

**Date of meeting: 13<sup>th</sup> June 2019**

**APPLICATION NO: 18/1811/FUL**

**DATE OF APPLICATION: 13 September 2018**

**STATUTORY START DATE: 30 October 2018**

**SITE LOCATION**

Land at 1 & 1A Drayton Road and associated neighbouring premises at 48, 50, 52 and 52A, Shenley Road, Borehamwood, Hertfordshire

**DEVELOPMENT**

Amendment to application 17/1010/FUL to enable the conversion and extension of the upper parts to form new residential accommodation providing 15 new residential units (8 x 1 bed and 7 x 2 bed units) with associated refuse and cycle storage and the creation of associated parking spaces following demolition of the existing rear garages (amended by plans received 16/01/2019).

**AGENT**

Mr Ben Willcox  
Castle Hill House  
12 Castle hill  
Windsor  
SL4 1PD

**APPLICANT**

Mr Adam Harris  
1 Drayton Road  
Borehamwood  
WD6 2DA

**WARD:** Borehamwood Hillside

**GREEN BELT:** No

**CONSERVATION AREA:** No

**LISTED BUILDING:** No

**TREE PRES. ORDER:** No

**REASONS FOR COMMITTEE CONSIDERATION**

This is a major development exceeding the threshold of delegated authority in the constitution.

## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 It is recommended that powers be delegated to the Head of Planning and Economic Development to grant planning permission, subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act by 30th August 2019, or at a later date to be agreed in writing.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within this timescale it is recommended that the Head of Planning and Economic Development be given delegated powers to refuse the planning application, for the reason set out below:
- 1.3 *The application fails to adequately address the affordable housing requirement for the development and would be contrary to the requirements of the NPPF, the Site Allocation and Development Management Policies Plan 2016, the Core Strategy 2013 Policies CS4 and CS21, the Affordable Housing SPD 2015 and the Planning Obligations SPD 2010.*

## **2.0 APPLICATION SITE AND SURROUNDINGS**

- 2.1 The application site consists of a two-storey building at the junction of Drayton Road and Shenley Road within the town centre of Borehamwood. At ground floor level there is currently a mixture of retail (Class A1) and office (Class B1) uses. The first floor of the building had previously been used as a snooker/pool club and a boxing gym (Class D2) but has been vacant for the past 1 – 2 years. The first floor of the building has a separate entrance which is accessed via Drayton Road. This part of the building is derelict and the building as a whole has witnessed incidents of vandalism and a whole range of anti-social behaviour recently.
- 2.2 This part of the Borehamwood Town Centre is characterised by a mixture of uses including retail, restaurants, drinking establishments and takeaway outlets. Residential properties are situated towards the southeast and northeast of the application site.
- 2.3 The application site is located within close proximity to Borehamwood and Elstree railway station and bus routes serve Shenley Road. Towards the rear of the building is an existing car park which is accessed via an existing covered vehicular access on Drayton Road. The surrounding streets are restricted by controlled parking zones with pay and display bays on Drayton Road.

### 3.0 PROPOSAL

- 3.1 Amendment to application 17/1010/FUL to enable the conversion and extension of the upper parts to form new residential accommodation providing 15 new residential units (8 x 1 bed and 7 x 2 bed units) with associated refuse and cycle storage and the creation of associated parking spaces following demolition of the existing rear garages.

### 4.0 RELEVANT PLANNING HISTORY

Reference number	Description	Date and outcome
17/1010/FUL	Conversion of the first floor of the existing buildings and construction of a second floor with eleven dormer windows rooflights to accommodate 10 new residential units (1 studio apartment and 7no. 1 bed apartments, 2no. 2 bed apartments) with second floor roof terrace; associated refuse and cycle storage; demolition of existing garages at the rear and new parking layout.	7 June 2018 Grant Permission
14/0607/FUL	Change of use of ground floor from offices and community history project offices and display space (museum) (D1) to offices (B1a)	24 June 2014 Grant Permission
TP/81/5332	ILLUMINATED PROJECTING SIGN	24 September 1981 Approval
TP/81/0001	INTERNALLY ILLUMINATED PROJECTING BOX SIGN	4 February 1981 Approval
TP/81/0169	SHOPFRONT	14 May 1981 Approval
TP/84/0797	CHANGE OF USE OF FIRST FLOOR FROM DANCE STUDIO TO PRIVATE MEMBERS SNOOKER CLUB (SITE PLAN.)	13 December 1984 Approval
TP/88/0235	1 NO. INTERNALLY ILLUMINATED PROJECTING SIGN.	9 June 1988 Approval
TP/88/0034	SINGLE STOREY FRONT AND SIDE EXTENSION.	10 March 1988 Grant Permission



<b>Consultee</b>	<b>Date Consulted</b>
HCC Spatial Planning And Economy Unit	1 November 2018
Parks & Cemeteries - Waste & Street Scene	1 November 2018
Herts & Middlesex Wildlife Trust	1 November 2018
Hertfordshire Ecology	1 November 2018
Housing	1 November 2018
NHS England	1 November 2018
NHS England (CCG)	1 November 2018
Health & Community Services Management Board (HCC)	1 November 2018
Senior Flood Risk And SuDS Officer	1 November 2018
Highways England	1 November 2018
CIL	1 November 2018
Policy & Transport - Majors Only	1 November 2018
Transport For London	1 November 2018
Place Services - Essex County Council - Urban Design Advice	1 November 2018

Responses:

<b>Consultee</b>	<b>Comment</b>
Drainage Services	No objection.
Environmental Health & Licensing	Measures to reduce poor air quality should be encourage and promoted.
Waste Management Services	Concern over proposed refuse arrangements.
Highways HCC	No objection.
Hertfordshire Fire & Rescue Service	No objection.
HCC Spatial Planning And Economy Unit	No objection.
Hertfordshire Ecology	No objection and informatives recommended.
Senior Flood Risk And SuDS Officer	No objection subject to relevant drainage conditions.
Highways England	No objection.
Transport For London	No objection.
Place Services - Essex County Council - Urban Design Advice	No objection subject to relevant materials condition.

### 5.3 Neighbour responses

<b>In Support</b>	<b>Against</b>	<b>Comments</b>	<b>Neighbours Notified</b>	<b>Contributors Received</b>
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1 letters of objection received raising the following concern:

- The proposal would prejudice the use of the existing access, which is shared with the existing nearby funeral parlour.

## **6.0 PLANNING POLICY CONTEXT**

### **6.1 National Policy/Guidance**

National Planning Policy Framework 2019 (NPPF)

National Planning Policy Guidance (NPPG)

### **6.2 The Development Plan**

**Adopted Hertsmere Local Plan:  
Development Plan Document Core Strategy 2013**

SP1 - Creating Sustainable Development

SP2 - The Location of New Houses

CS1 - The Supply of New Homes

CS2 - The Location of New Homes

CS3 - Housing Delivery and Infrastructure

CS4 - Affordable Housing

CS16 - Environmental Impact of New Development

CS17 - Energy and CO2 Reductions

CS18 - Access to Services

CS21 - Standard Charges and other Planning Obligations

CS22 - Securing a High Quality and Accessible Environment

CS24 - Development and Accessibility to Services and Employment

CS25 - Accessibility and Parking

### **6.3 Site Allocations and Development Management Policies Plan 2016**

SADM3 - Residential Developments

SADM12 - Trees, Landscaping and Development

SADM13 - The Water Environment

SADM14 - Flood Risk

SADM15 - Sustainable Drainage Systems

SADM17 - Water Supply and Waste Water

SADM19 - Waste Storage in New Development

SADM20 - Environmental Pollution and Development

SADM30 - Design Principles

SADM40 - Highway and Access Criteria for New Development

#### **6.4 Supplementary Planning Guidance / Documents**

Planning and Design Guide - Part D: Guidelines for High Quality Sustainable Development (draft revised version 2016)

Planning and Design Guide - Part E: Guidelines for Residential Extensions/Alterations (2006)

Parking Standards SPD (2014)

Affordable Housing SPD (2015)

Biodiversity, Trees and Landscaping SPD – Parts B, C and D (2010)

Technical Note on Waste Storage Requirements (2017).

#### **7.0 ASSESSMENT & REASONED JUSTIFICATION**

**7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'.**

7.2 The proposal raises the following key issues:

- Principle of Development
- Affordable Housing
- Impact on Visual Amenity
- Impact on Residential Amenity
- Internal space standards
- Amenity space provision
- Parking, Access and Highway Safety
- Flood Risk and Sustainable Urban Drainage
- Waste Storage
- Biodiversity and compliance with Habitat Regulations 2010
- Community Infrastructure Levy
- Equalities and Diversity

#### **7.3 Principle of Development**

7.4 Policy SP1 of the Council's core strategy states that there should be a focus on prioritising development opportunities within existing built up areas within urban settlements, which would be expected to accommodate opportunities

which arise for meeting local housing, jobs growth and other development and service needs.

- 7.5 This policy reflects the key provision in the National Planning Policy Framework 2019 which seeks to direct housing provision to the urban core by encouraging the effective use of land through reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value and by actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 7.6 The proposed development seeks to reuse vacant / derelict premises in the town centre of Borehamwood. Furthermore, the application site lies within a sustainable location, in close proximity of the railway station, local bus routes and local shops and services and would make the fullest possible use of public transport, walking and cycling.
- 7.7 An important material planning consideration to note is that there is an extant planning permission, which had previously been granted under application 17/1010/FUL, for the conversion of the first floor of the existing building and construction of a second floor in order to accommodate 10 new residential units (1 studio apartment and 7 no. 1 bed apartments, 2 no. 2 bed apartments) with a second floor roof terrace. This permission has not yet been implemented.
- 7.8 The main difference between the previous permission and the current proposal is that the new proposal is putting forward an additional second storey to the building along with a new roof extension the previous granted scheme had only proposed an additional roof extension.
- 7.9 As such, officers consider that the principle of development is acceptable, subject to the assessment of all other material planning considerations.

#### **7.10 Affordable Housing**

- 7.11 The Council's Affordable Housing requirements are set out in Policy CS4 of the Core Strategy 2013, however, each application must be considered on its merits, taking account of material considerations. These considerations include the latest government guidance and the Council recognises that the NPPG refers to a threshold of 10 residential units above which Affordable Housing should be provided. Applications exceeding this threshold will be expected to deliver Affordable Housing in line with Policy CS4 and the Council's Affordable Housing SPD and sites capable of accommodating more than 10 new homes will be expected to contain this quantum of housing.



7.12 The proposed scheme is for the construction of fifteen residential units and as such the proposal would trigger the Council's affordable housing policy.

7.13 The proposed development would make provision for 5 no. residential units as part of the 15 no. in total that would be created, thereby resulting in a provision of 35% affordable housing as part of the proposed development and in compliance with the percentage requirement as set out within the Council's Affordable Housing SPD. As part of this 35% affordable housing provision, 4 no. residential units would be provided as social rented units and 1 no. residential unit would be provided as a shared ownership unit, for which the Council's Housing Manager has assessed and raises no objection to this proposed mix.

#### **7.14 Impact on Visual Amenity**

7.15 The relevant policies and guidance are CS22, SADM3, SADM30 and Part D of the Planning and Design Guide SPD. These policies and guidance are consistent with the NPPF and require new development to respect or improve the character of their surroundings.

7.16 The Council's Urban Design Specialists have assessed the application and have advised that the scale of proposed development is in keeping with its surrounding context and have raised no objection over the arrangement over the proposed elevations for the additional second floor extension, however, they have raised concern over a few elements of the proposal; namely the proposed use of render to the additional storey, the proposed window design and the scale of the proposed rear section of roof extension. Following these comments made and discussions between the agent and the Council's Urban Design Specialist, amended plans have been received, which have now removed the render from the proposed additional storey, simplified elements of the proposed window design and reduced the scale of the rear section of the proposed roof extension.

7.17 Officers therefore consider that the revised design of the proposed roof extensions are in keeping with the appearance of the existing building whilst the proposed dormer windows and roof lights would not be excessive in terms of size and scale and would add some element of visual interest to the overall appearance of the building. The amended plans have altered the design of the proposed windows in order to replicate the design to the existing first floor windows to the building. Officers also consider that the proposed roof extensions would also be set back from the main Shenley Road frontage and as such would not appear visually harmful to the character and appearance of this main thoroughfare.

