Date of Meeting: 13 November 2013

APPLICATION NO: 13/2386/FUL

DATE OF APPLICATION: 26 November 2013

STATUTORY START DATE: 19 August 2014

SITE LOCATION
Bridge Court, Mutton Lane, Potters Bar, Hertfordshire, EN6 2AW

DEVELOPMENT
Demolition of public house and erection of two residential blocks consisting of 8 no. two bedroom flats with associated off-street parking - amended scheme (amended plans received 6/8/14 and 14/10/14).

AGENT
Paul Cavill
Hertford Planning Service
Westgate House
37-41 Castle Street
Hertford
SG14 1HH

APPLICANT
Mr Ray Coleman
Lantern House
39-41 High Street
Potters Bar
Herts
EN6 5AJ

WARD: Potters Bar Parkfield

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

1.0 Summary of Recommendation

1.1 Grant Permission subject to a s106. Should a signed and completed s106 agreement not be completed by 1st Dec 2014 then the application would be liable for CIL charges in accordance with the Councils agreed charging schedule.

2.0 Application Site/Surrounding Area

2.1 The application site originally consisted of a two-storey detached Public House building situated adjacent to (and on the west side) of the mainline railway bridge on the southern side of Mutton Lane. The site included a car park and an outside drinking area on the eastern side of the pub.
2.2 A planning application was approved by Members at committee under reference TP/11/0244 on 16 June 2011 for the demolition of the public house and the erection of two residential blocks consisting of 8 no. two bedroom flats with associated off-street parking. The development commenced and is substantially complete however, works have ceased and the site remains hoarded.

2.2 Mutton Lane is a very busy road, officially a secondary distributor in highway terms, which provides the main link between Potters Bar High Street and Darkes Lane shopping areas. When traveling from the east the road becomes a double bend to cross the mainline railway bridge, and at the same time falls away to the north-west in the direction of Darkes Lane. There are a substantial number of residential properties along Mutton Lane and houses and their rear gardens in Sunnybank Road to the immediate south side of the premises.

2.3 The application site is located within a well-established residential area of Potters Bar which is characterised by a mixture of 1930’s semi-detached houses with mansard roofs and semi-detached villa style properties which are sited within modest size plots. To the west of the site on the junction with Baker Street and Darkes Lane there are three storey buildings which consist of retail and restaurants occupying the ground floor with two storey flats above.

3.0 Proposal

3.1 This application proposes an amended scheme to that previously approved by Members at committee on the 16 June 2011 under reference TP/11/0244 for the demolition of the existing public house and the erection of two residential blocks consisting of 8 no. two bedroom flats with associated off-street parking.

3.2 During the conveyancing stage of one of the flats a Land Registry issue came to light which has identified that there are two areas of unregistered land within the development site. The first piece of land is an amenity area near the railway line which would affect the original allocated parking arrangements for the development. The second is a small triangle of land within the amenity area/parking area. As a result of these issues development on site has ceased.

3.3 This amended scheme seeks amendments to the proposed parking and amenity space provision for the development as approved under TP/11/0244 which incorporated the parcels of land as discussed above.

3.4 The amendments are as follows:

• The layout of the parking and turning area has been amended and the proposed car parking provision has been reduced from 16 spaces to 11 spaces. A reduction in 5 car parking spaces. This is discussed further in this report.
• The amenity space provision has been reduced due to the removal of the ex-railway company land from the development site. This is discussed further in the report at para. 10.22.
• The bin storage area and cycle storage has been re-located to the south-eastern side of the site.
• Variation of the S106 agreement in accordance with the land issues that have arisen since the approval. This is discussed further in para.10.49.

**Key Characteristics**

<table>
<thead>
<tr>
<th>Site Area</th>
<th>Approximately 1,700m² (0.17 hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>Approximately 76 dwellings per hectare (dph)</td>
</tr>
<tr>
<td>Mix</td>
<td>Public House (Use Class A4) - Existing Residential (Use Class C3) - Proposed</td>
</tr>
<tr>
<td>Dimensions</td>
<td>Block 1 Depth - 9m x Width - 16m x Height - 8m</td>
</tr>
<tr>
<td></td>
<td>Block 2 Depth - 9m x Width - 16m x Height - 8m</td>
</tr>
<tr>
<td>Numbers of Car Parking Spaces</td>
<td>Proposed = 11 car parking spaces</td>
</tr>
</tbody>
</table>

