

## **Delegated Report**

**APPLICATION NO: 19/0250/FUL**

**DATE OF APPLICATION: 20 February 2019**

**STATUTORY START DATE: 4 March 2019**

### **SITE LOCATION**

The Royal British Legion, Cotton Road, Potters Bar, Hertfordshire, EN6 5JG

### **DEVELOPMENT**

Demolition of existing building & redevelopment of site to provide 8 x 2 bed flats on the upper floors with retention of a community use on the ground floor, together with associated landscaping, car parking & cycle spaces.

### **AGENT**

Mr Joe Henry  
163 Church Hill Road  
Barnet  
EN4 8PQ

### **APPLICANT**

Mr P Kane  
C/O agent

**WARD:** Potters Bar Oakmere

**GREEN BELT:** Yes

**CONSERVATION AREA:** No

**LISTED BUILDING :** No but adjacent to a locally listed building

**TREE PRES. ORDER:** No

### **REASONS FOR COMMITTEE CONSIDERATION**

The proposal exceeds four new residential units

#### **1.0 SUMMARY OF RECOMMENDATION**

1.1 Refuse permission

#### **2.0 SITE AND SURROUNDING AREA**

2.1 The application site includes the British Legion Club which comprised a two storey building that is positioned on the north-eastern corner of the intersection that includes The Causeway, High Street and Cotton Road.

In appearance the building is modest in size and unremarkable consisting of red/brown face-brick, dark brown tiles and a hipped roof form with prominent gables. The building is currently in the process of being demolished.

- 2.2 The site is located within an area of mixed use being at the end of the town's established High Street. A number of Potters Bar's older buildings are in the area such as the statutorily listed Green Man pub on the western side of the High Street and the locally listed old Police Station. Cotton Road is characterised, at this western end by attractive Edwardian semi-detached residential properties. To the north west of the site is Morven Park while to the north of the site is 207, High Street or the aforementioned former Potters Bar Police Station, which has been redeveloped.
- 2.3 To the east of the site is number 2a Cotton Road, a two storey dwelling house; to the south is number 201-203 High Street, a three storey flatted development dating from the 1960s or 70s with residential use on the upper floors and commercial use on the ground floor. This arrangement is largely replicated to the west - across the intersection – where there is two storey period terrace with commercial uses at ground floor and some residential above.
- 2.4 There is no dominant architectural style within the vicinity of the site but in scale and mass terms most buildings exercise a degree of restraint with two storeys being the general benchmark. The existing building is currently being demolished.

### 3.0 PROPOSAL

- 3.1 Demolition of existing building & redevelopment to provide 8 x 2 bed flats on the upper floors with retention of a community use on the ground floor, together with associated landscaping, car parking & cycle spaces.

### 5.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
82/0013/APP	Appeal: SINGLE STOREY SIDE EXTENSIONS_ RESITED FIRE ESCAPE STAIRWAY_ PROVISION OF ADDITIONAL FLOOR INSIDE HALL_ ROOF LIGHTS_ NEW ENTRANCE WITH CANOPY AND NEW ACCESS AT ROAD JUNCTION.	24 March 1983 Appeal Dismissed

Reference number	Description	Date and outcome
15/0739/FUL	Demolition of existing building & erection of detached 3 storey building comprising 4x2 bed flats at first & second floor level, Community Hall on ground floor with associated access, parking & landscaping	18 September 2015 Refuse Permission
16/1319/FUL	Demolition of the existing buildings and redevelopment for 4 residential dwellings proposed on the upper floors and retention of a community use on the ground floor, together with car parking spaces	19 September 2016 Grant Permission
TP/82/0345	SINGLE STOREY SIDE EXTENSIONS_ RESITED FIRE ESCAPE STAIRWAY_ PROVISION OF ADDITIONAL FLOOR INSIDE HALL_ ROOF LIGHTS_ NEW ENTRANCE WITH CANOPY AND NEW ACCESS AT ROAD JUNCTION.	19 August 1982 Refuse Permission
TP/83/0403	SINGLE STOREY SIDE EXTENSIONS_ NEW ENTRANCE AND CANOPY_ ALTERATIONS TO WINDOWS AND INTERIOR	14 July 1983 Approval
TP/05/0965	*Electronic documents only, no paper file_ 1. Extending on a friday and saturday would enable the club to continue to offer live music, recorded music, dancing and entertainment of a similar description._2. To supply alcohol to members and their guests- Monday to Thursday up to 00.00 hours, Friday and Saturday up to 02.00 hours and Sunday up to 00.00 hours. (Consultation by Licensing Officer).	25 August 2005 Raise Objections

5.1 Nil

## 6.0 CONSULTATION & RESPONSES

### 6.1 Notices

Site Notice (Generic) 3rd April 2019

Expiry Date: 24th April 2019

No Press Notice Required.

### 6.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
CPZ - Parking Operations	6 March 2019
Environmental Health & Licensing	6 March 2019
Senior Flood Risk And SuDS Officer	
CIL	6 March 2019
Housing	6 March 2019

<b>Consultee</b>	<b>Date Consulted</b>
Senior Traffic Engineer	6 March 2019
Tree Officer	6 March 2019
Potters Bar Society	6 March 2019
Drainage Services	6 March 2019
Waste Management Services	6 March 2019
Highways HCC	6 March 2019
Hertfordshire Fire & Rescue Service	6 March 2019
EDF Energy Networks	6 March 2019
Cadent Gas Limited (Prev National Grid Company Plc )	6 March 2019
Thames Water Development Planning	6 March 2019
Affinity Water Limited	6 March 2019
HCC Planning Obligations Officer	6 March 2019
Natural England Consultation Service	6 March 2019
Hertfordshire Ecology	6 March 2019
CPZ - Parking Operations	13 March 2019

Responses:

<b>Consultee</b>	<b>Comment</b>
CPZ - Parking Operations	No objection.
Environmental Health & Licensing	Due to the development site being within 250 metres of an Air Quality Management Area, Environmental Health would request an air quality assessment to be undertaken.
Senior Flood Risk And SuDS Officer	No comment.
Housing	No objection.
Senior Traffic Engineer	No objection.
Tree Officer	No objection.
Potters Bar Society	The addition of a fourth floor makes the building over dominant, particularly in its prominent position. As seen from the Hatfield Road. Comparing it with 'The Hollies' is pointless, the view is quite different. Members ask that this fourth floor be refused.
Drainage Services	No objection.
Waste Management Services	Further plans required detailing refuse and recycling container allocation and storage area to ensure the area allocated is sufficient. Current plans do not provide the detail.
Highways HCC	Will not result in a significant impact.
Thames Water Development Planning	No objection.
HCC Planning Obligations Officer	No comment.
Natural England Consultation Service	No comment.
Hertfordshire Ecology	No objection.
CPZ - Parking Operations	The proposed development is within the controlled parking zone which has a

Consultee	Comment
	restriction of 8.00am to 6.30pm, Monday to Saturday and is restricted to permit holders only. Residents of the new development would not be entitled to apply for parking permits to park in the restricted parking bays during the hours of operation.

### 6.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	3	1	30	3

#### No. 8 Cotton Road, Potters Bar

- Parking concerns.
- Overdevelopment

#### No. 4 Cotton Road, Potters Bar

- Parking concerns. No additional parking.
- Character and appear of area.
- Amenity space.
- Height of the proposal.

#### No.45 Cotton Road, Potters Bar

- Object to the demolition, conservation order on part of the roof.
- The height is not in keeping with the surrounding area.
- Object to the reduction in existing public parking.

#### The Hart and Parker Trust

- Any redevelopment of the site will allow a stone brick is currently sited on the right bottom corner of the wall facing onto the Causeway/Cotton Road to remain.
- It would be incredibly generous if on redevelopment a further plaque could be allowed giving Henry Parker his just reward for being such a generous man to local residents.

## 7.0 PLANNING POLICY CONTEXT

### Policy Designation

CIL Area A

### Relevant Planning Policies

#### National Planning Policy

National Planning Policy Framework (NPPF) 2019

Planning Practice Guidance (PPG)

Community Infrastructure Levy

### 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

CS12 - The Enhancement of the Natural Environment

SP1 – Creating sustainable development

SP2 – Presumption in favour of sustainable development

CS1 – Supply of new homes

CS2 – Location of new homes

CS4 – Affordable housing

CS7 – Housing mix

CS14 – Protection or enhancement of historic heritage assets

CS16 – Environmental impact of new development

CS17 – Energy and CO2 reductions

CS18 – Access to services

CS19 – Key community facilities

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

CS26 – Promoting alternatives to the car

### Site Allocations and Development Management (SADM) Policies Plan:

SADM3 – Residential Developments

SADM12 – Tree, Landscaping and Development

SADM15 – Sustainable Drainage Systems

SADM17 – Water Supply and Waste Water

SADM19 – Waste Storage in New Development

SADM20 – Environmental Pollution and Development

SADM29 – Heritage Assets

SADM30 – Design Principles

SADM32 – Key Community Facilities

SADM40 – Highways and Access Criteria for New Development

### Other

Equality Act (2010)

## **7.1 Key Issues**

- Background
- Principles
- Affordable Housing
- Design, Visual Appearance and Heritage Matters

- Living Standards and Amenity of Future Residents
- Amenity of Neighbouring Occupiers
- Trees and Landscaping
- Parking and Refuse Facilities
- Sustainable Design and Reducing Energy Consumption and CO2 Emissions
- Drainage and Flood Risk
- Community Infrastructure Levy (CIL) Liability
- Equalities and Diversity

## 8.0 ASSESSMENT & REASONED JUSTIFICATION

**8.1 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'.**

### **Background**

8.2 Previously planning application ref: 15/0739/FUL for “Demolition of existing building & erection of detached 3 storey building comprising 4x2 bed flats at first & second floor level, Community Hall on ground floor with associated access, parking & landscaping” was refused on 18 September 2015.

8.3 *The reason for refusal states:*

“The design and overall appearance of the building, including the varying roof forms, notably the prominent cat slide roof, together with the discordant north elevation and the external balconies and terraces would result in a visually incoherent and unbalanced design that would detract from the appearance of the adjacent locally listed building and the immediate streetscene of which this site forms a prominent part. This would be contrary to policies: National Planning Policy Framework (2012), National Planning Policy Guidance, Policies SADM31 of the Site Allocations and Development Management Policies Plan 2015, Policy CS22 of the Core Strategy (2013) and The Planning and Design Guide SPD - Part D (2013).”

8.4 A planning application 16/1319/FUL was approved planning permission for the demolition of the existing buildings and redevelopment for 4 residential dwellings proposed on the upper floors and retention of a community use on the ground floor, together with car parking spaces.

8.5 A further Planning application ref: 18/1994/FUL for “Demolition of existing building & redevelopment to provide 6 x 2 bed flats on the upper floors with retention of a community use on the ground floor, together with associated landscaping, car parking & cycle spaces”, was granted planning permission on 20.12.2018.

## **Principle**

- 8.6 The National Planning Policy Framework (NPPF, 2019) highlights the need to significantly increase the supply of houses within appropriate areas. This is supported by Core Strategy 2013 Policies SP1 and SP2 for creating and supporting sustainable development, and policies CS1 and CS2, which emphasise the need to make provision for new housing within the Borough, particularly in accessible locations within the boundaries of existing urban areas.
- 8.7 These policies are supported by Core Strategy Policies SP1, which prioritises development on brownfield sites, and SP2, which generally permits proposals that accord with the development plan. Policies CS1 and CS2 support the provision of new housing within the Borough, particularly in accessible locations within the boundaries of existing urban areas. The principle of the demolition of the Royal British Legion building and the redevelopment of the site has been established (most recently under application no. 18/1994/FUL), as such the general principle of this proposal has already been established.
- 8.8 Further to paragraph 8.7, it is confirmed that there is no objection to the principle of residential development on this site, as it is within an established residential area of Potters Bar. Its proximity to the town centre and nearby amenities makes it a sustainable location for the creation of residential units.
- 8.9 The site does meet the definition of a Key Community Facility in Core Strategy policy CS19 on the basis that the British Legion is a community centre. This development proposes the retention of the community facility on site, although reduced in size. It is considered that the development is in accordance with Policy CS19.

## **Design, Visual Appearance and Heritage Matters**

- 8.10 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. This is supported by policy SADM30 which advises that in order to achieve a high quality design, development must respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, urban form. In addition, Policy CS22 from the Hertsmere Core Strategy (2013) advocates that development take advantage of opportunities to improve the character and quality of an area. Furthermore, Part D (draft revised version 2016) of the Hertsmere Planning and Design Guide SPD provide specific design principles for development.



- 8.11 The main considerations in the subject application are the differences between the approved planning permission under application 18/1994/FUL and the subject proposal. The subject proposal has increased the number flats to 8 x 2 bedroom flats compared to 6 x 2 bedroom flats. Essentially the proposal has included an additional storey. No additional car parking spaces have been proposed under the new scheme.
- 8.12 The development includes the demolition of the existing building (as previously advised the building was in the process of being demolished on the officer site visit) the construction of a new building with the inclusion of a community hall on the ground floor and 8 residential units on the first, second and third floors, together with integrated car parking spaces and peripheral landscaping. The footprint of the proposal is largely the same position as the existing building. The proposed height and mass of the proposed building is noticeably larger than what was previously approved under application 18/1994/FUL. The proposal would be one storey higher than the already approved scheme when viewed from Cotton Road and The Causeway. The overall height of the building is between 14.53m and 14.38m in height. The proposal is 6.09m higher than No.2 Cotton Road and 4.88m higher than No.1 The Causeway (the former Metropolitan Police Station).
- 8.13 As noted above the site is located adjacent to the former Metropolitan Police Station on The Causeway which is a locally listed building now home to a children's nursery. Dating from the 1891, the building has been designated as a locally listed building because of its architectural significance, its contribution to the local built environment, and its local historic interest. It is an imposing detached red brick building under slate roofs and has retained many of its original features, including distinctive timber detailing to the gables, prominent chimneys and attractive stone and brick dressing. Its local historic interest is described as: *"the building was built as the Metropolitan Police Station in 1891. It has strong community significance and was used as the local Police Station by Hertfordshire police until 2011. The Metropolitan Police were formed the Metropolitan Police Act of 1829 under Sir Robert Peel covering the districts of Westminster, and part of Middlesex, Surrey and Kent. Potters Bar was formerly part of Middlesex within the Country of London unit 1965 when it became part of Hertfordshire"*.
- 8.14 Whilst the demolition of the Royal British Legion building and the redevelopment of the site has been established (most recently under application no. 18/1994/FUL), the current proposal to add another storey to the approved building is considered to be detrimental to the setting of the locally listed former Police Station and surrounding area. It is abundantly clear in the proposed street scene elevations (drawing no. 440115/9) that the scale of the proposed building is disproportionate to the surrounding buildings and will dominate the setting of the locally listed building, detracting from its local significance and engulf the neighbouring property at no.203 Cotton Road. The proposed building would be dominant and obscure views of the former Police Station in views to the south looking north, and will be an imposing backdrop to the building in views from the north looking south. The old Police Station building is currently considered to make "a significant contribution to the local

area” due to its position and this will be undermined by the proposed development.

- 8.15 Paragraph 197 of the NPPF 2019 states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*”. As such the proposal does not comply with Paragraph 197 of the NPPF 2019.
- 8.16 The scheme includes a combination of hipped roof forms and gable ends fronting onto Cotton Road and The Causeway. Noticeably with reference to the former Police Station next door, this proposal would have a main eaves line at a point higher than the apex of the roof of the former police station which jars with its neighbour and presents a scenario where it appears to dwarf its neighbour. Further the added floor presents an overly high and bulky building on a relatively narrow site thus appearing somewhat cramped.
- 8.17 It is considered that in streetscape terms the overall form of the building relative to the nearby buildings is unduly disproportionate, and it will appear overbearing and visually dominant on a prominent corner site in to its height, mass and scale and would fail to comply with the relevant policies to the detriment of the character and appearance of the area.

### **Impact on Residential Amenity**

- 8.18 Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Part D Planning and Design Guide require new development does not adversely impact the residential amenity of neighbouring properties.

#### *Amenity of Future Occupiers*

- 8.19 The national space standards came into effect on 1<sup>st</sup> October 2015, it states that a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide and to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup> and a width of at least 2.75m wide. A minimum ceiling height of 2.5m for at least 75% of the gross internal area (GIA) is strongly encouraged.

	Number of bedrooms	Number of bed spaces (persons)	1 or 2storey dwellings	Provided
Unit 1	2b	4	70m <sup>2</sup>	82m <sup>2</sup>
Unit 2	2b	3	61m <sup>2</sup>	61m <sup>2</sup>
Unit 3	2b	4	70m <sup>2</sup>	86m <sup>2</sup>
Unit 4	2b	3	61m <sup>2</sup>	73m <sup>2</sup>
Unit 5	2b	3	61m <sup>2</sup>	61m <sup>2</sup>

Unit 6	2b	4	70m2	86m2
Unit 7	2b	3	72m2	61m2
Unit 8	2b	3	62m2	61m2

8.20 The GIA for the proposed 6 units meets the national space standards.

8.21 The bedrooms align with the size requirements, being between 7.5sqm for single rooms and 11.5sqm for double rooms.

*Orientation / Daylight and Aspect*

8.22 The new units have multiple aspects and facing north and at an elevated level, they will receive a good level of daylight and sunlight. The windows in the living rooms and bedrooms are well proportioned for the room sizes. Future residents will have an acceptable outlook.

8.23 The previously approved flat sizes remain the same. Flat 7 proposed as a two bedroom 3 person flat has a gross internal area of 72m2 featuring 5.6m2 of amenity space and flat 8 is proposed as a two bedroom 3 person flat with a gross internal area of 62m2 featuring 4.2m2 amenity space and as such both additional units are considered acceptable. Consideration has been given to the arrangement of the windows to avoid overlook and privacy issues. Given the separation distances between 201-203 High Street and Cotton Road it is not considered that the proposal will result in a detrimental impact on the residential amenities of the neighbouring properties.

*Private Amenity Space*

8.24 Part D of the Residential Design Guidance advocates that 2 bedroom flats should each be provided with 30sqm of amenity space.

8.25 The development includes the following amenity space for each unit:

- Flat 1 – balcony 7.6sqm
- Flat 2 – balcony 3.7sqm
- Flat 3 – balcony 6.7sqm
- Flat 4 – balcony 5.6sqm
- Flat 5 – balcony 3.7sqm
- Flat 6 – balcony 6.7sqm
- Flat 7 – balcony 5.6sqm
- Flat 8 – balcony 4.2sqm

8.26 Whilst the development does not provide any communal outdoor space for residents the site is located diagonally opposite to Morven Park, which is an expansive park that is open to the public. The delegated report for the

previous proposal justified the level of amenity space provision by stating “*Although the development is significantly below the recommended level of onsite amenity space, on balance it is considered that future residents would have access to an acceptable level of amenity from a combination of the private terrace/balconies and the open space provided in the park that is in close proximity to the site*”. The same justification applies to the subject application.

#### *Amenity of Neighbouring Occupiers*

- 8.27 Policies SADM3 & SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Part D of the Planning and Design Guide require that new development does not adversely impact the residential amenity of neighbouring properties.
- 8.28 Although it is considered that the proposal may likely appear visually overbearing from the nursery site next door (within the former Police Station), it is not considered that the proposal will have a sufficiently negative impact to any nearby residential units such to warrant refusal in respect to the impact on residential amenities and thus the proposal is considered to accord with the relevant policies and guidance.

#### **Affordable Housing**

- 8.29 Paragraph 63 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). A major development is classified in the NPPF as being a development which relates to housing, where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
- 8.30 The Council’s position is therefore that affordable housing would not be required for the proposed development as it falls below the threshold in paragraph 63 of the NPPF.

#### **Sustainable Design and Reducing Energy Consumption and CO2 Emissions**

- 8.31 Whilst the orientation is constrained by the site, the layout of the building has been designed to maximise the southerly facing elevations and take optimum advantage of passive solar gain, this includes positioning living spaces on the south side and incorporating large areas of glazing on the south facing facades. All habitable rooms will have openable windows to enable natural ventilation.

- 8.32 It is considered that the development is in a sustainable location, the dwellings have easy access to regular bus services running along the High Street and there are also shops and facilities in close proximity of the site.
- 8.33 The combination of the above factors will provide a development that is sustainable and which will minimise energy usage whilst helping to reduce carbon emissions. As such it is considered that the proposal would comply with the NPPF and Policy CS16.

### **Trees and landscaping**

- 8.34 The site does not contain any TPO trees. If the application was to be approved by members it is recommended that conditions be added to ensure that suitable landscaping and boundary treatments are provided for the development inclusive of details of species, location and sizes of the new planting/trees to be submitted.

### **Parking and Access**

- 8.35 Policy CS25 of the Core Strategy 2013, SADM41 of the Site Allocations and Development Management policies 2015, the Parking Standards SPD 2014 and the NPPF 2019 seek to ensure that new development provides a suitable access and car parking provision. In addition, SADM20 seeks to ensure adequate waste storage provision in new development.
- 8.36 The Parking Standards SPD 2014, require 2 car parking spaces per 2 bed dwellings and 1 car parking space per each 9sqm of a community use. This means that this development would ordinarily require a total of 29 car parking spaces to meet the guidance with the Parking Standards SPD 2014.
- 8.37 The site is located within Zone 4 which allows for a reduction in the required parking provision by up 25%. The location of the site is also nearby to amenities and a short bus ride to the town centre. As such 21 car parking spaces would be required, yet only 6 car parking spaces have been provided and there would be a shortfall of 15 car parking spaces. There was no parking provision for The Royal British Legion Club when that was still in operation.
- 8.38 The previous proposal which was granted planning permission had a shortfall of 12 car parking spaces (including that for the community use demand on the ground floor). The officer stated *"It is important to note that the previous community use of the site provided no car provision at all. The development provides one space for each flat and a visitor parking space, and it is considered that, due to the location's position close to the town centre and its generally good accessibility to shops, transport and services, although there is*

*an under provision of spaces this would not be a ground for refusal on its own.”*

- 8.39 Furthermore paragraph 109 of the NPPF (2018) states: *“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.”*
- 8.40 The application site is within an established residential area of Potters Bar, its proximity to the town centre and nearby amenities makes it a sustainable location. It was noted under the previous application that there was a shortfall in car parking however every unit had at least one car parking space. The proposal offers no car parking for the additional units.
- 8.41 The proposal would provide one cycle space per flat in accordance with the Parking Standards SPD 2014. Although it is difficult to justify that the increased shortfall in parking for this revised scheme would result in conditions prejudicial to highway safety and therefore failing the test set out in paragraph 109 of the NPPF, it is felt that this further shortfall is an indication that an excessive level of development is now being proposed under this application whereby even one space for each of the additional units cannot be met or provided to the detriment of the residential amenities of future occupiers.

### **Access and Layout**

- 8.42 Access to the site would be provided from Cotton Road as previously approved. The development proposes a dropped kerb approximately 30m away from the junction with The Causeway. HCC Highways consider that although the layout of the parking is not ideal, given the 5.7m turning area (rather than 6m as recommended), which may result in access to bay No.3 being difficult to negotiate with a larger vehicles.
- 8.43 There is no parking provision for The Royal British Legion Club, which was the existing situation. It is considered that the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and therefore, subject to conditions planning permission should not be refused and would therefore accord with Policies CS25 and SADM40 of the Core Strategy and the SADMPP. In addition, the Highway Authority have been consulted and raise no objections to the proposed.

### **Waste Storage Provision**

- 8.44 Part D of the Planning and Design Guide SPD requires that all new development provide areas for the sorting, storage and collection of materials for recycling and general waste. Refuse spaces should be sited sensitively

and should be designed not to dominate the appearance of a new development. They should have adequate lighting (natural or artificial); good natural ventilation; a smooth easily cleanable floor laid to a fall with suitable drainage; and should have a suitable enclosure e.g. wooden fencing, brick or concrete walls. If approved further plans would be required detailing refuse and recycling container allocation and storage areas to ensure the area allocated is sufficient for the additional flats provided. Current plans do not provide the detail.

### **Drainage and Flood Risk**

- 8.45 Policy SADM15 states that planning permission will not be granted for development within areas at high risk of flooding unless it incorporates appropriate flood protection measures. The application site is not in an area of high flood risk. The site falls within Flood Zone 1 and a flood risk assessment was not required as it is not anticipated the site is at risk of flooding.

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

- 8.46 The proposal is chargeable under the Community Infrastructure Levy Regulations 2010 (as amended) due to the gross floor space proposed involving the creation of new dwellings.

### **Equalities and Diversity**

- 8.47 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.
- 8.48 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.49 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.

## **9.0 CONCLUSION**

9.1 The proposal is acceptable in principle however, the design and appearance due to the site's prominent corner location and the height and mass of the proposals would not preserve the character and appearance of the street scene, and would adversely impact on the significance of the locally listed building (a non-designated heritage asset). The proposal would have an adverse impact on the residential amenities of adjoining occupiers as the proposal would be overbearing as such it would not comply with Council policies.

## **10.0 Recommendation**

**10.1** