

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

**APPLICATION NO: 19/0212/FUL**

**DATE OF APPLICATION: 12 February 2019**

**STATUTORY START DATE: 15 February 2019**

**SITE LOCATION**

Garages and adjacent land at Orchard Close, Radlett, Hertfordshire

**DEVELOPMENT**

Redevelopment of site with demolition of existing garages and construction of a 3 storey building comprising 3 x 1 bed and 4 x 2 bed apartments with parking and amenity space (amended by plan received 10/04/2019 and additional information received on 04/06/2019).

**AGENT**

Miss Domnica Chisca  
Rock Townsend The Old School  
Exton Street  
London  
SE1 8UE

**APPLICANT**

Mr Richard Stubbs  
Civic Offices  
Elstree Way  
Borehamwood  
WD6 1WA

**WARD:** Aldenham West

**GREEN BELT:** No

**CONSERVATION AREA:** No

**LISTED BUILDING:** No

**TREE PRES. ORDER:** No

**REASONS FOR COMMITTEE CONSIDERATION**

The application has been called in to committee for consideration as the Council are the applicant for this application.

## **1.0 SUMMARY OF RECOMMENDATION**

1.1 Grant planning permission subject to conditions.

## **2.0 APPLICATION SITE AND SURROUNDINGS**

2.1 The application site consists of a rectangular piece of land on which consists two rows of single bay garages, which are of single-storey in height, and are located either side of an area of hard surfacing. Vehicular access into the application site is provided by an existing access located off Orchard Close with another pedestrian access provided for off Fairfield Close.

2.2 The application site is surrounded by a mix of two and three-storey properties, with semi-detached properties situated along Orchard Close and rows of terraced houses situated along Fairfield Close. Hedging borders the existing vehicular access route into the application site.

## **3.0 PROPOSAL**

3.1 Planning permission is sought for the redevelopment of the site with the demolition of the existing garages and the construction of a 3 storey building comprising of 3 x 1 bed and 4 x 2 bed apartments with associated parking and amenity space.

## **4.0 RELEVANT PLANNING HISTORY**

No planning history.

## **5.0 CONSULTATION & RESPONSES**

### **5.1 Notices**

Site Notice (Generic)                      Expiry Date: 24<sup>th</sup> April 2019  
No Press Notice Required.

### **5.2 Summary of consultation responses**

Consulted:

<b>Consultee</b>	<b>Date Consulted</b>
Thames Water Development Planning	15 February 2019
Affinity Water Limited	15 February 2019
HCC Planning Obligations Officer	15 February 2019

<b>Consultee</b>	<b>Date Consulted</b>
Aldenham Parish Council	15 February 2019
Radlett Society And Green Belt Association	15 February 2019
CPZ - Parking Operations	18 February 2019
Parks & Cemeteries - Waste & Street Scene	15 February 2019
Housing	15 February 2019
Senior Flood Risk And SuDS Officer	15 February 2019
Highways England	15 February 2019
CIL	15 February 2019
Senior Traffic Engineer	15 February 2019
Tree Officer	15 February 2019
Policy & Transport - Majors Only	15 February 2019
Transport For London	15 February 2019
Policy & Transport - Majors Only ( LW)	15 February 2019
Drainage Services	15 February 2019
Waste Management Services	15 February 2019
Environmental Health & Licensing	15 February 2019
Highways HCC	15 February 2019
Hertfordshire Fire & Rescue Service	15 February 2019
EDF Energy Networks	15 February 2019
Cadent Gas Limited (Previously National Grid Company Plc )	15 February 2019
Elstree Aerodrome	15 February 2019
Met Office	15 February 2019
Heathrow Airport	15 February 2019

Responses:

<b>Consultee</b>	<b>Comment</b>
HCC Planning Obligations Officer	No objection.
Aldenham Parish Council	No objection in principle, however, concerns raised regarding proposed parking arrangements.
Housing	No objection.
Senior Flood Risk And SuDS Officer	No objection.
Highways England	No objection.
Tree Officer	No objection.
Drainage Services	No objection and standard drainage condition recommended.
Waste Management Services	No objection.
Environmental Health & Licensing	No objection and contaminated land

Consultee	Comment
	condition recommended.
Highways HCC	No objection and conditions/informatives recommended.
Hertfordshire Fire & Rescue Service	No objection.
Cadent Gas Limited (Previously National Grid Company Plc )	No objection and informative recommended.
Met Office	No objection.

### 5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	2	0	58	2

2 letters of objection received, raising the following concerns:

- Proposal is out of keeping with the character of the area;
- Insufficient parking arrangements and the potential for a detrimental impact on highway and pedestrian safety.

