

Date of Meeting: 13 June 2019

APPLICATION NO: 18/2082/FUL

DATE OF APPLICATION: 30 October 2018

STATUTORY START DATE: 21 November 2018

SITE LOCATION

The Radley Care Home, Gregson Close, Borehamwood, Hertfordshire, WD6 5RG

DEVELOPMENT

Erection of 2 x 2 storey side extensions, part two storey, part single storey front extension, single storey rear extension with associated roof terrace, and a conservatory to provide an additional 33 bedroom en-suites and ancillary rooms to the existing care home. (Amended Plans received 24/05/2019)

AGENT

Mr Marcus Lambert
Kinetic Centre
Theobald Street
Elstree
WD6 4PJ

APPLICANT

Mr Ian Sloan
C/O Agent

WARD: Borehamwood Kenilworth

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 as set out within the Council's constitution.

1.0 SUMMARY OF RECOMMENDATION

1.1 Grant permission subject to conditions

2.0 APPLICATION SITE AND SURROUNDINGS

2.1 The site is generally rectangular in shape, though recessed somewhat to the south-east as it follows the road line and boundary fences of properties on Gregson Close. The site extends to approximately 0.48ha in area and contains the 37 bed Radley Care Home, a residential home providing care for elderly residents, including those with dementia. All of the bedrooms have an en-suite facility but are not self-contained where communal areas provide

dining rooms and lounges etc. The use is considered to be consistent with a C2 Use Class.

- 2.2 The building is effectively 'T' shaped, set over two storeys and with the main bulk set toward the south-west of the site and with a two storey element projecting centrally to the north-east and set within landscaped garden surrounding the building. The building appears to have been constructed in the 1980's of buff coloured brick with red brick detailing and red interlocking roof tiles.
- 2.3 The site is accessed from the cul-de-sac to the south-western end of Gregson Close, which itself is accessed from Studio Way, with a hard surfaced parking area on the south-eastern side of the building for 15 vehicles. The site slopes gradually up from the south-west to the north-east over approximately 1 metre for the most part then more steeply as the land rises to the north-eastern end of the site, though the floor level remains constant throughout the building.
- 2.4 The site is bound on three sides with residential development generally of two storey scale with some three storey flatted development in a planned estate layout. To the west is a wooded area identified as part of the Studio Way Woodland Green Space Action Plan 2014/15.
- 2.5 The site is approximately 400m north of Elstree Way, 1.3km from the town centre and 2km from the railway station.
- 2.6 The site is not within a conservation area and the existing building is not listed. There are a number of trees over the site but none are subject to Tree Preservation Orders.

3.0 THE PROPOSAL

- 3.1 The application seeks permission for a variety of extensions to the existing building including a two storey wing in the south-west corner and a two storey wing and single storey conservatory on the north-eastern end of the building to provide an additional 33 bedrooms, all with en-suite facilities. A further single storey extension is proposed on the north-west side with a balconied terrace above together with a new front entrance porch with two storey front facing gable providing additional administrative space and new lift tower is also proposed.
- 3.2 Revised plans were submitted on 21 May 2019 which effectively pulled the development away from the north-eastern boundary with houses on Gregson Close by approximately 1.2 metres

3.3 Key Characteristics

Site Area	4800 square metres
Density	
Mix	N/A
Dimensions	See Plans

Number of Car Parking Spaces	Existing - 15
	Proposed - 25

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
TP/80/0424	DEVELOPMENT FOR RESIDENTIAL AND COMMUNITY PURPOSES WITH VEHICULAR ACCESS OFF ROWLEY LANE.	27 October 1980 Approval
TP/84/0636	ERECTION OF 141 DWELLINGS.	11 October 1984 Approval
TP/92/0126	Erection of eight 3-bedroom houses and ten 2-bedroom houses (Amended plans received 21/2/92)	31 March 1992 Grant Permission
TP/91/1056	Erection of 21 No 2 bedroom houses, 20 No 3 bedroom houses and 1 No mobility standard 3 bedroom bungalow (Amended plans received 9/1/92)	5 February 1992 Grant Permission

