildings in so far as planning controls allow. Development proposals affecting a building included on the list will be expected to respect the appearance and character of the building and its setting.
- 10.12 Policy D21 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design Guide 2006 and the National Planning Policy Framework 2012 focus on good urban design.
- 10.13 The property is locally listed along with the terrace at numbers 86-96 Watling Street. The building dates between the 1920s / early 1930s (between 1914 and 1938). It was purpose built as a post office, to replace both the first Radlett post office on the corner of Station Approach and the temporary post office on the corner of Station Road. Although fairly typical of the design used by the post office, it is part of the socio-economic growth of the commercial centre within town in the early 20th century. Its architectural merit lies in the strong design and its retention of the majority of original features including the arched multi-paned windows that are typical of earlier 20th century post office design. The neighbouring properties at the Red House and Conway House are not locally listed.
- 10.14 The proposal does not seek to alter the external fabric of the locally listed building.
- 10.15 The proposal is therefore considered acceptable to the National Planning Policy Framework 2012, Part D of the Planning and Design Guide 2006, Policies D21 and E18 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Impact on residential amenity

- 10.16 Policy T7 of the Local Plan 2003 states development proposals will be permitted providing no adverse impact on neighbouring residents in town centres. The site is located in a predominately mixed area with flats above the neighbouring shopping parades and also adjacent to the site. The amenity of neighbouring residents should be maintained.
- 10.17 The existing sorting office has an element of ancillary office space within the sorting office. However, there are is no time restriction on the use of the building. On researching the opening times, the building is open six days a week with the public opening times between 9:00 to 17:30 Monday to Friday and 9:00 to 17:30 on a Saturday. The agent has confirmed that the opening hours would be Monday to Friday 7.30am to 6.30pm (closed Saturday and Sunday) Therefore it is considered that the proposed operating hours would preserve the residential amenity of neighbouring properties. It is recommended that a condition is implemented to preserve the amenity of surrounding residents in relation to potential noise and hours of opening is attached to any planning permission granted.
- 10.18 The number of current employees of the postal sorting office and movements of traffic in relation to the postal office sorting office has not been provided. However on the case officers site visit there was only one or two staff in the building. The number of proposed staff for the site has been provided in an email dated the 19/9/2012 which states that there will be a maximum of 18 staff (12 full time and 6 part time).
- 10.19 There are no changes to the external appearance of the locally listed building that would result in a loss of privacy or overlooking to neighbouring properties.
- 10.20 Overall, the proposal would be unlikely to have a detrimental effect on the amenities of occupiers of neighbouring properties subject to the imposition of a hours of work condition. The proposal is therefore in accordance with Policy T7 of the Local Plan 2003.

Car parking and highway implications

Policy

- 10.21 The National Planning Policy Framework (2012) states transport policies have an important role to play in facilitating sustainable development. The Council's Car Parking Standards SPD 2010 (as amended) outlines the parking requirements for each type of development. Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 are also relevant.

Parking

Non-residential (existing)

- 10.29 The site is located within non-residential accessibility zone 3 and therefore there could be reduction in the number of car parking spaces required for the site subject to justification. The Council's car parking standards does not outline the total number of car parking or cycle spaces for a sorting office. On the application form, the agent states that there are 5 car parking spaces. However, on the case officers site visit there were only 4 car parking spaces marked out. There was also some informal parking being undertaken by employees of the post office sorting office. This is located in the front of the existing outbuildings and in to the side of the post office. These form approximately 5 car parking spaces. As there are no specific car parking requirements for a Sui- Generis use, comments could not be made to whether the number of car parking spaces is considered acceptable.

Non-residential (proposed) (pre school/nursery)

- 10.30 The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. A D1 (pre-school/nursery) use would require 1 space per 4 pupils. There is no provision made within the Council's Parking Standards (Revised 2010). The total number of pupils would be 69 and therefore 18 car parking spaces would be required. The non-residential accessibility zone 3 allows a reduction in the total number of car parking spaces of between 50-75%, thus a total of 9 to 13.5 car parking spaces is required. There is therefore a shortfall of between 5 to 9.5 car parking spaces for the proposed use. Based on discussions in relation to the Bushey & Radlett reform synagogue at the committee meeting in September, it is considered unreasonable to refuse this application on car parking 'alone' due its town centre environment. The synagogue is located next door to one, to this property and is also located within a network of sustainable transport links and public car park. It would also be expected that some children will walk from Radlett dependent on the age.
- 10.31 However, the unique car parking requirement for the proposed use is a concern in the context of the implications to the local highway network. It is considered that the existing and proposed car parking provision does not meet with the requirements of the Parking Standards SPD (2010). There has been no detailed justification in regards to the shortfall of car parking for this site such as a transport statement or a green travel plan. It is considered that the proposed change of use would result in a considerable number of vehicular movements to the site which would exacerbate the substandard car parking provision. There would be pressure on car parking elsewhere due to the shortfall in parking provision being significant and would lead to

indiscriminate car parking on the public highway in the surrounding road network. This would cause road congestion to the detriment of highway safety for motorists and pedestrians. Therefore, it is considered that the proposal would fail to comply with the National Planning Policy Framework 2012, Policy M13 of the Local Plan 2003 and Policy CS24 of the Revised Core Strategy 2011.

- 10.32 In regards to cycle parking, there should be 1 long term space per 10 staff. There are 18 staff. There are 18 proposed staff (12 full time and 6 part time) and therefore 1 long term spaces are required. There are a number of cycle racks which form part of the car parking area. The cycle parking therefore complies with the Council's Parking Standards SPD 2010.

Access

- 10.33 The proposal seeks to retain the original access (3 metres in width) and the Highways Department have considered that the visibility onto Watling Street is acceptable. Although there is not enough space for two vehicles to pass side by side along the access from the rear parking spaces to the main road and vice versa. The access is in daily use by Royal Mail vehicles. The existing access is not ideal, and would include the provision of an electronic gate which may also result in the vehicles having to slow down before entering the access.

Turning within the site

- 10.34 The Highways Department have considered that small service vehicles should be able to enter the site and leave in a forward gear, providing the turning area is not obstructed. Service vehicles will be able to operate in the same way as at present. Therefore the ability to turn within the site is considered acceptable.

Highways

- 10.35 Policies S6, M2 and M12 of the Local Plan 2003 outlines the requirements to ensure that proposals provide adequate provision for safe dropping off and picking up areas and have no adverse impact on highway safety. The National Planning Policy Framework 2012 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 are similar in their overall aims.
- 10.36 The proposal includes a lack of detailed information in regards to traffic movements. Based on the change of use of the building from sorting office (Sui Generis) to pre-school/nursery (D1), it is considered that there is insufficient space to accommodate the potential increase in vehicle numbers for the proposal and its associated vehicular movements. There are

concerns from the Highways Department at Hertfordshire County Council, that parents dropping off and collecting children from the site will cause a backlog of traffic onto Watling Street to the detriment of both pedestrian and vehicle safety. Based on the information supporting the application, the proposal is likely to result in additional vehicular movements to the detriment of highway safety for pedestrian and motorists.

Conclusion

- 10.37 The proposal is therefore contrary to the National Planning Policy Framework 2012, Policies S6, M2 and M12 of the Local Plan 2003 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

11.0 Conclusion

- 11.1 Policies S6, M2, M12 and M13 of the Local Plan 2003 outlines the requirements to ensure that proposals provide adequate provision for car parking, safe dropping off and picking up areas and have no adverse impact on highway safety. The National Planning Policy Framework 2012 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 are similar in their overall aims.

It is considered that there is insufficient space to accommodate the potential increase in vehicle numbers for the proposal and its associated vehicular movements. There are concerns that parents dropping off and collecting children from the site will cause a backlog of traffic onto Watling Street to the detriment of both pedestrian and vehicle safety. Furthermore there has been no justification in regards to the shortfall of car parking for this site such as a transport statement or a green travel plan. It is considered that the proposed change of use would result in a considerable number of vehicular movements to the site which would exacerbate the substandard car parking provision. There would be pressure on car parking elsewhere due to the shortfall in parking provision being significant and would lead to indiscriminate car parking on the public highway in the surrounding road network. It is considered that the change of use would cause road congestion to the detriment of highway safety for motorists and pedestrians.

The proposal is therefore contrary to the National Planning Policy Framework 2012, Policies S6, M2, M12 and M13 of the Local Plan 2003 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

12.0 Recommendation

12.1 Refuse planning permission

Conditions/Reasons

- 1 Policies S6, M2, M12 and M13 of the Local Plan 2003 outlines the requirements to ensure that proposals provide adequate provision for car parking, safe dropping off and picking up areas and have no adverse impact on highway safety. The National Planning Policy Framework 2012 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 are similar in their overall aims.

It is considered that there is insufficient space to accommodate the potential increase in vehicle numbers for the proposal and its associated vehicular movements. There are concerns that parents dropping off and collecting children from the site will cause a backlog of traffic onto Watling Street to the detriment of both pedestrian and vehicle safety. Furthermore there has been no justification in regards to the shortfall of car parking for this site such as a transport statement or a green travel plan. It is considered that the proposed change of use would result in a considerable number of vehicular movements to the site which would exacerbate the substandard car parking provision. There would be pressure on car parking elsewhere due to the shortfall in parking provision being significant and would lead to indiscriminate car parking on the public highway in the surrounding road network. It is considered that the change of use would cause road congestion to the detriment of highway safety for motorists and pedestrians.

The proposal is therefore contrary to the National Planning Policy Framework 2012, Policies S6, M2, M12 and M13 of the Local Plan 2003 and Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

General Reason(s) for Granting Permission

13.0 Background Papers

- 1 The Planning application (TP/12/1521) 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

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

Location plan (drawing number 4239:03:01) date stamped 17/8/2012

Existing floor plans (drawing number 4239:01:00) date stamped 18/7/2012

Proposed floor plans (drawing number 4239:02:00) date stamped 18/7/2012

This application was determined having regard for the guidance of the following policies: Radlett District Centre Key Location Brief, National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan (2003) policies E18, E27, D20, D21, S6, M2, M12, M13, T6 and T7, Part D of the Planning and Design Guide 2006, as enabled by Hertsmere Local Plan (2003) D20 and Policies CS18, CS21, CS24 and CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. The Council's Parking Standards SPD 2010 (as amended).

Building Regulations

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- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
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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

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Scale 1:1250

TP/12/1566

Radlett Sorting Office, 122 Watling Street,
Radlett, WD7 7AF



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1566

DATE OF APPLICATION: 23 July 2012

STATUTORY START DATE: 16 August 2012

SITE LOCATION

Radlett Sorting Office, 122 Watling Street, Radlett, WD7 7AF

DEVELOPMENT

Change of use from Sui Generis (Post Office Sorting Office) to B1 (Offices)

AGENT

Mr Paul Koopman
Koopmans
34a Watling Street
Radlett
Herts
WD7 7NN

APPLICANT

Mr Paul Koopman
Royal Mail
Radlett Delivery Office
122 Watling Street
Radlett, Hertfordshire
WD7 7AF

WARD

Aldenham East

GREEN BELT

No

CONSERVATION AREA Not in a Conservation Area

LISTED BUILDING LOC

TREE PRES. ORDER NO

1.0 Summary of Recommendation

1.1 Grant planning permission subject to conditions.

2.0 Application site / Surrounding area

2.1 The application site of 0.07 hectares is located on the west side of Watling Street between the Red House Surgery and Conway House. The site is occupied by the Postal Sorting Office which forms part of the complex with the Post Office. The agent has stated in the submitted design and access statement that Royal Mail have decided and announced that they will be closing Radlett Sorting Office from September 2012 but not the counter service.

2.2 The existing property is set back from Watling Street and the adjoining residential, commercial and social buildings, Red House Surgery and Conway House. The buildings in this part of Watling Street are sited higher than Watling Street due to the topography of the land. The existing property

is part two, part single storey in height with associated basement. The building was constructed between the late 1920's to early 1930's in red brick with dark brown roof tiles and white timber windows. The property is a locally listed building along with a number of buildings in the high street. The rear part of the site is also adjacent to the Radlett North Conservation Area.

- 2.3 There is an existing yard with 4 designated car parking spaces to the rear of the building adjacent to Conway House. These car parking spaces are accessed from a service road with an electronic gate between Red House surgery and the application site. The boundary treatment is part retaining brick wall and part wooden fencing. There are a number of outbuildings and small raised grassed area to the rear of the site. This would only be used by the proposed offices.
- 2.4 The surrounding area is a mix of commercial, social and residential uses. The site is located adjacent to the Red House surgery and Conway House which has a restaurant at ground level and residential properties above. Opposite the site is a typical shopping parade with shops on the ground floor and residential properties above. The property is on the main throughfare linking Borehamwood and Elstree to Radlett and Frogmore.

3.0 Proposal

- 3.1 The description of development at the sorting office site is change of use from use classes Sui Generis to use class B1 (offices).
- 3.2 There would be no internal or external changes to the existing site.
- 3.3 This application has been referred to the committee for determination as it has been called in by Councillor Graham for the following reasons:
- Impact on neighbouring properties,
 - Impact on character of street scene,
 - Impact on listed building/conservation area,
 - Re-locating the doctors surgery to the Post office.
-

Key Characteristics

Site Area	0.07 ha
Density	N/A
Mix	N/A
Dimensions	No change to be made to the existing property.
Number of Car Parking Spaces	Existing car parking = 4 Proposed car parking = 4

4.0 Relevant Planning History

TP/90/0164	Single storey side extension (Amended plans received 06/04/90)	Grant Permission 06/04/1990
TP/08/0169	Installation of customer services window and canopy to front elevation of building.	Grant unconditionally 14/04/2008

5.0 Notifications

5.1 Summary:

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

Twenty three neighbours notified, no comments received. Press notice advertised and site notice put up for 21 days.

6.0 Consultations

Aldenham Parish	No comments received.
Radlett Society & Green Belt Association	No comments received.
Policy and Transport Manager	<p>Section 6 of the planning application indicates that there will not be a new or altered access to the public highway. Watling Street (A5183) is a Main Distributor road in the Herts Highways hierarchy of roads.</p> <p>Section 10 indicates that the parking requirement will be unchanged at 7No. spaces.</p> <p>The existing access width the access to Watling Street in approximately 3m wide, and is therefore too narrow to enable vehicles to pass. This is likely to cause congestion on Watling Street, should vehicles wait to enter the site, whilst a car is exiting.</p> <p>This is not ideal. However, the access is existing and is in daily use by Royal Mail vehicles. Consider therefore, that the proposed use as office accommodation is unlikely to generate additional</p>

vehicle movements to and from the site.

Small service vehicles should be able to enter the site and leave in a forward gear, providing the turning area is not obstructed. Service vehicles will be able to operate in the same way as at present.

Consider that the change of use is unlikely to cause a significant obstruction to the free flow of traffic and therefore, could not substantiate a refusal on highway grounds. Therefore have no objections to the application.

7.0 Policy Designation

- Locally Listed Building
- Adjacent to the Radlett North Conservation Area
- Town centre

8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	D20	Supplementary Guidance
2	Hertsmere Local Plan Policies	D21	Design and Setting of Development
3	Hertsmere Local Plan Policies	B6	Class B1(a) Development
4	Hertsmere Local Plan Policies	B9	Employment Development - Environmental and Design Considerat
5	Hertsmere Local Plan Policies	M2	Development and Movement
6	Hertsmere Local Plan Policies	M12	Highway Standards
7	Hertsmere Local Plan Policies	M13	Car Parking Standards
8	Hertsmere Local Plan Policies	T6	Non-Retail Uses - Locational Criteria
9	Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
10	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
11	Revised Core Strategy	REV_CS21	High Quality Development
12	Revised Core	REV_CS24	Accessibility and parking

	Strategy		
13	Revised Core Strategy	REV_CS27	Strengthening town centres
14	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
15	Hertsmere Local Plan Policies	E18	Buildings of Local Interest
16	Hertsmere Local Plan Policies	E27	Conservation Areas - Adjacent Development

National Planning Policy Framework 2012
Circular 11/95
Radlett District Centre Key Location Brief

9.0 Key Issues

- History and pre-application
- Principle
- Impact on vitality and viability
- Impact on Conservation Area
- Impact on locally listed building
- Impact on residential amenity
- Highway implications and car parking

10.0 Comments

History and pre-application

- 10.1 On observation of the planning history, all previous planning applications were associated with the use as a postal service. There have been no previous planning applications which sought to change the use of all or part of the building for this site. There is currently another planning application submitted for the change of use of the existing sorting office to a pre-school/nursery. This planning application will also be discussed at the 4/10/2012 planning committee.
- 10.2 The agent has not entered into formal pre-application with the Local Planning Authority. However, the agent contacted the policy team at Hertsmere Borough Council in regards to specific clarification as to the meaning within Clause 9.10 of the Radlett District Centre Key Location Planning Brief as to whether the protection of the social or community use of the post office was to be afforded to the sorting office element. It was confirmed by the policy department that the protection did not extend to the

sorting office. Therefore, whilst planning consent would be required in policy terms a change of use from Sui Generis to offices would not be against the terms of the aforementioned brief.

Principle

- 10.3 The principle of the change of use of the sorting office (Sui Generis) to B1 (offices) is considered acceptable. The proposal is considered to overcome any restriction from Policy B6 of the Local Plan 2003 which states in Radlett further B1 development will be refused unless the site is already in B1 use and the proposal would result in the reuse or redevelopment of an existing developed site which is not suitable or viable for residential development. The National Planning Policy Framework 2012 and Policy CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 are also relevant in the promotion of the vitality and strengthening of the town centre.
- 10.4 It is considered that the site would be suitable for further B1 office use (further to the ancillary element of the sorting office) and that the part division of the site is not suitable for residential use due to a number of issues such as highway implications and lack of amenity space. The Policy Department confirmed verbally that the principle of the scheme is acceptable as there is an established B1 use element to the sorting office. Furthermore, within Clause 9.10 of the Radlett District Centre Key Location Planning Brief the protection of the social or community use of the post office is not afforded to the sorting office element. This being the case there are no objections in principle to the submitted change of use.

Impact on vitality and viability

- 10.5 The site is located within the defined neighbourhood centre of Radlett as identified by the Hertsmere Local Plan 2003.
- 10.6 In the Hertsmere Local Plan 2003 changes to non-A1 uses are permitted unless the proposal would lead to an over-concentration of such uses in any clearly definable parade (Policy T6(i)). The Policy requires that the proposal, together with existing uses, should not lead to the establishment of more than two non-retail uses in any line of six units, as defined by looking to either side of the premises subject to the application. Policy T6(ii) seeks to ensure that proposed uses do not result in an over-concentration of non-retail uses in the centre as a whole, to the detriment of the retail viability and vitality of the centre. Policy CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.
- 10.7 Economic growth and ensuring the vitality of town centres forms a key part of the National Planning Policy Framework 2012, particularly in section 2.

- 10.8 The application site is not located in the clearly defined parade of shops and is separated by Conway House, the Radlett & Bushey Reform Synagogue and Red House surgery. The unit is set back from Watling Street with an area of landscaping and access for the general public through ramps and stairs. The Post Office would remain in situ. Therefore the above test for T6 of the Local Plan 2003 do not apply in this instance as the site is not located in a clearly defined parade and therefore the proposed use is considered acceptable.

Impact on Conservation Area

- 10.9 Policy E27 of the Local Plan 2003 states for development adjacent to Conservation Areas consideration will be given to the impact on the character and appearance of the Conservation Area. Planning permission will be refused for those developments that will not preserve its special character or appearance or will adversely affect its setting.
- 10.10 The rear of the application site is adjacent to the Radlett North Conservation Area. The proposal does not seek to alter the external appearance of the building. It is therefore considered that the development will preserve the special character or appearance of the building and its setting. The proposal would be in compliance with Policy E27 of the Local Plan 2003.

