Date of Meeting: 16 October 2014

APPLICATION NO: 14/0584/FUL

DATE OF APPLICATION: 16 April 2014

STATUTORY START DATE: 2 May 2014

SITE LOCATION
199 Watling Street, Radlett, Hertfordshire, WD7 7NQ

DEVELOPMENT
Demolition of former builders merchants and erection of 2 x retail units, 8 x 2 bedroom (3P) flats, 7 x 1 bedroom (2P) flats and associated parking.

AGENT
Mr Robert Webster
78 Connaught Avenue
Chingford
London
E4 7AP

APPLICANT
Mr Taskin Hamit
38 Station Road
Chingford
London
E4 7BE

WARD: Aldenham East
GREEN BELT: No

CONSERVATION AREA: Conservation
Area - Radlett North
LISTED BUILDING : No

TREE PRES. ORDER: No

1.0 Summary of Recommendation

1.1 That powers be delegated to the Development Manager to Grant Planning Permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 28th of November 2014.

1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 28th of November 2014, 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:

1.3 suitable provision for affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, under provision for on site amenity and section 106 monitoring has not been secured. Further, suitable provision for primary education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures has 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,
2.0 Application site / Surrounding area

2.1 The site is the redundant former Burrell & Co Builders Merchants which is single storey with a pitch roof; it has vehicular access off the mini roundabout at the junction with Watling Street and Park Road. It is situated on the north east side of Watling Street, which forms part of the District Centre and contains a variety of retail units, cafes, restaurants, offices and residential properties. The site is located approx. 200m northwest from Radlett Railway Station.

2.2 To the rear of the site is the Network Rail main railway line from St. Pancras to the Midlands. To the south is the former Radlett Fire Station which has had a recent scheme allowed at appeal for the demolition of existing buildings & erection of a building to accommodate 18 residential units (16 x 2 bed and 2 x 1 bed), a ground floor community use facility, basement parking & associated amenity space; and to the north is the Oakway parade of shops with service access road and outbuildings at the rear.

2.3 Opposite the site are the residential properties to Park Road. The site falls from Watling Street down to the railway level and the existing building is a single storey shop and offices structure at street level with lower ground floor yard and parking.

2.4 The site forms the northernmost of three sites which combined are one of four key development opportunities to improve the centre under The Radlett District Centre Key Locations SPD (adopted March 2011).

2.5 The proposed site lies within Radlett North Conservation Area, next to Locally Listed building (The Oakway, identified as a landmark building in the Conservation Area Appraisal).

3.0 Proposal

3.1 This proposal seeks planning permission to demolish the former builders merchants and the erection of 2 x retail units, 8 x 2 bedroom (3P) flats, 7 x 1 bedroom (2P) flats and associated parking. The 17 car parking spaces are located in the basement. Two of these spaces are disabled spaces. The car parking is for the residential units only.

3.2 This application has been brought to Planning Committee Members to be determined as it is deemed as a Major development, given the number of proposed residential units.

**Key Characteristics**

<table>
<thead>
<tr>
<th>Site Area</th>
<th>548.23</th>
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<tbody>
<tr>
<td>Mix</td>
<td>Residential element</td>
</tr>
<tr>
<td></td>
<td>8 x 2 bedroom (3P) flats</td>
</tr>
<tr>
<td></td>
<td>7 x 1 bedroom (2P) flats</td>
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<tr>
<td></td>
<td>Total = 15 residential units</td>
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<td></td>
<td>Retail element</td>
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<td></td>
<td>2 x retail units, element totals 146 square</td>
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</tbody>
</table>
The former builder’s merchants internal measurements is 187 square metres.

**Dimensions**

10.1m high (when measured from Watling Street) x 18.6m wide x 29.7m deep (Maximum dimensions)

**Numbers of Car Parking Spaces**

17 car parking spaces in the basement. 2 of these spaces are disabled spaces. The car parking is for the residential units only.

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>TP/76/0008</td>
<td>TWO 4 SHEET WALL PANELS</td>
<td>R 12 July 1976</td>
</tr>
</tbody>
</table>

**Pre- application**

4.1 A draft scheme was prepared and submitted for 2 x A1 retail units, 8 x 2 bedroom flats and 2 x 1 bedroom flats with 16 parking spaces. The pre- application reference is PA/12/1753 and the application date was 10th August 2012.

4.2 The application was generally well received with the support of the Conservation Officer subject to requiring further articulation of the design particularly along the flanks.

4.3 With subsequent pre- application meetings and correspondence the scheme was developed to the application proposal of demolition of the existing structure, 2 x new retail units to the ground floor, 8 x 2 bedroom flats and 7 x 1 bedroom flats with basement parking for 17 vehicles.

4.4 Amendments during pre- application stage included meeting the requirements of Hertfordshire County Council, alterations to the rooftopscape and side elevations including lightwells and dummy windows, the provision of communal amenity space to the roof and revised residential internal floor area to comply with policy.

### 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>6</td>
<td>6</td>
<td>94</td>
<td>0</td>
</tr>
</tbody>
</table>

5.1 Objection –

- No car parking spaces available for visitors or tradesmen.
- Not enough car parking spaces on site or within the street.
- Design of the building - size of the building is too high 3 stories and big.
- Loss of light to the rear of Oakway Place.
- Set the building back from the boundary.
• No mention of charging points for electric cars.
• Vehicle access to the highways could lead to severe problems for drivers, both arriving and exiting the site.
• Detriment of the safety of pedestrians using the pavement.
• Overbearing as a lack of set back with 201 Watling Street.
• Flat 1 will have less light than the 1st and 2nd floor properties in this part of the courtyard.
• The driveway to the underground parking runs next to the courtyard which means that there will be noise impact on amenity space at 201.

Notices

5.2 Site Notice (Generic)
Expiry Date: 29 May 2014

5.3 Herts Advertiser: 29th May 2014
Expiry Date: 19th June 2014

6.0 Consultations

| Senior Traffic Engineer | No objection, comments below:
| Levels of parking provision appear to be compliant with the requirements of the Council's Parking Standards, given:
| * the proposed development is located in accessibility zone 3, with good public transport links
| * the makeup of the development, consisting of smaller flats with a shared parking area
| * existing parking provision in the vicinity available for retail visitors
| It should be highlighted that residents in these new properties will not be eligible for residential parking permits in the existing Controlled Parking Zones, in line with the Council's Parking Management Strategy.
| Also, in terms of detailed design I would note the following concerns about disabled parking provision:
| * although the design of disabled bays complies with general guidance, e.g. TAL 5/95, these bays would benefit from the addition of end hatching as in BS9300:2009+A1:2010
| * although within suggested walking distances set out in TAL 9/95, it is noted that the proposed designated disabled bays are the second and third most distant from the lift providing disabled access to/from the parking area. They would be better situated as close as is feasible to the accessible entrance to the building, again referring to BS9300:2009+A1:2010.

Drainage Services
No objection, drainage condition applies.
Comments: comments made 22 May 2014

Environmental Health & Licensing
No objection, subject to condition.
I have reviewed the MRH Geotechnical Report
for 199 Watling Street, Radlett dated April 2013.

The report concludes that land contamination has been found on the development site and that remedial measures will be required. Therefore a contaminated land condition will be required to be placed on the planning permission, if granted.

No objection with regard to Environmental Noise Assessment subject to condition.

Response received 28 May 2014.

<table>
<thead>
<tr>
<th>Waste Management Services</th>
<th>No objection, subject to acceptable loading bay provided.</th>
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</thead>
<tbody>
<tr>
<td>Tree Officer</td>
<td>No objection, concerns raised.</td>
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<tr>
<td></td>
<td>I've examined the layout. The entire plot will be taken</td>
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<tr>
<td></td>
<td>up with the development with zero space for practical</td>
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<td>tree protection. Once occupied there will be increased</td>
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<td>pressures to fell or heavily prune the Ash tree. I</td>
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<td></td>
<td>seriously doubt that planning conditions would be</td>
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<td>effective in protecting the tree from construction in</td>
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<td></td>
<td>such close proximity.</td>
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<td>The committee should consider the implications of</td>
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<td>damage/removal of the Ash tree in their deliberations</td>
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<td>but if minded to grant consent, I do not see how the</td>
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<td></td>
<td>tree could remain as it cannot be protected from post</td>
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<td></td>
<td>development pressures. Normal tree protection conditions</td>
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<td></td>
<td>would not be reasonably enforceable and should be avoided.</td>
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<table>
<thead>
<tr>
<th>Thames Water Development Planning</th>
<th>No objection, standard informative applies.   Comments: Made comment 14 May 2014</th>
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</thead>
<tbody>
<tr>
<td>Hertfordshire Ecology</td>
<td>No objection.</td>
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<td>I have no reason to request any ecological</td>
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<td></td>
<td>surveys in connection with this proposal and I</td>
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<td></td>
<td>do not consider there to be any known ecological</td>
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<td>constraints regarding this proposed development.</td>
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<td>Therefore, the application can be determined</td>
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<td>accordingly.</td>
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<td>Comments: 29 May 2014</td>
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</tbody>
</table>

| Architectural Liaison Officer (Police) | No objection.                                  |
|                                       | Comments: I have commented on this application to the Architects and am pleased to see my comments have already or will be taken into account as the development moves forward, and I therefore have no further comments to make on the application. 19 May 2014 |