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) Expiry Date:
Borehamwood Times 13th December 2018 Expiry Date: 3rd January 2019

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
NHS England	27 November 2018
NHS England (CCG)	27 November 2018
Private Sector Housing Officer	27 November 2018
Health & Community Services Management Board (HCC)	3 December 2018
Policy & Transport - Majors Only (LW)	3 December 2018
Drainage Services	27 November 2018
Waste Management Services	27 November 2018
Tree Officer	27 November 2018
Highways HCC	27 November 2018
EDF Energy Networks	27 November 2018
Cadent Gas Limited (Prev National Grid Company Plc)	27 November 2018
Thames Water Development Planning	27 November 2018
Affinity Water Limited	27 November 2018
CIL	27 November 2018
Housing	27 November 2018
Senior Flood Risk And SuDS Officer	27 November 2018
Highways England	27 November 2018
Senior Traffic Engineer	27 November 2018
Policy & Transport - Majors Only	27 November 2018
Transport For London	27 November 2018

Consultee	Date Consulted
Elstree & Borehamwood Residents Association	27 November 2018
Elstree & Borehamwood Town Council	27 November 2018
Well END Ers	27 November 2018
Parks & Cemeteries - Waste & Street Scene	27 November 2018
Architectural Liaison Officer (Police)	27 November 2018
Environmental Health & Licensing	27 November 2018
Housing	27 November 2018
Hertfordshire Fire & Rescue Service	27 November 2018
Environment Agency	27 November 2018
Building Control	27 November 2018

Responses:

Consultee	Comment
Drainage Services	Please apply planning condition CG01, standard drainage condition, to this application.
Waste Management Services	Refuse/recycling is collected privately. It should be noted that an increase must be made for provisions if additional 33 rooms to be created.
Tree Officer	The submitted arb documents identify all key arboricultural features on site and offer suitable protection to ensure the retention of trees on site.
Highways HCC	Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.
Cadent Gas Limited (Prev National Grid Company Plc)	Recommend inclusion of an informative note if minded to approve relating to assets within the site boundary.
Thames Water Development Planning	<p>Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p>
Senior Flood Risk And SuDS Officer	Following a review of the Technical Design Note, design note title LLFA

Consultee	Comment
	<p>comments response prepared by Hydrock, document reference RCH-HYD-XX-XX-RP-D-5001, revision P01, dated 22 March 2019, submitted to support to this application, we can confirm that we Hertfordshire County Council as the Lead Local Flood Authority are now in a position to remove our objection on flood risk grounds.</p> <p>The drainage strategy is based upon permeable paving with sub-base, oversized pipes storage and discharge into Thames Water surface water sewer. We note surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 1 l/s discharge from developable area to surface water sewer.</p> <p>We therefore recommend several conditions to the LPA should planning permission be granted.</p>
Transport For London	The proposed development doesn't appear to have any impacts on TfL services, infrastructure or future projects and so TfL has no comments to make on the application

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	4	0	48	4

5.4 Responses received from neighbours include:

- Invasion of privacy from the proposed roof terrace,
- Adding further noise and disturbance from the use, as well as through the construction process,
- The effects of dust and dirt arising from the construction process
- Disturbance to the local highways network during the construction process.

- Concern has also been expressed that the proposed roof terrace could be used for unauthorised smoking breaks to avoid going downstairs and outside to the designated smoking area.

5.5 Revised plans have been received subsequent to those comments being made which improves the scheme in respect of neighbour impacts. Neighbours have been re-consulted on those plans and members will be updated prior to the meeting on any further comments received.