Any other relevant statistical information as appropriate

**4.0 Relevant Planning History:**

<table>
<thead>
<tr>
<th>Reference number</th>
<th>Description</th>
<th>Outcome and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOC/12/2332</td>
<td>Application for approval of details reserved by condition(s) 4, 5, 7, 11 &amp; 15 of planning permission reference TP/11/0244.</td>
<td>RSP 24 December 2012</td>
</tr>
<tr>
<td>DOC/12/1570</td>
<td>Application for approval of details reserved by conditions 2, 7, 8, 9, 10, 12, 13 &amp; 15 of planning permission reference TP/11/0244</td>
<td>RSP 1 October 2012</td>
</tr>
<tr>
<td>DOC/12/0624</td>
<td>Application for approval of details reserved by condition(s) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 &amp; 16 of planning permission reference TP/11/0244</td>
<td>RSP 23 April 2012</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Approved By</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>TP/87/1150</td>
<td>EXTERNALLY ILLUMINATED ADVERTISEMENT SIGNS</td>
<td>GC</td>
</tr>
<tr>
<td>TP/11/0244</td>
<td>Demolition of existing public house and erection of two residential blocks consisting of 8 no. two bedroom flats with associated off street parking (Amended plans received 25/03/11 &amp; 19/04/11).</td>
<td>S106</td>
</tr>
<tr>
<td>TP/11/0233</td>
<td>Demolition of public house &amp; erection of 5 x 3 bedroom, two storey houses with associated parking (amended plans received 25/03/11 &amp; 19/04/2011).</td>
<td>R</td>
</tr>
<tr>
<td>TP/07/1470</td>
<td>Demolition and removal of existing garage structure and construction of new timber framed shelter on site of existing garage.</td>
<td>RC</td>
</tr>
<tr>
<td>TP/05/0954</td>
<td>1 To permit regulated entertainments, comprising: live acoustic and amplified voice, all types of recorded music including juke box and karaoke, compare for functions, quizzes etc with amplified voice, pub games in front of an audience and video entertainment on tc screens and amusement machines. 2. To permit the sale of alcohol at any time between 10.00-24.00 Sunday-wednesday, 10.00 to</td>
<td>RO</td>
</tr>
</tbody>
</table>
02.00 on Thursday-Saturday, Christmas Eve, Boxing Day and the Sunday of bank holiday weekends. _3. To permit sale of alcohol from 10.00 on New Years Eve until 24.00 on 1st January. _4. To offer permitted regulated entertainments at various times throughout opening hours as noted in the attached operating schedule. _5. To be able to open on all days from 08.00 before the starting hour for alcohol and at the end of permitted hours for the sale of alcohol to remain open for a further 30 minutes as a wind down period. _6. To remove all embedded restrictions inherent in The Licensing Act 1964, the Cinematography (Safety) Regulations 1955 and the Children and Young Persons Act 1933. _7. To remove/modify some of the conditions relating to the Public Entertainments Licence and S.77 certificate. _8. To provide refreshment after 23.00 hours. (Consultation by Licensing Officer).

5.0 Notifications

<table>
<thead>
<tr>
<th>In Support</th>
<th>Against</th>
<th>Comments</th>
<th>Neighbours Notified</th>
<th>Contributors Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

Site Notice and press notice displayed – no objections received
### 6.0 Consultations

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments made:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandra Stevens</td>
<td>19 December 2013 Raise no objection subject to a condition for further detail of the waste storage building.</td>
<td></td>
</tr>
<tr>
<td>Potters Bar Society</td>
<td>17 December 2013 Raised no objections</td>
<td></td>
</tr>
<tr>
<td>Drainage Services</td>
<td>comment made Raised no objections 6 December 2013</td>
<td></td>
</tr>
<tr>
<td>Environmental Health &amp; Licensing</td>
<td>comment made 19 December 2013 Condition 15 of the original planning permission 11/0244/FUL is still outstanding and therefore a land contamination condition must be placed on this planning permission.</td>
<td></td>
</tr>
<tr>
<td>Asset Management - Parks &amp; Cemeteries</td>
<td>29 December 2013 Raised concerns in respect of the reduced amenity space.</td>
<td></td>
</tr>
<tr>
<td>Herts Constabulary Crime Prevention Design Service</td>
<td>28 Nov 2013 Comments: I commented on this application in April 2011 and had been awaiting a conversation about Secured by Design but nothing has transpired so I assume the developers will not be looking for SBD Certification. I note the problems with site ownership which have required a change in the position of both bin store and cycle store. Information was provided for the security requirements for the cycle store but I have had no response from the developers or Agents. As I had heard nothing from the Developers or Agents I had filed my papers, however if they now want to look at SBD I will be happy to receive an application form and visit the site to assess whether accreditation can be provided.</td>
<td></td>
</tr>
<tr>
<td>Highways HCC</td>
<td>19 December 2013 No objections raised to the amendments as</td>
<td></td>
</tr>
<tr>
<td>Organization</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Thames Water Development Planning</td>
<td>Comments made: 29 November 2013. Standard informative required in respect of surface water and sewerage</td>
<td></td>
</tr>
<tr>
<td>EDF Energy Networks</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>National Grid Company PLC</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Hertfordshire Fire &amp; Rescue Service</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Affinity Water</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Hertsmere Waste Management Services</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Waste Management Services</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Policy and Transport Manager</td>
<td>No response received.</td>
<td></td>
</tr>
<tr>
<td>Highways HCC</td>
<td>No Response received.</td>
<td></td>
</tr>
<tr>
<td>Senior Traffic Engineer</td>
<td>No response received.</td>
<td></td>
</tr>
</tbody>
</table>