<table>
<thead>
<tr>
<th>Environment Agency</th>
<th>No objection, subject to conditions associated with contamination.</th>
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<tbody>
<tr>
<td>HCC Archaeology</td>
<td>No objection. Unlikely to have an impact on significant</td>
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<tr>
<td></td>
<td>archaeological deposits, structures or features. No comment at</td>
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<td></td>
<td>this time.</td>
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</table>
| Natural England Consultation Service | No objection, standard advice.  
Comments: Made comment 20 May 2014 |
|-------------------------------------|--------------------------------------|
| Network Rail London North Eastern | No objection.  
Concerns raised; certain requirements must be met.  
With reference to the protection of the railway, Network Rail has concerns over the proposed development. Firstly, Network Rail has concerns about railway safety if the basement excavations appear likely to encroach into the support zone of the tracks and Overhead Line Equipment masts. Secondly, Network Rail also has concerns on the close proximity of the Overhead Line Equipment which is 25kv, from the details supplied the return conductor is likely to be closest to the property. Finally, the developer has stated the residential floors over, are set back 2.9m from the railway boundary, however we would recommend that there is a minimum of 3m in the interests of safety of the occupants of the residential units. It should also be noted that trains on the immediately adjacent pair of tracks do not usually call at Radlett Station and could travelling up to 125mph. These concerns have been addressed in the proposal. |
| Parish Councils | No objection to the design, which we like and feel fits in well with the locality. However, we would like to make the following comments:  
The new development would be situated on an already busy roundabout with poor visibility lines for traffic entering the roundabout from Park Road. During the planning process for this application Herts Highways should give consideration to improving the safety on this roundabout either by way of traffic lights or redesigning the roundabout. Also, as the adjacent Fire Station site will also be redeveloped in the future, it is important to assess the possible impact of cars entering and exiting from these two developments on this area of the road.  
In respect of the provision of parking spaces in this development, if it can be redesigned to provide a few extra spaces then that would be an improvement.  
In the opinion of the Committee, the requirement for Affordable Housing should be met by 40% of the flats on this site being allocated to Affordable Housing, as the site is highly suitable and additional Affordable Housing is required in Radlett. The requirement for Affordable Housing should not be met by allowing the developer to make a financial contribution for Affordable |
Housing off-site.
Comments: Made comment 22 May 2014

Conservation Officer
Objections. Detailed in report

Highways HCC- Highways
No objection, subject to conditions.

Hertfordshire Fire & Rescue Service
No Response received.

EDF Energy Networks
No Response received.

National Grid Company Plc
No Response received.

Affinity Water
No Response received.

The Hertfordshire Environmental Records Centre
No Response received.

Asset Management - Parks & Cemeteries
No Response received.

Radlett Society And Green Belt Association
No Response received.

CPZ - Parking Operations
No Response received.

Community Safety Officer
No Response received.

Alexandra Stevens – HCC Planning Obligation Officer
No Response received.

Head Of Legal Services
No Response received.

Building Control
No Response received.

Housing
Comments received – 6 affordable housing units required.

7.0 Policy Designation

7.1 Town and District Centre of Radlett.
Rear of the site falls within Flood Zone 2 and 3.
Within Radlett North Conservation Area.

8.0 Relevant Planning Policies

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<tbody>
<tr>
<td></td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>D1</td>
<td>Watercourses, River Corridors, Floodplains and Water Meadows</td>
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<td>4</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>D3</td>
<td>Control of Development Drainage and Runoff Considerations</td>
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<td>5</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>D13</td>
<td>Noise-sensitive Development</td>
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<td>D17</td>
<td>Pollution Control</td>
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<td>D20</td>
<td>Supplementary Guidance</td>
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<td>8</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>D21</td>
<td>Design and Setting of Development</td>
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<td>9</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>D23</td>
<td>Access for People with Disabilities</td>
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<td>10</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>E2</td>
<td>Nature Conservation Sites - Protection</td>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>E3</td>
<td>Species Protection</td>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>E7</td>
<td>Trees and Hedgerows - Protection and Retention</td>
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<td>13</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>E8</td>
<td>Trees, Hedgerows and Development</td>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>E27</td>
<td>Conservation Areas - Adjacent Development</td>
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<td>15</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>H8</td>
<td>Residential Development Standards</td>
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<td>16</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>H13</td>
<td>Changes of Use to Residential</td>
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<td>17</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>H14</td>
<td>New Residential Development in Town &amp; District Centre Locations</td>
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<td>18</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>H16</td>
<td>Affordable Housing Provision</td>
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<tr>
<td>19</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>L5</td>
<td>Recreational Provision for Residential Developments</td>
</tr>
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<td>20</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>M2</td>
<td>Development and Movement</td>
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<td>21</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>M12</td>
<td>Highway Standards</td>
</tr>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>M13</td>
<td>Car Parking Standards</td>
</tr>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>R2</td>
<td>Developer Requirements</td>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>S1</td>
<td>Social &amp; Community Facilities-Existing</td>
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<tr>
<td>25</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>S7</td>
<td>Community Centres and Religious Buildings</td>
</tr>
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<td>26</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>T6</td>
<td>Non-Retail Uses - Locational Criteria</td>
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<td>Hertsmere Local Plan Policies 2006</td>
<td>T7</td>
<td>Non-Retail Uses - Other Criteria</td>
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<td>28</td>
<td>Hertsmere Local Plan Policies 2006</td>
<td>T8</td>
<td>Development in Shopping Centres Environmental Considerations</td>
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<td>29</td>
<td>Core Strategy 2013</td>
<td>SP1</td>
<td>Creating sustainable development</td>
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<td>Core Strategy 2013</td>
<td>CS4</td>
<td>Affordable Housing</td>
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<td>31</td>
<td>Core Strategy 2013</td>
<td>CS12</td>
<td>The Enhancement of Natural Environment</td>
</tr>
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<td>Source</td>
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<tr>
<td>32</td>
<td>Core Strategy 2013</td>
<td>CS14</td>
<td>The Protection and Enhancement of Historic Heritage Assets</td>
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<td>Core Strategy 2013</td>
<td>CS16</td>
<td>Environmental Impact of new development</td>
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<td>Core Strategy 2013</td>
<td>CS18</td>
<td>Access to services</td>
</tr>
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<td>Core Strategy 2013</td>
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<td>CS22</td>
<td>Securing a High Quality and accessible environment</td>
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<td>Development and accessibility to services and employment</td>
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<td>Core Strategy 2013</td>
<td>CS25</td>
<td>Accessibility and parking</td>
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<td>Core Strategy 2013</td>
<td>CS27</td>
<td>Town centre strategy</td>
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<td>41</td>
<td>Biodiversity, Trees and Landscape Supplement</td>
<td>Part B</td>
<td>Biodiversity</td>
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<td>42</td>
<td>Hertsmere Planning &amp; Design Guide 2013</td>
<td>Part D</td>
<td>Guidelines for Development</td>
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<tr>
<td>43</td>
<td>Supplementary Planning Document AH</td>
<td></td>
<td>Affordable Housing Supplementary Planning Document</td>
</tr>
<tr>
<td>44</td>
<td>Supplementary Planning Document PO</td>
<td></td>
<td>Planning Obligations Supplementary Planning Document Parts A</td>
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<td>45</td>
<td>Supplementary Planning Document PS</td>
<td></td>
<td>Parking Standards Supplementary Planning Document</td>
</tr>
<tr>
<td>46</td>
<td>Supplementary Planning Document RPB</td>
<td></td>
<td>Radlett District Centre Key Locations Planning Brief Supplement</td>
</tr>
</tbody>
</table>

### 9.0 Key Issues

1. History
2. Principle
3. Impact on the Radlett Conservation Area
4. Architectural detailing and appearance
5. Height, mass and size
6. Residential amenity
7. On site amenity
8. Affordable Housing
9. Parking Standards
10. Cycle Standards
11. Highways
12. Refuse
13. Comprehensive development plan
14. Crime prevention
15. Flooding
16. Ecology
10.0 Comments

History

10.1 The application at the site has been subject to extensive negotiations and discussions through the pre-application process between the Planning Department, Conservation Officer, Crime Prevention Advisor, Waste Services and Highways Authority. The submitted scheme represents all that has been discussed and negotiated in the past year of the pre-application. Greater detail of the pre-application process are given at 4.1 – 4.4.