6.0 **PLANNING POLICY CONTEXT**

6.1 **National Policy/Guidance**

National Planning Policy Framework 2019
National Planning Policy Guidance

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

SP1 Creating sustainable development
SP2 Presumption in Favour of Sustainable Development
CS04 Affordable Housing
CS12 The Enhancement of the Natural Environment
CS16 Environmental impact of development
CS19 Key Community Facilities
CS22 Securing a high quality and accessible environment
CS24 Development and accessibility to service
CS25 Accessibility and parking
CS26 Promoting alternatives to the car

Site Allocations and Development Management Policies Plan 2016

SADM3 - Residential Developments
SADM11 - Landscape Character
SADM12 - Trees, Landscaping and Development
SADM14 - Flood Risk
SADM15 - Sustainable Drainage Systems
SADM19 - Waste Storage in New Development
SADM30 - Design Principles
SADM32 – Key Community Facilities
SADM40 - Highway and Access Criteria for New Development

6.3 **Supplementary Planning Guidance / Documents**

Guidelines for Development
Parking Standards SPD
Biodiversity, Trees and Landscaping SPD – Parts B and C 2010
Parking Standards SPD 2014
Affordable Housing SPD 2015

Waste Storage Provision Requirements for New Development

Other Documents

Community Infrastructure Levy Regulations 2010
Public Sector Equality Duty of Equality Act 2010

7.0 ASSESSMENT AND 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
- Character and Appearance
- Residential Amenity and living conditions
- Affordable housing
- Parking and Highways
- Trees, Landscape and Ecology
- Drainage and Flood Risk
- Refuse and Waste
- Other matters

Principle of Development

7.3 The Care Home the subject of this application is an existing facility within the urban area of Hertsmere where the NPPF and Core Strategy Policies SP1 & SP2 advise that there is a presumption in favour of sustainable development.

7.4 The application seeks to provide extensions and alterations to the existing care home on the site to provide additional bed spaces. There are no specific policies in the Development Plan for the area relating to applications for extensions to existing care homes but subject to compliance with Policies relating to design, character of the area, neighbouring amenity and highways safety no objections are raised to the principle of extensions to the care home.

Character and Appearance

7.5 Whilst there are no specific Development Plan policies relating to extensions to existing care homes in the borough, relevant policies and guidance are CS01, 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 and appearance of its surroundings.

- 7.6 The locality within which the site sits is reminiscent of many 1980's & 1990's planned housing developments of a tight grain and ranging between two and three storeys in height, consisting of a variety of houses and flats with generally surface car parking. The predominant building materials locally are buff coloured brick with red interlocking tiles and these carry over to the care home building.
- 7.7 The existing care home building is set over two storeys and sits within well maintained gardens with numerous trees to the boundaries, all of which would be retained. The building is effectively 'T' shaped, with the main bulk set toward the south-west of the site and with a two storey element projecting centrally to the north-east.
- 7.8 The application proposes a variety of extensions to the building including a two storey wing in the south west corner and a new two storey wing and single storey conservatory in the north east side. A single storey extension is proposed on the north side of the care home with balconied terrace above, plus a new front entrance porch with two storey front facing gable and new lift tower.
- 7.9 The proposed extensions have been designed to match the existing brickwork of the building and the proposed roof design and fenestration would also match. Existing trees are to be retained and documentation submitted with the application suggests that a landscape strategy to further soften the appearance of the building could be subject to a suitably worded condition of consent.
- 7.10 The extensions do introduce additional bulk to the existing building but maintain the human scale of the building and are set off the boundaries of the site providing relief and breathing space around the development and to adjoining properties. At your officers request the element to the north east of the site has been pulled further from the boundary than originally submitted and now allows for greater separation to houses on Gregson Close. It is also the case that this element would be cut into the ground to account for existing ground levels where this further reduces the apparent bulk and massing of the building when viewed from beyond the site.
- 7.11 The two storey extension to the southern corner of the building is set down from the roof it would tie into and appears therefore as a subservient element. This extension incorporates a staggered elevation to the south-eastern boundary with the neighbouring property and is set in from that boundary by 6 8 metres and with intervening tree screening. This element does extend towards the rear of the adjoining property but the development character of the local area around Gregson Close is of a tight grain and such relationships are not uncommon.
- 7.12 The proposals would also extend development closer to properties on Danziger Way to the north-west, particularly the extension to the north-east of the site. However, the main bulk of that extension would form a side to side relationship with the adjoining property and is recessed to avoid impacts of

the building on trees along the north-west boundary, which do also provide screening from those properties on Danziger Way.