- 7.18 The Council's Urban Design Specialist, have recommended an appropriate materials condition, requiring details to be submitted and approved by the local planning authority, to ensure that there is an appropriate use of specified external materials, which would be essential to ensure the quality of link between the proposed additional storey and the existing built form.
- 7.19 As such, Officers consider that the proposed development would not be detrimental to the overall character and appearance of the existing building or that of the general character and appearance of the surrounding area.

#### **7.20 Impact on Residential Amenity**

- 7.21 The relevant policies and guidance are CS22, SADM30 and Part D of the Planning and Design Guide SPD. These policies and guidance are consistent with the NPPF and require new development to respect residential amenity in terms of light, outlook, privacy, noise and pollution.
- 7.22 The proposed additional storey and roof extension would be sited above the roof top of the existing building and would add additional floors of development, however, the highest point of the proposed roof extension is sited closer to the Drayton Road frontage, with the remaining element of the proposed roof extension set at a lower level towards the central part of the application site. The proposed development would be sufficiently separated from those neighbouring properties situated along Drayton Road and Furzehill Road and as such, Officers consider that the proposal would not result in a loss of daylight/sunlight or have an overbearing impact on those neighbouring properties.
- 7.23 Officers note that there is an absence of windows to the northwestern side elevation of the neighbouring block of flats of nos. 1 – 6 Drayton Road and that although the proposal would involve the creation of new windows and dormer windows to the southeastern elevation of the building and therefore within relatively close proximity to the neighbouring building, Officers note that there is already a degree of overlooking from the first floor windows to the existing building and that the proposed windows/dormer windows would not result in any increased level of overlooking or loss of privacy when compared to the existing relationship between the two buildings.
- 7.24 The neighbouring properties situated along Furzehill Road are sufficiently separated from the existing building at a distance in excess of 30m and as such, Officers consider that the proposed windows/dormer windows and rooflights to the northeastern elevation of the building would not result in any loss of privacy or direct overlooking towards these neighbouring properties. Officers note that the proposal would involve the creation of a new roof terrace to one of the proposed residential units. In order to ensure that there is

no loss of privacy or direct overlooking towards those neighbouring properties situated towards the northwest and southeast of the siting of the proposed roof terrace, a condition is recommended ensuring details of side privacy screens are submitted and approved by the local planning authority before the proposed roof terrace comes into use.

#### **7.25 Internal space standards**

7.26 Draft Part D of the Planning and Design Guide 2016 provides advice on the minimum acceptable size of gross internal floorspace for proposed development. The provision for 1 storey/1 bedroomed dwellings should provide a minimum of 37m<sup>2</sup> internal floor area and built-in storage of 1.0m<sup>2</sup> and for 1 storey/2 bedroomed dwellings should provide a minimum of 61m<sup>2</sup> internal floor area and built-in storage of 2.0m<sup>2</sup>. The minimum internal floor area of the proposed residential units would exceed the required internal floor areas, in order to comply with these guidelines.

7.27 With regard to bedroom sizes, draft Part D of the Planning and Design Guide advises that a double bedroom should be a minimum of 11.5m<sup>2</sup> and a single bedroom, 7.5m<sup>2</sup>. The internal dimensions of the proposed single and double bedrooms would exceed that of the required dimensions and as such, Officers consider that the internal dimensions are therefore sufficient to meet the needs of the future occupants of the proposed residential units.

#### **7.28 Amenity space provision**

7.29 Flats should be provided with sufficient private useable amenity space. 1 bedroom units should provide at least 20 sqm of amenity space, with a further minimum 10 sqm for each additional bedroom. The proposal does not make adequate provision for private useable amenity space and this is not unusual for a residential development in a dense urban town centre environment. This notwithstanding, consideration should be given to accessible public useable amenity spaces situated within a short walking distance of the application site. Therefore on balance, the amenity space provision is considered acceptable.

#### **7.30 Parking, Access & Highway Safety**

7.31 The NPPF 2019 states that planning authorities should set local parking standards which take account of the accessibility of a site and the type of development. Policy CS25 of the Core Strategy 2013 and the Parking Standards SPD 2014 seek to ensure the car parking needs of development are accommodated on site in terms of the number of off street car parking spaces. Policy SADM40 Site Allocations and Development Management

Policies Plan 2016 seeks to ensure highway safety issues are tackled in schemes.