Principle

10.2 The site lies within the Radlett District Shopping Centre Local Plan (2003). The combination of retail at ground floor with residential above is acceptable in principle subject to compliance with other policies. This mix is consistent with:

- NPPF requiring local planning authorities to pursue policies to support the viability and vitality of their town centres – to plan positively for the growth of and development within existing town centres. This includes allocating a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres and also, specifically, recognising the role residential development can play in ensuring vitality;

- Hertsmere Core Strategy (2013) Objective 12 (to safeguard and enhance the role of town and district centres) and Policy CS27 (development within Radlett District Centre). Also CS7 (Housing Mix).

- Core Strategy objective for Radlett to secure high quality development on key sites emerging in the district centre.

- Local Plan (2003) policies to protect town centre vitality and viability, particularly Policy T2 (pursue initiatives to assist regeneration) and Policy T6 (avoid an over-concentration of non-retail uses in any parade or the centre as a whole).

- The Radlett District Centre Key locations SPD (adopted March 2011) indicates that a mixed-use development would be supported. Retail/commercial uses on the ground floor fronting Watling Street are supported, which will provide active frontage helping to encourage increased footfall to the north – especially the Oakway parade of shops. The SPD indicates that the upper floors would in principle be suitable for office or residential use.

- The proposal incorporates 2 units for A1 use at ground floor. The SPD states that given the general character of Radlett and the Council’s vision for the settlement, the Council would support the provision of a number of smaller retail units at ground-floor level. Such units would be suitable for the type of independent
10.3 Overall, there is no principle objection to the erection of the proposed scheme on the site of the former builders merchants. This is also the view of the Senior Planning Policy Officer in the Policy and Transport Department. As such the proposal would accord with the Radlett District Centre Planning Brief SPD (2011), the NPPF (2012), policies T6, T7 and S1 of the Local Plan (2003), policy CS18 of the Core Strategy (2013).

Impact on the Radlett Conservation Area

10.4 The application site lies within character Zone 1 (Watling Street) of the Radlett North Conservation Area (The remainder of the combined site lies immediately outside the Conservation Area). The buildings themselves are neither listed nor on the local list but the site is prominent and an important one in both heritage and townscape terms. The adopted Radlett District Centre Key Locations SPD envisages “a distinctive development that would take architectural cues from nearby buildings and preserve or enhance the character and appearance of the Radlett (North) Conservation Area.” Core Strategy Policy CS14 and Local Plan policies E19 to E23, E25 and E26 apply.

10.5 The adjoining terrace The Oakway 137-197 Watling Street is locally listed and is therefore also a heritage asset, covered by Core Strategy Policy CS14 and paragraph 5.19 and Local Plan Policy E18.

10.6 As noted earlier the adjoining site the former Radlett Fire Station has had a recent scheme allowed at appeal for the demolition of existing buildings & erection of a building to accommodate 18 residential units (16 x 2 bed and 2 x 1 bed), a ground floor community use facility, basement parking & associated amenity space.

10.7 The scheme must therefore be assessed on its impact on these properties. Para 135 of NPPF reinforces the importance of protecting non-designated heritage assets from harm.

Assessment

10.8 As part of the pre-application process comments were initially made 29 August 2012 from the Conservation Officer which stated:

“That there was no objection to the proposed demolition or to its replacement with a building as indicated in the drawings submitted. The scheme was deemed to be generally acceptable and likely to present no detriment to the Radlett North Conservation Area and/or the setting of nearby Locally Listed buildings.”

10.9 Comments were then updated and amplified as result of closer examination of the drawings dated as Received 14 August 2012. These are summarised as follows:

“The gables in the upper parts of the proposed replacement building may be seen as fitting in well with the nearby gables of existing buildings on both sides of the road and thus will blend effectively with the surroundings when seen in views along the length of Watling Street in either direction. The proposed front elevation of the new three storey block on to Watling Street is
shown, the central gable is wider and taller than the two on either side; the overall effect is neo-Tudor, like Oakway, and this is regarded as acceptable.

The stall risers, upright members and their capitals and the design and materials used for the glazing, fenestration and shop fascias of the retail units on the ground floor require full detailing and the current level of detailing is not adequate. Doubt remained with regard to detailing and material, it was suggested more details of materials and design were required before the scheme could be approved. The proposed Side Elevation was indicative only. It shows the shape and dimensions of the side of the proposed building but there are no other details.

It was suggested that the side elevations would require a good deal of detail to be added in respect of the finish to the brickwork: colour and texture of bricks and their pointing, style of coping and/or finish of sloping gable ends, possible addition of features to relieve or break up these long stretches of wall. It was concluded that in light of the requirements set out in the Council’s Planning Brief for Radlett District Centre (2011) and Policies E23, E25 and E26 in the Local Plan (2003, Page 166) the scheme as submitted is acceptable in its overall intentions. However, it is severely lacking in detail and cannot be approved until these improvements to points are incorporated in a future application.”

10.10 In conclusion the original Conservation Officer supported the scheme in principle, however required further information with regard to the detailing at the application stage to insure there is no detrimental impact on the Radlett North Conservation Area and/or the setting of nearby Locally Listed buildings was required.

10.11 As part of the formal full planning application process the scheme has been reviewed by a new Conservation Officer whom was not part of the pre-application process, the comments are detailed below:

“I am happy to support a more considered approach to delivering a design that will preserve and enhance this site and its impact on the conservation area. But there is clearly issues that need further consideration including:

- Negative impact on the character and appearance of the Conservation Area (bulk and mass)
- Impact of use of a recessed entrance to basement parking and flats on streetscape and pedestrian movement
- Potential loss of the tree to north-east corner of the site and its contribution to the townscape/conservation area
- Development with amenity space directly backing onto and overlooking rail tracks to rear
- Design quality and approach that fails to adequately preserve, enhance or improve the character and quality of the area or its special architectural and historic interest.

10.12 As seen above issues have been raised by the Conservation Officer with regard to the design aspects, appearance and bulk-mass of the scheme. However, it is noted
that many of these aspects were considered acceptable at the pre-application stage and the proposal was brought forward to application stage on this basis. The pre-application position would form a material consideration at appeal.

10.13 The proposed front elevation of the new three storey block on to Watling Street with front gables gives the overall effect of neo-Tudor, like the Oakway and the approved residential lead mixed use development at the adjacent fire station site. The side and rear elevations are also designed in keeping with the approved fire station scheme with similar side light wells and rear gable. It is considered that these light wells break up the impression of bulk when viewed from the wider conservation area with two pitched gable ends to the front and rear of the proposed side elevation in the likeness of the Oakways side elevation. Dummy widows have also been proposed in the side elevations to overcome concerns raised at the pre-application stage with regard to the lack of articulation of these elevations.

10.14 It is therefore the case officer’s view that, notwithstanding the comment of the Conservation officer on the formal submission, it is considered that the design approach is acceptable as to not adversely impact the character of the Conservation Area. It is also noted that the Parish Council are receptive to the design approach. It is considered that the proposal would enhance the Watling Street, street scene and the Conservation Area. The proposal would have more architectural merit than the existing buildings known as Burrell & Co., builders merchants which are an ad-hoc collection of single storey structures fronting on to Watling Street, so consequently the proposal would be an improvement to the street scene and enhance the Conservation Area.

10.15 It is considered that further details are required with regard to the materials for windows, doors, elevation treatments and roof. These can be conditioned to seek further plans and samples for suitability and enforced by way of condition.

Conclusion

10.16 Given the above, it is considered that the proposal would not significantly adversely impact the character of the area, thereby enhancing the Radlett Conservation Area. No objection is raised by virtue of the Council’s Planning Brief for Radlett District Centre (2011) and Policies E23, E25 and E26 in the Local Plan and policy CS13 of the Core Strategy (2013) and the NPPF.

Architectural detailing and appearance

Approach

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

Context

10.18 The surrounding area is mixed in terms of architectural detailing. The buildings of significant architectural merit are the ones that have Local Important Building status
the Oakway, 137-197 Watling Street (Local List no. 105) a two storey row of shops and flats in Neo-Tudor style with half-timbered gables projecting into the front roof elevation and dated 1924. This row of buildings provides a visual cue to future developments on this side of Watling Street in the vicinity and the proposed design reflects this generally in the main elevation of the proposed new building towards the street.

10.19 It is noted that the Fire Station site as approved is for a three storey mix-used scheme with front gables which has also been designed with reference to the Oakway.