- 7.13 The extensions to the front of the building would be set in from the site boundaries within a corner of the building and consist of a single storey lean-to element with new two storey gabled entrance and a lift tower. These features would be read in the context of the existing building in that they would be contained by existing built form on either side and within the existing roofscape. The new lift tower would appear as a more independent feature but is considered appropriate in terms of its appearance as a feature and its overall height and scale. As part of these front extensions the existing bin storage facility would be enhanced by removing a somewhat unsightly existing timber bin store and incorporating a brick built structure with roof.
- 7.14 Materials to be used for the extensions would match those of the existing building and consist of buff coloured brick with red detail brick, white uPVC windows, soffits and fascia under red interlocking concrete roof tiles to match the existing. Those matching materials can be secured by condition.
- 7.15 Overall, it is considered that the proposed works would result in appropriate extensions to the existing building, whilst providing an additional element of care in the locality. The extensions are not considered to be disproportionate to the existing building and would not result in a detrimental impact on the visual amenity or character of the area in compliance with relevant policies.

Residential Amenity and Living Conditions

Neighbouring amenity

- 7.16 Concern has been expressed by a number of neighbours to the north-west of the site regarding potential impacts on existing amenity. Those impacts include an invasion of privacy from the proposed roof terrace, adding further noise and disturbance from the use, as well as through the construction process, the effects of dust and dirt arising from the construction process and the disturbance to the local highways network during the construction process. Concern has also been expressed that the proposed roof terrace could be used for unauthorised smoking breaks to avoid going downstairs and outside to the designated smoking area.
- 7.17 With regard to the proposed roof terrace, because it is located in a recessed corner of the building there are only views out to the west and south-west over the adjacent woodland. At its closest point it would be a distance in excess of 23 metres to the boundary with properties on Danziger Way, which would generally be considered acceptable as a back to back distance for rear facing windows, and there is a further distance of 11.5 metres to the rear of the houses on Danziger Way. Those distances are considered sufficient to avoid any undue impacts on the privacy of those residents on Danziger Way and if the roof terrace is considered acceptable in its own right it would be difficult in planning terms to prohibit smoking on the terrace.

- 7.18 It is acknowledged that there could be noise disturbance associated with the construction process but noise as a Statutory Nuisance is dealt with under different legislation to the Planning Act and any complaints of noise nuisance would be investigated by the Councils Environmental Health Officers.
- 7.19 It is unclear how much noise the existing use creates or how much that might be exacerbated by the increased use of the extended building, however, your officer can report that the site was quiet during the site visit. Certainly that was at 11.00 am and the situation may change by 11.00pm but noise as a statutory nuisance is dealt with under other primary legislation rather than the Planning Act/s and this would not be considered a reasonable reason to withhold planning consent.
- 7.20 As has been noted previously in this report, amended plans were received through the course of the application that pulled the development away from the north-eastern boundary with houses on Gregson Close by approximately 1.2 metres. Those amendments also incorporated changes to window positions to prevent any direct overlooking to the rear of No. 30 Gregson Close with the window serving bedroom 06 being placed on the side elevation rather than the rear.
- 7.21 Other 1st floor windows on this elevation face onto the blank flank wall of No. 28 Gregson Close at a distance of 12 metres, which is acceptable with regard to outlook, and a further window to the north-western end. That window may provide views to the rear of the rear garden of No. 28 Gregson Close but where the building cuts into the ground here, and where those houses on Gregson Close are on higher ground, together with the substantial tree screening to the corner of the site, it is not considered that this would cause any significant harm to the occupiers on No. 28. Any new windows on the north-west elevation of this extension are to be obscure glazed as they serve a corridor and stairs.
- 7.22 The extension to the north-east side does bring development closer to those houses on Gregson Close but it has been set further away during the course of this application and an existing and proposed section drawing, DR-A-0012a has been submitted which shows that by having the building set into the ground the outlook from those houses would not be substantially diminished over the existing situation.
- 7.23 Similarly, the siting of the extension to the north-east of the site would not detract to any significant extent from the outlook from properties on Danziger Way given the distance to those properties, intervening tree screening and the orientation of the development.
- 7.24 The extension to the southern corner of the site extends almost the full depth of the rear garden of No. 41 Gregson Close over two storeys with an element of blank flank wall. However, this extension incorporates a staggered elevation to the south-eastern boundary with No. 41 and is set in from that boundary by 6 - 8 metres and with intervening tree screening. As has been noted previously in this report, the development character of the local area