## 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)  
Parking Standards SPD (2014)  
Affordable Housing SPD (2015)  
Technical Note on Waste Storage Requirements (2017).

## **7.0 ASSESSMENT & REASONED JUSTIFICATION**

**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 consideration indicate otherwise'**

7.1 The proposal raises the following key issues:

- Principle of Development;
- Impact on Visual Amenity;
- Impact on Residential Amenity;
- Amenity space and internal space standards;
- Parking, Access and Highway Safety;
- Flood Risk and Sustainable Urban Drainage;
- Waste Storage;
- Trees and Landscaping;

- Community Infrastructure Levy;
- Affordable Housing;
- Equalities and Diversity.

#### 7.1 **Principle of Development**

7.2 Policy SP1 of the Council's core strategy states that there should be a focus on prioritising development opportunities within Radlett as well as all 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.

7.3 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.

7.4 Having considered the relevant NPPF, Core Strategy and Development Management Policies, the application site is considered to be a previously developed brownfield site and as such there is no objection to the principle of development of the site to include residential development, as it is within an established urban settlement.

7.5 The principle of residential development would be considered acceptable subject to other planning matters being satisfactorily addressed, which would include (but not limited to) whether the proposal would provide good amenity for future residents; an acceptable design including scale, mass and visual appearance within the context of the immediate locality; whether the proposal would impact on the amenity of adjacent residents; and whether the proposal would impact on the successful operation and safety of the surrounding highway network.

#### 7.6 **Impact on visual amenity**

7.7 The National Planning Policy Framework (NPPF) states that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area. This view is reiterated in Policy SADM30 which advocates that development should make a positive contribution to the built and natural environment; that development recognises and complements the particular local character of the area in which it is located, and that it result in high quality design.

- 7.8 In order to achieve good quality design a development must respect, enhance or improve the visual amenity of the area by virtue of the scale, mass, bulk, height, urban form, and have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution. In addition, policy CS22 from the abovementioned strategy advocates that development take advantage of opportunities to improve the character and quality of an area. Furthermore, Part D of the Planning and Design Guide SPD provides specific design principles for new development.
- 7.9 The development proposes the construction of a rectangular shaped three-storey building that would front onto Fairfield Close with part of the building reducing down to two-storeys towards the side of the building, with parking spaces situated towards the rear of the proposed building. The proposed building would measure between 17.3m by 14m and would measure 9.2m in height for the three-storey sections and 6.6m for the two-storey section.
- 7.10 The proposed building would incorporate a flat roof throughout and would include a combination of window and door openings on each of the front, side and rear elevations of the proposed building, with some of the proposed openings including a Juliette balcony.
- 7.11 Officers consider that this proposed variety of articulation by way of numerous different sized openings would offer a visual interest to the building and the use of an appropriate material choice for the building itself – ranging from brick (warm grey), Upvc (dark grey) for the windows and doors and powder coated metal panels (dark grey).
- 7.12 Officers acknowledge that the particular elevational treatment of the proposed building does not immediately replicate the visual appearance of other nearby structures within this part of Radlett, however, Officers note that the immediate street scene is characterised by buildings of a similar size, scale and height when compared with the current proposal. It is felt that this site gives opportunity to provide a good quality design that might enhance the visual amenities of this area. The proposal itself would introduce a building of a more modern design, which Officers consider would assist in providing a more varied and interesting mix of architectural styles within this part of Radlett, which would contribute positively to the overall character and appearance of the local street scene. It is useful to note that Place Services both reviewed and assisted in bringing forward this design approach through a pre-application.

7.13 As such, Officers consider that the proposed development would not appear detrimental to the overall character and appearance of the streetscene or local area.

#### **7.14 Impact on residential amenity**

7.15 The National Planning Policy Framework states that local plans should set out policies that use buildings to create attractive and comfortable places to live. Policies SP1 and CS22 advocate that developments be of high quality design to create attractive and usable places. Policy SADM30 advocates that development must have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution. Furthermore, further guidance is provided in Council's Planning and Design Guide Part D to safeguard the residential amenity of neighbouring residents.

7.16 The proposed building would maintain a sufficient separation distance of 13.9m to the neighbouring properties of nos. 22 – 25 Orchard Close; a sufficient separation distance of 6.9m to the neighbouring properties of nos. 5 – 16 Fairfield Close and a sufficient separation distance of 9.9m to the neighbouring properties of nos. 17 – 20 Fairfield Close. Given the close proximity of the rear gardens of the neighbouring properties of nos. 18 – 21 Orchard Close to the siting of the proposed building, the submitted plans show that all those windows to be included on the northeastern elevation of the proposed building will be obscurely glazed, to ensure that there would be no loss of privacy or direct overlooking towards the rear gardens or rear window of these neighbouring properties.