10.20 Overall it is considered that there is a mixture of designs within the Conservation Area with the Oakway the most prominent in term of design.

Assessment

10.21 The existing buildings known as Burrell & Co., builders merchants is an ad-hoc collection of single storey structures fronting on to Watling Street with long flanks leading down in the direction of the railway at the rear. A gabled building stands at the north end with gently pitched roofs. At the south corner is a stretch of older brick walls on both elevations of some historic interest, but its removal, as with other parts of Burrell’s yard, is recognised as acceptable.

10.22 The proposal would have more architectural merit than the existing building and consequently would be an improvement to the street scene and enhance the Conservation Area. The proposal introduces a traditional form of development that takes its cues for the front elevation form The Oakway Parade, following the neo-Tudor design which reflects the Radlett street scape and in particular the adjacent Oakway Parade and newly approved adjacent fire station site. The structure is of four floors including basement/ lower ground and three upper floors – the third floor being within the roofscape; with the ridge height based on the Oakway Parade. The design also considers the significance of the site and the relationship to Park Road/ junction with Watling Street with government guidelines encouraging development at corners and prominent sight lines. The proposal therefore adopts a streetscape value and focal point both aspects that will enhance Radlett streetscape.

10.23 The side and rear elevations maintain a vernacular and proportioned detail and mass to reflect local development reflective of the fire station site and will not impair the character or skyline of Radlett North. It is considered that this traditional form of development is most welcomed given that it would complement The Oakway Parade and Fire Station site but also because it would achieve a high quality design and removes the existing poor quality buildings on the site that negatively impacts on the Conservation Area.

10.24 The windows and doors themselves have panes within them to add to the character of the traditional style proposed. Above some of the windows have brick detailing to add further characteristics which have been annotated on the plans as brick arch rubbers. A timber painted shop front is proposed, with facing brick work and a tiled roof. It is considered that this demonstrates a traditional approach, no objection is raised. This however, is subject to the imposition of a condition relating to the submission of materials.

10.25 The plans have not been annotated in relation to the boundary treatment and other means of enclosure including a ‘green fence’, security gates and gates along the
vehicle access. Given that these have not been annotated on the plans in detail, a condition is suggested to be imposed for the submission of these details.

Conclusion

10.26 No objection is raised in relation to the architectural approach and appearance of the proposed development. The proposal would enhance the Watling Street, street scene and the Conservation Area. No objection is raised by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS22 of the Core Strategy (2013), Part D of the Planning and Design Guide (2013) and the NPPF.

Height, mass and size:

Policy

10.27 Policy H8 of the Hertsmere Local Plan sets out the detailed considerations that will be taken into account when an application for new residential development is proposed. This policy seeks to ensure a residential development is harmonious to the street scene, does not over dominate the existing scale and pattern or adversely affect the general character of surrounding buildings. Additionally, Policy D21 supports this aim, by requiring new developments to respect their surroundings in terms of scale, massing, materials, layout, bulk and height. The provisions of Policies H8 and D21 are supported by the Council's Planning and Design Guide Part D, which is incorporated within Policy D20. This is also reiterated by policy CS22 of the Hertsmere Core Strategy (2013).

Height

Specific Policy

10.28 The Radlett District Centre Planning Brief SPD (2011), with relation to the Burrell & Co states that "the height of any new development and associated number of storeys should reflect that of the immediate surrounding area. A two-storey building, possibly with accommodation within its roof void, would be acceptable, though there may be some scope for the building to be taller when viewed from the rear, in line with other properties on the east side of Watling Street. Given the size of the site, however, any building should be well articulated so that its bulk does not appear out of character or scale with surrounding development".

Proposal

10.29 The proposal is two and a half storeys high when viewed from the front of the site. In the roof there is habitable accommodation and in essence is deemed as the third floor. As the proposal extends to the rear the height remains the same, but due to the elevation differences to the rear of the site, the shared amenity deck has been created partly out of the roof of the third floor and has been annotated as the 'roof plan' on the plans.

Assessment and conclusion

10.30 Both The Oakway Parade and the Fire Station site to either side of Burrell & Co are two stories and two and half storeys respectively. It is noted that this is the immediate street scene. The wider street scene, including the buildings directly opposite the site, are made up of buildings that are in excess of two and a half storeys with examples of three storey and four storey high buildings in the area. In a District
Centre, such high heights are expected to be seen given the established use of the District Centre as the commercial hub of the town.

10.31 The proposed height is 10.4m high to a hipped roof form that has a crown. The Planning and Design Guide Part D (2013) advises that new buildings should respect the height and building envelope of existing buildings within the vicinity and help create a balanced streetscape. It is important not to fixate on the proposal being higher than the existing proposal but rather whether the proposal would help create a balanced streetscape (it is to be the same height as the Oakway Parade). The existing buildings within the vicinity of the proposal have a range of heights and roof forms. Given the range of building heights and roof forms it is not considered that the increased height would not cause demonstrable harm to the street scene to justify a reason for refusal.

10.32 Also, it is worth noting that the roof form being hipped ensures that the ridge height is always sloping away from the street scene perspective rather than a gable end arrangement where appreciation of the ridge height can be easily perceived. No objection is raised in this instance.

Size and mass

Elevations

10.33 The size and mass of developments must be a key consideration because such developments must add to the overall quality of the area in a positive and pro-active manner and not appear over-dominant. The size and mass of the proposal is similar to that of the Fire Station Site although it is wider and deeper than other properties in the surrounding area.

10.34 The proposal has been designed to be in a ‘H’ shape on the plot to assist with manipulating the built form. This means that when viewed from the street scene, either side, only 8.5m of the first wing would be visible. For the next 6m the built form has been recessed by approx. 2.5m which provides positive relief to the built form. The rear element of the scheme then projects back out to the side boundary for a total of 11m in depth. The Agent has provided ‘Street Scene’ perspectives which demonstrate how visible the side elevations of the proposal would be. One can ascertain that although the side elevations of the proposal would be visible from Watling Street, given the design and architectural articulations of the side elevations, the impact of the size and mass of the proposal is broken up and would be creatively assimilated within the street scene. No objection is raised to this element of the scheme.

Roof form

10.35 The roof form is traditional with low eaves detail that can be seen to the front and side elevation with a traditional roof pitch throughout the scheme. It is noted that a crown roof has been incorporated into the scheme, but it is not considered to add undue bulk and mass to the roof. This is because of the detailing added to the front elevation in terms of the projecting front gables, the side gables and the architectural detailing on the front and side elevations in the forms of the balconies and detailing. No objection is raised to this element of the scheme.
Overall

10.36 No objection is raised in relation to the height, size and mass of the scheme by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS22 of the Core Strategy (2013), the Radlett District Centre Planning Brief (2011), the Planning and Design Guide Part D (2013) and the NPPF.

Spacing, setting and spatial layout:

10.37 The proposed spacing, setting and spatial layout is deemed acceptable. The proposal is to be built up to the side property boundaries, set approx. 1m back from the approved Fire Station development and 3m back from the nearest side elevation of Oakway Parade. While the 1 metre set back does not maximise potential levels of separation it is considered acceptable in this instance given the proposed follows the appearance of the adjacent properties and a 1m separation is not significantly out of character with the surrounding area. The basement is to be built up to the rear property boundary with the bulk of the building set back 3m from the railway boundary to the rear. The proposal has ‘breathing’ space around the elevations of the building and it is situated on the plot forward enough to promote active frontages along Watling Street, which is promoted by best practice. The spacing, setting and spatial layout elements of the scheme have been incorporated within the street scene view as well as the 3D conceptual drawings. Given the above, no objection is raised by virtue of policies D20 and D21 of the Local Plan (2003), policy CS22 of the Core Strategy (2013), Part D of the Planning and Design Guide (2013) and the NPPF.

Residential amenity

Policy and context

10.38 Policy H8 relates to the protection of residential amenity and Supplementary Planning Document Part D provides further guidance (enabled by Policy D20 of the HLP). To the side of the development are the Fire Station Site and 197 Watling Street (Oakway Parade). There is no residential element to Burrells & Co currently and therefore an assessment in relation to the existing impact on residential amenity is not required.

Fire Station Site

10.39 The Fire Station site was approved at appeal, there were a number of conditions attached to the decision notice to ensure that the site subject of this application can be developed without being hindered. These conditions are as follows:

9. The windows to be created in the first and second floor side elevations (these do not including the windows serving bedrooms 1 and 2 to flats 7, 11, 14 and 18) 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.