around Gregson Close is of a tight grain and such relationships are not uncommon. On balance, this relationship is considered to be acceptable. There is a 1st floor window on the side wall of Bedroom 10 which could provide opportunities for overlooking to the rear garden on No. 41 but this has been indicated to be obscure glazed as that bedroom has a dual aspect.

Resident living conditions

- 7.25 In respect of amenity space provision for residential care homes, Part D of the Planning and Design Guide 2016 recommends that such areas should be based on 20m² per 1-bed unit, setting out that:

“Residential care homes (including extra care homes) will normally be expected to make provision for private usable communal garden space on the same basis as schemes of flats and maisonettes. The Council may exercise some limited flexibility in cases where it can be demonstrated that there has been an emphasis on the quality of landscape design, rather than quantity of space, to meet the specific, identified needs of occupants”.

- 7.26 Based on that the 70-bed facility proposed here would require 1400m² and the amount of useable garden space proposed is 2035m², which comfortably meets requirements. Furthermore, the Design and Access Statement submitted in support of the application states that the gardens will be landscaped to a very high standard and this could form a condition of consent.
- 7.27 In terms of internal space standards, the nationally described standard set by the Department for Communities and Local Government (2015) requires that, in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide.
- 7.28 In the case of this application the space standards are based on those set by the Care Quality Commission (2010) which requires a single bedroom to be a minimum of 12m² of useable floorspace, excluding en-suite and wardrobe facilities, to which the scheme complies.
- 7.29 All bedrooms and communal internal spaces have access to at least one window and it is considered that the internal spaces provide good levels of daylight, privacy and ventilation as required by Part D of the Design Guide.
- 7.30 Overall, it is considered that the proposed works would not result in undue impacts on the amenity currently enjoyed by neighbouring occupiers in terms of privacy, outlook, noise disturbance or access to daylight and sunlight and that the amenities of occupiers of the home would be acceptable with regard to standards.

Affordable Housing

- 7.31 Core Strategy Policy CS2 seeks to increase the supply of Affordable Housing setting out that developments of 5 self-contained, residential units or more (gross) should make provision for an element of Affordable Housing.
- 7.32 The Affordable Housing Supplementary Planning Document (2015) reiterates that requirement and refers specifically to extra care and sheltered housing schemes, with specific reference to those that provide self-contained units for sale. Where that is the case the SPD confirms that they will be required to meet the Council's Affordable Housing requirements.
- 7.33 In this particular case it is clear from the submitted floor plans, and as set out in the submitted Operators Statement, that there are no self-contained units for sale proposed here with all units having a bedroom and en-suite only and with communal spaces and facilities for dining and socialising.
- 7.34 Given the above, in this particular case Affordable Housing provision is not considered appropriate where there is no policy basis with which to request or secure it.

Parking and Highways

- 7.35 No changes are proposed to the vehicular or pedestrian access into or out of the site. Changes are, however, proposed for the internal configuration including the turning facility in front of the entrance and a re-configuration of the parking arrangements.
- 7.36 Core Strategy Policy CS25 – Accessibility and Parking and the Parking Standards SPD (2014), set out that a C2 Use Class care home would require 14 parking spaces for a 70 bed care home (1:5 space ratio) plus staff parking at 1:2 space ratio which equals 11 for a maximum of 22 staff on site at any one time.
- 7.37 There are currently 15 parking spaces on site and the overall required provision with the extra bed spaces equates to 25 car parking spaces with which the scheme complies. There are also 8 cycle spaces provided which exceeds with standards by 2 spaces and 1 motor cycle space is provided. Given the above, the proposal complies with the Council's car parking standards.
- 7.38 On initial consultation, the County Highways Authority did express concerns previously, suggesting that:
- there are parking pressures associated with the existing use;
 - the additional car parking provision conflicts with the operation of the existing entrance gates and street lighting within the site;
 - there is no indication of any proposed allocation of car parking spaces;
 - any overspill parking from the site onto Gregson Close could result in obstruction to either the footways or carriageway which is required to accommodate vehicular turning movements at the end of the cul-de-sac; and