Impact on locally listed building

- 10.11 Policy E18 of the Local Plan 2003 states listed buildings of local architectural or historic interest. They will be subject to the same conservation standards as statutorily listed buildings in so far as planning controls allow. Development proposals are to be expected to respect the appearance and character of the building and its setting.
- 10.12 Policy D21 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design Guide 2006 and the National Planning Policy Framework 2012 focus on good urban design.
- 10.13 The property is locally listed along with the terrace at numbers 86-96 Watling Street. The building dates between the 1920s / early 1930s (between 1914 and 1938). It was purpose built as a post office, to replace both the first Radlett Post Office on the corner of Station Approach and the temporary post office on the corner of Station Road. Although fairly typical of the design used by the post office, it is part of the socio-economic growth of the commercial centre within town in the early 20th century. Its architectural merit lies in the strong design and its retention of the majority of original features including the arched multi-paned windows that are typical of earlier

20th century post office design. The neighbouring properties at the Red House and Conway House are not locally listed.

- 10.14 The proposal does not seek to alter the external fabric of the locally listed building.
- 10.15 The proposal is therefore considered acceptable in terms of the National Planning Policy Framework 2012, Policies D21 and E18 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Impact on residential amenity

- 10.16 Policy T7 of the Local Plan 2003 states development proposals will be permitted providing no adverse impact on neighbouring residents. The site is located in a predominately mixed area with flats above the neighbouring shopping parades and also adjacent to the site. The amenity of neighbouring residents should be maintained.
- 10.17 The existing sorting office has an element of ancillary office space within the sorting office. However, there is no time restriction on the use of the building. On researching the opening times, the building is open six days a week with public opening times between 09:00 to 17:30 Monday to Friday and 09:00 to 17:30 on a Saturday. However, the current times that the postal staff work was not accessible. The proposed B1 use would operate between 08:00 to 20:00. Therefore it is considered that the proposed operating hours which have been set out in the application form would preserve the residential amenity of neighbouring properties. It is recommended that a condition is implemented to preserve the amenity of surrounding residents in relation to potential noise and hours of opening is attached to any planning permission granted.
- 10.18 The number of current employees of the postal sorting office and movements of traffic in relation to the postal office sorting office has not been provided. However from the site visit there was only one or two staff in the building. There would be 15 proposed staff for the site. This is not considered to increase the level of noise and disturbance to neighbouring properties to an adverse level.
- 10.19 There are no changes to the external appearance of the locally listed building that would result in a loss of privacy or overlooking to neighbouring properties.
- 10.20 Overall, the proposal would be unlikely to have a detrimental effect on the amenities of occupiers of neighbouring properties subject to the imposition of a hours of work condition. The proposal is therefore in accordance with

Policy T7 of the Local Plan 2003.

Car parking and highway implications

Policy

- 10.21 The National Planning Policy Framework (2012) states transport policies have an important role to play in facilitating sustainable development. The Council's Car Parking Standards SPD 2010 (as amended) outlines the parking requirements for each type of development. Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 are also relevant.

Parking

Non-residential (existing)

- 10.29 The site is located within non-residential accessibility zone 3 and therefore there could be reduction in the number of car parking spaces required for the site subject to justification. The Council's car parking standards does not outline the total number of car parking or cycle spaces for a sorting office. On the application form, the agent states that there are 7 car parking spaces. However, on the case officers site visit there were only 4 designated car parking spaces. There was also some informal parking being undertaken by employees of the sorting office.

Non-residential (proposed)

- 10.30 The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. A B1 (offices) use would require 1 space per 30m². The total floor space is 345.48 m² and therefore 12 car parking spaces would be required. The non-residential accessibility zone 3 allows a reduction in the total number of car parking spaces of between 50-75%, thus a total of 6-9 car parking spaces is required. There is therefore a shortfall of between 2-5 car parking spaces for the proposed use. However, the yard area is only being utilised by the office use and not the counter service. Also, based on the location within the town centre and its links to sustainable transport methods, it is considered that some employees will commute through other transportation methods other than the car and that there a number of public car parks within walking distance that could be utilised. Therefore the total number of car parking spaces would be considered acceptable for the proposed use.
- 10.31 In regards to cycle parking, there should be 1 short term space per 500m² and 1 long term space per 15 staff. The floor space is 345.48m² and

therefore no cycle spaces are required for the floor space. There are 15 proposed staff and therefore 1 long term space is required. There are a number of cycle racks which form part of the car parking area. The cycle parking is therefore considered acceptable.

Access

- 10.32 The proposal seeks to retain the original access (3 metres in width) and the Highways Department have considered that the visibility onto Watling Street is acceptable. Even though there is not enough space for two vehicles to pass side by side along the access from the rear parking spaces to the main road and vice versa. It is considered that as the access is existing and in daily use by Royal Mail vehicles. The existing access is not ideal, and would include the provision of an electronic gate which may also result in the vehicles having to slow down before entering the access. However, due to the existing nature and the proposed use and resultant demand for car parking, the details are considered acceptable.

Turning within the site

- 10.33 The Highways Department have considered that small service vehicles should be able to enter the site and leave in a forward gear, providing the turning area is not obstructed. Service vehicles will be able to operate in the same way as at present. Therefore the ability to turn within the site is considered acceptable.

Highways

- 10.38 It is considered the proposed change of use to use class B1 would not adversely impact on the highway network leading to increased levels of congestion. This view is maintained by the Highways Department who have stated that it does not consider that the development would materially increase any traffic movements in the area or that the movements would be greater than the existing sorting office use. Therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The proposal is considered acceptable and in accordance with the National Planning Policy Framework 2012, the Council's Parking Standards (Revised 2010), Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Policies M2, M12 and M13 of the Local Plan 2003.

Conclusion

- 10.39 There is no objection raised. The proposal is in accordance with the National Planning Policy Framework 2012, the Council's Parking Standards (Revised 2010), Policy CS24 of the Revised Core Strategy (for submission to the

Secretary of State) November 2011 and Policies M2, M12 and M13 of the Local Plan 2003.

11.0 Conclusion

- 11.1 The principle of the change of use from Sui Generis (sorting office) to B1 (offices) in this location is considered acceptable. The proposed use would not have a detrimental impact on the vitality and viability of the neighbourhood centre. It is not considered it would harm the character and appearance of the existing unit. The proposal would not harm the living conditions currently enjoyed by the occupiers of the neighbouring residential units in regards to noise and disturbance. Furthermore the number of car parking spaces available, access, and the location of the site in relationship to the neighbourhood centre's public transport link would ensure that it would not impact on parking or the adjoining highways. The proposal is therefore in accordance with the National Planning Policy Framework 2012, Circular 11/95, Radlett District Key Location Planning Brief, Hertsmere Local Plan (2003) policies E18, E27, D20, D21, B6, B9, M2, M12, M13, T6 and T7, Part D of the Planning and Design Guide 2006, as enabled by Hertsmere Local Plan (2003) D20 and Policies CS21, CS24 and CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. The Council's Parking Standards SPD 2010 (as amended).

12.0 Recommendation

- 12.1 Grant planning permission subject to conditions.

Conditions/Reasons

- 1 Development to Commence by - Full
Development to commence by - Full
- 2 The use hereby permitted of the premises shall only take place between the hours of 8.00 to 20:00 Monday to Friday.

Reason:
To protect the character and residential amenities of neighbouring areas by ensuring that adequate precautions are implemented to avoid any undue noise. To comply with Policy D21 and T7 of the Hertsmere Local Plan 2003.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan drawn at 1:1250 date stamped 16/8/2012

Design and access statement date stamped 24/7/2012

Existing plan (drawing number BE-1705) date stamped 25/7/2012

Proposed plan (drawing number BE-1705) date stamped 25/7/2012

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

General Reason(s) for Granting Permission

- 1 The principle of the change of use from Sui Generis (post office sorting office) to B1 (offices) in this location is considered acceptable. The proposed use would not have a detrimental impact on the vitality and viability of the neighbourhood centre. It is not considered it would harm the character and appearance of the existing unit. The proposal would not harm the living conditions currently enjoyed by the occupiers of the neighbouring residential units in regards to noise and disturbance. Furthermore the number of car parking spaces available, access, and the location of the site in relationship to the neighbourhood centre's public transport link would ensure that it would not impact on parking or the adjoining highways. The proposal is therefore in accordance with the National Planning Policy Framework 2012, Circular 11/95, Radlett District Key Location Planning Brief, Hertsmere Local Plan (2003) policies E18, E27, D20, D21, B6, B9, M2, M12, M13, T6 and T7, Part D of the Planning and Design Guide 2006, as enabled by Hertsmere Local Plan (2003) D20 and Policies CS21, CS24 and CS27 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. The Council's Parking Standards SPD 2010 (as amended).

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Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

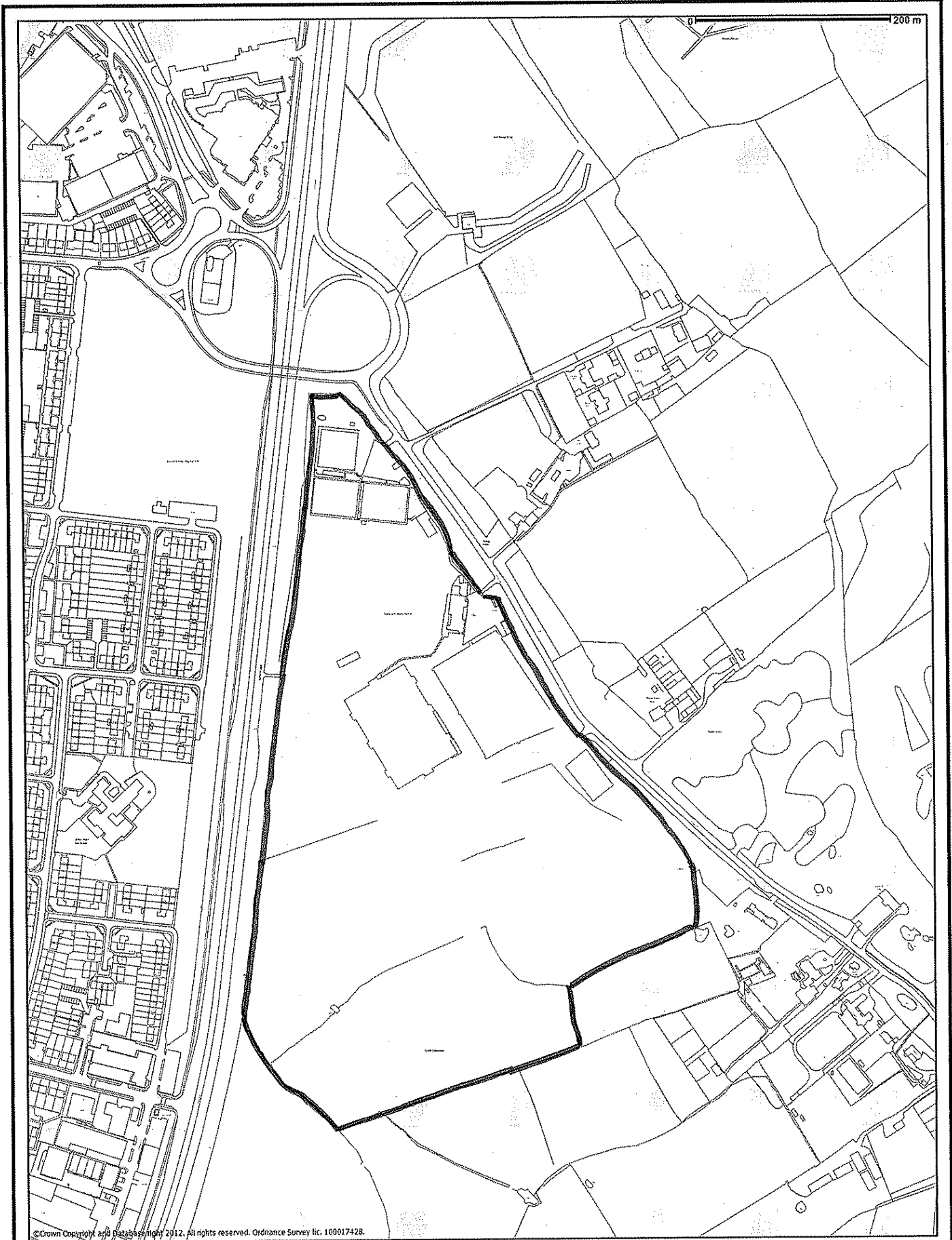
Completion

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

Case Officer Details

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TP/12/1861

Maccabi Sports Association, Rowley Lane,
Barnet. EN5 3HW



DATE OF MEETING 04 October 2012

APPLICATION NO: TP/12/1861

DATE OF APPLICATION: 24 August 2012

STATUTORY START DATE: 30 August 2012

SITE LOCATION

Maccabi Sports Association, Rowley Lane, Barnet. EN5 3HW

DEVELOPMENT

Construction of two full size grass football pitches and one junior size grass football pitch with associated works. Tree removals, temporary and permanent fencing and the use of an existing maintenance yard as construction compound with associated temporary access route at the Rowley Lane Sports Club (Consultation from Barnet Council)

AGENT

APPLICANT

Miss Lisa Cheung (Chipping Barnet Area Team)
Barnet Council
Planning, Housing and Regeneration Service
Building 2
North London Business Park
Oakleigh Road South, LONDON
N11 1NP

WARD CONSERVATION AREA No

GREEN BELT No
LISTED BUILDING No
TREE PRES. ORDER No

1.0 Summary of Recommendation

1.1 Raise No Objection

2.0 Application site / Surrounding area

2.1 The application site which is located within the London Borough of Barnet is a triangular shaped plot of land which comprises of the Maccabi Sports Ground. This sports facility includes five full sized football pitches, one of which is floodlit (astro-turf pitch). The grounds also include a golf course, outdoor cricket practice nets, main sports building, surface car park and a secure yard which is used to house equipment for the maintenance of the sports centres facilities.

2.2 The application site is located within the Green Belt. The site adjoins the A1 trunk road, adjacent to the south bound carriageway with access gained from Rowley Lane. To the west of the site across the A1 carriageway is the urban

area of Borehamwood. To the south along Rowley Lane is a number of large detached residential properties within the London Borough of Barnet.

3.0 Proposal

- 3.1 This application is an adjoining Borough Consultation from the London Borough of Barnet. The Council is being consulted on the proposed construction of two full sized and one junior size, grass football pitches with associated fencing enclosures. The football pitches would replace the defunct golf course which currently occupies the application site with the removal of some trees and the land being levelled to accommodate the pitches. Additional planting would be provided to screen the proposed football pitches and enhance this Green Belt site.
- 3.2 The existing maintenance yard within the site would be utilised as a construction compound for the duration of the works before being reinstated as a maintenance yard to serve the site. An associated temporary access route would be created to serve construction traffic.
- 3.3 This application has been referred to the Hertsmere Planning Committee as the site area is over one hectare.

Key Characteristics

Site Area	<ul style="list-style-type: none"> • The site area is approximately 3.2 hectares (ha) • The proposed combined footprint of the 3 x football pitches under this application has an area of 1.35 ha (13.470 sqm).
Density	N/A
Mix	Sports Centre
Dimensions	<u>Junior pitch x 1</u> Depth – 50m x Width – 30m <u>Adult pitch x 2</u> Depth – 95m x Width – 63m
Number of Car Parking Spaces	Surface car park provided adjacent to sports building.

4.0 Relevant Planning History

TP/2004/0314	Construction of new multi-use all-weather games area with	Raise objections – 30.04.04
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	floodlighting on 15m high poles.	Application Withdrawn 28.06.04
TP/2004/1264	Construction of new multi-use all-weather area with floodlighting mounted on 15m high poles.	Raise objection 15.12.04
TP/2005/0513	Illuminated all weather sports pitch, floodlighting columns and boundary treatment.	Raise objections. 26.05.05
TP/2005/1015	Construction of new multi-use all weather sports pitch, 14m high floodlighting columns and associated boundary treatment.	Raise objections. 10.10.05 Application granted planning permission on 17.10.05
TP/2006/0136	Construction of all-weather sports pitch with associated floodlighting (six 10m high columns).	Raise objections. 27.02.06
TP/2006/0319	Construction of all-weather sports pitch with associated floodlighting comprising six 14m high columns (Adjacent Borough Consultation).	Raise objections. 11.04.06
TP/2008/1776	Variation of conditions 12 (floodlighting) and 13 (Luminance positioning and orientation of planning permission reference NO/1394U/06 dated 25/04/2006 to allow the	Raise objections. 21.11.08

	provision of an alternative floodlighting scheme. (Consultation from London Borough of Barnet).	
TP/11/1387	The erection of outdoor cricket practice nets on existing hardstanding (Consultation from Adjacent Borough)	Raise No Objection. 05/08/2011

5.0 Notifications and Consultations

5.1 The notifications to adjoining neighbouring owner / occupiers and relevant consultations have been carried out by London Borough of Barnet Council.

6.0 Policy Designation

6.1 The site is within the Metropolitan Green Belt and the London Borough of Barnet.

7.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	L1	Leisure and Recreation Developments – General Principles.
3	Hertsmere Local Plan Policies	L2	Leisure and Recreation Developments – Environmental Criteria.
4	Hertsmere Local Plan Policies	C1	Green Belt.
4	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt.
5	Hertsmere Local Plan Policies	M2	Development and Movement
6	Hertsmere Local Plan Policies	M12	Highway Standards
7	Hertsmere Local Plan Policies	D20	Supplementary Guidance
8	Hertsmere Local Plan Policies	D21	Design and Setting of Development
7	Revised Core Strategy	Rev_CS12	Protection and Enhancement of Natural Environment.
8	Revised Core Strategy	REV_CS21	Securing a high quality and accessible environment.

9 Revised Core Strategy REV_CS24 Accessibility and parking

8.0 Key Issues

- Green Belt;
- Residential Amenity; and
- Highways.

9.0 Comments

Green Belt

Policy background

- 9.1 National Planning Policy Framework (2012) (NPPF) Part 9, paragraphs 87 and 88 (Protection of Green Belt land) states that “as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” and when considering applications, local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. This is reflected in policy C1 of the Hertsmere Local Plan (2003) and policy CS12 of the Revised Core Strategy (2011).
- 9.2 The preamble to Policy L1 of the Local Plan 2003 identifies sports centres as a Medium Intensity Leisure Activity (Type B) and states that within Green Belt areas (which are not designated as Landscape Conservation Areas) only Type B medium and low intensity activities will be acceptable assuming they comply with Green Belt policies.

Assessment

- 9.3 As noted under the planning history set out in section 4.0, Hertsmere Borough Council has generally raised objection to proposed works (including the construction of football pitches) on the site. Often, the main concern cited by the Council was that the proposed works would be 'inappropriate development' in the Green Belt for which an adequate case of very special circumstances to justify the development in this Green Belt was not considered to have been provided under each application.
- 9.4 Notwithstanding the concerns raised by Hertsmere Borough Council, planning permission was granted by London Borough of Barnet in 2006 for the development of three football pitches whereby they were considered acceptable within this Green Belt location as an adequate ‘case of very special circumstances’ had been presented to demonstrate that the development’s benefits in providing improved outdoor recreation facilities would outweigh any harm caused.

- 9.5 The proposed development subject of this consultation seeks to restore an area of land that has been identified as poor quality semi-improved grassland once used as a golf course (which is now surplus to requirement). The restoration works comprise of the construction of three football pitches, associated fencing and additional planting. The associated construction compound (which would only be in place during the construction phase of the pitches and associated works) would help to facilitate the sports pitch provision. The provision of the pitches is supported by the NPPF which states that '*local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking... to provide opportunities for outdoor sport and recreation*'.
- 9.6 Further to the above, the NPPF (para 88) states that development within the Green Belt is inappropriate development with an exception being that which relates to the provision of outdoor sport and outdoor recreation. Taking this into consideration, this proposal may be considered appropriate development within the Green Belt. However, it is necessary to consider whether the proposal is harmful to the Green Belt through other means such as to its openness.