- 7.32 The Parking Standards SPD 2014 advises that 1 bedroom dwellings would need to provide 1.5 no. off-street parking spaces and that 2 bedroom dwellings would need to provide 2 no. off street parking spaces (resulting in a total of 30 no. off-street parking spaces). Officers note that there is currently an under provision of required parking spaces with only 9 no. car parking spaces having been provided for the proposed development. However, the proposed development is within the Borehamwood Accessibility Zone 2 and as such a discount range of 25%-100% of the maximum standard can be applied to the total number of parking spaces required. In this particular example, applying the 25%-100% discount range, there would be a reduction in 23 no. off-street parking spaces as part of the proposal, resulting in a requirement to provide 7 no. off-street parking spaces. The 9 no. off-street car parking spaces would therefore meet the requirements of the Council's Parking Standards 2014.
- 7.33 It should also be noted that due to extensive parking controls in the surrounding area and the relatively high accessibility - being located close to Borehamwood and Elstree railway station, local bus routes and within close proximity to local shops and services, there is a very strong case for a relaxation of parking standards for the proposed development.
- 7.34 The development proposes the retention of the existing vehicular highway access onto Drayton Road. This road is classified as a Local Access Road within Hertfordshire's road hierarchy and operates on a one-way basis (south to north). The proposed car parking provision (9 spaces) would be accessed from this point. 24 no. cycle parking spaces are also proposed to be accessed from a separate gated access. Access to the cycle storage would be combined with the refuse bin storage area.
- 7.35 The County Highway Authority has advised that they raise no objection to the proposed development in terms of impact on highway and pedestrian safety.

### **7.36 Flood Risk & Sustainable Urban Drainage**

- 7.37 The application site lies within Flood Zone 2 and 3 and is at projected risk of surface water flooding. The agent has provided a Flood Risk Assessment and additional flooding information, for which the County Lead Local Flood Authority (LLFA) has reviewed this assessment and has raised no objection to this, as they have advised that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk, if carried out in accordance with the overall drainage strategy. The LLFA

have recommended a number of conditions to ensure compliance with the submitted Flood Risk Assessment and additional information and the submission of a further management and maintenance plan for all the SuDS features and structures, in order to secure the operation of the scheme throughout its lifetime.

### **7.38 Waste Storage**

7.39 Policy SADM19 and Part D (draft) of the Planning and Design Guide SPD requires adequate provision for the storage of waste for new developments. The Council's Technical Note: Waste Storage Provision Requirements for New Developments 2017 sets out guidance on the Council's current requirements for waste and recycling storage at new developments.

Each household in the Borough requires the following provision for general waste and recycling:

- 240 litres (L) for general waste
- 80L for food and garden waste
- 240L for commingled recycling (excluding paper)
- 38L for paper
- 55L of capacity for possible future waste storage requirements is required.

7.40 All new development needs to make provision for general waste and recycling storage in line with these requirements. Waste and recycling storage should also be sensitively located. Also, waste storage should be located within a 15 metre carry distance from the adjacent road, for ease of working for waste operatives.

7.41 The proposed bin storage area would be sited 10m when measured from the adjacent highway of Drayton Road and therefore within 25m of this highway. The proposed bin storage area would therefore be sited within the required collection distance for waste operatives and the size of the proposed bin storage area would be sufficient in order to meet the storage capacity requirements.

### **7.42 Biodiversity and compliance with Habitat Regulations 2010**

7.43 The Natural Environment and Rural Communities (NERC) Act came into force on 1st Oct 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

- 7.44 This duty extends to all public bodies the biodiversity duty of section 74 of the Countryside and Rights of Way Act 2000 (CROW), which placed a duty on Government and Ministers.
- 7.45 The aim of the biodiversity duty is to raise the profile of biodiversity in England and Wales, so that the conservation of biodiversity becomes properly embedded in all relevant policies and decisions made by public authorities.
- 7.46 The NPPF states that the Planning System should contribute to and enhance the natural and local environment by minimising impacts upon biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.47 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.*
- 7.48 In addition, Circular 06/2005 states '*It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.*'
- 7.49 The National Environment and Rural Communities Act 2006 states that the Council as local planning authority has a legal duty of care to protect biodiversity.
- 7.50 The County Ecological Team, in line with the comments made under the previous application, have advised that although no ecological assessment has been submitted with the application, considering the historical nature of bat records within the near vicinity and that there is only limited suitable foraging habitat within the gardens of the adjoining properties along Furzehill Road, the County Ecological Team have not requested a Bat Roost Suitability Assessment at this time. However in order to remove any residual risk to protected species, given that most of the roof is to be modified, the County Ecological Team have recommended informatives in order to safeguard any potential protected species.
- 7.51 **Community Infrastructure Levy**