- the Framework Travel Plan submitted does not seem to consider the requirements of residents and staff separately. It does not give any information on the travel behaviour of existing staff and therefore does not provide any comfort that the future travel demands of the site can be sensibly managed. References to “walking bus” initiatives and discount cycling vouchers in relation to residents of a care home also seem inappropriate.

7.39 In response to those concerns, the planning agent submitted the following information:

- In terms of the site’s current operations there have not been any issues associated with parking pressures for either staff, resident or visitors.
- We do not believe there is any conflict with the revised site layout. This is demonstrated by the vehicle tracking previously presented. Nevertheless, the parking space closest to the gate opening has been designated a ‘staff pool car’ space, and the gate is operated by a simple fob to allow staff to manoeuvre into this dedicated space. The staff pool car space and motorcycle space has been handed to ensure unfettered access to this space.
- Allocated parking is not required according to the council’s standards. The only allocation will be the ‘staff pool car space’ and 2 x disabled spaces.
- The parking is provided in line with the maximum parking standards, therefore we do not anticipate any parking issues. Any additional parking would exceed the council’s standards.
- The framework travel plan will be updated to a full travel plan upon granting of planning approval. At this point, as the title suggests, it is a framework. As with any travel plan the full version will be a ‘living’ document and its targets and measures will evolve when the new staff members/residents join the site and site surveys are undertaken.

7.40 The County Highways Authority have responded to the comments received, as set out below:

This application proposes the construction of extensions to the existing building to accommodate 33 additional residential apartments and associated parking. The details submitted for consideration include Transport Statement and Framework Travel Plan documents providing information on the following aspects of the development:

Site Access

The existing access to the site will be retained from Gregson Close. This road is classified as a Local Access Road within Hertfordshire’s road hierarchy and operates as a cul-de-sac. This access affords suitable standards of visibility to and from a vehicle driver waiting to emerge from the site. Access gates are positioned approximately 8 metres from the edge of the carriageway of Gregson Close.

Parking and Servicing.

The car and cycle parking arrangements are presented on Drawing No. CJC-BM-XX-XX-DR-A-0008 Rev P01 identifying a total on-site parking provision

for 25 cars (an increase of 10 spaces) and 8 cycles. These facilities are required to accommodate the demand from 68 residential units, 21 full time and 40 part time employees. The Local Planning Authority is asked to give consideration to the proposed parking provision in relation to its current standards.

The Highway Authority has previously raised concerns regarding the current parking provision and the potential for parking overspill from the site. However, in consideration of the location of the site at the end of the cul-de-sac, this is not expected to result in significant road safety concerns.

Trip Generation and Distribution.

The number of vehicular trips generated by the development has been assessed using data from the nationally recognised TRICS database. In consideration of the location of the site, the trip rate values used are considered appropriate. These demonstrate that peak hour vehicular traffic movements to and from the site will not increase to any significant extent as a result of the development.

Sustainable Travel Modes.

Existing bus stops are available on Studio Way within walking distance of the development and travel by bus is an option for potential trips to and from the development. Local facilities are available at the junction of Studio Way and Gregson Close approximately 100m from the site and pedestrian access between these and the site is accommodated by existing footways on Gregson Close. The proposed site layout identifies for the parking of cycles which will help to encourage staff travel to and from the site by means other than the private car.

The Framework Travel Plan does not differentiate between the travel demands of residents and employees of the site. Elements of the Travel Plan are not considered to be relevant to the proposed development which will clearly require that travel planning measures are targeted individually to these specific groups.

Highway Consultation Summary.