10 NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of opaque privacy screens to the side of the balconies serving flat 8, 10, 15 and 17, have been submitted to and approved by the Local Planning Authority. The opaque privacy screens to the balconies shall be erected and hereby retained in perpetuity.
10.40 It is noted that in the committee report of the Fire Station site that it would be unreasonable to put a screen on the balconies serving bedroom 1 and 2 of flat 7 and 14; and that this application would need to take particular consideration of bedrooms 1, 2 and the balcony that serves these rooms.

10.41 The proposed building is to be located 1 metre from the approved scheme at the fire station. No windows are proposed in the side elevation facing the fire station site other than those within the light well. The windows shown in the side elevation are indicative only, giving the side elevation some articulation; they are dummy windows so there will be no overlooking as a result.

10.42 Within the proposed lightwell at first floor level the bedrooms (2) within flat 7 and 8 face directly opposite bedroom 1 and 2 of flat 7 with in the Fire Station site. They are to be located 10 metres apart, the SPD states that where elevations are directly opposite a side elevation containing habitable rooms building should be a minimum of 10 metres apart; plan no. 415/115 shows this relationship and that the minimum distance is meet. However, concern is raised as there are balconies approved outside of these windows at a distance of 5 metres to the first floor level bedrooms (2) within flats 7 and 8. It is considered that there is the potential for adverse overlooking from these balconies into these habitable rooms and vice versa.

10.43 It is considered that these balconies have somewhat limited the potential for development at the application site and as such it should be looked at how these windows can be retained. It is noted that these bedrooms are secondary bedrooms to the flat and as a result it is suggested that the windows could have treatment or be angled to avoid overlooking of the Fire Station site by way of condition. The other windows in the light well at this level serve a bathroom and kitchen it is suggested that these could be conditioned to be non-opening and obscurely glazed below 1.7 metres to avoid overlooking.

10.44 At the level above at second floor there is a similar arrangement and relationship with the fire station site; with the same bedrooms, balcony and setbacks. However with these secondary bedrooms within flats 13 and 14 the windows proposed to provide light are ‘roof lights’. These are at a height above 1.7 metres so it is considered that there would be no overlooking from the application site. However it is considered that there potentially could be overlooking from the balconies of the fire station site so it is suggested that the roof lights should have some angled treatment to reduce the impact, imposed by way of condition. The other roof lights within the light well serve a bathroom and kitchen it is suggested that these be non-opening and obscurely glazed below 1.7 metres to avoid overlooking.

10.45 Views from the side balconies of unit 13 serving the living/dining room could potential impact in terms of adverse overlooking of the Fire Station Site; it is considered that a balcony-screen should be imposed by way of condition to overcome this issue.

10.46 The remaining balconies are recessed within the built form and consequently are screened by the built form. Balcony screens are also suggested at roof and terrace level facing the fire station site to avoid adverse overlooking, imposed by way of condition.

*Rear of Radlett Park Road*

10.47 To the rear of the site is Radlett Park Road. The nearest rear elevation of the residential properties at Radlett Park Road and the rear elevation of the proposal would be 86m away. In between this 86m separation distance is a car park, a railway
line and dense soft landscaping. Given the distance between the proposal and the properties, it is considered this is significant enough not to cause harm to residential amenity. No objection is therefore raised to the impact upon privacy, outlook, daylight and sunlight.

The Oakway

10.48 The proposed building is to be located approx. 3 metres from The Oakway. No windows are proposed in the side elevation facing the fire station site other than those within the light well. The windows shown in the side elevation are indicative only, giving the side elevation some articulation; they are dummy windows so there will be no overlooking as a result.

10.49 Within the proposed lightwell the window formation is the same as the arrangement facing the Fire Station site. Given the relationship with Oakway it is considered that there would be no overlooking from the windows within Flat 4, 5, 10 and 11 onto the flank gable end wall of The Oakway. It is considered that there could potentially be internal overlooking to the kitchens and bathrooms within these flats facing the lightwell and therefore it is suggested obscure glazing is imposed by way of condition.

10.50 Views from the side balconies of unit 11 serving the living/dining room could potential impact in terms of adverse overlooking of The Oakway. It is considered that a balcony-screen should be imposed by way of condition to overcome this issue.

10.51 The remaining balconies are recessed and would be screened by the built form. Balcony screens are also suggested at roof and terrace level facing The Oakway site to avoid potential adverse overlooking, imposed by way of condition.

1 & 2 Park Road and 30 & 32 Watling Street

10.52 These properties are located directly opposite the proposed site. These properties are situated some 16m away from the front building line of the proposal. The proposed building line would be in line with the adjoin Fire Station site and The Oakway Parade. These front building lines are the same separation distances as the buildings on the opposite side of the road at Watling Street and Park Road. It is noted that there are to be balconies on the front elevations of the proposal.

10.53 Given the commercial hub of the District Centre along Watling Street, this area is not deemed as particularly private. Consequently, given the distance away from the proposal and the context of the area in the commercial hub of Watling Street, no objection is raised to impact upon outlook and privacy of these properties. It should also be noted that active frontages are required to be promoted in a District Centre to ensure that crime and the perception of crime are kept to a minimum.

Sunlight and daylight

10.54 A Daylight and Sunlight assessment was carried out on the proposal examining its impact on the above surrounding properties. The assessment by right of light concluded that the development will have a low impact on the light received by its neighbouring properties and that the development design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight. This assessment was reviewed by officers and considered acceptable.
10.55 Therefore no objection is raised in relation to the loss of sun light and daylight to the surrounding properties.

Overall

10.56 No objection is raised by virtue of policies H8, T7 and T8 of the Local Plan (2003), policy CS21 of the Core Strategy (2013), Part D of the Planning and Design Guide (2013) and the NPPF. It has been suggested to impose a condition relating to the restriction of the hours of use for the retail facility on the ground floor. This is to ensure that no adverse harm would be caused to the existing and future occupiers of the area.

Internal Floor Areas

10.57 In accordance with Part D of the Planning and Design Guide the internal space standards are outlined as follows:

<table>
<thead>
<tr>
<th>Dwelling type (bedrooms/persons)</th>
<th>Minimum GIA (square metres)</th>
<th>Proposed GIA (square metres) approx. sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 x 1 bedroom 2p unit</td>
<td>1b/2p</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 1 – 59</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 2 – 50.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 3 – 51.34</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 6 – 67.9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 9 - 61</td>
</tr>
<tr>
<td>8 x 2 bedroom 3p units</td>
<td>2b/3p</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 4 – 63</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 5 – 68.2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 7 – 68.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 8 – 63.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 10 – 80.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 11 – 61.8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 12 – 67.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 13 – 61</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 14 – 80</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Flat 15 – 94.5</td>
</tr>
</tbody>
</table>

10.58 The bedrooms would meet the space standards for double and single bedrooms. Given the above it is considered that the internal size would also meet the needs of future occupants and would also enable an element of flexibility to meet changing needs over time.

On site amenity

10.59 In accordance with the Planning and Design Guide Part D (2006) Flatted developments 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.

The required amenity space = 380m2
Amenity space proposed = 155.3m2

Shortfall of amenity space = 224.7m2
10.60 An on balanced view in relation to this matter is required to be taken. Given that each flat has its own balcony area-terrace, each flat has access to a large amenity deck on the third floor, the site is within the District Centre and a financial contribution has been offered in relation to the under provision of amenity space, no objection is raised. Overall, no objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2013.

**Affordable Housing**

**Policy Background**

10.61 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 40% 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**

10.62 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 s106 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 Committed 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>

10.63 It is accepted by Officers that it would not have been viable to achieve provision through points 1-4 of the above table. As such a review of provision 5 (commuted sum for affordable housing) is assessed below:

10.64 The application was reviewed by the Housing Manager who made the following comments:

“The scheme has triggered the 40% threshold requirement for affordable housing provision as the developer proposes development of 15 residential units in total. This then provides 6 units for affordable homes. SPD ratio split is based on SPD 75% for Social rented and 25% for intermediate housing.”
Based on the information above the preferred affordable housing mix would be:

4 Affordable rented and 2 Intermediate Housing:

<table>
<thead>
<tr>
<th>Rented Units</th>
<th>Intermediate homes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 x 1 bed flats</td>
<td>1 x 1 bed flat</td>
</tr>
<tr>
<td>2 x 2 bed flats</td>
<td>1 x 2 bed flat</td>
</tr>
</tbody>
</table>

To meet the housing need and ease demand for social housing in this area housing requires the developer’s to provide affordable homes within the proposed scheme to help meet local peoples need and demand.

10.65 The applicant has not provided this affordable housing on site provision. However has submitted a financial viability assessment which has had two independent assessments undertaken on behalf of the Council. Both consultants employed by the Council concluded that the scheme cannot viably support the provision of affordable housing in terms of onsite or make a contribution.