- 7.52 The Community Infrastructure Levy (CIL) is a new charge that will raise funds to provide improved infrastructure in Hertsmere. It will be charged on the increase in new build floor space (at a rate per m<sup>2</sup>), although there are exemptions and relief from paying CIL for developments under 100 square metres, self-build homes, affordable housing and development by charities (where for a charitable purpose). CIL will replace the general section 106 (s106) 'tariff' approach currently operated by both the Council and Hertfordshire County Council. Parish and town Councils will receive a minimum of 15% of CIL receipts raised in their area, which they can spend directly on local improvements. The remainder of the CIL receipts will be allocated by Local Authority.
- 7.53 The proposal is chargeable under the Community Infrastructure Levy Regulations 2010 (as amended).

#### **7.54 Equalities and Diversity**

- 7.55 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.

#### **8.0 CONCLUSION**

- 8.1 The principle of development is considered acceptable and satisfactory with regard to design and appearance, impact on residential amenity, parking and highways access, flood risk, biodiversity and waste storage. The proposal therefore complies with the NPPF (2019), The Equalities Act 2010, The Community Infrastructure Levy Regulations, Core Strategy 2013 Policies SP1, SP2, CS1, CS2, CS3, CS4, CS16, CS17, CS18, CS21, CS22, CS24 and CS25, Site Allocations and Development Management Policies Plan 2016 Policies SADM3, SADM12, SADM13, SADM14, SADM15, SADM17, SADM19, SADM20, SADM30 and SADM40 and Supplementary Planning

Documents: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards (2014), Affordable Housing SPD, Biodiversity, Trees and Landscaping SPD – Parts B, C and D (2010) and Technical Note on Waste Storage Requirements (2017).

## **9.0 RECOMMENDATION**

- 9.1 It is recommended that powers be delegated to the Head of Planning and Economic Development to grant planning permission, subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act by 30th August 2019, or at a later date to be agreed in writing.
- 9.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within this timescale it is recommended that the Head of Planning and Economic Development be given delegated powers to refuse the planning application, for the reason set out below:
- 9.3 *The application fails to adequately address the affordable housing requirement for the development and would be contrary to the requirements of the NPPF, the Site Allocation and Development Management Policies Plan 2016, the Core Strategy 2013 Policies CS4 and CS21, the Affordable Housing SPD 2015 and the Planning Obligations SPD 2010.*

## **10.0 CONDITIONS/REASONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (prepared by Bilfinger GVA - dated April 2017) and additional information submitted (prepared by EAS - dated 9th August 2017) and the following mitigation measures;

1. Limiting the surface water run-off rates to 0.54l/s for a 1 in 100 year rainfall event plus 40% for climate, with discharge into the Thames surface water sewer.



2. Providing storage to ensure there is no increase in surface water run-off volumes for all rainfall events, up to and including the 1 in 100 year plus 40% climate change event.

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

3. Prior to first occupation and upon completion of the drainage works, an updated management and maintenance plan for all of the SuDS features and structures, shall be submitted to and approved by the Local Planning Authority. The plan shall include arrangements for the adoption and any other arrangements in order to secure the operation of the scheme throughout its lifetime. The final plan shall include the following;

1. Detailed engineered drawings of the constructed SuDS features including their location, size, volume, depth and any inlet and outlet features, including any connecting pipe runs.

2. Inspection timetable with long term action plans to be carried out, in order to ensure the efficient operation and prevent failure.

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

4. 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 SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan (2016), Policy CS22 of the Hertsmere Core Strategy 2013 and the NPPF 2019.

5. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the privacy screening to both sides of the proposed roof terrace have been submitted to, and approved in writing by, the Local Planning Authority. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT the privacy screens shall be erected as approved and shall thereafter be

retained and maintained in perpetuity.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan (2016) and Policy CS22 of the Hertsmere Core Strategy 2013.

## **11.0 GENERAL REASON(S) FOR GRANTING PERMISSION**

1. The principle of development is considered acceptable and satisfactory with regard to design and appearance, impact on residential amenity, parking and highways access, flood risk, biodiversity and waste storage. The proposal therefore complies with the NPPF (2019), The Equalities Act 2010, The Community Infrastructure Levy Regulations, Core Strategy 2013 Policies SP1, SP2, CS1, CS2, CS3, CS4, CS16, CS17, CS18, CS21, CS22, CS24 and CS25, Site Allocations and Development Management Policies Plan 2016 Policies SADM3, SADM12, SADM13, SADM14, SADM15, SADM17, SADM19, SADM20, SADM30 and SADM40 and Supplementary Planning Documents: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards (2014), Affordable Housing SPD, Biodiversity, Trees and Landscaping SPD - Parts B, C and D (2010) and Technical Note on Waste Storage Requirements (2017).

## **12.0 BACKGROUND PAPERS**

1. The Planning application (18/1811/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

## **13.0 INFORMATIVES**

1. Any vegetation and roof clearance should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 2 days in advance of clearance works by a competent Ecologist and if active nests are found, works should stop until

the birds have left the nest.

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

2. This decision is based on the following development plan policies associated with each reason or condition:

The NPPF (2019), The Equalities Act 2010, The Community Infrastructure Levy Regulations, Core Strategy 2013 Policies SP1, SP2, CS1, CS2, CS3, CS4, CS16, CS17, CS18, CS21, CS22, CS24 and CS25, Site Allocations and Development Management Policies Plan 2016 Policies SADM3, SADM12, SADM13, SADM14, SADM15, SADM17, SADM19, SADM20, SADM30 and SADM40 and Supplementary Planning Documents: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards (2014), Affordable Housing SPD, Biodiversity, Trees and Landscaping SPD - Parts B, C and D (2010) and Technical Note on Waste Storage Requirements (2017).

3. Building Regulations

To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) or phoning us on 01438 879990.

To make a building regulations application please apply through our website portal at <https://www.hertfordshirebc.co.uk/contact-us/> payment can be made online or by phoning the above number after the application has been uploaded. Please phone us for fees guidance on 01438 879990.

We can also be contacted by post at Hertfordshire Building control Ltd., 4th Floor, Campus West, Welwyn Garden City, Hertfordshire, AL8 6BX.

Once a building regulations application has been deposited with relevant drawings and fee building work may commence. You will be advised in our acknowledgement letter of the work stages we need to inspect but in most instances these are usually:

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

Please phone 01438 879990 before 10.00am to ensure a same day inspection (Mon - Fri).

Party Wall etc. Act 1996

Any work that affects a party wall, including foundations dug within 3.0m of a neighbouring building, may be controllable under the Act and may require approval from the adjoining owner(s). Party Wall Act matters are always civil matters and it is neither Hertsmere Borough Council's nor Hertfordshire Building Control Ltd's remit to control or enforce Party Wall act matters. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available online at <https://www.gov.uk/government/publications/the-party-wall-etc-act-1996-revised-explanatory-booklet>

4. This development will involve the numbering of properties and/or the naming of new streets. The applicant MUST apply to the Borough Council's Street Naming and Numbering Section before any number or name is used. This is a requirement of the Public Health Act 1925 (sections 17-19) and Town Improvement Clauses Act 1847 (Section 64-65).
5. The Council has determined that your proposal is a chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended). Should your development be liable for a payment, the Council will shortly write to you with a CIL Liability Notice. The notice will contain details of any sums owed, the collection process and details of relief that may be applicable.
6. The applicant's attention is drawn to the DEFRA good practice guidance "Low Emission Strategy: Using the Planning System to Reduce Transport Emissions" 2012, with a view to mitigating the impact of the development.
7. The applicant is advised that in order to comply with this permission it will

be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of highway works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 03001234047.

8. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

#### Case Officer Details

William Clarke - email address [william.clarke@hertsmere.gov.uk](mailto:william.clarke@hertsmere.gov.uk)