The Highway Authority has given consideration to the documents submitted in relation to access and transport. It has concerns relating to the parking demand associated with the development and therefore considers the promotion of travel by sustainable modes to be an important consideration for this proposal. The Highway Authority requests that the submitted Framework Travel Plan is updated and submitted for approval. It also requests that formal consideration is given to construction management issues to ensure that any inconvenience to users of the adjacent highway is minimised. The Highway Authority therefore does not raise any objection to the application subject to the addition of the following suggested planning conditions:

Conditions:

Condition (construction management):- The development shall not begin until full details of all proposed vehicle access, parking arrangements and mud /

dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan. Reason;- To minimise danger, obstruction and inconvenience to users of the highway.

Condition (Travel Plan Statement). The development shall not begin until an updated Travel Plan Statement, identifying the proposed methods to influence travel patterns, is submitted to and approved in writing by the Local Planning Authority.

Reason:- To deliver an acceptable development and to promote alternative modes of travel to the private car.

- 7.41 In respect of those suggested conditions, officers take the view that it is not reasonable under planning legislation to require details in respect of matters that are subject to other primary legislation such as the Highways Act. It is, however, reasonable to ensure that the Framework Travel Plan is implemented and maintained, though more appropriately secured prior to first occupation of the approved development rather than prior to commencement.
- 7.42 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In that regard, and in light of the above, that 'severe harm' to the highway could not be substantiated here so as to warrant refusal of the application.
- 7.43 Other matters raised in respect of impacts on the highways network arising through the construction process are matters best dealt with under the Highways Act rather than the Planning Act and an informative can be included to that effect.

Trees, Landscape and Ecology

- 7.44 The Council's Tree Officer has reviewed the submitted arboricultural information and is satisfied that the protection offered for the retained trees would ensure their retention. This can be secured by way of condition to ensure that the scheme accords with Policies CS12 and SADM12 as they relate to protection of the natural environment and trees.

Drainage and Flood Risk

- 7.45 Similarly, the County Council as Lead Local Flood Authority (LLFA) confirm that following a review of the Technical Design Note, document reference RCH-HYD-XX-XX-RP-D-5001, revision P01, dated 22 March 2019, submitted to support to this application, they are now in a position to remove their initial objection on flood risk grounds.

- 7.46 Subject therefore to the imposition of relevant conditions, as requested by the LLFA, the development would be acceptable with regard to Policies CS16, SADM14 and SADM15 as they relate Sustainable Urban Drainage Systems (SUDS) and flood risk.

Refuse and Waste

- 7.47 In response to comments made by the Council's Waste Services team the planning agent submitted a revised plan showing provision for 4 x 1100 litre wheelie bins to be used for 2 x domestic waste, 2 x clinical waste and 1 x cardboard. It was also stated that the care operator uses a private waste contractor and can specify times and numbers of visits depending on need/demand.
- 7.48 That revised plan and comment was forwarded to the Council's Waste Services Team but no further correspondence was received from them. In the absence of any further response it is considered here that the proposed provision for waste storage and collection would be appropriate in this case having regard to Policy SADM19 as it relates to waste storage in new development. Officers will nevertheless pursue further comment and advise members at the Committee meeting.

Other matters

CIL

- 7.49 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 m²), 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.
- 7.50 The proposal is chargeable under the Community Infrastructure Levy Regulations 2010 (as amended) due to the increase in gross floor space.

Equalities and Diversity

- 7.51 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.

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

7.53 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 proposal is acceptable in principle and with respect to its character and appearance, residential amenity, parking, access and highway safety, trees, landscaping and environmental and sustainability considerations. Accordingly, planning permission is recommended to be granted subject to conditions.

9.0 RECOMMENDATION

It is recommended that planning permission is granted for the development, subject to the following conditions:

9.1 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 following approved plans and documents:

DR-A-00011A PROPOSED SITE LAYOUT DRAWING (received 24/05/2019)
DR-A-0004A PROPOSED LAYOUT FLOOR PLANS (received 24/05/2019)
DR-A-0006A PROPOSED ELEVATIONS (received 24/05/2019)
DR-A-0007A PROPOSED ELEVATION SECTION E (received 24/05/2019)
DR-A-0008D PROPOSED SITE LAYOUT (received 24/05/2019)
DR-A-0005A PROPOSED ROOF LAYOUT PLAN (received 24/05/2019)