7.17 As such, Officers consider that the proposal would not detrimentally impact on the residential amenities of neighbouring units.

#### **7.18 Amenity space and internal space standards**

7.19 Part D of the Planning and Design Guide (draft 2016) advocates that 1 bedroom and 2 bedroom units are afforded access to 20m<sup>2</sup> and 30m<sup>2</sup> of amenity space respectively. A small area of amenity space would be provided towards the front of the proposed building, which would provide a small terraced area for the future occupiers of two of the proposed ground floor residential units, with another communal amenity space being created towards the side of the proposed building, which would provide an area of amenity space for the other future occupiers of the proposed building. In addition to this, Officers note the availability of nearby public amenity space

within Radlett itself and the provision of other public parks and general open space within the surrounding area. Therefore, on balance, Officers consider that the provision of amenity space would be acceptable.

- 7.20 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 minimum floorspace provision for 1 storey and 1 bedroomed units would be 39m<sup>2</sup> internal floor area and built-in storage of 1.0m<sup>2</sup> and the minimum internal floor area for 1 storey 2 bedroomed units would be 61m<sup>2</sup> internal floor area and 2.0m<sup>2</sup> of built-in storage. The proposed residential units would exceed the required minimal internal floor areas and, in order to comply with these guidelines.
- 7.21 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.

## **7.22 Parking**

- 7.23 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.
- 7.24 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 for each of the proposed residential units (14 no. in total).
- 7.25 The proposed development would only provide a total of 8 no. off-street parking spaces, with 1 no. off-street parking space included as part of this which would be provided as a disabled parking bay, in order to meet the disabled parking requirements of the Council's Parking Standards (2014).
- 7.26 Officers note that there would be an under provision of parking spaces as part of the proposed development, however, Officers are aware that the

application site is sited within a reasonable walking distance of Radlett railway station (15-20 minutes' walk or 5 minutes by bike), local bus routes (602 Bus Stop – 200m and 398 Bus Stop – 550m) and within a reasonable walking distance of local shops and services (Battlers Green Shops, Post Office and Convenience Store – 550m), and as such, there is a very strong case for a relaxation of the parking standards for the proposed development.

- 7.27 The applicant has also stated that a Travel Information Pack can be prepared and could be provided to future residents as part of the sales or rental particulars for each new unit, informing future residents of the availability and benefits of alternative means of transport.
- 7.28 Whilst the proposed development would include the provision of 8 no. new off-street parking spaces, Officers note that the proposed development would result in the demolition of the existing provision of parking on site by virtue of the demolition of the existing garages on site. This issue is of particular concern, as comments raised by a neighbouring property, make reference to the existing parking problems within this immediate part of Radlett, and the potential for this existing problem to be exacerbated by the displacement of vehicles from the existing garages on site and future pressure for these vehicles to park elsewhere within this part of Radlett. Not only is concern raised about the future parking arrangements but also the potential impact this may have on pedestrian and highway safety.
- 7.29 The applicant at the request of the planning team has provided a parking survey and parking justification, which has advised that of the two existing blocks of garages comprising of 17 no. garages; 16 no. of which are currently occupied, the majority of garages are used for the storage of belongings and are not currently used for the parking of vehicles.
- 7.30 The applicant has stated that within a radius of approximately 250m there are another 5 garage sites, which have between 12-15 vacancies on offer, which could absorb those wanting to transfer from the existing garages and could also offer additional parking, if required by the future residents of the proposed units. The applicant has also advised that close to the application site is an adjacent carpark, situated just off Fairfield Close, which is also within the Council's ownership that could be utilised for additional unallocated parking in addition to the current level of parking that would be provided as part of the proposed development. This adjacent carpark could provide parking for approximately 8 – 10 vehicles albeit some of these spaces are already in use.
- 7.31 The applicant has advised that both Fairfield Close and Orchard Close do not have any controlled parking restrictions in place and there are no controlled

parking zones within the area, and as such there are no restrictions to on-street parking. A parking capacity study was carried out within the immediate vicinity of the application site at four different times of the day inclusive of 7pm, in order to assess the level of available on-street parking. This study concluded that some limited on-street parking was available at those different times of day including at 8am and 7pm with greater levels availability during the afternoon as one might expect.