7.0 Policy Designation

Residential area of Potters Bar

8.0 Relevant Planning Policies

<table>
<thead>
<tr>
<th>Policy</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Planning Policy Framework 2012</td>
<td></td>
</tr>
<tr>
<td>Planning Policy Guidance</td>
<td></td>
</tr>
<tr>
<td>Equality and Diversity 2010</td>
<td></td>
</tr>
<tr>
<td>D3 Control of Development – Drainage and Runoff Considerations</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>D20 Supplementary Guidance</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>D21 Design and Setting of Development</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>E07 Trees &amp; Hedgerows Protection &amp; Retention</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>E08 Trees, Hedgerows and Development</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>D15 Energy Efficiency - Design and Layout of Development</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>D17 Pollution Control</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>H08 Residential Development Standards</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>M02 Development and Movement</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>M12 Highway Standards</td>
<td>Hertsmere Local Plan 2003</td>
</tr>
<tr>
<td>CS01 The supply of new homes</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS04 Affordable Housing</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS07 Housing mix</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS12 The Enhancement of the Natural Environment</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS14 Protection or enhancement of heritage assets</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS16 Environmental impact of development</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS19 Key community facilities</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS22 Securing a high quality and accessible environment</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>CS27 Town centre strategy</td>
<td>Core Strategy 2013</td>
</tr>
<tr>
<td>Car Parking Standards SPD 2014</td>
<td></td>
</tr>
<tr>
<td>Planning and Design Guide SPD, Part D, 2013</td>
<td></td>
</tr>
</tbody>
</table>

### 9.0 Key Issues

- History;
- Affordable housing and mix;
- Design and Visual Impact;
  - Size, height, mass;
  - Spacing, building line and setting;
- Residential amenity
- Amenity provision;
• Trees and landscaping;
• Residential amenity;
• Section 106;
• Car parking and cycle parking;
• Access and highways;
• Crime reduction measures;
• Archaeology;
• Contamination;
• Bin Storage

10.0 Comments

10.1 Since the previous application was approved there have been changes to national and local policies: The NPPF 2012 has replaced the national planning policy Statements and The Core Strategy was adopted in January 2013. The parking standards were also revised in 2014. The application will therefore be assessed on the current national and local policies.

Affordable Housing

Policy Background

10.2 Policy CS4 of the Core Strategy 2013 and the Affordable Housing SPD 2008 requires qualifying site to provide a level of Affordable Housing. On developments of 5 or more residential units or on sites of 0.2 hectares or more 35% of the units proposed should be provided on an affordable basis with a split between social/affordable rent and intermediate tenure, which includes equity share tenure. These policies are supported by the NPPF and PPG.

Assessment

10.3 It is recognised that in some situations, it may not be economically viable to deliver a development and provide the required level of affordable housing on site. In this instance the development as approved under TP/11/0244 proposed 8 no. two bedroom flats fell under the threshold requirements for the provision of affordable housing and a housing mix. The flats have already been constructed and conveyancing for the sale of the flats has already commenced. However, the application must still be assessed against planning policy.

10.4 A viability assessment has been submitted with the application and the details were sent to an independent assessor on 20/5/2014. The following comments have been provided by the independent assessor.

“This scheme comprised the demolition of the former Bridge House public house and its replacement with eight two bedroom flats. Despite matters arising regarding two small areas of land within the site and minor amendments to the scheme as a result, including parking, the proposal has been built out and all the units sold. There is therefore no ability to improve Gross Development Value.
While base build costs incurred were not excessive, their appraisal showed (unusually) costs as inclusive of contingency and demolition. All other financial variables reflected current norms, and were thus reasonable. Profit however was markedly below the standard convention at present of 20% on value, driven by bank lending criteria, which prompted Section 106 Management to conclude that the proposal could not deliver any planning obligations or affordable housing.

In fact, the applicants completed and agreed the S106 agreement and subsequently paid their contributions to the Council. The only outstanding matter was therefore the authority’s original requirement for an additional commuted sum towards affordable housing.

It is our professional view, in what is a retrospective assessment, that even if the original agreement had contained a formal review mechanism, that review would have confirmed that the scheme could not deliver the additional commuted sum, based on outturn values and costs, and as such, we suggest that, in these particular circumstances, the Council should not seek to pursue the commuted sum.

10.5 In addition to the above, following recent Counsel advise, all current, undetermined applications must have regard to the Council’s Draft Affordable Housing SPD, 2014. Section 1 of this report “Providing Affordable Housing” sets out, in a table (below) a hierarchy for the provision of affordable housing for developments which meet the threshold.

<table>
<thead>
<tr>
<th>Type of Provision</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Provision of affordable units on an alternative site (donor site)</td>
<td>A parallel planning application should be submitted for the development of the donor site and the implementation of any approved scheme on the main site would need to be linked through a 106 agreement to an approved development on the donor site.</td>
</tr>
<tr>
<td>2 Purchase of land for a RP or the Council within the same settlement</td>
<td>Suitable land within the same settlement or place as the application site will be transferred at no cost to a RP or any development company formed by the Council, who will then finance and build the required affordable homes on that land. The location should be agreed with the appointed Housing Officer.</td>
</tr>
<tr>
<td>3 Purchase of existing housing units within the Borough</td>
<td>The developer will purchase the required number of units on the open market and sell them to a RP or Council at a 30%–40% discount. The location, quality, cost, size and design of the units must be agreed with the RP and the Council’s Housing Officer to ensure units meet the prevailing need and are of an appropriate standard.</td>
</tr>
<tr>
<td>4 Purchase of land for a RP or the Council elsewhere in the Borough</td>
<td>Suitable land elsewhere in the Borough will be transferred at no cost to a RP or any development company formed by the Council, who will then finance and build the required affordable homes on that land. The location should be agreed with the appointed Housing Officer.</td>
</tr>
<tr>
<td>5 Commuted sum for Affordable Housing</td>
<td>This will be accepted on sites of 4 units or less. On larger sites it will only ever be accepted after the alternatives above have been actively considered by the developer and discounted by the Council.</td>
</tr>
</tbody>
</table>

10.6 In this instance, from the comments provided by the Independent Assessor, as the application is retrospective and the development built, it has been clearly demonstrated that following the sale of the units, there was no uplift in the GDV to pay towards a commuted sum for off-site affordable housing provision. As
this is the less onerous of the criteria above it is accepted by Officers that it would not have been viable to achieve provision through points 1-4 of the above table.

10.7 Officers have therefore paid due regard to the provisions of the Council’s Draft Affordable Housing SPD, 2014. Given that the flats as constructed under the previous approval reference TP/11/0244 and are all sold, subject to the conveyancing issues being resolved in terms of the ownership of the two pieces of land as previously discussed, the applicant has satisfactorily demonstrated that it would not be economically viable to deliver the development and provide the required level of affordable housing on site, through the purchase of land within Potters Bar or within the Borough of Hertsmere, through the purchase of existing housing within the borough or by means of a commuted payment. It would in this instance be unreasonable to refuse the application on the ground of lack of affordable housing provision.

Design and visual amenity

Size, height and mass

Policy Background

10.8 Part D of the Council’s Planning and Design Guide SPD requires the size, height and mass and appearance of new dwellings to be harmonious with their surroundings. In addition, policies D21 of the Hertsmere Local Plan (2003) and Policy CS22 of the Core Strategy 2013 require that applications for new development must respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height; in addition it is important to 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.

Assessment

10.9 As discussed above, the development is substantially complete. The design, height, bulk and mass were agreed in the previously approved application under reference TP/11/0244. The development comprises two residential blocks consisting of 8 no. two bedroom flats of two storeys high integrating hipped roofs and having a built form that appears like a pair of semis. The proposed blocks front onto Mutton Lane and are located adjacent to a semi-detached property numbered 170 Mutton Lane. Due to the sloping nature of the site the proposed blocks step down in height from east where the road begins to connect with the railway bridge to the west towards the junction crossing. The proposal therefore reflects the nature of the street scene on this stretch of Mutton Lane.

10.10 The development is considered to be in keeping with the scale and built form of the adjacent buildings. Therefore, the size, height and massing of the houses is considered acceptable and would comply with policies H8, D20 and D21 of the
Spacing, building line and setting

10.11 In the previously approved application under reference TP/11/0244 it was considered that the siting of two residential blocks of flats replicates the established building line.

10.12 It has been necessary to position both blocks a further 400mm into the site due to the issues associated with the unregistered land and to provide a suitable parking layout for the development. There is no significant changes to the height, size and mass of the blocks. The car parking layout is discussed further in this report at para. 10.26.

10.13 The former public house (The Bridge) had a separation distance of 2.4m from number 170 Mutton Lane. In terms of separation distances between properties in the street scene, these range from 2.2m separation distance between nos. 185 - 187 and 6.1m separation distance between 172 and 174. The proposed blocks of flats have a separation distance of between 1.5m between each other. This was thought to be acceptable due to the varied nature of separation distances of properties within the street scene. The blocks are also staggered. This was considered to be a positive feature on account of the general pattern and rhythm of development in the street scene. This helps to maintain a more recognisable characteristic distance between the road and the front building line of the residential block of flats.


Residential amenity

Policy Background

10.15 Policy H8 of the Local Plan highlights the need for residential development to maintain the privacy and amenity of neighbouring residents. Part D of the Council's Planning and Design Guide SPD (2013) states that where there are directly opposing elevations within new developments, one and two storey buildings should be a minimum of 20 metres apart. It also states that 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.

Assessment

10.16 The proposed residential blocks would be situated in excess of 20 metres from the opposing rear elevations of Sunnybank Road. Notwithstanding this, the houses on Sunnybank Road are on higher ground than the subject site. It is noted that this level of separation would ensure that the relationship between the
proposed development and nearby existing development would be acceptable in terms of the privacy and general amenity of current and future occupiers. Furthermore, the proposed buildings do not fall within the rear outlook of number 172 Mutton Lane to an unacceptable extent.

10.17 It is therefore considered that the proposed development does not cause any undue detrimental effects to the amenities of neighbouring residential properties. The proposal therefore complies with policies H8 of the Hertsmere Local Plan (2003) and Part D of the Council's Planning and Design Guide SPD (2013).

Amenity Provision

Policy Background

10.18 In accordance with Criteria (iv) of Hertsmere Local Plan (2003) policy H8 and Part D of the Planning and Design Guide SPD (2013), the Council normally expects the provision of 30 square metres of private usable communal garden space for a two bedroom unit.

Assessment

Previous application under reference TP/11/0244

10.19 Since the previous application reference TP/11/0244 was approved the Planning and Design Guide 2006 has been revised. The amount of amenity space required at that time was based on the internal gross floorspace of the development which was 528 square metres. The guidance required the provision of 15 square metres of private usable communal garden space for every 20 square metres of internal gross floorspace. Therefore the amount of private usable communal garden space that the Council would previously of required was 396 square metres. The proposal as approved provided 480 square metres of private usable communal garden space, which exceeded the minimum level. No objection was therefore raised under policy H8 of the Hertsmere Local Plan (2003) and Part D of the Council's Planning and Design Guide SPD (2006).

Proposed application under reference TP/13/2386

10.20 Notwithstanding the above, most of the amenity space was provided on the two parcels of unregistered land and therefore this application proposes a reduction in the level of amenity space.

10.21 Based on the revised Planning and Design Guide SPD 2013 the Council normally expects the provision of 30 square metres of private usable communal garden space for a two bedroom unit. This would therefore amount to a requirement of 240m² for the scheme. The development proposes 300m² of amenity space to the rear of the flats and an area of land next to the unregistered land. Based on the revised SPD the level of amenity space would be considered acceptable.

10.22 The application does include one of the areas of unregistered land and Certificate D has been signed and notice served on the railway company. A press notice
was also displayed in the newspaper. No interested parties have come forward to claim this land during the 21 day consultation period and therefore it is proposed to grass this area as amenity space which would improve the visual amenities of the site.

10.23 It is noted that condition 11 of the previous application has not been formally discharged and therefore the landscaping has not been formally agreed. A condition is therefore imposed to the granting of this planning application so that a suitable landscaping scheme can be agreed.

10.24 Overall, the amenity space provision is considered acceptable. The proposal therefore complies with policies H8 of the Hertsmere Local Plan (2003) and Part D of the Council's Planning and Design Guide SPD (2013).

Car Parking and Access

Policy Background

10.25 Policy H8 of the Hertsmere Local Plan, which relates to Residential Development Standards, stipulates a requirement for residential development to provide adequate parking provision. Policy CS25 of the Core Strategy 2010 complements these policies.

Assessment

Previous application as approved under TP/11/0244

10.26 When the previous application was approved the site was not located within an accessibility zone so a maximum on-site provision of parking was sought under the Council’s Parking Standards SPD 2008 (Revised June 2010). Under the Parking Standards SPD a two-bedroom property required a maximum provision of two off-street parking spaces. The development was approved for the erection of 8 x 2 bedroom flats within two residential blocks, which under the Council's Parking Standards required an overall on-site provision of 16 parking spaces.

10.27 Due to the issues with the two parcels of land as previously discussed an amended car parking layout was submitted with a re-configured parking layout. The layout included the 16 Car parking spaces as approved under TP/11/0244. Concerns were raised by officers regarding the layout of the spaces which included tandem parking and poor manoeuvrability within the site. Furthermore highways and street scene both supported the officers concerns and raised objections due to the lack of adequate turning space for refuse vehicles within the site.

10.28 Following these comments an amended car parking layout was submitted on the 14/10/14 which includes a reduction in the number of car parking spaces from 16 to 11 spaces which is a total of 69% of the required provision.

10.29 The Council's Car Parking Standards SPD 2014 would require 2 car spaces
for a 2 bedroom dwelling. However, the document also indicates that the site is within Residential Accessibility Zone 2 area which would consider the provision of car parking below the required levels and in this instance can be discounted to 25-100%.

10.30 Notwithstanding the above, any parking discount is at the discretion of the Council and is subject to justification by the applicant. The site is located within a short walking distance of the shops and services in Darkes Lane which are 287m away. There is also public transport facilities and Potters Bar railway station that are found within and around the nearby town centre to the northwest (Darkes Lane). In addition each flat would be provided with a designated cycle parking space.

10.31 Paragraph 1.32 of the Council's adopted Parking Standards SPD 2014 also states that: "Developments consisting primarily of smaller flats (1 and 2 bed) with shared parking areas are most likely to qualify for a greater reduction in parking provision. Car ownership among units of this type has been shown to be lower than average". This provides further support for a parking discount in this case.

10.32 Hertfordshire Highways and Street Scene services have been consulted on the amended car parking layout and raise no objections. The reduction would provide accessibility for refuse lorries to access the bin store and no issues would be raised in terms of highway and pedestrian safety.

10.33 Overall, no objection is raised to the proposed parking as it would comply with policies H8 and M12 of the Hertsmere Local Plan (2003), policy CS25 of the Core Strategy 2013 and the Council's Parking Standards SPD 2014.

Parking Design

10.34 Whilst the application provides adequate parking as discussed above for the proposed flats, the car parking area has a retaining wall around the perimeter which has been rendered in cream similar to the blocks of flats. Whilst the works to the layout of the car parking area have not been implemented this area would benefit some landscaping to break up the level of hardstanding and render around the retaining wall.

10.35 The submitted drawings do not show details of any landscaping to the parking area and there are no details in respect of the material to be used for the car park in terms of their permeability or drainage. A condition is recommended for Further details of the proposed landscaping and materials to be submitted. This will ensure that a suitable landscaping scheme can be achieved and the interests of the visual amenities of the area protected.

Land Contamination

10.36 The NPPF under paragraph 120 notes that where a site is affected by contamination responsibility for securing a safe development rests with the applicant. The role of the local planning authority is to focus on whether the
development itself is an acceptable use rather than the controls of remediation. This leads to Policy D17 of the Local Plan 2003, which expands on the guidance provided by the NPPF. It expects development to be refused in locations where there health risk to the occupiers of the proposed development as a result of the land being contaminated.

10.37 In the previously approved application under TP/10244 the Council’s Senior Scientific Officer considered that as it was proposed to change the use of the site from a public house to residential, there was the potential for land contamination that required an assessment. Officers therefore recommended that if members were minded to grant permission to attach a condition requiring the submission of a land contamination assessment. This would help to determine whether there are any contaminants on-site and whether a mediation strategy is required.

10.38 Notwithstanding the above and the fact that works are substantially complete on site. A land contamination assessment has not been carried out and therefore this condition has not been formally discharged. A condition is therefore recommended to be attached to this permission so that a land contamination assessment is carried out.

10.39 Subject to this condition, no objection is raised under policy D17 of the Hertsmere Local Plan (2003), policy CS16 of the Core Strategy (2013) or the NPPF.

Bin Storage and Recycling

10.40 Part D of the Council's Planning and Design Guide SPD (2013), and policy H8 of the Local Plan (2003) sets out the requirements for residential development to have a sufficient space to provide waste and recycling storage.

10.41 Under the Council's Waste storage provision requirement (Interim technical note) recommends that each household in the Borough requires the following provision for general waste and recycling:

- 240 litres (L) for general waste
- 240L for green waste
- 240L for glass, cartons, plastics and cans.
- 38L for paper
- 55L for plastic / cans

10.42 For development which consist of communal / shared storage provision, the volume requirements outlined above and multiplied by the number of units in the scheme. The proposed scheme is for 8 flats so for such a scheme the following is required:

- General waste - 240L x 8 flats = 1,920L
- Green waste - (240L x 8 flats) x 0.66 = 1,267L
- Plastic/cans/glass recycling) = 240L x 8 flats = 1,920L
- Paper recycling - 38L x 8 flats = 304L
• Possible future waste storage requirements = 55L x 8 flats = 440L

Total - 5851L

10.43 A bin storage building has been provided to the north east side of the car parking area. The Council’s Street scene department have been consulted on the application and have commented that internal layout of the building will need altering and the two doors proposed should be changed to a double door as the openings are not large enough for the euro bins. A condition is therefore imposed to ensure that further details are submitted to satisfy these requirements.

10.44 Overall, no objection is raised under policy H8 of the Hertsmere Local Plan (2003) and Part D of the Council's Planning and Design Guide SPD (2013) with regards to bin storage and recycling.

Section 106

10.45 The previous application approved under TP/11/0244 was subject to Council S106 contributions to mitigate the individual and cumulative impacts of development on services and infrastructure and were necessary to make such development acceptable in planning terms being directly related to it, and fairly and reasonably related in scale and kind. In accordance with the draft Planning Obligations SPD, Parts A and B (June 2010), Policy CS21 of the Hertsmere Local Plan and R2 of the Core Strategy 2013.

10.44 Under the current submission it is necessary to vary the S106 Agreement in accordance with the land issues that have arisen since the approval. It is noted however that since the application was approved, the S106 contributions have been paid in full to Hertsmere Borough Council. However, the Hertfordshire County Council Contributions have not been paid and therefore the outstanding payments will be sought through the variation of the S106 Agreement attached to this grant of planning permission.

11.0 Conclusion

11.1 The erection of 8 no. two bedroom flats within two blocks following the demolition of the existing public house in this location is considered acceptable. Subject to the conditions, the proposed dwellings in this location would not appear out of keeping, overly bulky or overbearing in the street. In addition, given their siting, height, bulk, the proposed dwelling houses would not result in any undue adverse impacts in terms of loss of residential amenity. Lastly, the proposed redevelopment would provide sufficient off street car parking and would not cause any undue detrimental effects to the archaeological asset. The proposed development therefore complies with NPPF12, PPG, Equality and Diversity. Policies D21, D20, H8, M2, M12, D3, D17, E7, E8, E11 and K1 of the Hertsmere Local Plan 2003. Policies SP1, CS1, CS4, CS7, CS12, CS14, CS16, CS22 and CS24 of the Core Strategy 2013, Part D of the Planning and Design Guide 2013 and the Parking Standards 2014.
12.0 Recommendation

12.1 Grant Permission subject to a s106. Should a signed and completed s106 agreement not be completed by 1st Dec 2014 then the application would be liable for CIL charges in accordance with the Councils agreed charging schedule.

Conditions/Reasons

01. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved and within 6 months of their approval.

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 CS22 of the Hertsmere Core Strategy 2013.

02. The details in respect of the levels of the development hereby permitted shall be in accordance with the details as agreed under reference 12/0624/DOC and as shown on drawing numbers 10365/103 and 10365/106 and as set out in letter dated 17/4/2012. Unless otherwise agreed in writing by the Local Planning Authority.

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 CS22 of the Hertsmere Core Strategy 2013.

03. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. Within 6 months of the approval of these details, the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To 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 CS22 of the Hertsmere Core Strategy 2013.

04. The Construction Method Statement was submitted and agreed under reference 12/2332/DOC and as set out in letter dated 24/12/2012. Unless otherwise agreed in writing by the Local Planning Authority.
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 2013.

05. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION detailed drawings of all existing and proposed underground works, including foundations, drainage and those of statutory undertakers, have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with the details as approved within 6 months of their approval.

This condition is a compliance condition meaning it stands (and is not discharged) until the proposed underground and foundation works have been approved by a qualified Building Control Surveyor. Following discussions with the Council's Building Control Surveyor, it understood that an initial notice has been accepted under The Building (Approved Inspectors etc.) Regulations 2000 from:
MLM Building Control Ltd
Building 7200
Cambridge Research Park
Cambridge
CB25 9TL.

Therefore this condition will be discharged once it has been confirmed that the proposed underground and foundation works have been approved.

Reason: To ensure that retained planting on the site is not adversely affected by any underground works and to comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2010.

06. The on-site storage and regulated discharge of surface water run-off hereby permitted shall be in accordance with the details as agreed under reference 12/2332/DOC and as set out in letter dated 24/12/2012. Unless otherwise agreed in writing by the Local Planning Authority.

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 CS16 of the Hertsmere Core Strategy 2013.

07. "Retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars; and paragraphs 1. and 2. below shall have effect until the expiration of 3 years from the date of the first occupation of the building for its permitted use.
No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998 (Tree Work).

2. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

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

Prohibited Activities
The following activities must not be carried out under any circumstances:

a. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

b. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

c. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

d. No mixing of cement or use of other materials or substances shall take place within Root Protection Areas, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.

e. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

08. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 ("Trees in relation to construction - 1990") and BS 3998 ("Recommendations for tree works - 1989"). The approved scheme for the protection of the existing trees
shall be implemented within 6 months of its approval and be maintained in full until the development has been completed.

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 CS22 of the Hertsmere Core Strategy 2013.

09. The applicant shall give 10 days' written notice to the Local Planning Authority prior to carrying out the approved tree works.

Reason: To enable the Local Planning Authority to verify compliance with conditions. To comply with Policy R3 of the Hertsmere Local Plan 2003.

10. NO DEVELOPMENT (including any demolition, earthworks or vegetation clearance) SHALL TAKE PLACE BEFORE a scheme of landscaping, phased in relation to any phasing of the development, 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.

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 CS22 of the Hertsmere Core Strategy 2013.

11. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan within 6 months of its approval.

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 CS22 of the Hertsmere Core Strategy 2013.

12. WITHIN 3 MONTHS OF THE DATE OF THIS DECISION a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall
be carried out in accordance with the approved schedule within 6 months of
its approval.

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 CS23 of the Hertsmere Core Strategy 2013.

13. The details in respect of an archaeology desktop based study has been
submitted and agreed under reference 2/0624/DOC and as set out in letter
dated 17/4/2012. Unless otherwise agreed in writing by the Local Planning
Authority.

Reason: To safeguard the special architectural or historic interest,
character, appearance and integrity of the Listed building. To comply with
Policies E13 and E18 of the Hertsmere Local Plan 2003 and Policy CS14 of
the Hertsmere Core Strategy 2013.

14. An investigation and risk assessment, in addition to any assessment provided
with the planning application, must be completed in accordance with a
scheme to assess the nature and extent of any contamination on the site,
whether or not it originates on the site. The contents of the scheme are
subject to the approval in writing of the Local Planning Authority. The
investigation and risk assessment must be undertaken by competent persons
and a written report of the findings must be produced. The written report is
subject to the approval in writing of the Local Planning Authority. The report
of the findings must include:
a survey of the extent, scale and nature of contamination;
an assessment of the potential risks to:
  human health
  property (existing or proposed) including buildings, crops, livestock, pets,
  woodland and service lines and pipes,
  adjoining land,
  groundwaters and surface waters,
  ecological systems,
  archaeological sites and ancient monuments;
iii an appraisal of remedial options, and proposals of the preferred option(s).
This must be conducted in accordance with DEFRA and Environment
Agency's 'Model Procedures for the Management of Land Contamination,
CLR 11'

Reason: To ensure that risks from land contamination to the future users
of the land and neighbouring land are minimised, together with those to
controlled waters, property and ecological systems, and to ensure that the
development can be carried out safely without unacceptable risks to workers,
neighbours and other offsite receptors in accordance with policy CS15 of the
Hertsmere Local Plan 2013 and policy CS16 of the Core Strategy 2013

15. The application has been approved having regard to the following plans and
documents:-
General Reason(s) for Granting Permission

00. The erection of 8 no. two bedroom flats within two blocks following the demolition of the existing public house in this location is considered acceptable. Subject to the conditions, the proposed dwellings in this location would not appear out of keeping, overly bulky or overbearing in the street. In addition, given their siting, height, bulk, the proposed dwellinghouses would not result in any undue adverse impacts in terms of loss of residential amenity. Lastly, the proposed redevelopment would provide sufficient off street car parking and would not cause any undue detrimental effects to the archaeological asset. The proposed development therefore complies with NPPF12, PPG, Equality and Diversity. Policies D21, D20, H8, M2, M12, D3, D17, E7, E8, E11 and K1 of the Hertsmere Local Plan 2003, Policies SP1, CS1, CS4, CS7, CS12, CS14, CS16, CS22 and CS24 of the Core Strategy 2013, Part D of the Planning and Design Guide 2013 and the Parking Standards 2014.

13.0 Background Papers

1. The Planning application (13/2386/FUL) 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 application was determined having regard to the guidance of the following policies: NPPF12, PPG, Equality and Diversity. Policies D21, D20, H8, M2, M12, D3, D17, E7, E8, E11 and K1 of the Hertsmere Local Plan 2003, Policies SP1, CS1, CS4, CS7, CS12, CS14, CS16, CS22 and CS24 of the Core Strategy 2013, Part D of the Planning and Design Guide 2013 and the Parking Standards 2014.

2. Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant during the application
stage which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186, 187 and 188) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

3. 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 prior approval to the work or
  - Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

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

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

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

Case Officer Details
Sharon Richards - Email Address-sharon.richards@hertsmere.gov.uk