DR-A-0009A BLOCK PLAN (received 24/05/2019)
DR-A-00010A PLAN SHOWING NEW BUILD (received 24/05/2019)
DR-A-00012A PROPOSED AND EXISTING SECTION (received 24/05/2019)
DRAINAGE TECHNICAL DESIGN ref: RCH-HYD-XX-XX-RP-D-5001-P04(1)
(received 29/10/2018)
DRAINAGE TECHNICAL DESIGN NOTES ref: RCH-HYD-XX-XX-RP-D-5100-P01 (received 28/03/2019)
ARBORICULTURE REPORT ref: R0336_001_ (received 29/10/2018)
TREE PROTECTION PLAN ref: D0336_002_B_ (received 29/10/2019)
TREE CONSTRAINTS PLAN ref: D0336_001_B (received 29/10/2018)
TRANSPORT STATEMENT ref: 10657-HYD-XX-XX-TS-TP-4001-P2 LOW RES (received 29/10/2018)
TRAVEL PLAN ref: 10657-HYD-XX-XX-FTP-TP-6001-P2 (received 29/10/2018)
OPERATORS STATEMENT THE RADLEY 111018 (received 29/10/2018)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies SADM3 and SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

4. The development hereby permitted shall be carried out in full accordance with the submitted Arboricultural Report ref: R0336_001_ (including Tree Protection Plan ref: D0336_002_B_ and Tree Constraints Plan ref: D0336_001_B) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2013.

5. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Hydrock, document reference RCH-HYD-XX-XX-RP-D-5001, revision P01, dated 22 March 2019:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 1 l/s from developable area during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in permeable paving with sub-base and oversized pipes.
3. Discharge of surface water from the private drain into the existing Thames Water surface water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: 1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.

2. To reduce the risk of flooding to the proposed development and future occupants.

6. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

2. Final, detailed drainage plan with included all SuDS features with their volumes indicated.

3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

7. PRIOR TO FIRST OCCUPATION of the development hereby approved a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

8. PRIOR TO FIRST OCCUPATION of the development hereby approved an updated Travel Plan Statement, identifying the proposed methods to influence travel patterns, is submitted to and approved in writing by the Local Planning Authority.

Reason:- To deliver an acceptable development and to promote alternative modes of travel to the private car.

10.0 GENERAL REASON(S) FOR GRANTING PERMISSION

- 10.1 The proposal is acceptable in principal and in other respects relating to character and appearance, impact on living conditions, car parking provision and highway matters, trees, landscaping and ecology, drainage and flood risk and water storage. The proposal would comply with the National Planning Policy Framework 2019, Policies SP1, SP2, CS4, CS12, CS16, CS19, CS22, CS24, CS25 & CS26 of the Core Strategy 2013, Policies SADM3, SADM11, SADM12, SADM14, SADM15, SADM19, SADM30, SADM32 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, Part D 2016 of the Planning and Design Guide SPD (Draft for Interim Development Management Use), Biodiversity, Trees and Landscaping SPD 2010, Parking Standards SPD 2014, Waste Storage Requirements for New Residential Developments 2017, Community Infrastructure Levy Regulations 2010 and Public Sector Equality Duty of Equality Act 2012.

11.0 BACKGROUND PAPERS

1. The Planning application (18/2082/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

12.0 INFORMATIVES

1. Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant through the course of the application 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) Order 2015.

2. Guidance, Policies SP1, SP2, CS4, CS12, CS16, CS19, CS22, CS24, CS25 & CS26 of the Core Strategy 2013, Policies SADM3, SADM11, SADM12, SADM14, SADM15, SADM19, SADM30, SADM32 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, Part D 2016 of the Planning and Design Guide SPD (Draft for Interim Development Management Use), Biodiversity, Trees and Landscaping SPD 2010, Parking Standards SPD 2014, Waste Storage Requirements for New Residential Developments 2017, Community Infrastructure Levy Regulations 2010 and Public Sector Equality Duty of Equality Act 2012.

3. 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.

Case Officer Details

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