10.66 A meeting was held with the viability assessor representing the applicant and the latest Council assessor on the 18th of September 2014. It was advised that the application would unlikely be supported at committee without any affordable housing provision or payment in lieu.

10.67 As such the viability assessor went back to the applicant and has come forward with the following offering:

“A financial contribution of £127,600 towards affordable housing."

- The sum is the direct equivalent of providing a payment in lieu of 1 affordable housing unit (flat), as calculated by the updated financial contributions section of the Hertsmere Affordable Housing SPD.
- The sum is in addition to the £130,000 being provided in S.106 contributions
- The sum is being provided despite the viability deficit.
- It has been agreed by both viability consultants employed by the Council that the scheme cannot viably support the provision of affordable housing.

10.68 For six affordable housing units a sum of £765,600 would be required, the applicant has offered £127,600 which is the equivalent of 1 unit plus the required 10 percent which is the contribution towards the costs of servicing that land as required in the 2008 SPD.

10.69 In order to secure this extra affordable housing sum should a greater profit be achieved through the building and sale phase of development a claw back mechanism is suggested as follows:

This means payment to Council any increase in the GDV above the GDV Baseline, less any increase (or decrease) in construction costs above the construction cost baseline, multiplied by 50%, up to a maximum payment of £765,600 (seven hundred
sixty five thousand and six hundred pounds) which is the total affordable housing payment for six affordable units.

10.70 Given the above no objection is raised and is considered to comply with policy CS4 of the Core Strategy (2013), the draft SPD on Affordable Housing (2014) and the NPPF.

Parking Standards

Proposal

10.71 There are a total of 17 car parking spaces proposed in the basement this includes two disabled spaces. The following is the breakdown of car parking spaces:

- Residential: The proposal is providing 17 car parking spaces for the residential element of the scheme. Two of these spaces is an exclusive disabled space.
- Retail: No car parking spaces are provided as part of the retail element of the scheme.

The policy for the residential element of the scheme

10.72 The scheme is assessed in terms of compliance with policy CS25 of the Core Strategy adopted 2013. The Parking Standards (adopted 2014) states that 1 bedroom properties are required to provide 1.5 car parking spaces and 2 bedroom properties are required to provide 2 car parking spaces. The site is within residential accessibility zone 3 meaning that there could be a discount of between 50% to 75% of the car parking provision subject to justification provided. In total 26.5 car parking spaces would be required. If a 50% provision is provided this is a total of 13.25 required car parking spaces. If a 75% provision is provided a total of 19.875 would be required. In addition to this, one space is required to be exclusively a disabled space and another space also meeting the disabled standards.

Assessment

10.73 The proposed 17 car parking spaces would fall within the provision of over a 50% requirement of the car parking on the site by an additional 1.75 spaces. The applicant has submitted a Transport Assessment which provides justifications.

10.74 It is noted that the location is close to Radlett Rail Way Station and is in residential and non-residential accessibility zones 3 which promotes the use of walking, cycling and public transport. It is recognised that reduced on-site parking would have advantages in terms of limiting the impact on the junction and local road network. Accessible car parking provision and cycle parking have also been provided which supports the reduced Parking Standards.

10.75 The application has been reviewed by the Senior Traffic Engineer who has concluded that the levels of parking provision appear to be compliant with the requirements of the Council's Parking Standards:

- the proposed development is located in accessibility zone 3, with good public transport links
the makeup of the development, consisting of smaller flats with a shared parking area

It should be highlighted that residents in these new properties will not be eligible for residential parking permits in the existing Controlled Parking Zones, in line with the Council's Parking Management Strategy.

10.76 However the following comments were also made:

- although the design of disabled bays complies with general guidance, e.g. TAL 5/95, these bays would benefit from the addition of end hatching as in BS9300:2009+A1:2010.
- although within suggested walking distances set out in TAL 9/95, it is noted that the proposed designated disabled bays are the second and third most distant from the lift providing disabled access to/from the parking area. They would be better situated as close as is feasible to the accessible entrance to the building, again referring to BS9300:2009+A1:2010.

10.77 It is suggested that this detail be imposed by way of condition.

10.78 Given the above, no objection is raised. It should also be noted that one space has been allocated for exclusive disabled spaces and there is one additional disabled space, which complies with the requirements of the Parking Standards as a total of 17 car parking spaces are being provided.

Conclusion

10.79 The Parking Standards SPD states that developments consisting primarily of smaller flats with shared parking areas are most likely to qualify for a greater reduction in parking provision. This is because car ownership among these types of units are shown to be lower than the average. Given the content of the Transport Statement, and the comments of the Senior Traffic Engineer, it is considered that there would be no undue harm providing 50% of the required car parking for such a site. Further, even the Council’s own Parking SPD encourages the reduction in car parking spaces for such schemes. No objection is raised by virtue of policy CS25 of the Core Strategy (2013), Parking Standards (2014) and the NPPF.

The policy requirements for the retail element of the scheme

10.80 The Parking Standards (2014) state that the A1 (other) retail uses requires 1 space per 35m2.

- 146m2 of retail floor space has been provided requiring 4 spaces

10.81 The site is situated in zone 3 of the non-residential accessibility zone within the Borough which enables a 50% to 75% reduction in the number of on-site car parking spaces.

Assessment and conclusion

10.82 No car parking has been provided for the retail element of the scheme. The Transport Assessment states that the retail unit will be part of the overall retail provision in the existing town centre, which is served by a mixture of on-street (CPZ
Warden Controlled) parking bays and a large public car park. Accordingly, no car
parking is provided for this element of the proposal.

10.83 The application has been reviewed by the Senior Traffic Engineer who states that
there is existing parking provision in the vicinity available for retail visitors.

10.84 It is considered that it would be unreasonable to refuse this element of the scheme
on the lack of car parking, given the above. No objection is raised by virtue of policy
CS25 Core Strategy (2013), Parking Standards (2014) and the NPPF.

Cycle Standards

10.85 The Parking Standards SPD (2014) states that 1 secure long term cycle space is
required per residential unit plus 1 short term space per 5 units where communal
parking is to be provided. Therefore, in total, 18 cycle spaces would be required for
the residential element of the scheme. The same document states that 1 short term
space is required per 150m2 and 1 long term space per 10 staff for the A1 use.
There is 146m2 of retail floor space being provided and 5 full- time staff, as such no
provision is required for this element.

10.86 A cycle store is provided within the basement car park for the residents of the
proposed scheme. The applicant has stated in their 'Transport Statement' that there
will be sufficient space for provision of one space per unit. This is 3 spaces short of
the requirement as outlined above however given the sustainable location is
considered acceptable in this instance.

10.87 The proposed cycle provision is considered therefore to be in general accordance
with the Car Parking Standards SPD (2014) and no objection is raised to this element
of the scheme.

Highways

10.88 The site is in a highly sustainable accessible central location with the Transport
Statement analysis of personal injury data showing that the existing Watling Street/
Park Road mini- roundabout is operating at present.

10.89 The proposed access arrangement has been proposed to provide an improved
vehicular crossover on the eastern side of the roundabout, located further
southwards than its current position, and therefore better aligned with the circulatory
carriageway of the mini- roundabout. The access will be widened from 3.5m to 4.8m
to provide for two- way vehicle working, an improvement over the existing access,
which has the potential to require vehicles to wait on the mini-roundabout when a
vehicle is exiting the site.

Assessment

10.90 The Highways Authority has raised no objection to the scheme. The scheme has
been extensively negotiated with the Planning Officers, the Highways Authority
Officers, the developer and the Transport Consultants, i-Transport LLP.

10.91 The Transport Statement states that the development proposal will result in an
overall reduction in traffic using the site access in both the peak hours and over the
course of a 12 hour period, when compared to the extant builders' merchant use. It
will remove HGVs using the access. The site can be accessed safely by both car and
non- car modes with the access widened from 3.5m to 4.8m to provide for two- way
vehicle working with the reduce opportunity for vehicles to cause an obstruction to the operation of the junction. The proposed access therefore offers a geometric-design improvement when compared to the existing arrangement.

10.92 The proposal will result in an overall reduction in vehicular trips both in the peak hours and over the course of a 12 hour day and, in particular, HGV trips will be removed from the access. Given the extensive consideration of the schemes access which is emphasised by the Transport Assessment, no objection is raised to this element of the scheme.

Conditions and Section 278 agreements

10.93 In regards to the trees, footway and kerbs, this would fall under the Section 278 agreement with the Hertfordshire County Council Highways Authority. Further a condition is suggested to be imposed for a method statement relating to the construction of the development in interest of highway safety.

Overall

10.94 Overall, no objection is raised by virtue of policies M2 and M12 of the Local Plan (2003), policy CS25 of the Core Strategy (2013) and the NPPF subject to the imposition of conditions and the Section 106 request, as discussed within the Committee Report.

Refuse

10.95 The Hertsmere Planning and Design Guide states all new development will be expected to provide areas for sorting, storage and collection of materials for recycling and general refuse.

10.96 There are two elements of the scheme that are required to be serviced in terms of refuse, this is the retail element and the residential element. Both elements are to the right hand side of the access in close proximity to the street frontage, before the security shutter of the ramp to the car parking in the basement. The proposed bins will be partially screened from the street scene by the proposed building.

10.97 The application has been reviewed by the street scene services department who has raised no objection provided loading bays are approved. The application has also been reviewed by the Manager at Hertfordshire Highways who has stated that all servicing will take place either from the street or from loading- unloading facilities in Watling Street. As such this aspect is deemed acceptable.

10.98 Given the above, no objection is raised by virtue of Part D of the Planning and Design Guide (2013) and the Interim Technical Note: Waste storage requirements for new developments.

Comprehensive development plan

10.99 An indicative comprehensive development plan was provided as part of the adjacent Fire Station development application number 14/0584/FUL. This demonstrated how the Fire Station site would fit in with the application site.

10.100 Plans 415/114 and 415/115 have been submitted as part of the current application, these demonstrate that the development at the former Burrell & Co does not jeopardise the ability to develop the neighbouring plots.
10.101 It should also be noted that the existing site can be developed without causing harm to existing residents at Oakway Parade and proposed residents at the Fire Station Site.

**Crime prevention**

10.102 The Hertfordshire Constabulary’s Crime Prevention Design Advisor has raised no objection to the scheme and considered that the open views would allow clear views into and out of the site. Consequently, in terms of Crime Prevention, no objection is raised to the scheme.

**Flooding**

10.103 The Radlett District Centre Key locations SPD indicates that the Council would support basement level car parking if it could be demonstrated that such an arrangement would not result in an undue level of flood risk. National flood zones 2 and 3 adjoin the rear boundary of the site.

10.104 The Environment Agency was consulted as part of the application they have not objected to the scheme subject to imposed conditions relating to a risk assessment, site investigation and verification report.

10.105 Consequently, no objection is raised in relation to flooding by virtue of policy D3 of the Local Plan (2003), policies CS12 and CS15 of the Core Strategy (2013) and the NPPF.

**Ecology**

10.106 Local Planning Authorities have a statutory duty to ensure that protected species are protected from the adverse effects of development. The presence of a protected species is a material consideration in a planning decision. It is therefore essential that the presence or otherwise of a protected species and the development impacts are established prior to the granting of planning permission. Furthermore, under policy E2 and E3 of the Hertsmere Local Plan (2003) development which would have an adverse effect on a local nature reserve, wildlife site or a regionally important geological site as well as badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 would be refused. Policy CS12 of the Core Strategy (2013) generally complements these policies.

10.107 The three tests as set out in The Conservation (Natural Habitats) Regulations 1994 contain 3 tests, which must be as applied by Natural England when determining whether to grant a license are set as follows.

1. The development/activity must be for imperative reasons of overriding public interest or for public health and safety.
2. There must be no satisfactory alternative.
3. Favourable conservation status of the species must be maintained.

10.108 The Ecology adviser at Hertfordshire County Council reviewed the application and made the following comment:

10.109 I have no reason to request any ecological surveys in connection with this proposal and I do not consider there to be any know ecological constraints regarding this proposed development. Therefore, the application can be determined accordingly.
10.110 Therefore, no objection is raised and the statutory duty of the Local Planning Authority has been discharged.

Trees

10.111 It is noted that there is a large Ash tree located adjacent to the north-eastern corner of the site. As a result the application was reviewed by the tree officer, he concluded:

“The entire plot will be taken up with the development with zero space for practical tree protection. Once occupied there will be increased pressures to fell or heavily prune the ash tree. I seriously doubt that planning conditions would be effective in protecting the tree from construction in such close proximity. The committee should consider the implications of damage/removal of the ash tree in their deliberations but if minded to grant consent, I do not see how the tree could remain as it is nor be protected from post development pressures. Normal tree protection conditions would not be reasonably enforceable and should be avoided.”

10.112 It is noted that the Radlett District Centre Planning Brief states to comply with Hertsmere Local Plan (2003) policy E7. Any proposed development would have to be carried out in a way that protects existing trees. If it is found acceptable for trees to be removed then the Council would expect at least two replacement trees for every one tree lost.

10.113 It is suggested that a condition be imposed requiring a landscape plan so that this can be controlled.

Contamination

10.114 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. Policy CS16 of the core strategy states proposals will be required to incorporate sustainable principles ensuring that pollutants are minimised.

10.115 The applicant submitted a contamination analysis as part of the application. The Environmental Health Department reviewed the application and made the following comment:

10.116 The report concludes that land contamination has been found on the development site and that remedial measures will be required. Therefore a contaminated land condition will be required to be placed on the planning permission, if granted.

10.117 The condition sets out a precautionary approach to identify whether contamination exists and if so what mitigating measures need to be introduced. With a contamination condition the proposed development would be acceptable given the mitigation of any identified harm. The proposal would be in accordance with the NPPF 2012, NPPG 2014, Policy CS16 of the Core Strategy 2013 and Policy D17 of the Local Plan 2003.
Equalities and Diversity

10.118 The Equality Act 2010 came into force in April 2011. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have ‘due regard’ to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity. In relation to this specific application due regard has been made to the protected characteristics and it is considered that there would be no adverse impact caused following this development.

Section 106

10.119 The Borough Council and County Council would receive the following monies for the scheme. The Heads of Terms are as follows:

<table>
<thead>
<tr>
<th>Hertfordshire County Council</th>
<th>Agreed Heads of Terms</th>
<th>What the Heads of Terms should be</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Education</td>
<td>£7,179.00</td>
<td>£7,179.00</td>
</tr>
<tr>
<td>Secondary Education</td>
<td>£3,881.00</td>
<td>£3,881.00</td>
</tr>
<tr>
<td>Youth</td>
<td>£125.00</td>
<td>£125.00</td>
</tr>
<tr>
<td>Libraries</td>
<td>£1,571.00</td>
<td>£1,571.00</td>
</tr>
<tr>
<td>Fire Hydrant</td>
<td>Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.</td>
<td>Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.</td>
</tr>
<tr>
<td>Sustainable Transport</td>
<td>£6,625.00</td>
<td>£6,625.00</td>
</tr>
</tbody>
</table>

| Hertsmere Borough Council    |                        |                                  |
| Affordable housing           | £127,600               | **£765,600**                     |
| Public Open Space (East of railway) | £39,038.00          | £39,038.00                       |
| Public Open Space (West of railway) | £4,060.25            | £4,060.25                        |
| Public Leisure Facilities    | £465.63                | £465.63                          |
| Playing Fields               | £13,018.88             | £13,018.88                       |
| Greenways                    | £2,616.15              | £2,616.15                        |
| Allotments                   | £15,198.00             | £15,198.00                       |
| Cemeteries                   | £577.38                | £577.38                          |
| Section 106 Monitoring       | £2,194.50              | £2,194.50                        |
| Short fall in on site amenity| £29,967.81             | £29,967.81                       |
| Museums and Cultural facilities | £2,093.00            | £2,093.00                        |
| Total -                      | **£256,110.60**        | **£894,110.60**                  |
Other matters

Hours of working

10.120 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. Furthermore, the issue regarding sewage does not fall under the remit of Planning and if any issues arise it is advised that the issue is reported to the water company.

11.0 Conclusion


12.0 Recommendation

12.1 That powers be delegated to the Development Manager to Grant Planning Permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 28th of November 2014.

12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 28th of November 2014, 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:

12.3 Suitable provision for affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, under provision for on site amenity and section 106 monitoring has not been secured. Further, suitable provision for primary education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures has 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 Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

Conditions/Reasons

1. CA01 Development to Commence by - Full
   
   Reason: CR01 Development to commence by - Full

2. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
   
   Reason:
   To 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.

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

4. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), security gates, the green fence, 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.
   
   PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.
   
   Reason:
   To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

5. NO DEVELOPMENT SHALL TAKE PLACE BEFORE amended plans have been received showing:
   
   • the disabled bays with addition of end hatching as in BS9300:2009+A1:2010
   
   • the designated disabled bays situated as close as is feasible to the accessible entrance to the building, again referring to BS9300:2009+A1:2010.
These are required to be submitted to, and approved in writing by, the Local Planning Authority. The construction shall be carried out in accordance with the approved plans.

Reason: CR11

6. CB15 No New Means of Enclosure

Reason:
To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS25 of the Hertsmere Core Strategy 2013.

7. CE16 Construction Management

Reason:
In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS25 of the Hertsmere Core Strategy 2013.

8. CG01 Prior Submission - Surface Water Run-Off

Reason:
To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS16 of the Hertsmere Core Strategy 2013.

9. CB22 Landscape Management – to include 2 replacement trees

Reason: CR27

10. The windows and roof lights to be created in the first floor and second floor side elevation (bedrooms 2 to flats 7, 8, 13 and 14) within the proposed lightwell shall have angled treatment to avoid overlooking, these are to be submitted to and approved by the Local Planning Authority. The kitchen and bathroom windows in these flats 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 CS22 of the Hertsmere Core Strategy 2013.

11. The kitchens within flat 5 and 11 and bathrooms within flat 4 and 10 shall be non-opening and obscurely glazed below 1.7 metres to avoid overlooking. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

12. Balcony-screens are required on the side balconies of unit 11 and 13 as well as on the roof and rear terraces to avoid overlooking, these are to be submitted to and approved by the Local Planning Authority. The balcony-screens shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.


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

Reason: To protect the residential amenity of the future occupants by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy D14 of the Hertsmere Local Plan 2003 and Policy CS16 of the Hertsmere Core Strategy 2013.

14. The A1 use class (Retail facility) hereby permitted shall take place between the hours of:
   Monday to Friday 08:00 till 20:00;
   Saturday 08:00 till 20:00; and
   Sunday and Bank Holidays 09:00 till 17:00.


Contamination

15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D17 of the Local Plan 2003 and Policy CS16 of the Core Strategy 2013.

16. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy D17 of the Local Plan 2003 and Policy CS16 of the Core Strategy 2013.

Highways

17. Before first occupation of the approved development, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans (Drawing ITB89020-GA-001A) and constructed to the specification of the Highway Authority and Local Planning Authority’s satisfaction.

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.

18. Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

a. Construction vehicle numbers, type, routing;

b. Traffic management requirements;

c. Construction and storage compounds (including areas designated for car parking);

d. Siting and details of wheel washing facilities;

e. Cleaning of site entrances, site tracks and the adjacent public highway;

f. Timing of construction activities to avoid school picks up/drop off times;

g. Provision of sufficient on site parking prior to commencement of construction activities;

h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

Environment Agency

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:
   ☐ all previous uses
   ☐ potential contaminants associated with those uses,
a conceptual model of the site indicating sources, pathways and receptors, 
potentially unacceptable risks arising from contamination at the site.

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

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

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

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

Reason: To protect groundwater quality in line with Hertsmere Core Strategy 
(Adopted January 2013) Policy CS16 - Environmental impact of development. The 
site is located within groundwater Source Protection Zone 3 which means the 
groundwater underneath the site is ultimately used for public drinking water supplies. 
The submitted Preliminary Risk Assessment notes the site was a former builders 
yard. However, there doesn't seem to be any consideration of that potential 
contaminants may be present on site. E.g. Paints, solvents, adhesives etc. The 
limited site investigation (+6 trial pits to 0.7m depth) indicates there are some metal 
hotspots of contamination. However, the risk to groundwater has not been 
considered. If further intrusive investigations are required for foundation design then 
it would be beneficial for groundwater monitoring to be included.

This condition has been recommended as we are satisfied that there are generic 
remedial options available to deal with the risks to groundwater posed by 
contamination at this site. However, further details will be required in order to ensure 
that risks are appropriately addressed prior to development commencing.

The Local Planning Authority must decide whether to obtain such information prior to 
determining the application or as a condition of the permission. Should the local 
planning authority decide to obtain the necessary information under condition we 
would request that this condition is applied National Planning Policy Framework 
(NPPF) paragraph 109 states that the planning system should contribute to and 
enhance the natural and local environment by preventing both new and existing 
development from contributing to or being put at unacceptable risk from, or being 
adversely affected by unacceptable levels of water pollution. Government policy also 
states that planning policies and decisions should also ensure that adequate site 
investigation information, prepared by a competent person, is presented (NPPF, 
paragraph 121).

20. No occupation of any part of the permitted shall take place until a verification 
report demonstrating completion of works set out in the approved remediation 
strategy and the effectiveness of the remediation shall be submitted to and approved, 
in writing, by the local planning authority. The report shall include results of sampling 
and monitoring carried out in accordance with the approved verification plan to 
demonstrate that the site remediation criteria have been met. It shall also include any 
plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of 
pollutant linkages, maintenance and arrangements for contingency action, as
identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect groundwater quality in line with Hertsmere Core Strategy (Adopted January 2013) Policy CS16 - Environmental impact of development. This condition ensures that any contamination encountered during redevelopment is appropriately addressed following good practice guidelines.

The verification report should be undertaken in accordance with our guidance Verification of Remediation of Land Contamination http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf

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

Reason: To protect groundwater quality in line with Hertsmere Core Strategy (Adopted January 2013) Policy CS16 - Environmental impact of development.

Intrusive investigations will not necessarily capture all contaminants present, hence the need to keep watching brief and to appropriately address any new source discovered during excavation and development.

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

Reason: To protect groundwater quality in line with Hertsmere Core Strategy (Adopted January 2013) Policy CS16 - Environmental impact of development. We strongly encourage sustainable drainage systems using infiltration, but it must be demonstrated that the infiltration will be clean water into uncontaminated ground. This condition ensures that the site disposes of surface water appropriately without contaminating groundwater.

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

Reason: To protect groundwater quality in line with Hertsmere Core Strategy (Adopted January 2013) Policy CS16 - Environmental impact of development. Piling using penetrative methods can result in risks to potable supplies from pollution, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. It should be demonstrated that any proposed piling will not result in contamination of groundwater.

24. 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 - Received 16 April 2014
Contamination Analysis (MRH Geotechnical) – Received 16 April 2014
Environmental Noise Assessment/ Trains & Traffic (W.A.Hines & Partners) - Received 16 April 2014
Arboricultural Implications Report (Arboricultural Solutions) - Received 16 April 2014
Transport Statement (i-Transport) - Received 16 April 2014
Daylight and Sunlight Study (Right to Light Consulting) – 14 August 2014
Financial Viability Assessment (DS2) – Received 30 April 2014
Viability Assessment (DVS Property Specialists) - July 2014
Viability Assessment (Christopher Marsh & Co. Ltd. 23.06.2014
Email from Jack Savin- Taylor dated 22 September 2014

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 a ground floor retail element. The siting, design and appearance of the proposal is considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. The layout and design of the proposal, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking and cycle provision is considered to be sufficient. No objection is raised by virtue of the Hertsmere Local Plan adopted 2003 policies H8, H13, H14, H16, T6, T7, T8, L5, S1, S2, S7, M2, M12, E2, E3, E7, E8, E27, D1, D3, D13, D17, D20, D21, D23 and R2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS4, CS12, CS13, CS15, CS17, CS18, CS20, CS21, CS22, CS23, CS24 and CS27. Part D of the Council's Planning and Design Guide SPD (2013). The NPPF (2012). Parking Standards (2014). Affordable Housing SPD (2007). Radlett District Centre Planning Brief (2011). Section 106 Part A and Part B (2010). Biodiversity, Trees and Landscape Part B (Biodiversity) 2010.

Informative

1. Section 106

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

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 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 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.

3. Network Rail

**Drainage**
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

**Excavations/Earthworks**
All excavations/ earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project
Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail’s infrastructure or railway land.

**Fail Safe Use of Crane and Plant**
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a “fail safe” manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

**Security of Mutual Boundary**
Security of the railway boundary will need to be maintained at all times. If the applicant must contact Network Rail’s Asset Protection Project Manager.

**Fencing**
Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail’s existing fencing / wall must not be removed or damaged.

**Method Statements/Fail Safe/Possessions**
Method statements may require to be submitted to Network Rail’s Asset Protection Project Manager at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

**OPE**
Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

**Demolition**
Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail’s Asset Protection Project Manager before the development can commence.
**Vibro-impact Machinery**

of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

**Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

**Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. Developers may be asked to pay for bridge protection barriers.

**Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

**Cranes**

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

**Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail’s adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail’s boundary. This will allow construction and future maintenance to be carried out from the applicant’s land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

**ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant’s
land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**Noise/Soundproofing**
The Developer should be aware that any development for residential use Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

**Trees/Shrubs/Landscaping**
Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail’s boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

**Acceptable:**
Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat “Zebrina”

**Not Acceptable:**
Acer (Acer pseudoplantanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common line (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

**Lighting**
Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the drainage, boundary fencing, method statements, soundproofing, lighting and landscaping should be the subject of
conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

4. Planning permission/advertisement consent/listed building consent has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-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.

Case Officer Details
Nick Eagle - Email Address-nick.eagle@hertsmere.gov.uk