Impact of physical works

- 9.7 The proposed development as detailed in paragraphs 3.1 and 3.2 would cause limited harm to the openness of the Green Belt. This is because the proposal would involve the re-development of the defunct golf course through re-levelling of the land across the golf course site to accommodate the three football pitches. The re-levelling of the land would involve the clearance of some of the on-site trees, bunkers and traps. However, this is to facilitate the provision of the football pitches which would support outdoor sports as identified under the NPPF.
- 9.8 In order to reduce the harm caused to the openness of the Green Belt caused by the re-levelling to provide the football pitches, the proposal comprises a landscaping programme to ensure the proposed works contribute to the local distinctiveness of the landscape. This would involve the planting of native trees and shrubs with associated landscaping works in a variety of areas as well as the creation of a 1700m² area of woodland to the north-east of the pitches and a 2400m² area of woodland sited north-west of the proposed pitches.
- 9.9 The proposal would also involve the remaining semi-improved and poor quality grassland area to be maintained as a meadow to the south and west of the proposed football pitches. The provision of 31 additional trees to the north of the junior football pitch and feathered trees along the northern boundary of the football pitches is also to be provided. The football pitches themselves would be grass seeded in order to appear more harmonious with the Green Belt. The existing mature boundary treatment of the site comprising of trees, hedgerow and shrubs would be retained as part of this development.
- 9.10 In respect to the erection of the fencing around the football pitches, the

fencing would constitute an essential facility (Planning Appeal Reference: APP/Y3615/A/08/2075770 - 35 Wood Street Green, Wood Street Village, Guildford, GU3 3DU) since it is unrealistic to expect a football pitch to be played without such enclosure and the erection of a fence is integral to its use. Furthermore, the development as stated above would be well screened by additional soft landscaping. The proposed fencing would therefore not be visible from the surrounding area and it is considered that the impact of the fencing would not be such as to result in material harm to the openness of the Green Belt.

- 9.11 The proposal would also be set against the existing built form of the sports centre. The existing built-form comprises of football pitches, cricket netting, tennis courts, car parking and the sports centre main building.

Potential Intensification

- 9.12 The proposed development is not considered likely to lead to an intensification of the use of the Sports Centre in the Green Belt. The justification for the facilities is to reduce the intensification of use on the existing pitches and to spread the usage of the pitches evenly. No additional fixtures would be sought by the club. In the long-term, the development would allow the club to provide higher quality football pitch to play on throughout the football season with a reduced degradation level on the existing pitch provision.

Conclusion

- 9.13 It is considered that despite the proposed development having limited harm to the openness to the Green Belt, the harm caused to the openness of the Green Belt is outweighed by the benefits of the scheme. This includes the creation of a meadow, woodlands which enhance the landscape and the three football pitches with associated works provide high quality outdoor sport facilities which will support the long-term future of the sports centre.

Impact on residential amenity

Assessment

- 9.14 The nearest residential properties in Borehamwood (which front onto Wansford Park) are sited 35m from the application site. It is considered that the proposed development would not affect the amenities of nearby residential properties in the district of Hertsmere.

Conditions

- 9.15 The proposed development does not include the provision of any external floodlighting. However, it is recommended by officers that if London Borough of Barnet is to approve the application, a condition should be attached to any permission granted with respect to external lighting. It is considered that no external lighting should be installed without prior permission from the Council so as to ensure that the amenities of nearby residents in Hertsmere and the

London Borough of Barnet would not be affected.

Highways

- 9.16 The proposed development would utilise the existing vehicle access off Rowley Lane including use by construction traffic and visitors of the Sports Centre.
- 9.17 Construction traffic (including HGVs) will be unable to access Rowley Lane from the A1 (via the slip road to Borehamwood). This is because there is a width restriction in place at the entrance of Rowley Lane off the A1. Therefore, any construction traffic would have to travel down the A1 towards Stirling Corner. Here, vehicles would utilise the roundabout onto Barnet Road (London Borough of Barnet) then access Rowley Lane via this route.
- 9.18 In regards to visitor traffic and as noted under paragraph 9.11 the agent states that the development is to reduce the degradation of the existing pitches over the course of a season. Therefore, the sports centre is not looking to increase the number of users at the club's facilities i.e. the number of fixtures would not change. It is concluded that the development would have a negligible effect on highways.
- 9.19 It is therefore concluded that the development would not prejudice the safety and operation of highways within the borough of Hertsmere. However, it is for the London Borough of Barnet to consult Transport for London, the Highways Agency and Hertfordshire County Council's Highways Manager to fully enable assessment of whether the development would harm the wider highways network.

10.0 Conclusion

- 10.1 No objection is raised to the principle of the development within this Green Belt site. Furthermore, the development would not harm the amenities of nearby residential owner / occupiers in Borehamwood or prejudice the safety and operation of the adjacent highway within Hertsmere.
- 10.2 The Council recommends that a condition be attached if permission was to be granted requesting that no external lighting be erected without permission first being sought from the London Borough of Barnet.

11.0 Recommendation

- 11.1 Raise No Objection

Conditions/Reasons

- 1 No objection is raised to the principle of the development within this Green Belt site. Furthermore, the development would not harm the amenities of nearby residential owner / occupiers in Borehamwood or prejudice the safety and operation of the adjacent highway within Hertsmere.

The Council recommends that a condition be attached if permission was to be granted requesting that no external lighting be erected without permission first being sought from the London Borough of Barnet.

12.0 Background Papers

- 1 The Planning application (TP/12/1861) 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

13.0 Informatives

This application was determined having regard to the following documentation:

- Design and Access Statement (Prepared by LUC) – Date stamped 30/08/2012;
- Report of surveys to assess trees and habitats in relation to bats (Prepared by Corylus Ecology) date stamped 30/08/2012;
- Rowley Lane Sports Club Pitches, Ecological Appraisal (Prepared by LUC) date stamped 30/08/2012;
- Arboricultural Impact Assessment (Prepared by DF Clark Bionomique Ltd) date stamped 30/08/2012;
- Location Plan (drawing number: 99 Issue A) date stamped 30/08/2012;
- Existing Site Plan & Southern Access (drawing number: 100 Issue B) date stamped 30/08/2012;
- Proposed site plan (drawing number: 102 Issue B) date stamped 30/08/2012;
- Sections (drawing number: 103 Issue B) date stamped 30/08/2012;
- Soft Landscape Proposal (drawing number: 104 Issue B) date stamped 30/08/2012;
- Existing site plan, access route and compound (drawing number: 106 Issue A) date stamped 30/08/2012;
- Tree Protection Plan (drawing number: DFC1325TPP) date stamped 30/08/2012.

This application was determined having regard for the guidance of the following policies: NPPF (2012); Hertsmere Local Plan (2003) policies L1, C1 and C4. Hertsmere Revised Core Strategy (2011) policy CS12.

Case Officer Details

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

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PART I Agenda Item No	6
Document Reference No	PLA/12/16

4th OCTOBER 2012

PLANNING AND DESIGN GUIDE SPD: PART D REVIEW

A review of Part D of the Planning and Design Guide SPD, which relates to new residential and other non-householder development, has been undertaken. This report sets out the changes that are proposed, including new sections on garden land development and residential internal guidelines. The full, revised version of Part D is attached as an appendix.

The views of the Planning Committee are being sought prior to the Council's Executive Committee considering this revised version of Part D for a period of public consultation.

PORTFOLIO HOLDER: COUNCILLOR DR HARVEY COHEN

1. RECOMMENDED THAT:

- 1.1 The Committee notes the proposed alterations to Part D of the Planning and Design Guide Supplementary Planning Document (SPD).
- 1.2 The views of the Committee are reported to the Executive before it considers whether to approve the revised version of Part D for a period of public consultation and interim development control use.

2. INTRODUCTION

- 2.1 The SPD was originally adopted in 2006 to provide detailed design advice for the production and assessment of planning applications. These proposed alterations principally reflect changes to national and local policy, as well as lessons learnt from experience and best practice. They also follow concerns expressed by the Overview and Performance Committee in 2010 around the absence of any internal space standards for new development in Hertsmere.
- 2.2 A summary of the main changes proposed are as follows:
 - A new section giving guidance on the types of residential development that may be acceptable on garden land sites;
 - A new section setting out internal guidelines, including minimum internal space standards;
 - An amendment to remove reference to a minimum numerical density of development (dwellings per hectare);
 - New text that explicitly mentions and protects outlook from residential properties;
 - Amendments to separation distance guidelines, to align these with the Homes and Communities Agencies Urban Design Compendium and place a stronger emphasis on the need for new developments to create good quality layouts and an appropriate level of enclosure;

- A new guidelines for the amount of private usable amenity space that should be provided with new flats and maisonettes and rear amenity space for 1 bedroom houses;
- An amendment to provide scope for a more flexible approach to private amenity space guidelines for higher density schemes of flats and maisonettes;
- Amendments to encourage private gardens, balconies and terraces for schemes of flats and maisonettes;
- An amendment to set out the Council's approach towards private amenity space at new residential care homes
- An amendment to clarify the Council's position on gates and railings
- An amendment to the information regarding 'right to light'; and
- Amendments to bring the section on car parking in line with the Parking SPD, and introduce size guidelines for parallel car parking spaces and garage door openings.

2.3 A full version of the revised document, with the proposed changes highlighted in yellow, can be found at Appendix 1.

3. GARDEN LAND DEVELOPMENT

3.1 Changes were made to the definition of garden land in the June 2010 update of Planning Policy Statement 3: Housing (PPS3). These specified that garden land should not be classed as previously developed land (PDL) and were intended to make it easier for Local Planning Authorities (LPAs) to resist the inappropriate development of residential gardens for additional housing.

3.2 PPS3 has since been replaced by the National Planning Policy Framework (NPPF). This document continues the new classification of garden land. Furthermore, NPPF Paragraph 53 states that LPAs should consider 'setting out policies to resist [the] inappropriate development of residential gardens'.

3.3 Whilst there is no automatic presumption against the development of garden land simply because it is not classified as PDL, officers are of the view that certain types of garden land development are capable of harming the character of established residential areas. A new section of Part D is proposed and generally applies guidance that can be found elsewhere in the document to the specific context of garden land.

3.4 Paragraphs c, d and e of new section 9.7 expand on existing policies and guidelines and set out a general presumption against 'tandem development' and the creation of cul-de-sacs accessed through existing plots, particularly where such development is not already characteristic of an area.

3.5 In contrast, it is considered that developments with their own frontage and access directly onto an existing highway are generally capable of having a positive impact on the character of an area. This is because experience has shown that such development – often on corner plots or at the end of terraces – is capable of being self-contained, and can fit into the existing streetscape with minimal impact on residential amenity. In cases where new dwellings are accessed through existing plots, Paragraph R sets out guidelines for acceptable separation distances between new roads and existing properties.

4. RESIDENTIAL INTERNAL GUIDELINES

- 4.1 After a report detailing the progress of the Revised Core Strategy was presented on 8 November 2010 to the Overview and Performance Committee where Members raised concerns relating to the size of rooms within new developments and asked Officers to look at the possibility of introducing residential internal space guidelines. The draft revised Core Strategy itself states that “Part D of the SPD will also need to consider whether there is scope for introducing minimum floorspace guidelines.” (paragraph 3.47)
- 4.2 A new section of Part D is therefore proposed which sets out residential internal guidelines. Broadly speaking, the approach taken reflects the overall dwelling space figures set out in the London Housing Design Guide (Interim Edition, August 2010). Some other guidance is also taken from the same document, including bedrooms size guidelines and advice on when single aspect dwellings should be considered an acceptable form of development.
- 4.3 The methodology used to develop this guidance is derived from national guidance produced by the National Housing Federation, the Joseph Rowntree Foundation and the Housing Corporation (now part of the HCA).

5. INTERNAL CONSULTATION

- 5.1 Officers in the Policy and Transport Team have worked closely with colleagues in the Development Management Team to formulate the draft revisions to Part D, through a series of iterations of the draft document.

6. PUBLIC CONSULTATION

- 6.1 It is intended to publish the revised version of Part D for a six-week period of public consultation. This will comprise a postal / electronic mail out, targeted at relevant individuals and organisations identified within the Council’s LDF mailing list. The consultation will also be publicised on the Council’s website and through public notices in the local press. It is also intended to seek agreement from the Executive for the revised Part D to have interim approval for consideration in the determination of planning applications.
- 6.2 Any representations received will be considered by Council officers, in consultation with the Planning Portfolio Holder, prior to a finalised revised version of Part D being presented to the Executive for consideration.

7. REASON FOR RECOMMENDATION

- 7.1 The recommendation is intended to help progress the review of Part D, so that the Council has up-to-date design guidance. NPPF Section 7 stresses the importance that should be attached to good design as a key aspect of sustainable development; Paragraph 58 of this same document states that LPAs ‘should develop robust and comprehensive policies that set out the quality of development that will be expected for the area’. A failure to move forward with the review of Part D could result in the Council having out-of-date design guidance that may not be considered robust. In turn, this could result in the Council failing to deliver sustainable development.

8. ALTERNATIVE OPTIONS

- 8.1 The Planning Committee is being advised to note and comment on the revised version of Part D. There are no real alternative options.
- 8.2 However, ultimately the Council could resolve to not adopt a revised version of Part D. If the Council were to decide to take this alternative course of action, then the result could be that its design guidance is out-of-date. The risks associated with this approach are set out above, in paragraph 8.1.

9.0 LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

- 9.1 The revised version of Part D would be adopted as an SPD and, therefore, it would rely on the provisions of The Planning and Compulsory Purchase Act 2004 (as amended) and The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended).

10. FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS

- 10.1 The cost of preparing the revisions and subsequent period of public consultation on the revised version of Part D can be absorbed within the overall revenue budget for Planning and Building Control.

11. DELEGATION

- 11.1 Whether to allow the revised document to go out for public consultation will be a decision for the Executive as a whole.

12. PLANNED TIMETABLE FOR IMPLEMENTATION

- 12.1 The planned six-week period of public consultation is intended to start in January 2013, following consideration by the Executive in late 2012.
- 12.2 It is anticipated that the revised version of Part D would be adopted during summer 2013.

13. EFFICIENCY GAINS AND VALUE FOR MONEY

- 13.1 The proposed revisions to Part D have been made to reflect changes to national and local policy, as well as lessons learnt from experience and best practice. Updating Part D to reflect these changes and lessons would help the Council to be more efficient and to achieve better value for money, as decisions on planning proposals could be based on more robust guidance. This should help the Council to avoid unnecessary appeals and cost applications. It should also provide the Council with a stronger position during negotiations with developers which may save officer time.

14. CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS

- 14.1 No negative implications arising from the proposed changes set out within the revised version of Part D, which are consistent with the strategic objectives of the *Hertsmere Together Local Strategic Partnership: Community Strategy 2010-2021* and corporate priorities of the *Corporate Plan: 2009-2013*.

15. APPENDICES ATTACHED

Appendix 1 – Planning and Design Guide: Part D (draft 2012 update)

16. AUTHORS

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APPENDIX 1 – PLANNING AND DESIGN GUIDE: PART D (DRAFT 2012 UPDATE)

Large print and languages

The Hertsmere Planning and Design Guide can be made available in large print, braille and audio-tape on request. If you require any of these services or you have difficulty understanding this leaflet because English is not your first language, please contact the Planning Policy Department on 020 8207 2277 and we will do our best to assist.

Please allow sufficient time for the Hertsmere Planning and Design Guide to be made available in the format requested.

اگر آپ کو یہ ڈاکومنٹ (دستاویز) سمجھنے میں یا اس پر رائے دینے میں مشکل پیش آتی ہے کیونکہ انگریزی آپ کی پہلی زبان نہیں ہے تو کونسل کی کارپوریشن کیویٹیکیشنز ٹیم کو 020 8207 2277 پر فون کریں۔ ہم مدد کرنے کی پوری کوشش کریں گے۔ یہ ڈاکومنٹ درخواست کرنے پر بلاے حروف، بریل (بصارت سے محروم افراد کے لیے ابھرے ہوئے حروف) اور آڈیو ٹیپ پر بھی فراہم کیا جاسکتا ہے۔ برائے مہربانی مناسب وقت دیں تاکہ یہ ڈاکومنٹ مطلوبہ شکل میں فراہم کیا جاسکے۔

ইংরেজি যদি আপনার মাতৃভাষা না হয় এবং সেই কারণে যদি আপনার এই লেখাটি বুঝতে বা এর বিষয়ে কোন মন্তব্য করতে অস্ববিধা হয়, তাহলে দয়া করে কাউন্সিলের করপোরেট কমিউনিকেশন টিমের সঙ্গে 020 8207 2277 নম্বরে টেলিফোন করে যোগাযোগ করবেন। আমরা আপনাকে সাহায্য করার জন্য যথাসাধ্য চেষ্টা করব। অনুরোধ করলে এই লেখাটি বড় হরফে, ব্রেইলে এবং অডিও-টেপেও পাওয়া যাবে। আপনি ঠিক যে ভাবে লেখাটি চাইছেন সেইভাবে এটিকে প্রস্তুত করে আপনারদের দেবার জন্য আমাদের দয়া করে যথেষ্ট সময় দেবেন।

नेवत ड्रवाण्टु हिव समस्रादेव त्तु सरखरु हिल्ल ना हिस उ तियाती वरन हिल्ल उँवलीर वीहे विडिबि अँतुवाी ड्रवाण्टी पडिस्ती ड्रामा ठगी वी, ड्रा विरथा वरने वाडिगिल्ल उे वाकवरेठे सुषणा चल त्तु 0208 207 2277 उे संपवर वर अडे असी मसद वरन लष्टी अपरती पुरी वेगिस वरवाी। डिडेसन वरन उे हिव समस्रादेव ईडे डिट, वेळ अडे पारिडि-टेप हिल्ल वी पेम वीत्रा ना सरदा वी। विरथा वरने मली राडे पुरव हिल्ल समस्रादेव त्तु वुपलषध वरवडिह लष्टी धवजपत्र ममे डिडि।

如果英文不是你的母語，你不明白這份傳單的內容，或你想以中文表達你的見，請致電02082072277聯絡公關組。我們會盡力協助。這份傳單另有大寫，凸字和錄音帶版本提供給有需要人士，但因預備需時，如有需要盡早跟我們聯絡。

જો તમારી માતૃભાષા અંગ્રેજી ન હોવાને કારણે તમને આ પત્રિકાને સમજવામાં કે તેના વિશે વાત કરવામાં તકલીફ પડતી હોય તો 020 8207 2277 પર કાઉન્સિલની કોર્પોરેટ કમ્યુનિકેશન્સ ટીમને ફોન કરો અને અમે તમને મદદ કરવા માટે શક્ય તે બધા જ પ્રયત્નો કરીશું. આપ માંગણી કરશો તો આ પત્રિકા મોટા અક્ષરમાં, બ્રેઇલમાં કે ઓડિયો ટેપ પર ઉપલબ્ધ કરાવી શકાશે. મહેરબાની કરીને આપે માંગેલ સ્વરૂપમાં આ પત્રિકા ઉપલબ્ધ કરાવવા માટે અમને પૂરતો સમય આપો.

Ukoliko imate poteškoća u razumjevanju ovog dokumenta, jer engleski jezik nije vas maternji jezik, molimo vas da kontaktirate tim Council Corporate Communications na telefon 020 8207 2277 i mi ćemo učiniti sve da vam budemo od pomoći. Na vas zahtjev dokument je također dostupan u vidu publikacije, braila ili na audio traci U tom slučaju vas molimo da nam ostavite dovoljno vremena da pripremimo dokument u zahtjevanom formatu.

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This document forms part of the Hertsmere Planning and Design Guide. The full guide consists of this document and the following sections:

- Part A: Overview and Context
- Part B: Permitted Development
- Part C: Site Appraisal: Design and Access Statements
- Part E: Guidelines for Residential Extensions and Alterations
- Part F: Shop Fronts**

The above sections can be obtained either individually or as a whole from our website (www.hertsmere.gov.uk) or by contacting the Planning Policy Team on 020 8207 2277 or at local.plan@hertsmere.gov.uk.

Part D. Guidelines for development

This section of the Hertsmere Planning and Design Guide (the Guide) sets out general guidance for design in the Borough. Each of these elements are informed by the seven key principles described in Part A and rely on a thorough understanding of the constraints and opportunities of the site and its surrounding area, as discussed in Part C. Part D is intended to be applicable to all types of development although there is an emphasis on new development. Part E contains more specific guidelines on residential extensions. **Part F sets out more detail in relation to shop fronts.**

Part D has been updated to reflect development pressures, experience, best practice and changes to national and local policy since its adoption. This draft contains proposed new chapters dealing with backland development and internal residential guidelines, as well as a number of other changes.

The following table shows that the majority of the different design issues covered by Part D relate to all types of development in Hertsmere.

Design Issue:	Residential extensions	Single dwelling house development	Minor Applications (Less than 10 homes or 1000m ² commercial) (all uses)	Major Applications (10 or more homes or 1000m ² commercial)	Public works
1. Layout					
Urban structure				X	X
Streetscape and building layout		X	X	X	X
2. Scale and Form					
Density and mix			X	X	
Height and mass	X	X	X	X	
Solar orientation	X	X	X	X	
Light, privacy and outlook	X	X	X	X	
Setback	X	X	X	X	
Landscaping and amenity space	X	X	X	X	X
Garden land development		X	X	X	
Parking and servicing	X	X	X	X	
Accessibility		X	X	X	X
Residential internal guidelines		X	X	X	
3. Appearance and Detail					
Facades and entrances	X	X	X	X	
Front gardens and boundaries	X	X	X	X	
Roofs	X	X	X	X	
Windows	X	X	X	X	
Materials and features	X	X	X	X	
4. Public Realm					
Public space				X	X
Views and landmarks				X	X

How to Use Part D –Guidelines for developments

Each section of Part D identifies objectives for the particular planning and / or design issue, and gives a series of guidelines to meet the objectives:

Objectives

The objectives set out what the particular design policy aims to achieve. All development proposals should be consistent with the objectives.

Planning and Design guidelines

The Planning and Design Guide sets out guidance only. It should inform the design and assessment of development proposals. However, in some cases other relevant factors will result in new development legitimately departing from the Council's guidance. Failure to comply with the guidance, or any of its constituent guidelines, should not necessarily result in a development being considered unacceptable.

Where a development is assessed as acceptable in relation to Part D of this Guide and is granted planning permission, the Council will assess whether it is appropriate to remove permitted development rights on the property by way of a condition attached to any permission granted.

For large-scale developments where the Council considers it necessary, it will seek to manage future development via the use of an Article 4 Direction. Article 4 Directions are issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of particular importance would be threatened. This process would be subject to the relevant legal procedures and consultation exercises. This will enable the Council to manage the form of any future development and therefore protect the character of the property and the surrounding area.

8 Layout

8.1 Urban structure

The urban structure is made up of the street layout and movement networks, including roads, footpaths and cycleways, along with the broad mix of land uses and activities. The integration of new developments with the existing urban structure is paramount to producing developments that respect the prevailing character of the local area. A well-designed urban structure enables the successful implementation of other urban design elements.

8.1.1 Objectives

The Council wishes to see new development contributing to an urban structure which is:

- Safe;
- Accessible;
- Logical to understand and find your way through ('legible');
- Provides accessible public amenity space;
- Promotes sustainable travel patterns; and
- Provides a sound basis for developing attractive and liveable neighbourhoods.

8.1.2 Guidelines

Layout of streets and blocks

- a. New layouts of streets, buildings and spaces should respond and connect to existing layouts to provide connectivity and legibility.

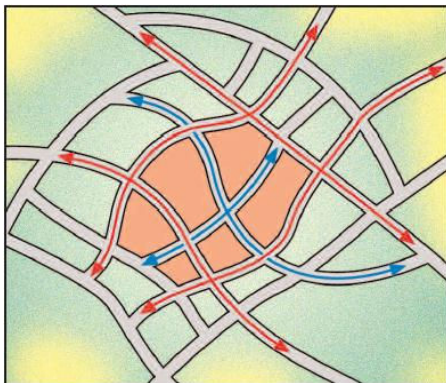


Figure 5: Connecting new developments to the existing built form.

Red = primary routes, Blue = secondary routes.

- b. Proposed street layouts should make walking and cycling more attractive and convenient for short trips than using the private motor vehicle. Distances by foot and cycle paths should be shorter and more direct than by car.
- c. The orientation of streets should aim to achieve the greatest possible energy efficiency in subsequent development. An emphasis on achieving an east-west street orientation is usually the most efficient as it allows buildings to face north / south.

- d. A broadly grid-style street pattern will usually enable greater connectivity with the existing road networks. Within any grid pattern, however, there should be sufficient links for pedestrian and cyclists between residential areas.
- e. Residential streets should be designed to encourage low traffic speeds (20 mph or less) to create a safer and more attractive environment.
- f. Streets and footpaths / cycle paths should be well lit at night and should avoid 'blind corners' to improve safety and security.
- g. The Council supports the principle of home zones. A home zone is a street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists. The key to a home zone is to develop street design that makes drivers feel it is normal to drive slowly and carefully. Features can include traffic calming and the introducing of trees and planters, benches and play areas.
- h. Hertfordshire County Council (the County Council) has the responsibility for designating home zones and additional information on slowing traffic is set out in 'Roads in Hertfordshire'. A range of design guidance on home zones has also been prepared by external organisations, including the Commission for Architecture and the Built Environment (CABE) (now part of the Design Council), the Institute of Highway Engineers (IHE) and the Institution of Highways and Transportation (IHT).

Cycle and pedestrian networks

- i. Additions to existing cycle and pedestrian networks should be integrated into the initial design of developments, and not considered as an afterthought.

- j. Materials used for these networks should be robust and of suitable material and quality of construction.
- k. Street furniture should be kept to a minimum in order to avoid obstruction to movement along these routes.

Layout and mix of uses

- l. Proposed layouts should make the most efficient use of land and encourage an appropriate mix of uses and densities that support the viability of, and have good access to, local services and transport.
- m. Open space and community facilities should be well integrated and sited in suitable locations with good accessibility, rather than on land which is effectively left over after planning or which simply has the least value.

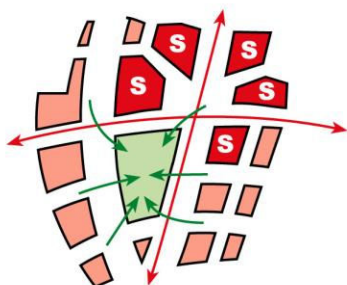


Figure 6: Locating services at major transport junctions and ensuring access to public spaces

- n. **New residential developments** should be located and laid out to provide ease of access to nearby local services and facilities, and to provide the wider community with easy access to any new services and facilities provided as part of the new development. Often the most effective way of achieving this is to ensure that the site is laid out so that new routes connect directly with the existing network of surrounding routes.

Design tip:

Subdividing large sites into smaller development plots, each with direct access to public roads or spaces, can help create diversity, especially if different approaches to design are adopted, e.g. using different architects on larger schemes. Where this approach is taken the designs should contribute to an overall harmony throughout the whole site.

Provision of infrastructure and services

- o. Layouts should provide for public transport services, including lay-bys, build-outs, raised

kerbs and passing points where necessary. The design of such infrastructure should be carried out in accordance with guidance issued by the Highway Authority (the County Council).

- p. Adequate arrangements need to be made for the provision of water, electricity, gas, telecommunications, sewerage and drainage services, including pipes and cables when considering site layout, and should form an integral part of a site plan. Applicants should ensure that such facilities meet the Building Regulation and British Standard requirements.

- q. New homes should be sited so that the boundary is never more than 25 metres from where refuse collection vehicles are able to stop.

Layout of building plots

- r. In laying out building plots, the creation of back-land areas accessed by alleyways should be avoided to reduce the risk of crime. If access to a back-land area is unavoidable, particular attention will need to be given to ensuring security for people and property and ongoing maintenance.

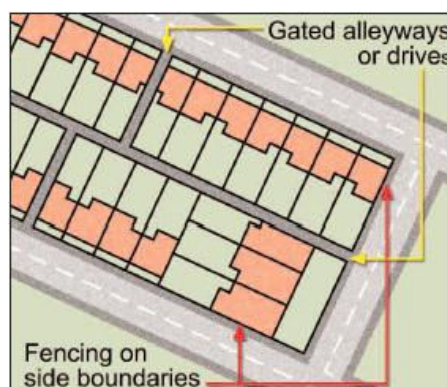


Figure 7: Ensuring the security of private backland areas

'Left-over' land

- s. Fragments of left-over land that are hard to maintain and serve no useful purpose need to be avoided. Spare land remaining after the planning and design process can detract from the appearance of an area and attract litter and anti-social behaviour. The Council will, therefore, seek improvements to layouts which include unusable, left-over land.
- t. It may be possible to formally landscape left-over land and / or maintain it as public or private open space. Where this happens, arrangements need to be made for their upkeep and maintenance and if necessary, these will be secured through a legal

agreement or planning condition. See page D-7 (Designing out Crime) for additional guidance.

8.2 Streetscape and building layout

Successful urban space is defined and enclosed by buildings, structures and landscape. The relationship between buildings, the street and other spaces and uses nearby, are key to the development of attractive and high quality neighbourhoods. **New development should respond to its surroundings and, as such, standard designs are often inadequate.**

8.2.1 Objectives

The Council wishes to ensure that the layout of new buildings in the Borough:

- Results in a harmonious and attractive streetscape;
- Conserves and enhances local features and distinctiveness, regardless of the density of proposals;
- Is energy efficient and helps reduce travel demand;
- Clearly defines public and private space; and
- Creates attractive and functional public and private places.

8.2.2 Guidelines

Site and building layout

- a. When determining the dimensions of building plots and the siting of buildings, the provision of the following should be ensured:
 - Private open space;
 - Vehicle access;
 - Pedestrian access;
 - Disabled access;
 - Servicing;
 - Parking; and
 - Meeting the **guidelines set out in** the Local Plan and this Guide.
- b. The siting of buildings should avoid creating places where people or property can be hidden or concealed areas.
- c. Development layouts should conserve or enhance a site's natural features (such as streams, wetlands, ponds, hills, trees, wildlife habitats, rock outcrops) to maintain local distinctiveness and character and to help promote biodiversity and conserve protected species.
- d. New streetscapes should include landscaping schemes that maintain local distinctiveness and character and promote biodiversity. To make sure that landscaping is robust and long-lasting native species should be used that are likely to thrive in local soil and weather

conditions. These can create valuable green links between wildlife habitats to enable movement and encourage local wildlife species.

① Further information:
The Biodiversity, Trees and Landscape SPD gives further guidance on designing for biodiversity in developments.



Rhythm of development

- e. To avoid bland or overbearing developments, proposals should create and maintain a harmonious pattern of building sizes and shapes, and spaces in between them (rhythm of development).
- f. Developments that integrate features that reflect those of surrounding buildings can help to maintain a rhythm of development. Such features include windows, doors, balconies, porches, chimneys, brick patterns, colours etc.

Landmarks and corner sites

- g. Opportunities to provide vistas, focal points and landmarks should be taken advantage of, to provide legibility and a sense of identity. These can take the form of natural or built features.
- h. The design of corner buildings and those at the end of a street are particularly important. The Council will expect to see a high quality of design in these locations and may resist proposals that do not take account of the site's importance to the streetscape.



Relationship of buildings to the street

- i. Development should respect the existing street pattern, **create active frontages** and provide buildings that front streets and integrate with surrounding development rather than being isolated within a site.
- j. Access to buildings from the street should provide a level access where possible for a range of disabilities. Where a level access is not possible, ramps and handrails, for example, should be included as an integral feature of the design, and should not appear as an afterthought.
- k. Buildings should be orientated to address streets and public spaces. **All main entrances and doors should be visible from the public realm.** Where a building sits on a corner site, **it should turn the corner and address both frontages.** Development that follows the boundary of the street block will help to create a clear distinction between public and private space.



Figure 8: Matching built form of surrounding development

- l. **Buildings should be orientated so that the front and rear building lines fit comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front or rear facing windows. Only windows to a habitable room or kitchen will be taken into consideration.**
- m. New buildings should respect the height and building envelope of existing buildings within the vicinity and help create a balanced streetscape. Daylight / sunlight assessments of the type developed by the Building Research Establishment (BRE) may also be required to assess and / or support proposals.
- n. **New development should help to create a sense of enclosure.** The width of new streets should be proportionate to the heights of buildings and its location (e.g. town centre, suburban, village / rural). **A continuous building line, with few significant gaps between buildings, can also help to create a greater sense of enclosure and lines of street trees can have an important impact along otherwise weakly contained routes.**

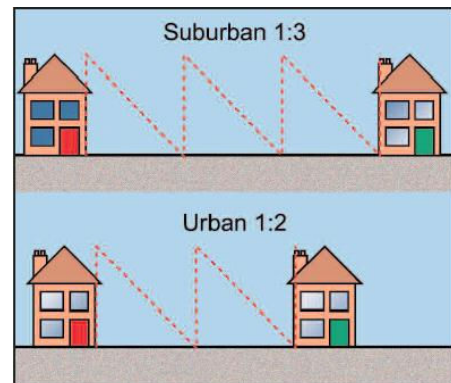


Figure 9: Width of new roads proportionate to heights of buildings

- o. Road layouts should be designed in accordance with the guidance set out in 'Roads in Hertfordshire: a guide for new developments'. **It is important that all new roads should be designed to an adoptable standard, regardless of whether or not it is intended that they are adopted by the Highway Authority. Where new roads are not designed to an adoptable standard, the onus will be on the applicant to demonstrate why this could not be achieved.**
- p. Appropriately scaled buildings and trees should define streets, squares, parks and other spaces. The height of buildings should relate to the width and importance of the space.

- q. Blank flank walls that face toward the street should be avoided. Continuous building frontages will be preferred so as to maintain surveillance of the public domain from the windows of buildings.

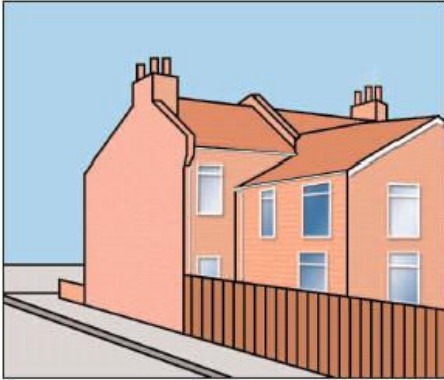


Figure 10: Unsuitable blank wall facing road

- r. Buildings should not be separated from the street solely by areas of hard-standing such as car parking. Car parking should not dominate building frontages.

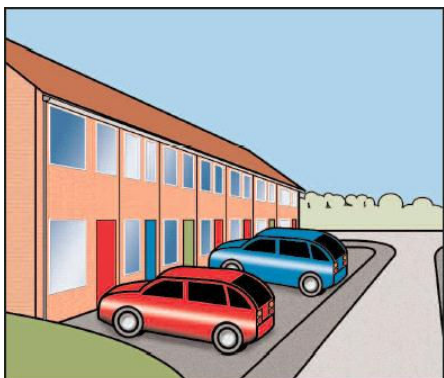


Figure 11: Frontage landscaping lost to hard-standing; limited separation between public and private space

- s. Development should aim to create a clear distinction between public and private spaces, for example by siting the building to follow the boundary of the street block or through the use of landscaping

- t. Gates can define entrances and signal circulation routes. Gated developments can

create a sense of segregation, reduce connectivity between developments and can increase fear and perception of crime and will be resisted by the Council. The installation of high security gates to the front of individual properties can have a similar effect and will also be resisted. Where planning permission is granted exceptionally for gates because of the particular circumstances of an individual property, they should be set back from the street so that they do not dominate the street scene in any way or impact on highway safety, modest in scale, well screened and capable of closing quietly. The same principles will apply to piers, columns and walls adjoining the gates.

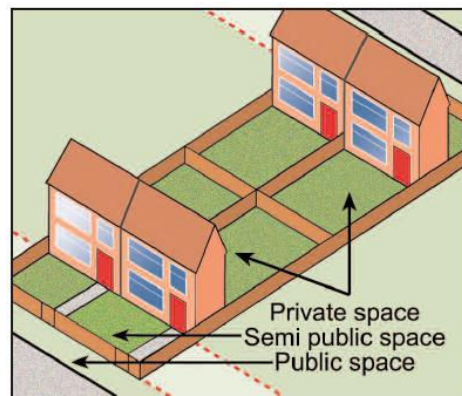


Figure 12: Distinction between public and private space.

- u. Front boundary treatments (e.g. garden walls, hedges) should be used to help define public, semi public and private spaces but should not be divisive or intimidating in appearance.

Other relevant considerations

- v. Setback, height and mass, density, and solar orientation will also be key issues in the arrangement of buildings. These are addressed under separate headings in this Guide.

8.3 Designing Out Crime

The creation and maintenance of a safe and secure environment for those living, working in and visiting the Borough is of paramount importance. Successful planning and design has a major role in reducing crime and the fear of crime, through well-designed and well-managed environments which can lower levels of criminal activity and anti-social behaviour.

8.3.1 Objectives

a. High quality and well thought out design can provide public spaces, streets and parking areas which are overlooked, well-used and maintained and consequently, more likely to provide a safer environment. Government guidance recognises that the environment is a crucial factor in influencing levels of crime, vandalism and anti-social behaviour and the Council endorses the key principles of the government guide 'Safer Places - The Planning System and Crime Prevention' (ODPM, March 2004) which includes a series of key attributes for crime prevention within sustainable communities:

- **Access and movement:** places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- **Activity:** places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- **Management and maintenance:** places that are designed with management and maintenance in mind, to discourage crime in the present and the future.
- **Ownership:** places that promote a sense of ownership, respect, territorial responsibility and community.
- **Physical protection:** places that include necessary, well-designed security features
- **Structure:** places that are structured so that different uses do not cause conflict.
- **Surveillance:** places where all publicly accessible places are overlooked.

① Further information:

Secured by Design Focus provides a range of information from ACPO Crime Prevention Initiatives on designing for security and crime prevention. See their website for more details:

www.securedbydesign.com
www.saferparking.com

b. The creation of safe and secure environments needs to be considered from the outset and incorporated into the planning and design stage. The Council will liaise with Hertfordshire Constabulary in assessing whether proposals have adequately sought to design out crime. Proposals should always include the following elements:

c. **Natural Surveillance** can arise from the presence of other users through a mix of uses or from careful siting and layout of buildings, as well as layouts within buildings. Entrances should be visible from the street with windows providing unobstructed views or overlooking of footpaths, play areas, parking and other public areas.

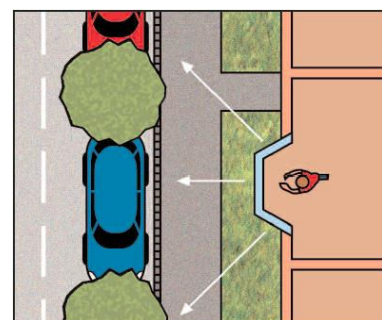


Figure 13: Overlooking through bay windows.

① Further information:

*Designing out Crime, Designing in Community Safety: A Guide for Planning Authorities and Developers is a detailed guide produced by the Hertfordshire Constabulary **Crime Prevention Design Service**. For more information contact the **Crime Prevention Design Advisor**. Telephone: 01707 355226 or email: michael.sibley@herts.pnn.police.uk*

- d. **Clearly defined boundaries and defensible space** is a concept aimed at bringing a place under the care and control of its residents by reducing wasted, left-over or anonymous space in favour of well-defined private or public space.
- e. Gated developments can create a sense of segregation, increase fear and perception of crime and will be resisted by the Council. The installation of security gates to the front of individual properties can have a similar effect and will also be resisted. Where planning permission is granted exceptionally for gates because of the particular circumstances of an individual property, they should be set back from the street, modest in scale, well screened, capable of closing quietly and should not dominate the street scene in any way. The same principles will apply to piers, columns and walls adjoining the gates.
- f. Secure buildings, surroundings, good lighting and where appropriate CCTV can improve security.
- **Safe and secure provision for the storage of hazardous chemicals required on a site, both during and following construction, should also be provided. The Council supports the use of CHEMSAFE, a voluntary scheme run by the Chemical Industries Association and an integral part of the chemical industry's 'Responsible Care' initiative.**
 - **Well-designed and laid-out buildings offer the best means of reducing the risk of crime but it will never be possible to eliminate all security risks. Additional measures which increase actual levels of security within buildings, together with good lighting and CCTV can reduce the likelihood of both crime and the fear of crime. Care should be taken to ensure that security measures do not detract from the character or appearance of an area.**

8.3.2 Checklist

The following checklist is provided for developers and should be considered from the outset, in the planning and design stages of new proposals. When preparing Design Statements as part of an application submission, developers may wish to use this checklist when demonstrating how Secure-by-Design principles have been incorporated:

1. **Guidelines** and specifications as set out in Association of Chief Police Officers "Secured by Design" website (www.securedbydesign.com) are met.
2. Boundaries are clearly defined to indicate whether areas are in public or private ownership.
3. There is maximum natural surveillance of public and communal spaces, including streets, footpath and play areas.
4. All entrances, exits, pathways and car parks are well lit, accessible and visible to passers by and / or from neighbouring properties.
5. Recessed entrances (including houses and shop fronts) and any other recesses, such as alleyways are avoided.
6. Open spaces serve a definite function and are fronted by development that offers natural surveillance throughout the day.
7. Blank walls are avoided as far as possible, particularly fronting onto open spaces.
8. Appropriate defensible planting has been used to deter intruders
9. Landscaping does not create areas of concealment or obscure entrances, lighting, CCTV and signage.
10. New alleyways, where deemed necessary, are suitably gated.
11. Materials have been selected to deter graffiti and vandalism. Use of railings to avoid 'graffiti walls' and maximise natural surveillance is recommended where appropriate.
12. Shop fronts and other commercial premises will not be permitted to use solid grills and shutters for their protection.
13. CCTV is provided where appropriate and carefully located, with regular ongoing surveillance and monitoring.

9. Scale and form

9.1 Density and mix

Development should promote the efficient use of land by integrating a range of land uses, housing types, transport options and open space to create diverse and sustainable neighbourhoods that provide access to jobs and services locally and reduce the demand for travel by private vehicle. Numerical densities are a useful preliminary means of assessing the suitability of proposals, particularly for schemes of more than five homes, but will not be the only method of assessing new housing schemes.

9.1.1 Objectives

The Council wishes to ensure that development makes the most efficient use of land, particularly in highly accessible locations, without compromising the character, environment and appearance of existing areas.

9.1.2 Guidelines

Higher density development

- a. **The Council will expect all development proposals to respect the context of the surrounding area. Higher density schemes will only be considered appropriate where it is clear that proposals would have no adverse affects on the surrounding area.**

- b. The Council will not use numerical densities to assess the suitability of schemes of fewer than five units. **Nor will it adopt a prescriptive approach towards the density of any development.**



Traditional low density development

- c. In many parts of the Borough, larger residential developments should be capable of being developed at a density of between 30 to 50 homes per hectare. Where schemes propose a density of greater than 50 homes per hectare, the number of habitable rooms per hectare will also be taken into consideration, to achieve a mixture of housing sizes and to help ensure that the character of the area is maintained. The use of numerical

assessments of density will be avoided on schemes of five or less homes.



Newer build medium density development

- d. Higher density developments are most likely to be acceptable in locations with good access to public transport and services, such as town centres, and in locations where this reflects the surrounding scale, massing and pattern of development.



Traditional high density development



Newer build high density development

- e. Design solutions should be applied where higher density development is proposed to ensure that proposals do not overly dominate

their surroundings. For example, usable underground or under-croft car parking (with appropriate security measures such as lighting) can help to reduce the visual impact of hard standing associated with car parking. Access roads, car parking and landscaping should contribute to achieving a high quality development.

- f. Proposals for the intensification of existing residential land use, for example, through the replacement of a large house with a series of smaller properties or where appropriate, through garden land development, will be considered on their individual merits. However, they should be designed in a manner that achieves adequate garden space, parking space, cycle and bin storage, and without harming the character of an area. Further guidance can be found in the section on garden land development (page D-20).

Mix of uses

- g. Mixed-use development – including housing, live-work units, retail, employment, leisure and community facilities will be encouraged on suitable, accessible sites.
- h. Single-use proposals on larger sites may be resisted where an opportunity to create a vibrant mixed-use scheme in an accessible location would be lost.

Mix of housing types

- i. A mix of housing types and sizes should be provided at both the neighbourhood and site level. The mix provided should reflect the requirements set out in the Local Plan and latest Housing Needs Survey for Hertsmere.
- j. The provision of Affordable Housing should contribute toward social inclusion. Therefore, where Affordable Housing forms a component of a development, it should:
- Not be distinguishable from private; housing by its design and appearance;
 - Not be sited within the least attractive part of the site; and
 - Not normally be sited apart from other housing.

ⓘ Further information:

The Affordable Housing SPD contains more information on the Council's approach to affordable housing in development.

Adaptable buildings

- k. Adaptable buildings and spaces, that allow for different uses to be accommodated over time as needs and demands change, will be encouraged. (N.B. some future changes of use may require planning permission.)

9.2 Light, privacy and outlook

The availability of natural daylight within the habitable rooms of a property improves the quality of living conditions, whilst reducing reliance on artificial lights, limits the amount of energy consumption. Privacy involves balancing people's expectations of avoiding overt intrusion into their lives, with the unavoidable interactions which occur between properties in an urban or suburban environment.

9.2.1 Objective

The Council wishes to ensure that existing and future residents can enjoy reasonable privacy and light in their homes and private garden space.

9.2.2 Guidelines

- a. **New development should be designed so that residential outlook is not unduly affected. Windows serving habitable rooms should not look directly onto nearby blank walls. Where new development would adjoin existing homes, the building line of the new development should not cross a 45 degree line drawn from the nearest edge of any window, front or rear facing, serving a habitable room (including a kitchen) in the existing home.**
- b. The design of new buildings should ensure a reasonable level of privacy for the intended occupants and for the occupants of adjoining properties by avoiding overlooking.
- c. **The first three metres of a residential rear garden's length is likely to be its most private area. Planning permission will normally be refused for development that allows direct and interrupted views from habitable rooms or elevated external areas into this part of a neighbouring garden.**
- d. **Developments will be expected to maximise gaps between buildings, to ensure that there is an appropriate level of enclosure and provide residential occupants with privacy. Where the front or side elevation of a new development directly opposes another front or side elevation (i.e. front-to-front, front-to-side or side-side) the gaps between buildings should be determined by the distances required to create an appropriate level of enclosure and ensure a good street layout (see page D-4).**
- e. **Where a rear elevation within a new development containing windows to habitable rooms directly faces another rear elevation containing windows to habitable rooms (i.e. back-to-back), buildings should be a minimum of 20 metres apart. Where such an elevation directly opposes a front or side elevation containing windows to habitable rooms (i.e. back-to-front or back-to-side), buildings should be a minimum of 10 metres apart. In cases where one or both of the opposing elevations does not contain windows to habitable rooms, closer distances may be acceptable.** There will be an onus on applicants to demonstrate why it has not been possible to exceed the minimum distances set out above.
- f. Where a rear elevation opposes another elevation at an angle, there may still be some potential for overlooking without an adequate distance between buildings. The required distance between buildings will vary according to the angle between facing windows of habitable rooms. However, the guidance in the previous paragraph will be taken into consideration when assessing whether there is likely to be an unreasonable loss of privacy.
- g. Tree screening along boundaries can help to retain the privacy of neighbouring properties. However, trees do not necessarily provide a permanent screen throughout the year.
- h. While there is no 'right to light' within planning legislation, a right to light exists under common law. In any case, it will be expected that new buildings and boundary trees should not significantly reduce sunlight to the habitable rooms or solar collectors of neighbouring properties.
- i. The layout of new developments should take into account any overshadowing by adjoining buildings, structures or trees so as to maximise the availability of light and promote energy efficiency.
- j. **In some cases it may be appropriate for applications to be supported by daylight / sunlight assessments of the type developed by the Building Research Establishment (BRE).**
- k. Balconies and roof terraces will not be permitted where they would result in the overlooking, shading and loss of privacy of neighbouring properties. The screening of balconies and roof terraces may be necessary to protect neighbouring amenity.

- i. Where there is a difference in levels across a site, the layout and orientation of new buildings should be designed to use these levels to retain the privacy of new and existing properties.
- m. Buildings should be built to a depth and shape that enables maximum light penetration into

internal rooms. Buildings that are too deep will require artificial lighting and ventilation and reduce their ability to adapt to other uses over time. Light wells and internal courtyards can also be utilised, especially in respect of larger buildings. See the Solar orientation and natural sources of energy section (page D-13) for more information.

9.3 Solar orientation and natural sources of energy

Buildings and developments that are designed to take advantage of natural light and heat can significantly reduce the cost of lighting and heating bills over the building's lifetime, and use less finite resources in the process. This section should be read in conjunction with Parts F, J, L and N of the Building Regulations.

9.3.1 Objective

As part of its commitment to the principles of sustainable development, the Council wishes to ensure that all new buildings maximise the use of natural heat and light, and minimise the use of energy. The Council will expect applications to demonstrate how good practice, particular that which is contained in *'Building Futures: The Hertfordshire Guide to Sustainable Development'*, has been applied to all applications.

9.3.2 Guidelines

- a. Buildings should be designed to make the optimal use of natural light and warmth, so as to minimise the use of energy for lighting, heating and cooling.
- b. The number of south facing homes should be maximised.
- c. The use of renewable energy sources, particularly solar panels and solar water heating, will be encouraged.
- d. Roofs with solar access, particularly those facing south, should be designed to accommodate solar panels and / or water heating (whether installed at the time of construction or potentially in the future).
- e. Developments should have regard to good practice in respect of energy, natural ventilation, noise insulation and water conservation.
- f. Developments should consider the integration of green roofs into designs where the solar orientation does not favour solar access, but would support the growth of green roofs, i.e.

those that face east or west. Green roofs can promote biodiversity whilst providing insulation.

- g. The main habitable rooms of new homes should wherever possible, be south facing, or otherwise designed so as to maximise natural light and warmth to habitable rooms.

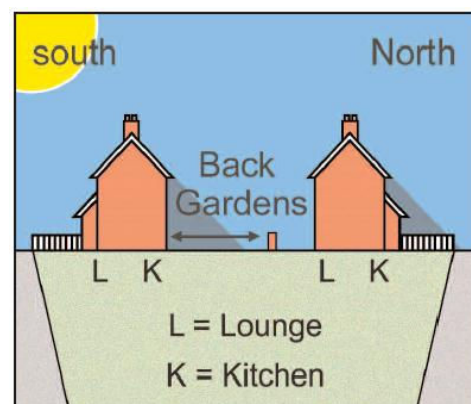


Figure 14: Larger north facing gardens

- h. North facing rooms could have smaller windows in order to reduce heat loss.
- i. Development should not reduce the ability of neighbouring properties to take advantage of natural light and heat sources.

Further information:

'Building Futures: The Hertfordshire Guide to Sustainable Development' provides more guidance on designing sustainable buildings.

'Sustainable Energy By Design' provides more information on designing sustainable buildings. The Guide is available on the Town and Country Planning Association website.

9.4 Height and mass

The height and mass of new buildings and extensions can make the difference between a development that fits in amongst its surroundings or one that stands out with an uncomfortable relationship with its neighbours.

9.4.1 Objectives

The Council wishes to ensure that the height and mass of all new development in the Borough:

- Respects and enhances the character of the area;
- Contributes to a harmonious street scene;
- Defines open and enclosed spaces;
- Minimises visual intrusiveness; and
- Maximises privacy and solar access.

9.4.2 Guidelines

- a. Development should respect the scale, massing and height of neighbouring buildings and the topography and dominant pattern of building heights in the locality.

① Design hint:

Setting the upper floor back from the front building line may help reduce the visual bulk and mass.

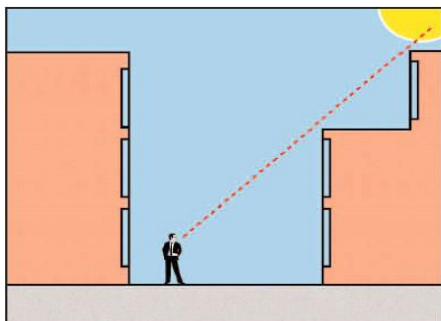


Figure 15: Visual impact lessened by setting back upper floors.

- b. The height, mass and appearance of new development should contribute to a harmonious street scene, generally reflecting the topography and dominant heights and scale of the street. (Where there are a variety of building heights within a street, a development meeting an average of the height of buildings either side will normally be considered acceptable).
- c. Where the ridgeline of existing buildings forms a dominant feature, the ridge height of proposed developments should generally not exceed this ridge height.
- d. The design of taller buildings should have a positive interaction with surrounding buildings,

creating a feature of architectural merit without having an overbearing impact on the surrounding area.

- e. Where a particular style or character of existing buildings is dominant, new buildings should be designed to fit in with, rather than visually dominate, their surroundings. New styles can be appropriate where they positively contribute to the character of the area. It may be necessary to move away from a corporate architectural style to ensure that new buildings respect and reflect the local character.



- f. Where the topography of a site or the locality contributes to increased visual dominance, consideration should be given to lowering the ground level or other such measures to reduce the overall visual bulk / dominance. Positive use can be made of changing ground levels across a site to increase the size of buildings without increasing its mass (e.g. stepping a building up a slope).
- g. Where buildings are set at an angle to the street the mass of the building can appear greater. Detailed consideration should be given to the design of such proposals to avoid creating a bulky or overbearing building, which is likely to be refused permission.
- h. Crown roofs on residential properties, where they are visible from the street will not be considered acceptable as these tend to appear bulky or overbearing.
- i. Development should not harm the living or operating conditions of the neighbouring properties through overshadowing or overlooking.

9.5 Setback and building lines

'Setback' refers to the distance that a building is located from its boundaries to the street and to neighbouring properties. Buildings that relate to a common building line define and reinforce the street. Building setbacks should respect the character of the local area, the setbacks of other buildings in the street (particularly those next door), and the privacy and solar access of adjoining properties (see also [Light, privacy and outlook](#)).

9.5.1 Objectives

The Council wishes to ensure that new development across the Borough provides setbacks that:

- Complement the streetscape;
- Avoid impacting on the [light, privacy and outlook](#) of neighbouring properties;
- Provide flexibility in the siting of buildings; and
- Allow for suitable landscaping and open space.

9.5.2 Guidelines

- a. Setbacks should contribute toward a harmonious and attractive streetscape.
- b. The ground floor setback of buildings, for example, in primary and secondary retail frontages should aim to maintain a lively street frontage and direct access between buildings and the street. New shops should not be separated from primary or secondary frontages by areas of car parking.

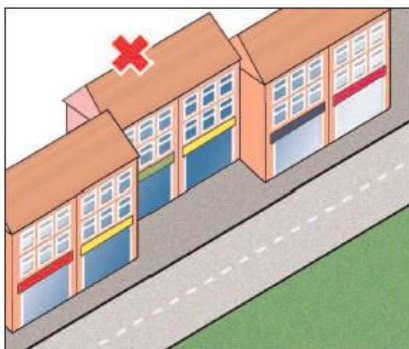


Figure 16: Inappropriate set back from building line in a shopping parade

- c. The front and rear building lines of new development should have regard to:
 - the corresponding setbacks of neighbouring properties and the character of the area;
 - the amenity of adjoining properties and future occupants (in particular solar access and visual privacy)
 - the potential to provide emphasis and variety to the streetscape through the use of discrete projections and setbacks from the building line, where this would not

compromise continuity and the local character.

- d. Side building lines and elevations should have regard to:
 - The amenity of adjoining properties and future occupants (in particular solar access and visual privacy);
 - The need to avoid preventing neighbouring properties from extending;
 - The need for access to the rear of the property;
 - The pattern of gaps between buildings in the street; and
 - The retention and enhancement of views from a public place to significant local landmarks, trees and even sky through gaps between buildings.

Minor infill developments

- e. In those locations in the Borough where there is a significant separation between buildings, this should be retained in small infill developments. In such locations the street scene is likely to be characterised by spacious plots, clear visual breaks between houses and a low density of development. Proposals in these areas should ensure that the ground and first floor of buildings are located at least 2 metres away from the side boundary. A greater distance will be required in many locations.
- f. In those locations where buildings have little separation between them, infill developments should place new buildings at least 1 metre away from the side boundary.

Corner plots

- g. New homes developed on a corner plot with a road or footpath alongside it are likely to be visible from the public highway. In these circumstances, the developments should be set back from the building lines in each street.
- h. The impact of the new building on the character and appearance of the street will be assessed. Proposals that would result in an unsympathetic or bulky addition to the street scene will be refused. In addition to meeting

the requirements in paragraphs g and h, new homes developed on corner plots will be subject to other guidance contained in the Guide.

9.6 Landscaping and garden space

Amenity space and landscaped areas can enhance the appearance of a development as well as provide spaces people can use for informal leisure and recreation, whilst promoting local biodiversity and improved quality of life for residents. All landscaping schemes should consider the need to ensure ready access to utility infrastructure such as drainage and access points for maintenance purposes.

9.6.1 Objectives

The Council wishes to ensure that developments include garden space and / or landscaping which:

- Utilise and enhance existing planting and topography, and contribute to local biodiversity through new planting;
- Are integrated into the overall design in order to create natural boundaries, variety, colour and texture;
- Are of a useable size and configuration relative to the needs of the building's occupants;
- Contribute to an attractive and functional development; and
- Are properly maintained with arrangements in place for the maintenance of communal garden space or landscaped areas.

9.6.2 Guidelines

Garden space

- a. Private and usable outdoor garden space should be provided for in residential developments.
- b. Outdoor garden space should be of a size and dimension to suit the requirements of the building's occupants for informal recreation and enjoyment. The Council will resist proposals where the amenity space is of a size or shape that are not suitable for such use and enjoyment.
- c. The orientation of outdoor garden space should aim to retain natural features of the site, maximise natural light and afford neighbours and future occupants a reasonable level of privacy.
- d. Gardens facing north will generally need to be longer than those facing south to ensure that the garden receives adequate light.
- e. Outdoor garden space for homes should be directly accessible from the house to allow for secure, private outdoor relaxation, entertainment and children's play.
- f. Garden space should include room for the installation of water butts, recycling storage areas and composting bins. Composting bins

should be located in a sunny corner in order to aid the natural composting process.

- g. The height and area of decking should be limited to what can be achieved without compromising the appearance of the property and the privacy of neighbouring land. **Where necessary screening should be used to protect neighbouring amenity.** Decking or paving over large areas of the garden can be harmful to local biodiversity.

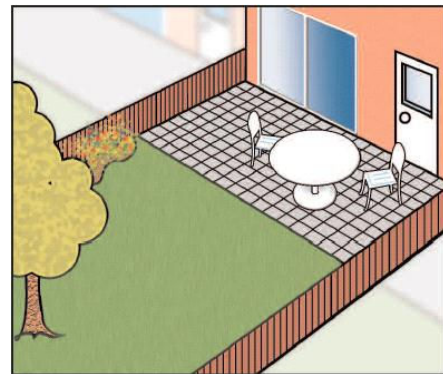


Figure 17: Typical boundaries providing privacy in rear gardens

Rear Gardens - Houses and bungalows

- h. **Houses and bungalows must be provided with rear private gardens of a useable size and shape. As a guide, the table below indicates what is considered to be a minimum acceptable area for rear gardens in new developments.**

House / bungalow size	Minimum garden area
1 bedroom	40m ² per unit
2 / 3 bedrooms	60m ² per unit
4 bedrooms	80m ² per unit
5+ bedrooms	100m ² per unit

- i. These amounts should be exceeded wherever possible and where there is scope to provide additional, private and useable garden space, the Council will expect this to be achieved. In all cases, regardless of compliance with the table above, the Council will require adherence to the overlooking distances set out in section 9.2 of this Guide.

- j. For the purpose of this area calculation, side access areas and front gardens will not be included.
- k. Where the development involves the use of existing gardens, the gardens that remain must also comply with the guidelines.
- l. Some flexibility may be acceptable:
- On corner plots;
 - In town centre locations with close proximity to areas of public open space;
 - On schemes involving four or more homes, provided that the average rear garden size meets the prescribed area;
 - In certain other circumstances, where an alternative design approach fully accords with the objectives and considerations set out in this section and / or the prevailing character of an area;
 - Where roof gardens are proposed; and
 - In cases where amenity space would be provided off site via a planning obligation (to be read in conjunction with the Planning Obligations SPD).

Rear Gardens - Flats and maisonettes

- m. **Flats and maisonettes should be provided with sufficient private useable amenity space. 1 bedroom units should provide at least 20 sq m of amenity space, with a further minimum 10 sq m of amenity space for each additional bedroom. Private useable amenity space can be either communal, allocated to individual units or a combination of these two options.** These amounts should be exceeded wherever possible and where there is scope to provide additional, useable garden space, the Council will expect this to be achieved. Where any impact on neighbouring amenity would be acceptable, roof gardens are considered to make an appropriate contribution towards garden space provision.
- n. The Council may take a more flexible approach in respect of higher density schemes of flats and maisonettes within town centres and the Elstree Way Corridor regeneration area. The Council will take into account:
- The suitability of that location for high density development, including its accessibility;
 - Proximity to areas of public open space;
 - The provision of private usable balconies and / or terraces; and
 - The provision of amenity space off site via planning obligations (to be read in conjunction with the Planning Obligations SPD).

- o. The provision of private usable balconies and terraces will be encouraged. Ground floor flats and maisonettes should normally have private garden areas. A balcony, terrace or private garden area will be considered usable where its dimensions are at least 5 sq m with a depth of at least 1.5 metres. The screening of balconies and terraces may be necessary to protect neighbouring amenity.
- p. Areas of 'soft' landscaping around the building(s) will only be counted as outdoor amenity areas, where they form useable and reasonably private amenity space. Very small or awkwardly shaped areas of the site which make no contribution to the setting of the building(s) will not be counted towards meeting the required garden area standard.
- q. Developments should make provision for the long term maintenance of out door garden areas for flats, and areas of landscaping and open space.

Residential care homes

- r. Residential care homes (including extra care homes) will normally be expected to make provision for private usable communal garden space on the same basis as schemes of flats and maisonettes. The Council may exercise some limited flexibility in cases where it can be demonstrated that there has been an emphasis on the quality of landscape design, rather than quantity of space, to meet the specific, identified needs of occupants.

① Further information:

Recreation Provision for Residential Development Supplementary Planning Guidance for Hertsmere provides more detailed information on providing amenity space and recreation provision for larger residential schemes.

Landscaping

- s. **Where developments result in the unavoidable removal of healthy trees and hedgerows a scheme for replacement planting will be required. This will be controlled by a planning condition. Proposals that involve the removal of trees subject to a Tree Preservation Order will be refused unless there are highly exceptional circumstances.**
- t. The scale of landscaping schemes should be related to the topography of the application site and to the scale of the buildings. They should

enhance the pattern of buildings and help to define spaces.

- u. Landscaping schemes should help the visitor orientate through a space, and should therefore be integrated into the scheme from the start and not considered as an afterthought.
- v. Landscaping schemes should help to form barriers between public and private spaces.



- w. To make sure that landscaping is robust and long-lasting native species should be used that are likely to thrive in local soil and weather conditions.
- x. Domestic gardens can contribute to sustaining green corridors and can create diverse

habitats. The use of locally native trees, shrubs and grasses (appropriate to that location) should be used to encourage habitation by native wildlife. Landscaping schemes should contribute to local biodiversity through providing a range of environments.

- y. Where landscaping schemes form part of public spaces they should be designed to provide an accessible and interactive space for disabled users, with textured and scented planting and structures for the enjoyment of the visually impaired.
- z. The use of different colours, textures and materials in the hard elements of a landscaping scheme can create a sense of character and identity.

- aa. Larger developments should normally include on-site play areas. The Council has a separate technical note on recreation provision for residential development for more information, including details of which schemes are eligible. Any on-site play areas should be located sensitively, so that the activities that take place within them do not cause disturbance to new or existing nearby residential properties.

9.7 Garden land development

A proportion of new residential development in Hertsmere takes place as a result of building on existing garden land. Residential intensification can have a considerable impact on the character and appearance of a neighbourhood. Such development should respect its immediate surroundings and improve the overall quality of an area.

9.7.1 Objectives

Residential gardens are classed as land that has not been previously developed ('greenfield land'). The Council recognises the contribution that appropriate residential intensification can make towards the availability of suitable housing and wishes to provide additional clarity in respect of the types of residential development that will normally be considered acceptable on garden land. This guidance should be read alongside other sections of this document.

9.7.2 Guidelines

Definition of garden land development

- a. The Council considers residential garden land to be usable amenity space within the curtilage of a residential property. This includes communal amenity space, such as that normally associated with flats. It also includes amenity areas that have been covered with a hard surface, such as a rear patio, an outbuilding or any other ancillary structure.**

Further information:

Government guidance on the classification of previously developed land can be found within the National Planning Policy Framework
www.communities.gov.uk

- b.** For the sake of clarity, these guidelines do not apply directly to the extension of existing houses or the replacement of an existing house with a single dwelling. Part E of this SPD is applicable in relation to householder development.

Types of garden land development

- c.** Although the Council will consider all individual planning applications on a case-by-case basis, it is unlikely that 'tandem developments' which are also known as two tier developments will improve the quality of an area. 'Tandem development' is where one house is built directly behind another and shares the same access. Such development often results in a detrimental impact on the

character of an area, residential amenity and highway safety.

- d.** Residential intensification that requires the development of several back gardens with access through an existing plot often presents similar problems to 'tandem development'. It is unlikely to improve the quality of an area and would normally be considered unacceptable, unless the prevailing character of the surrounding area is already defined by cul-de-sacs of this type.

- e.** Garden land development that would result in the creation of new properties with their own frontage and access directly onto an existing highway is generally capable of having a positive impact on the character and appearance of a neighbourhood.

Residential amenity

- f.** There should be no unacceptable reduction in the level of garden space as a result of residential intensification. The Council will expect that existing residential properties retain gardens that exceed the minimum guidelines set out within chapter 9.6 of this document. Any new properties should also exceed these guidelines. There should be adequate separation between new and existing properties, where applicable, to ensure an acceptable level of privacy. Minimum separation distances are set out within chapter 9.2 of this document.

- h.** The outlook of existing properties should be protected. Where new residential properties adjoin existing homes, such as where a new house is built at the end of an existing terrace, the building line of the new development should not cross the 45 degree line drawn from the nearest edge of window, front or rear facing, serving a habitable room (including a kitchen) in the existing home.

- i.** New properties built on garden land should not significantly reduce sunlight to the habitable rooms of existing neighbouring properties. Likewise, existing neighbouring buildings should not cause an unacceptable level of overshadowing to any new properties.

Design and character

- j. Any development resulting in residential intensification should consider the prevailing density of development in the area. Although the Council does not prescribe numerical densities, schemes that would, in particular, result in a density that is out of character will normally be refused. In particular, the Council will resist proposals that would result in higher density development being located in areas that are remote or otherwise inaccessible.
- k. Garden land developments should respect the form, pattern and rhythm of surrounding development. The Council will take account of:
- Street pattern and block layout;
 - Property type;
 - Solar orientation;
 - Separation distance;
 - Frontage width;
 - Setback and building line;
 - Plot size, including the sizes of front and rear gardens; and
 - Topography and views.
- l. Garden land developments should also reflect the design of surrounding development. The following should be considered:
- Height and massing;
 - Architectural style and details;
 - Roof form;
 - Entrance and window positioning;
 - The use of materials;
 - Boundary treatment and driveways; and
 - Any nearby historic assets.
- m. Large gardens, of the type suitable for residential development, normally feature significant levels of vegetation. This often adds amenity value to the surrounding area, especially in respect of corner plots and other locations where vegetation is visible from the highway. The Council will require that all healthy trees and hedges with amenity value be retained. Where the removal of healthy trees and hedges is necessary a compensatory scheme of planting will be expected.
- n. Any new plots that are created as a result of the sub-division of existing gardens should

be appropriately landscaped. Landscaping should reflect the character of the area and enhance the setting of a building. A landscaping scheme should be prepared at the design stage of any proposal and submitted in support of a planning application.

Other matters

- o. Garden land development should not result in an inadequate level of car and cycle parking provision at new or existing properties. All residential properties will be expected to comply with the Council's Parking Standards SPD. It should also be noted that, when assessing proposed parking levels in relation to cases of residential intensification, the likely increase in pressure on on-street car parking would be taken into account. Residents of any new developments within existing Controlled Parking Zones (CPZ) would not be expected to receive car parking permits, hence the importance of providing adequate off-street parking.
- p. All proposals should also include adequate provision for refuse storage, as set out within chapter 9.8 of this document.
- q. Adequate arrangements should be made for vehicular access between the existing highway and any new residential plots. The Council will expect that no negative impact would result on the safety and operation of the highway. The safety of non-motorised road users, including pedestrians, should be taken into account. The Council will normally view several houses being accessed off of a single, narrow road as unacceptable.
- r. In cases where new plots are accessed through an existing plot, or through a gap between existing plots, there should be substantial separation between existing properties and any access road. This is to protect residential amenity and reduce noise and disturbance. A proposed carriageway, including any footpaths, should be a minimum of 2 metres from any blank elevation of an existing property, a minimum of 3 metres from any window or door serving an ancillary room in an existing property, and a minimum of 5 metres from any window or door serving a habitable room in an existing property.

9.8 The layout and design of parking and servicing areas

Car parking areas can have a significant visual impact on the streetscape. Parking and servicing areas need to be carefully designed to ensure that they integrate sympathetically with the development and locality. Developments should be designed to ensure ready access to utility infrastructure for maintenance purposes.

9.8.1 Objectives

The Council wishes to ensure that adequate provision is made for servicing and car parking where it is required, and that its layout and design:

- Respects the quality and integrity of the streetscape and does not dominate it;
- Is integrated with the overall site and building design;
- Is safe for pedestrians;
- Allows vehicle manoeuvrability and servicing; and
- Minimises the area of impervious surfaces, pollution, noise disturbance, and light spillage into properties.

9.8.2 Guidelines

Parking provision

- a. The Parking Standards SPD provides more information on the requirements of off-street car parking provision.
- b. The current maximum requirements for parking for new residential developments are tabled below. These will be reviewed as necessary.

Dwelling size	Maximum number of car parking spaces
Studio / bedsit	1.5 spaces per unit
1 bedroom	1.5 spaces per unit
2 / 3 bedrooms	2 spaces per unit
4 bedrooms	3 spaces per unit
5+ bedrooms	4 spaces per unit

- c. Inside accessibility zones (as set out within the Parking Standards SPD) the Council may allow a lower level of car parking provision. The maximum standard will constitute the starting point for negotiation and an onus will be on the applicant to justify any lower provision.
- d. Larger developments (as set out within the Parking Standards SPD) will be expected to provide parking spaces for disabled users, motorcycles and other powered two-wheelers.
- e. In locating motorcycle and powered two-wheeler parking, sites should be chosen that are well drained (particularly if ground anchors

are used), and should have no, or only a slight gradient. A non-slip surface should be provided and a close proximity to uncontrolled vehicle crossings should be avoided, as people in wheelchairs may have difficulty seeing past them. Drain covers should also be avoided.

- f. Security should be one of the foremost considerations for those providing parking facilities for motorcycles and powered two-wheelers. Both ground level and raised anchor points should be designed in a manner that does not cause an obstruction or trip hazard for pedestrians. They should also be designed to enable practical use i.e. that vertical bars are adequately spaced to allow locks to pass through and should be set at a suitable height for locking the wheel.

Further Information:

More information on the provision of safe and secure storage for motorcycles and powered two-wheelers can be found in a series of Traffic Advisory leaflets available on the DTLR website: www.dtlr.gov.uk or from the British Motorcyclists Federation website: www.bmf.co.uk

- g. Developments should provide safe and secure storage areas for bicycles in accordance with the standards set out in the Parking Standards SPD.
- h. 'Parking can be considered for 'on street' locations where road safety and traffic flow would not be compromised and where there will not be a nuisance to existing residents. Where on-street parking is proposed in a road within or near to an existing Controlled Parking Zone, a contribution may be expected for the maintenance of this CPZ or to investigate any possible extension of a CPZ. The applicant will need to check with the Council whether there is capacity within the CPZ for additional vehicles.
- i. Perpendicular car parking spaces should be a minimum of 2.4 x 4.8 metres. Parallel car parking spaces should be a minimum of 2.0 x 6.0 metres. Where lifetime homes are provided as part of a development car parking spaces should be capable of being enlarged to 3.3

metres wide. This could be achieved through providing grass verges adjacent to the parking space. Garages should be a minimum of 3.0 x 4.8 metres.

Design of car parking areas

- j. Car parking layout and design is to be carried out in accordance with the guidance issued by the Highway Authority (the County Council) and Local Plan documents.
- k. Parking facilities for residential developments should be well overlooked by buildings with adequate lighting. The design should not provide hiding spaces or enclosures that are intimidating or increase the potential for crime.
- l. Boundaries around private car parking areas should create a clear boundary between private and public space.



m. The design of any paved parking, garages or vehicle access areas should be integrated into the streetscape and should not be visually dominating or detract from the appearance of the development frontage. Off-street car parking should be located either to the rear, to the side, underneath or above of buildings. Off-street car parking to the side or rear of buildings should be broken up into small groups of spaces to avoid large, concentrated areas of car parking. Any on-street car parking should be also be broken up into small clusters of spaces, separated by areas of pavement, street furniture and / or planting.

- n. Large areas of impermeable paving should be avoided. Porous or open block paving is generally preferred, which should be broken up with soft landscaping. **The Council is likely to refuse applications that do not provide porous surfaces where large areas of parking are provided.**
- o. The main entry to a building for pedestrians should not be directly through car parking spaces or driveways.

- p. Communal parking spaces should be suitably delineated. Sufficient spaces within a development for each property should be provided; the Council may seek to achieve this through a planning condition or legal agreement.

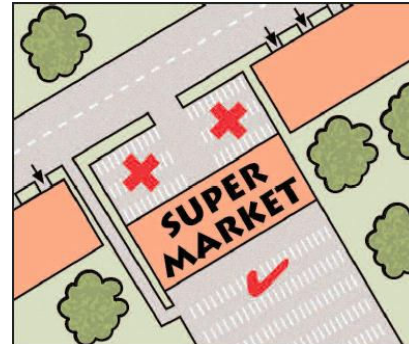


Figure 18: Access to building through area of car parking

- q. Access roads and driveways should minimise the intrusion of vehicle lights into homes and other sensitive uses.
- r. Parking can be provided underground or through an under-croft design in order to achieve more efficient use of the site. **The design of underground and under-croft car parking should:**
 - Minimise the visual impact of the entrance to the street;
 - Maximise pedestrian safety and maintain pedestrian access;
 - Provide access for people with a disability; and
 - Provide safe and secure, well-lit storage for vehicles.

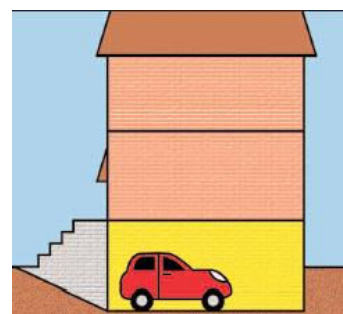


Figure 19: Undercroft parking

⓪ Design tip:

Providing car parking on a communal basis, rather than on a basis exclusive to a particular property can make better use of the spaces provided and accommodate different car ownership levels.

Refuse storage and collection

- s. All new development will be expected to provide areas for the sorting, storage and collection of materials for recycling and general refuse.
- t. All bin storage areas should have adequate lighting (natural or artificial); good natural ventilation; a smooth easily cleanable floor laid to a fall with suitable drainage; and should have a suitable enclosure e.g. wooden fencing, brick or concrete walls.
- u. Refuse storage areas should be sited sensitively and should be designed not to dominate the appearance of a new development.
- v. In addition, bin storage areas for flat developments should have a notice showing which properties are entitled to deposit refuse; suitable “bump strips” provided internally on doors and walls to prevent damage from loaded bins; and double doors with a clear opening of at least 1.5 metres and a facility to hold doors open during collection.
- w. The maximum acceptable ‘carry distance’ from refuse storage to collection point is 25 metres. Refuse collection vehicles must therefore be able to stop within 25 metres of any individual house curtilage or bin storage area.
- x. Domestic sized wheeled bins can negotiate short flights of shallow steps (not more than three steps). Eurobins (provided for flat developments) cannot negotiate steps.
- y. Gradients of access paths should not exceed 1 in 10, and should be at least 1.5 metres wide for flat developments.
- z. All access roads used by refuse vehicles must be designed to withstand a laden weight of not less than 28 tonnes. Any manhole cover or gully grating in these roads must be of a heavy-duty ‘Grade A’ type.
- aa. Service areas should usually be located to the rear of a development with access roads being as short as possible to minimise the distance travelled in close proximity to buildings.

bb. Further guidance, including volume requirements, can be found within the Council’s technical note on waste storage provision requirements for new developments.

Garages and gates

cc. Larger properties, typically with four or more bedrooms, should be developed with their own garages. Garages and extensions to garages should be set back 6 metres from the rear of the footway or (if there is no footway) the highway. This distance is required to enable a car to park on the driveway and allow a standard garage door to be opened so that a vehicle would not obstruct the footway or highway. This standard is equally applicable where it is proposed to install gates on a private driveway.

dd. Garages and garage doors should not dominate the appearance of new developments. The front building line of any detached or attached garage should be set back from the main front building line. The door of any integral garage should be inset.

ee. Where garages are provided in new developments these should be of a practical size that is capable of storing large domestic vehicles in order to ensure the long term use of the garage for off-street parking. A standard garage built to 2.4 x 4.8 metres will only hold a small domestic vehicle. Garages should therefore be a minimum of 3 x 4.8 metres. Garage door openings should measure at least 2.5 metres.

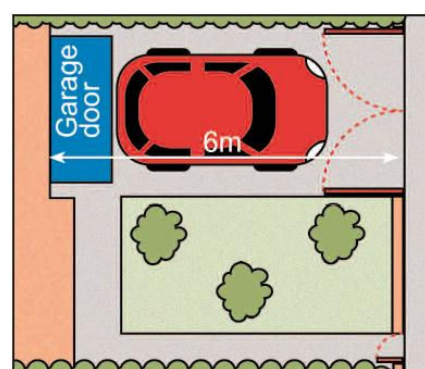


Figure 20: 6m distances in front of garage

9.9 Accessibility

*Buildings with high levels of accessibility can be used by a range of users over a long period of time. Accessibility is essential for creating an inclusive society and can considerably improve the quality of life of the occupants or users. Applications for new buildings that contain a facility that is accessible to the public **must** provide an Access and Design Statement, as required under the Planning and Compulsory Purchase Act 2004. This Statement should clearly explain how the provisions of Part M of the Building Regulations, British Standard 83000:2009+A1:2010 and the Equality Act 2010 have been met. More information on Access and Design Statements can be found on the Disability Rights Commission website: www.drc-gb.uk.*

9.9.1 Objectives

The Council wishes to ensure that developments are easy to access and use for:

- All people, regardless of age, gender or, disability; and
- Pedestrians and cyclists, to encourage walking and cycling.

9.9.2 Guidelines

Building access

- a. Proposals should include details of how accessibility requirements have been addressed where the building is required to comply with the requirements of the Equality Act 2010..
- b. Access to buildings and spaces for disabled people should be integrated into the initial designs in order to ensure accessibility throughout a development site. In this way developments can ensure suitable gradients, level access and reduce obstructions to access.

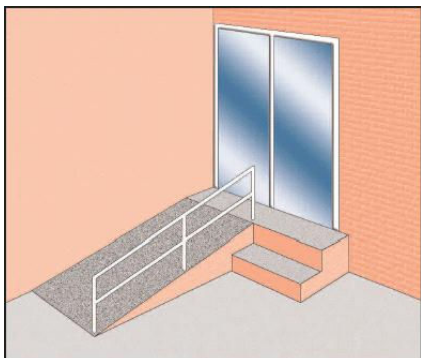


Figure 21: Accessible entrances where a level site entrance cannot be provided

- c. Access ramps should be signed, well-lit, with surrounding landscaping designed in a manner that does not obscure views or close in the user. They should be designed in a manner that provides level resting surfaces to enable easy manoeuvring.
- d. Buildings and their grounds should be designed to accommodate access for pushchairs as well as wheelchairs. Suitable storage spaces should be made available for pushchairs in buildings likely to be used by children, including apartment buildings.
- e. In the case of non-residential buildings, there should be adequate separation between properties and side boundaries on at least one side to provide rear access for emergency services. This could also be used to accommodate the storage of refuse and recycling bins.

Lifetime homes

- f. For new residential developments, the Council requires that new homes are constructed in accordance with the Lifetime Homes Design Criteria. This will enable new homes to be both accessible to visitors with limited mobility and capable of adaptation without undue difficulty, to fully wheelchair-accessible housing. The 'ordinary' appearance of such properties means that most lifetime homes are indistinguishable from most other properties and developers are encouraged to build all new housing to the Joseph Rowntree Lifetime Homes Design Criteria.

Cycle access

- g. New development should make provision for secure cycle storage in a convenient, signed and safe location.

9.10 Residential internal guidelines

Space, as well as other aspects of design, impacts the quality of housing. A lack, or poor use of internal space can result in low quality homes and the internal environment of a residential property can have an impact the wellbeing of its occupants. All homes should provide space for social activities, as well as places that are capable of providing quiet and privacy; homes should also have spaces for storage, areas capable of being used for work and study, and enough room for the circulation of occupants around furniture.

9.10.1 Objectives

The Council wishes to ensure that all new homes are of a high quality, both externally and internally. The internal size and layout of new homes should ensure that the needs of occupants can be accommodated; an element of flexibility should also be possible, should these needs change over an occupant's lifetime.

9.10.2 Guidelines

- a. The Council will expect new residential developments to achieve minimum internal guidelines. These should be exceeded wherever possible.

Overall space guidelines

- b. New residential units should be built to the following minimum gross internal areas (GIAs):

	Dwelling type (bedrooms / persons)	Minimum GIA (square metres)
Single storey unit (including flats)	1b / 2p	50
	2b / 3p	61
	2b / 4p	70
	3b / 4p	74
	3b / 5p	86
	3b / 6p	95
	4b / 5p	90
Two storey unit	4b / 6p	99
	2b / 4p	83
	3b / 4p	87
	3b / 5p	96
	4b / 5p	100
Three storey unit	4b / 6p	107
	3b / 5p	102
	4b / 5p	106
	4b / 6p	113

- c. An extra 10 square metres of GIA should be provided per person for dwellings that are intended to accommodate more than 6 people.

Bedroom space guidelines

- d. The following minimum floor areas for bedrooms should be met:

Bedroom size	Minimum floor area of bedroom (square metres)
Single	8
Double / twin	12

Other internal guidelines

- e. The Council will not normally accept proposals that include single aspect units with 3 or more bedrooms. Where such single aspect dwellings are proposed the onus will be on the applicant to demonstrate that all habitable rooms benefit from good levels of ventilation, daylight and privacy.
- f. Kitchens and bathrooms should normally benefit from natural ventilation.
- g. The Council may exercise some flexibility in respect of internal residential guidelines where:
- Most of the Council's internal guidelines are clearly exceeded;
 - A building is being converted or subdivided;
 - A development is constrained by a heritage designation;
 - A development is constrained by an irregularly shaped site; and
 - In certain other circumstances, the design approach otherwise fully accords with the objectives and considerations set out in this section and / or the prevailing character of an area.
- h. All planning applications for residential development should be submitted with floor plans at an identified standard metric scale (normally 1:50 or 1:100), annotated with the internal dimensions of all proposed residential units. A schedule should also be submitted, setting out the following in respect of each proposed residential unit:

- The number of bedrooms and intended occupants; and
- The gross internal area.

10. Appearance and detail

10.1 Frontages, materials and features

The front of a property makes a valuable contribution to the quality and character of a street. Developments can enhance the appearance of the street, maintain the rhythm of architectural features and contribute to the identity of a location. Ill-conceived designs can stand out within a street scene to the detriment of the quality of the area.

10.1.1 Objectives

The Council wishes to continue to encourage developments that respect and reflect the design of surrounding buildings adding to or creating a sense of local character.

10.1.2 Guidelines

Height and massing

- a. The massing of a new building should respond to its surroundings, including other nearby architectural styles, relate to surrounding public spaces at a human scale and help to create a sense of identity.
- b. The height of a new building should normally be guided through a careful consideration of how it will relate to the width of the street, and thus create good enclosure (see page D-5). The heights of neighbouring buildings should also help to inform the height of any new building.
- c. In some cases taller buildings may be appropriate to line important routes, mark a gateway site, signify a place of civic, commercial or visual importance, or identify the location of a town centre or transport hub. The ground floor of a tall building should relate to surrounding streets and public spaces, through its design, detailing and use. Any tall building should also show consideration of the heights of neighbouring buildings and can step down to its neighbours or be wrapped with smaller, appropriately scaled adjoining buildings.
- d. Buildings that are wide and / or deep should be modulated to help break up bulk. The use of varying materials and colours alone is not sufficient to successfully achieve this goal and the built form itself should be articulated using architectural features, such as projecting and / or recessed elements, blocks of varied heights, balconies and roof forms. In particular, breaking up large blocks with narrower vertical elements can help to soften the appearance of bulky buildings.

Entrances

- a. Entrances should front on to the main street, and should not be located to the side of a building.
- b. The entrance to a building can be a focal point and should make a statement about the type of activity carried out within the building. They can add to the character of a street scene by creating an identifiable or landmark feature and maintain or create a rhythm of features.
- c. Entrances should be in keeping with the scale and design of the building and should not be an overbearing feature within the street scene.
- d. Entrances should provide access for a range of physical abilities and should include ramps and handrails as an integral feature, and should not appear as an after thought.

Materials

- e. Where modern materials are proposed developments should consider ways to maintain a relationship between the development and the surrounding area. Methods could include using landscaping and massing to reduce the visual dominance of the design.
- f. In certain locations within the Borough more detailed regard should be paid to the type and quality of materials used in new developments. These locations are normally within Conservation Areas or near to Listed Buildings.



- g. Design features and high quality materials should be considered where this would add to or enhance the buildings visual appearance.
- h. Where the type and design of materials and architectural details form a dominant feature within a street scene these should be carried on into new developments to help maintain and enhance the character of the locality.
- i. Where developments propose a particular architectural style, namely a standard corporate design for commercial buildings, it may be necessary to move away from or tone down the visual impact of this design in order to ensure the building respects and reflects the local character.
- m. In locations near to, or within areas of known habitation by bats and other nocturnal wildlife, all external lighting schemes should consider the potential impact of such lighting, particularly the direction and luminance. Where applications are located within such locations the applicant is encouraged to consult Hertfordshire Biological Records Office to confirm the presence of such wildlife.

Roofs

- i. Where developments propose a particular architectural style, namely a standard corporate design for commercial buildings, it may be necessary to move away from or tone down the visual impact of this design in order to ensure the building respects and reflects the local character.
 - n. Roofs form a significant visual component of any development and streetscape. The design of roofs in new developments should:
 - Respect the design of surrounding developments in terms of roof design, materials, height and massing; and
 - Not unreasonably impact on the privacy of surrounding properties.
 - o. Buildings should be aligned so that roofs can make use of natural light and heat in order to improve the potential efficiency of renewable energy systems.
 - p. Crown roofs in new developments should be avoided unless they are an existing feature of the surrounding area, as they tend to add bulk to the roofline, to the detriment of the overall street scene.
- Lighting*
- j. The use of innovative lighting designs can add character and define a sense of place. Where buildings are of a significant scale, lighting schemes should be designed to emphasise the features of the building.
 - k. Lighting schemes, particularly near to residential locations should not cause light intrusion into residential properties.
 - l. Well-lit entrances to publicly accessible buildings increase the perception of safety both of the entrance, and the street.

10.2 Windows, dormers and rooflights

The way in which windows and dormers are designed and placed within elevations is an important factor determining the quality and attractiveness of new development. A well-designed building will usually have well-proportioned windows and dormers, made of quality materials and spaced in fairly regular patterns.

10.2.1 Objectives

To ensure that windows, dormers and rooflights:

- Are in proportion to the building;
- Contribute toward a harmonious and attractive streetscape;
- Promote energy efficiency; and
- Help contribute to neighbourhood safety by providing informal surveillance.

10.2.2 Guidelines for windows

- a. Well-designed windows on publicly accessible buildings can increase the interaction between the building and the street. They can also soften the appearance of a building.
- b. Reflective glass should not be used in residential developments or on buildings within largely residential areas.
- c. Unless the design style specifically requires otherwise, front elevations should be composed of a relatively regular pattern of well-proportioned windows.
- d. Small or irregular sized windows, for example those often used for toilets or utility rooms, should not be located on the front elevation.
- e. Where windows are located on side elevations facing another property these should contain obscured or frosted glass. This is to maintain the privacy of neighbouring residents.
- f. Bay windows enable increased security by increasing the angles at which outlook can be achieved. They can also increase light penetration into internal rooms.

10.2.3 Guidelines for dormers and rooflights

- g. Dormer windows are one way of providing additional living accommodation with minimal impact on the size and appearance of a new house. However, if the dormer is not designed sensitively, it can harm the integrity of the building and the character of the street scene.

- h. **Dormers should be as small as possible and should normally only be located within the rear roof slope. The Council will resist dormers within the front or side roof slope unless they are a feature of the street scene within a new development.**

- i. Two smaller dormers in a rear roof slope will in some cases be more acceptable than one large dormer.
- j. A dormer window or roof extension must be constructed in the centre of the roof face. The size of each roof face will vary from one house to the next. Measured vertically, dormers should be set at least 0.3 metres (30 cm) from the main roof ridge and eaves to remain a genuinely subservient feature of the roof. To avoid being highly visible from the street scene, the dormer should also be set in from the side or boundary walls by at least 0.5 metres (50 cm).
- k. On larger roof slopes, in particular, the Council will require dormer set-ins to exceed these minimum distances. On larger roof slopes, two small dormers may be more acceptable than one large dormer. Where the minimum set-ins cannot be exceeded, there will be an onus on developers to demonstrate why this has not been possible.



Figure 22: Position of dormer within the roof slope (explanatory example only).

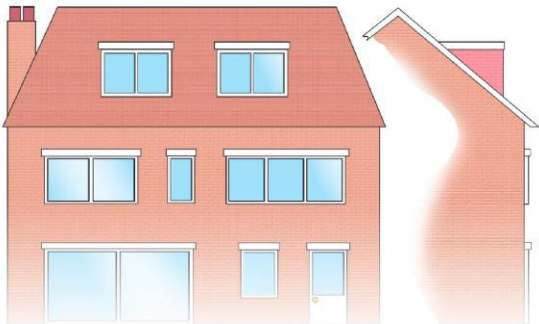


Figure 23: Position of dormer within the roof slope (explanatory example only).

- k. To help the dormer blend in with the character of the house and street, the design and style of the dormer roof should match that of the roof of the main house. However, a flat roof may sometimes be acceptable for a rear dormer.

Roof Lights

- l. The number of new roof lights should be kept to a minimum and limited to rear elevations. Any roof lights should have regard for the size and position of the windows in the main house.

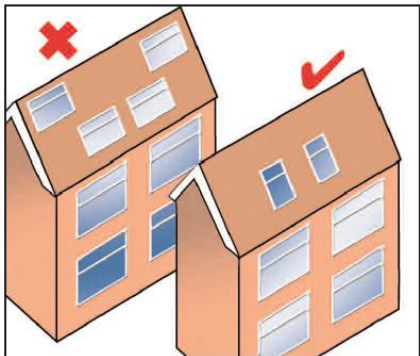


Figure 24: the fewer roof lights, the better

10.3 Front gardens and boundaries

The use of well-designed front gardens and boundary enclosures is essential in providing clear ownership and responsibility for all open areas around a new development. Front boundaries can also protect the inhabitants of buildings from noise and air pollution and enable natural ventilation. All schemes should include proposals for defining all boundaries and details of the proposed treatments, without creating a 'fortress' like environment for the residents of or visitors to the development.

10.3.1 Objectives

The Council wishes to encourage development in Hertsmere which:

- Adds colour, texture, variety and a sense of character within a street scene; and
- Defines ownership and provides security, particularly to the sides and rear, without dominating or closing off the street scene.



10.3.2 Guidelines

Front boundaries

- All new front amenity / garden areas should have a landscape design which includes appropriate boundary treatments, planting, paving, access and (where required) lighting.
- The boundary design should complement the design materials and techniques used in the overall scheme, and should reflect the character of the area.



- Front fences may be used where they are already a feature of the street. The design should complement the existing pattern of boundary treatment and should be integrated with hard and soft planting.
- In areas dominated by green front and side boundary treatments, new developments should reflect this in their designs, and should not use hard features such as railings, walls and fences to define boundaries.

- The installation of high security gates can create a sense of segregation, can increase fear and perception of crime and will be resisted by the Council. Where planning permission is granted exceptionally for gates because of the particular circumstances of an individual property, they should be set back from the street, modest in scale, well screened, capable of closing quietly and should not dominate the street scene in any way. The same principles will apply to piers, columns and walls adjoining the gates.
- Domestic gardens can contribute to sustaining green corridors and can create diverse habitats. The use of locally native trees, shrubs and grasses (appropriate to that location) should be used to encourage habitation by native wildlife. Landscaping schemes should contribute to local biodiversity through providing a range of environments

ⓘ Further information:
The Biodiversity, Trees and Landscape SPD gives further guidance on designing for biodiversity in developments.

- A good landscaping scheme can help to reduce the visual impact of driveways and hard-standing areas.

Driveways

- Driveways in new developments should be of a porous material, such as gravel, or blocks rather than an impervious material such as concrete or tarmac.** This can help to reduce the risk of flooding, enable penetration by roots of plants and trees and improve the visual appearance and layout.

- i. The driveway area should only be as large as necessary and should be designed as part of an overall landscaping scheme, retaining or creating new verges, hedgerows and prominent planting.
- j. Double width and in and out entrances (including carriage driveways) may be resisted where they result in highway safety concerns or create an over-dominance of hard surfacing.

11. Public realm

11.1 Public space

Public spaces comprise areas such as parks, squares, streets, playgrounds, footpaths and cycle paths. The design of public spaces and the buildings that front them contributes to the shaping of the public realm. Public spaces can also consist of urban green space that can be designed to positively contribute to local biodiversity and can improve the quality of life and health of users. This guidance is applicable to developments that provide publicly accessible buildings with new public spaces and should be read in conjunction with the Council's Streetscape Manual.

11.1.1 Objective

The Council wishes to ensure that new developments provide public space which is:

- Attractive;
- Accessible;
- Functional;
- Safe; and
- Enjoyable.

11.1.2 Guidelines

- a. Developments should make sure that public spaces have a function, such as adding to a pedestrian network. These spaces should be fully accessible to all users (including for people with disabilities).
- b. Where developments contain public and private spaces that adjoin, careful consideration should be given to how the two spaces interact. The scheme should provide for security and privacy of the private space, without creating hostility or obstruction within the public space.
- c. Buildings should have active frontages where they adjoin public spaces. This increases overlooking and security.
- d. Landscaping and street furniture (such as trees and light columns) should be designed to enhance the character of an area and to minimise loss of privacy and light intrusion. They can also be used as informal boundaries between public and private spaces.
- e. Public spaces and street furniture schemes should be designed to ensure ready access to utility infrastructure for maintenance purposes.
- f. The design of public spaces should take account of local climatic conditions, including daylight, wind, temperature and frost pockets.
- g. Any landscaping schemes should consider the use of locally native species that are more likely to thrive in local climatic conditions.

ⓘ Further information:

The Biodiversity, Trees and Landscape SPD gives further guidance on designing for biodiversity in developments.

- h. Buildings should be designed to create effective boundaries between private and public spaces. Where buildings enclose a public space the space should be designed with a purpose that enhances the character and use of the buildings surrounding it. Spaces should not be treated as areas that are simply not built upon.

Security in the public realm

- i. The use of CCTV within developments in public places can enhance the security of a location. It can however, increase the amount of clutter through the cameras themselves or their associated signs. Integrating these in to the overall design of the development can increase the effectiveness of surveillance, whilst reducing the visual clutter of CCTV systems.
- j. CCTV systems should use innovative design solutions to reduce the possibility of being vandalised, whilst making them visual, yet non-obtrusive.

ⓘ Design tip:

Junctions and streets should be designed as public spaces, and not just as traffic routes.

- k. Public spaces should be overlooked throughout the day and night. They should be well-lit and use high quality, suitable materials. Public spaces should therefore be designed with surrounding buildings being used for a mixture of uses on the ground floor.

Lighting

- l. Public space, including car parking areas, should be well lit in order to aid security and natural surveillance. Energy efficient lighting

and lighting powered from renewable sources (e.g. solar powered) should be used wherever possible.

- m. The choice of lighting should be appropriate to the space being lit and avoid unnecessary energy use and light 'spillage', particularly on locations visible from the Green Belt. For example, low-level bollards or footlights could be more appropriate to light footpaths than lamp columns, which could cause areas of shadow or shine into residential windows.

Street furniture and art

- n. Large areas of public space within a new development should include provision of street furniture and public art.
- o. Public art should have local significance and be well related to the buildings or space surrounding it.
- p. Public art should be sited in a location that, whilst being eye-catching, should not cause highway or pedestrian safety concerns.

- q. Street furniture schemes should be attractive and functional and should be integrated in to the initial design to avoid later additional items that will create clutter and obstruct movement through the area.



- r. Bespoke designs of street furniture should be used to enhance spaces and create a sense of place and character.

11.2 Views and landmarks

Views may be long distance, short distance or panoramic views of special features such as a listed building, landmark or landscape feature or important space.

11.2.1 Objectives

The Council wishes to encourage developments which:

- Protect or enhance existing views; and
- Creates new landmarks and views

11.2.2 Design guidelines

- Developments should protect views where they already exist, or provide an opportunity to open up a view that had previously been obscured.
- A development scheme may itself form a focal point within a view from outside the site and should be designed to reflect its visibility. A suitable architectural response will be sought where a development closes an existing view.
- Where new views are created they should add to the character and individuality of an area, using buildings to define the edges of this view. Such views can add interest to an area and can help the visitor to orientate through the space.



Figure 25: Protecting views and 'sky gaps' between buildings.

- Landmarks should be well related to the buildings and spaces surrounding them. They should add to the individuality of a space.



High buildings – emphasising a point of civic or visual significance

- Landmarks should be locally relevant, using local artists, or be related to the local character.
- Landmarks and focal points can also take the form of natural features such as trees or landscapes. The use of locally native species would be preferred as these are more likely to thrive in local soil and climatic conditions and support local biodiversity.

Design tip:

New views should, where possible, focus on memorable buildings and landscape features.

Documents and Guidance Referred to in Part D – Guidance for Development

Access and Design Statements – Disability Rights Commission: www.planningportal.gov.uk

Lifetime Homes – Joseph Rowntree Foundation: www.lifetimehomes.org.uk

Sustainable Energy By Design – Town and Country Planning Association: www.tcpa.org.uk

Crime Reduction

Secured by Design Focus – Association of Chief Police Officers Crime Prevention Initiatives: www.securedbydesign.com

(For more information contact the [Crime Prevention Design Advisor](#). Telephone: [01707 355226](tel:01707355226) or email: michael.sibley@herts.pnn.police.uk)

Hertfordshire County Council

Building Futures – A Hertfordshire Guide to Sustainable Development: www.hertslink.org/buildingfutures

Roads in Hertfordshire – [Highway Design Guide](#): www.hertsdirect.org

Hertsmere Borough Council Supplementary Planning Documents

[Affordable Housing SPD \(2008\)](#)

[Biodiversity, Trees and Landscape SPD \(2010\)](#)

[Parking Standards SPD \(updated 2010\)](#)

[Planning Obligations SPD \(2010\)](#)

Other Hertsmere Borough Council publications

[Technical note: Waste storage provision requirements for new developments](#)

[Streetscape Manual: Improving the public realm in Hertsmere's shopping centres \(2012\)](#)

All Hertsmere Borough Council SPDs and publications can be downloaded from: www.hertsmere.gov.uk/planning

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PART I Agenda Item No	7
Document Reference No	PLA/12/19

PLANNING COMMITTEE

DATE OF MEETING: 4th October 2012

A REPORT REQUESTING THE DELEGATION OF POWERS UNDER SECTION 225 OF THE TOWN AND COUNTRY PLANNING ACT 1990

This report outlines the need for Council to delegate the powers conferred within Section 225 of the Town & Country Planning Act 1990 with respect to the issuance of notices requesting the removal of unlawful advertisements and the undertaking of obliteration / removal of said advertisements to the Head of Planning and Building Control. This report also requests authority from the Committee to authorise the use of Section 225 powers in respect of the removal of advertisements/fly posters in place currently at Shenley Road, Borehamwood.

1. **RECOMMENDED THAT:**

- 1.1 Council be recommended to delegate to the Head of Planning and Building Control the ability to issue notices, to obliterate / remove advertisements under S225 of the Town & Country Planning Act 1990.
- 1.2 The Committee authorises the Head of Planning and Building Control to use the power contained within Section 225 of the Town and Country Planning Act 1990 to remove unlawful notices in Shenley Road, Borehamwood.

2. **INTRODUCTION**

- 2.1 The control of unauthorised advertisements is becoming a substantial part of the Council's planning enforcement work load. Section 225 of the Town and Country Planning Act 1990 gives local planning authorities the power to remove placards and posters, thereby negating the need for lengthy investigation and prosecution proceedings. It has been noted upon review that powers have not been delegated to officer level for the issuance of notices through this section of the Town & Country Planning Act. The purpose of this report is both to advise Members that the facility provided by this legislation will now be pursued as a resolution to the continued display of small but visually obtrusive advertisements and to seek delegated powers to the Head of Planning and Building Control for the issuance of such notices.
- 2.2 The majority of advertisement displays reported to the Council consist of small signs of a temporary nature, such as estate agents boards, A-frame signs and fly posters. Occasionally, such advertisements will benefit from 'deemed consent' under the Town and Country Planning (Control of Advertisements) Regulations 2007. However, more often than not, the advertisements are unauthorised. The most common reason for this

is that, in order to benefit from deemed consent, signs must be displayed on the land to which they relate (for example, a sign advertising a business must be displayed on the premises of that business). A-boards in particular are regularly displayed at busy junctions away from the site itself, and estate agents boards are often erected on land more visible from a well-used public highway rather than in the front garden of the property they are advertising for sale or rent. Another common scenario is where an estate agent's 'SOLD' board is left on a site for longer than the 14 days post-sale permitted by the Regulations.

- 2.3 Outside of London, there is no enforcement notice available for unauthorised advertisements, so there are only two options available to a local planning authority to deal with such cases. The first is to prosecute the perpetrator for the offence of displaying an unauthorised advertisement under Section 224(3) of the Act. However, this is resource intensive. Preparing witness statements and exhibits for the Magistrates Court takes a large amount of officer time and, as a result, not every sign can be pursued in this way and only very large or offensive advertisements tend to make it to Court.
- 2.4 Often, the most inappropriate advertisement displays involve a large number of small adverts cluttered together but being displayed by different parties. To pursue all signs at once would have a significant impact on resources, and at present this type of situation is ineffectively controlled. Such inaction is unacceptable as adverts of this nature give the locality an untidy appearance and add to visual clutter. They can sometimes also cause obstruction or distract passing drivers.
- 2.5 The second method available is to use Section 225 of the Town and Country Planning Act 1990. This Act provides the following:
- (1) *Subject to subsections (2) and (3), the local planning authority may remove or obliterate any placard or poster—*
 - (a) *Which is displayed in their area; and*
 - (b) *Which in their opinion is so displayed in contravention of regulations made under section 220.*
 - (2) *Subsection (1) does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.*
 - (3) *Subject to subsection (4), where a placard or poster identifies the person who displayed it or caused it to be displayed, the local planning authority shall not exercise any power conferred by subsection (1) unless they have first given him notice in writing—*
 - (a) *That in their opinion it is displayed in contravention of regulations made under section 220; and*
 - (b) *That they intend to remove or obliterate it on the expiry of a period specified in the notice.*
 - (4) *Subsection (3) does not apply if—*
 - (a) *The placard or poster does not give his address, and*
 - (b) *The authority do not know it and are unable to ascertain it after reasonable inquiry.*
 - (5) *The period specified in a notice under subsection (3) must be not less than two days from the date of service of the notice.*

- 2.6 Letters will be sent to persons responsible for the display of unauthorised advertisements; the first will give 7 days' notice to remove the advertisement the second will constitute formal notice as prescribed by Section 225(3) giving at least 2 days' notice of date after which the advertisement will be removed. If these warnings are not adhered to, the sign will be removed. The letters also warn that the council does not have to keep the advertisements it removes and can recover its reasonable costs. Due to the temporary nature of placards and posters, it is estimated that, in the majority of cases, the sign will be able to be removed by a Council officer quickly and safely. However, occasionally it may be necessary to enlist the services of a specialist contractor.
- 2.7 With respect to the specific authorisation of powers with regard to Shenley Road, Borehamwood, the Council is currently engaged in a project to tidy up vacant shop fronts, and remove unlawful advertisements and fly posters. There are some 25 current open enforcement files for this area and to undertake effective action as outlined in the report above, specific authority is required to expedite these cases.

3. FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS

- 3.1 It is estimated that developing the use of Section 225 will result in a reduction in officer time spent preparing witness statements; however this is likely to be balanced out by the increased number of advertisements being pursued. In 2011 there was 37 out of a total of 458 complaints (8%) which has continued to 30 out of 373 in 2012 so far (8%). However it should be noted that at present there are a large number of advertisement complaints which are small scale in nature where it is felt that a simpler approach is required to ensure their swift removal than continue to prosecution at the initial stage, however at present the officers do not have delegated powers to undertake this. The delegation of powers will ensure that officers are able to direct their time more effectively towards larger scale planning issues whilst still resolving advertisement complaints in a swift and effective manner. As a result, no significant resource implications are expected to arise, however the approach should result in a more efficient service.
- 3.2 The Act allows the local planning authority to recover any costs reasonably incurred in removing an advertisement. This may be in the form of a flat fee. When a specialist contractor is used, the fees paid to that contractor by the Council can be reclaimed from the perpetrator.

4. LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS

- 4.1 The legal framework for serving such a notice is contained within Section 225 of the Town and Country Planning Act.

5. EFFICIENCY GAINS AND VALUE FOR MONEY

- 5.1 It is considered that the increased effectiveness of dealing with advert complaints in this manner rather than relying on prosecution would improve the efficiency of officers time and as such result in an improved level of service and outside perception of the Council.

6. **RISK MANAGEMENT IMPLICATIONS**

- 6.1 There are risks when pursuing a more proactive approach under this part of the Town and Country Planning Act as direct action could result in adverse publicity for the Council. However, this could be minimised by writing to the person displaying the advertisement giving them the opportunity to remove the signs prior to taking action. As with any direct works, the risk to the council of taking action needs to be balanced against the reputation, impact on the environment and setting a precedent for further unauthorised signs if action is not taken.
- 6.2 The Council is also at risk of challenge to the Local Ombudsman should it not take enforcement action where appropriate. The use of the powers under Section 225 would ensure that the Council can act quickly and proportionally against such adverts and reduce the likelihood of such challenge.
- 6.3 To minimise the risks to staff in removing the posters and placards a risk assessment would be carried out before direct action is taken. Where there is felt to be a significant potential of risk a specialist contractor would be used.

7. **PERSONNEL IMPLICATIONS**

- 7.1 It is not considered that there will be any effect on the existing personnel within the planning enforcement team.

8. **CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS**

- 8.1 None anticipated

9. **APPENDICES ATTACHED**

- 9.1 None

10. **BACKGROUND PAPERS USED IN PREPARATION OF THIS REPORT**

- 10.1 Document title: Town & Country Planning Act 1990

Custodial Officer: David Morren

Where filed: Civic Offices

11. **AUTHOR**

David Morren – Planning Enforcement & Appeals Team Leader

Ext: 5670

CONSULTATION ON DRAFT REPORT

I have sent a copy of the draft of this report to the following on 25th September 2012
Director of Environment, Head of Planning & Building Control, Head of Legal Services and
Democratic Services Manager.

Officer David Morren	Date 24th September 2012
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Planning Committee

04 October 2012

Non determined applications over the statutory expiry date on 25/09/2012

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	241	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	223	Investigating to establish what action needs to be taken.
TP/08/0571	Oak House, Wagon Road, BARNET, EN5 4AA	Retrospective application to re-construct existing barns and change of use to B1 offices.	Committee	Other - Change of Use	16/09/2008	218	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	178	Scheduled for 4th October Planning Committee.
TP/11/1038	51- 55 Stratfield Road, Borehamwood, WD6 1UQ	Part single storey (conservatory) part 2 storey rear extension together with replacement of existing timber and vertically hung tiles with render and replacement windows (revision TP/2004/1443)	Delegated	Other - Householder developments	28/07/2011	69	Under consideration.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/11/1259	Opus Court, 91-97 Shenley Road, Borehamwood	Erection of 5 no. apartments (2 studios, 2 x 1 bed and 1 x 2 bed) at second floor level.(Amended description 3/3/2008). (Application to extend time limit following approval of TP/08/0121 dated 17/7/2008).	Delegated	Minor - Dwellings	09/08/2011	67	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	65	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	65	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	62	Awaiting completion of S106.
TP/11/1274	Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ	Retrospective application for 19 new lamp posts, 3 lamp posts with security cameras and 3 columns with security cameras only (Amended plans received 7/2/12)	Committee	Major - Other Large Scale developments	08/05/2012	33	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	32	Awaiting completion of S106.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
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	26	Awaiting submission of amended scheme.
TP/12/0970	41-47 Elstree Road, Bushey Heath	Erection of two storey side extension & conversion of loft into habitable accommodation to include 4 x dormer windows to front & 5 x rooflights to rear to form 1 x 1 bedroom maisonette, 1 x 1 bedroom flat & 1 x 1 bedroom studio with associated landscaping & parking.	Delegated	Minor - Dwellings	10/07/2012 0	19	Under consideration.
TP/12/0453	29 Beechcroft Road, Bushey, WD23 2JU	Two storey side/part rear extension.	Delegated	Other - Householder developments	12/07/2012 0	19	Under consideration.
TP/11/2312	Twin Oaks or Green Valley Farm, Summerswood Lane, Borehamwood	Removal of existing bund and reinstatement of access. Installation of associated secure boundary treatment (Amended Plans Received 07/06/12)	Committee	Major - Other Large Scale developments	06/09/2012 0	16	Under consideration - awaiting additional information.
TP/12/0804	28 Three Valleys Way, Bushey, WD23 2FF	Erection of detached, two storey, 4 bedroom dwelling (amendment to previously approved dwelling to now include conservatory).	Committee	Minor - Dwellings	29/08/2012 0	12	Scheduled for 4th October Planning Committee.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/1432	Green Dragon Public House, Leeming Road, Borehamwood, WD6 4EB	Demolition of the existing Green Dragon Public House Function Hall. Separation of the proposed site from the public house. Construction of 3 no. 3 bedroom town houses and 3 no. 2 bedroom flats, 11 car parking spaces, secure cycle and refuse/recycling storage facilities, new vehicle and pedestrian accesses to Torworth Road and associated hard and soft landscaping. Removal of existing window to the first floor of the public house and other minor works to complete the separation of the proposed site (Additional plan received 20/08/2012).	Committee	Minor - Dwellings	31/08/2012 0	12	On 4th October Planning Committee agenda.
TP/12/1430	Land to the rear of 9, West View Court, High Street, Elstree	Creation of parking space and erection of 1.8m high wooden fence.	Committee	Minor - Other minor development	31/08/2012 0	12	Deferred decision at Planning Committee on 6th September.
TP/12/1483	Queen Adelaide, London Road, Shenley	Demolition of existing & erection of 1 x detached, two storey, 3 bedroom dwelling & 2 x semi-detached, two storey, 3 bedroom dwellings with associated parking and timber pergola structure.	Committee	Minor - Dwellings	13/09/2012 0	10	Awaiting completion of S106.
TP/12/1484	Queen Adelaide, London Road, Shenley	Demolition of public house (Application for Conservation Area Consent.)	Committee	Other - Conservation area consents	13/09/2012 0	10	Awaiting completion of S106.
TP/12/1417	Immanuel College, 87-91 Elstree Road, Bushey Heath, Bushey, WD23 4EB	Demolition of two laboratory buildings & erection of part single, part two storey classroom building plus linked building comprising religious teaching facility. Relocation of 4 No: temporary classrooms and provision of 2 No: additional temporary classrooms & 1 No: temporary laboratory building	Delegated	Minor - Other minor development	14/09/2012 0	10	Awaiting Bob Young to change red line which will restart time on this application.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/1429	7 Beech Drive, Borehamwood, WD6 4QU	Change of use from sports/hobby room to ancillary accommodation to include kitchen, bathroom and bedrooms.	Committee	Other - Change of Use	17/09/2012	9	Called in by Councillor Harrison on 28/08/12, have been asked number of questions by councillors and would already have been out on time if went to October committee. Going to November committee.
TP/12/1602	99-101 Gills Hill Lane, Radlett	Amendment to planning permission reference TP/12/0691 to include basement level and habitable loft accommodation to all properties.	Committee	Minor - Dwellings	20/09/2012	9	On committee agenda for 4th October.

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**Planning Committee
04 October 2012**

**Current Planning Appeals
update from 29/08/2012 to 25/09/2012**

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/11/2159	30/04/2012	The Paddock, Elstree Road, Bushey Heath	Signature Senior Lifestyle	Erection of 75 bedroom residential care home for the elderly with associated car parking and landscaping (Revised scheme to TP/11/0781).	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/12/0328	01/05/2012	41 Kenilworth Drive, Borehamwood, WD6 1QL	Mr R Chapman	Conversion of garage to habitable room and erection of single storey rear extension (Certificate of Lawful Development - Proposed).	Written Representations - Lawful Development Certificate Appeal	Questionnaire being prepared
TP/12/0466	11/07/2012	New Grange, Blanche Lane, South Mimms, Potters Bar, EN6 3NZ	Mr & Mrs P Ludlow	Animal shelter.	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/1328	20/07/2012	Queen Adelaide Pub, London Road, Shenley	Firecrest Real Estate	Demolition of existing public house and erection of 4 x 3 bed houses together with pergola structure to house 3 cars (Revised Address).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/1329	20/07/2012	Queen Adelaide Pub, London Road, Shenley	Firecrest Real Estate	Demolition of existing public house (Application for Conservation Area Consent) (Revised Address).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/12/1660	26/07/2012	Golf Driving Range, Rowley Lane, Barnet, EN5 3HS	Adventure Experience Ltd	Appeal against Enforcement Notice dated 21 June 2012 - Without planning permission, erection of a dinosaur model (diplodocus) onto the frontage of site facing the A1.	Written Representations - Enforcement Notice Appeal	Await decision
TP/12/0381	07/08/2012	143 Dugdale Hill Lane, Potters Bar, EN6 2DF	Mrs J Anderson	Extension of existing front dormer window.	Written Representations - Appeal under the Householder Appeal Service	Await decision
TP/12/0178	14/08/2012	46 London Road, Shenley, Radlett, WD7 9DY	Mr A Not	Erection of 2 storey, detached, 4 bedroom dwelling to include habitable loft accommodation.	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/12/1082	17/08/2012	The Bungalow, Heathbourne Road, Bushey Heath, Bushey, WD23 1PB	Mr M Neocleous	Ancillary use of a residential lounge room as a temporary prayer room (Application for Certificate of Lawful Development - Proposed)	Written Representations - Lawful Development Certificate Appeal	Statement being prepared
TP/12/1395	31/08/2012	8 Prowse Avenue, Bushey Heath, Bushey, WD23 1JR	Mr G Silver	Erection of first floor front extension.	Written Representations - Appeal under the Householder Appeal Service	Await decision
TP/12/0873	03/09/2012	Land adjacent to Staggy Ridge, The Ridgeway, Potters Bar	Mr S Winterflood	Use as a private domestic garden (Application for Certificate of Lawful Development - Proposed)	Written Representations - Lawful Development Certificate Appeal	Statement being prepared
TP/11/2205	07/09/2012	88 High Street, Potters Bar, EN6 5AT	Bistro The Walk	Proposed single storey side and rear extensions & repositioning of outdoor dining area.	Written Representations - Appeal against Refusal of Planning Permission	Questionnaire being prepared
TP/12/0529	12/09/2012	Westwood School, 6 Hartsbourne Road, Bushey Heath, Bushey, WD23 1JH	Feeney London Ltd	Demolition of existing building & erection of detached 4 bedroom house with integral garage	Written Representations - Appeal against Refusal of Planning Permission	Questionnaire being prepared

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/12/1042	13/09/2012	73 Aberdale Gardens, Potters Bar, EN6 2JN	Mr Tim Brosnan	Proposed creation of new building plot within existing garden area & erection of detached 2 bedroom bungalow	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared

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**Planning Committee
04 October 2012**

**Planning Appeal Decisions
update from 24/08/2012 to 25/09/2012**

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
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	Allowed 05/09/2012
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	Allowed 07/09/2012
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	Allowed 07/09/2012
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	Allowed 13/09/2012
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	Dismissed 21/09/2012

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HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE

04th October 2012

ENFORCEMENT OF PLANNING CONTROL

(1) Enforcement Notices Subject of Appeal

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	Royal Connaught Park, (formally International University)	24 th 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 (Chased up 25/09/2012)
2	3 Black Lion Hill, Shenley, Radlett	28 th 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 Compliance date has now expired. The Council are now taking advice as far as further action is required. Letter has been sent following refusal of Judicial Review informing of intent to prosecute.

(2) Enforcement Notices not Subject of Appeal

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	118 Manor Way Borehamwood WD6 1QX	Approved via committee	The Change of Use of the Land to a Hand Car Wash	Enforcement Notice 1 st August 2012 Compliance date 31 st October 2012
2	Golf Driving Range Rowley Lane Barnet, EN5, 3HS	Approved via committee	Erection of large model dinosaur (diplodocus) on the frontage of the site overlooking the main A1 trunk road.	Enforcement Notice served 21 st June 2012. Compliance date 23 rd August 2012. Currently under appeal Ref. APP/N1920/C /12/218011

3	50 Sunnybank Road Potters Bar, EN6 2NN	Approved via committee	Installation of solar panel above the ridge line of the property without the benefit of planning permission	Enforcement Notice served 20th June 2012 Compliance date 20th October 2012
4	Bucklands, Lane, Aldenham, WD25, 8DW	Approved via committee	The construction of an outbuilding in the rear garden, fences and gates to each side of the house and bin store to the frontage.	Enforcement Notice served 17 th September 2012. Compliance date 14 th April 2013.
5	112 Watling Street, Radlett, WD7 7AB	Approved via committee	The installation without planning permission of a new shop front incorporating advertisements.	Enforcement Notice served 17 th September 2012. Compliance date 14 th April 2013.

(3) Breach of Condition Notices

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	15 Buchanan Court Borehamwood	Delegated	Breach of condition in that the garage has been converted into a habitable room	BCN served 20 th June 2012
2	1 Ayot Path, Borehamwood, WD6 5BJ	Delegated	Breach of condition 1 relating to staining of single storey rear extension.	BCN served 23 rd July 2012, Compliance date 15 th October 2012.
3	Bridge Court, Mutton Lane, Potters Bar	Delegated	Breach of condition 15 of TP/11/0244 (which requires contaminated land assessment prior to commencement).	BCN served 21 September 2012; compliance date 21 March 2013
4	Bridge Court, Mutton Lane, Potters Bar	Delegated	Breach of condition 7 of TP/11/0244 (which requires a scheme for the on-site storage and regulated discharge of surface water run-off prior to commencement).	BCN served 21 September 2012; compliance date 21 March 2013

(4) Planning Contravention Notice (PCN)

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	4 Barn Close Radlett WD7 8LN	Delegated	Information required in that a change of use to business from residential may have occurred.	Issued 20 th August 2012
23	160 Aycliffe Road, Borehamwood, WD6 4EG	Delegated	Information requested regarding a potential material change of use and breach of planning condition.	Issued 31 st August 2012

(5) Prosecutions

	SITE	Committee Res.	ACTION	PRESENT SITUATION
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(6) Other Enforcement issues

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	Land adjoining 1, 3 & 5 Shenleybury Cottages, Shenley			New owner and his agent attended HBC to discuss the way forward with this site. Enforcement team in attendance. Monitoring ongoing and it is confirmed that a new (permitted) static caravan has been placed on site. New case opened with respect to layout of site.

(7) Notices - s.330 - s.16 – s.225

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	Adecco Temp Agency 44 Shenley Road Borehamwood	Delegated	Fly – posting advertisement	Unauthorised Advertisement s.225 letter Issued 16 th August 2012. Works undertaken to remove posters. No further action required at present.

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