7.32 To conclude, although Officers acknowledge that there would be an under provision of parking as part of the proposed development, given the nearby availability of parking; either through the adjacent Council owned carpark off Fairfield Close or the other nearby sited garage sites as well as the availability of some unrestricted on-street parking, that an exception to the required level of parking can be made for this development. Further, the NPPF at paragraph 109 states that 'development should only be prevented or refused on highways related grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe'. It is not felt that the said under-provision of parking for this scheme, given the local options for parking advised above, would give rise to 'severe' conditions prejudicial to highway safety.

### **7.33 Access & Highway Safety**

7.34 The existing vehicular access route into the application site would be maintained, however, would rather than being maintained for the use of vehicles and pedestrians, it is proposed for this access to only be used as a pedestrian access route towards the rear of the application site. A new access point would be created off the existing vehicular access route that leads off Fairfield Close, for use by vehicles and pedestrians, to enter and exit the rear of the application site and the new off-street parking bays.

7.35 The County Highway Authority has assessed the proposed development and has advised that the proposal would not materially increase traffic movements from the site and as such, is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The County Highway Authority therefore raises no objection to the proposal subject to the imposition of a number of highways related conditions.

7.36 The County Fire and Rescue Department have also assessed the proposal and have advised that the access for fire appliances appears to be adequate and raise no objection to the proposal.

7.37 As such, Officers consider that the proposal would not represent a risk to highway or pedestrian safety.

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

7.39 The relevant policies are the NPPF, CS16 and SADM14. The application site is not within a high risk flood zone and the council's drainage engineer has been consulted on the application and has raised no objections to the proposal, subject to the imposition of a relevant standard drainage condition.

7.40 It is therefore considered that the proposal would comply with the NPPF and policies CS16 and SADM14 with regard to flood risk.

### **7.41 Waste Storage**

7.42 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.

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

- 240 litres (L) for general waste
- 240L for green waste
- 240L for plastic / cans / glass
- 38L for paper
- 55L of capacity for possible future waste storage requirements is required.

7.44 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 25 metre carry distance from the adjacent road, for ease of working for waste operatives.

7.45 The collection of refuse and recycling would be contained within an enclosed designated bin storage area as part of the proposed new building and would be sited close to the adjacent highway of Fairfield Close. As such, the proposal has incorporated a refuse presentation area which would be sited within 25m of an adjacent highway and therefore within the required collection distance for waste operatives. The Council's Waste Services Team have advised that they raise no objection to the refuse provision and collection requirements as part of the proposed development and have requested a drop down kerb to be provided outside of the proposed bin store to allow for

the movement of refuse and recycling bins to the refuse collection vehicle. Amended plans have been received which have made this requested amendment.

- 7.46 It is therefore considered that the proposal would comply with the NPPF 2019, policy SADM19, the Council's Technical Note: Waste Storage Provision Requirements for New Developments (2017) and Part D (draft) of the Planning and Design Guide SPD.

#### **7.47 Trees and Landscaping**

- 7.48 The Council's Tree and Landscape Officer has advised that the application site contains no significant arboricultural features and that the existing trees situated within Orchard Close, outside of the application site, are unlikely to be adversely affected by the proposal. As such, the Council's Tree and Landscape Officer raises no objection to the proposal and welcomes the introduction of new soft landscaping into the application site.

#### **7.49 Community Infrastructure Levy (CIL)**

- 7.50 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.

- 7.51 The proposal is chargeable under the Community Infrastructure Levy Regulations 2010 (as amended) due to the gross floor space proposed being 552m<sup>2</sup> and involves the creation of 7 new dwellings. Taking consideration of any demolition and retained floor space (but prior to any claim for relief or exemption), the anticipated CIL charge amounts to £70,963.68

#### **7.52 Affordable Housing**

- 7.53 Changes made to the National Planning Policy Framework (NPPF) in February 2019 clarified that the provision of affordable housing 'should not be sought for residential developments that are not major developments' (paragraph 63). The glossary in the NPPF defines major developments as

those 'where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more'. This is also clarified in updated Planning Practice Guidance. Consequently, the Council will only seek the provision of Affordable Housing on residential developments of 10 or more homes (gross) or sites with an area of 0.5 hectares or more. Affordable Housing will not be sought on developments of 1-9 homes (gross) unless the site has an area of at least 0.5 hectares. This means that the Council will not seek to apply the requirement in Policy CS4 of the adopted Core Strategy (2013) that Affordable Housing should be provided on sites of 5 or more units (gross) or with an area of more than 0.2 hectares.

7.54 The proposed scheme is for the construction of seven residential units and the site area is less than 0.2 hectares (site measures 0.079 hectares), therefore the proposal would not trigger an affordable housing requirement as set out above.

#### **7.55 Equalities and Diversity**

7.56 The Council in the exercise of its functions recognises its statutory duty to have regard to the need to eliminate all types of discrimination, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it as required under section 149 of the Equality Act 2010. Section 149 of the Equality Act 2010 requires a decision-maker to have 'due regard' to achieving a number of equality goals. These goals are:

1. to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
2. to advance equality of opportunity between those with protected characteristics and those without; and
3. to foster good relations between persons with a relevant protected characteristic and those without.

7.57 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.58 The proposal would not conflict with either Hertsmere Borough Council's Equality Policy 2010 or the commitments set out in our Equality Objectives, and would support the Council in meeting its statutory equality responsibilities.

## **8.0 CONCLUSION**

- 8.1 The principle of development is considered acceptable and satisfactory with regard to design and appearance, impact on residential amenity, pedestrian and highways safety, flood risk 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), Parking Standards (2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

## **9.0 RECOMMENDATION**

- 9.1 Grant permission subject to conditions.

## **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. 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 compliance 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 Hertsmere Adopted Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the building

hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies SADM3 and SADM30 and SADM40 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

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

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

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

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

- b) The site investigation (Phase 2) shall consider relevant soil, soil gas,

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

Reason: To satisfactorily protect the residential amenities of nearby and future occupiers. 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.

6. The contaminated land remedial actions as approved within the remediation strategy must be implemented and PRIOR TO FIRST OCCUPATION OF THE BUILDINGS a validation report must be submitted to and agreed in writing with the local planning authority to demonstrate compliance with the approved remediation strategy.

Reason: To satisfactorily protect the residential amenities of nearby and future occupiers. 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.

7. Prior to the first occupation of the development hereby permitted, vehicular access to and egress from the adjoining highway, shall be limited only to the newly created access, as shown on drawing number OCL-ZZ-XX-DR-A-00100 revision PL02.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and to comply with Policy CS21 of the Hertsmere Core Strategy 2013.

8. Prior to the first occupation of the development hereby permitted, the new vehicular access shall be provided and thereafter retained at the position, as shown on drawing number OCL-ZZ-XX-DR-A-00100 revision PL02,

and in accordance with the highway specification. The arrangement shall be made for surface water drainage to be intercepted and disposed of separately, so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and to avoid the carriage of extraneous material or surface water from or onto the highway and to comply with Policy CS21 of the Hertsmere Core Strategy 2013.

9. The windows in the northeastern elevation, as identified on drawing no. OCL-ZZ-XX-DR-A-00202 revision PL01, shall be constructed with fully obscured glazing (to Pilkington Level 3 or equivalent) and 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 SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

10. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area; details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development, have been submitted to, and approved in writing by, the Local Planning Authority. 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 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.

11. The application has been approved having regard to the following plans:
  - Parking Survey (dated 31st May 2019)

- OCL-ZZ-XX-DR-A-00020 revision PL01
- OCL-ZZ-XX-DR-A-00201 revision PL01
- OCL-ZZ-XX-DR-A-00202 revision PL01
- OCL-ZZ-XX-DR-A-00001 revision PL02
- OCL-ZZ-XX-DR-A-00010 revision PL02
- OCL-ZZ-XX-DR-A-00100 revision PL02
- OCL-ZZ-XX-DR-A-00110 revision PL02
- OCL-ZZ-XX-DR-A-00111 revision PL02
- OCL-ZZ-XX-DR-A-00112 revision PL02
- OCL-ZZ-XX-DR-A-00113 revision PL02
- OCL-ZZ-XX-DR-A-00200 revision PL02
- OCL-ZZ-XX-DR-A-00310 revision PL02
- OCL-ZZ-XX-DR-A-00311 revision PL02
- OCL-ZZ-XX-DR-A-00312 revision PL02
- Design Statement (dated February 2019)
- OCL-ZZ-XX-DR-A-00101 revision PL03

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

## **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, pedestrian and highways safety, flood risk 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), Parking Standards (2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

## **12.0 BACKGROUND PAPERS**

1. The Planning application (19/0212/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. The applicant is to be made fully aware of the response from Cadent Gas (dated 21/02/2019) and to ensure that the various responsibilities and obligations are met before any works commence on site.
2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site and on land which is not the public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the County Highway Authority before construction works commence. Further information is available by telephoning 0300 123 4047.
3. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) then the applicant must contact the County Highway Authority to obtain their permission and requirements before construction works commence. Further information is available by telephoning 0300 123 4047.
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. 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>

6. 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.

7. Planning permission 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 NPPF 2019 and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
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.
9. 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), Parking Standards (2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

#### Case Officer Details

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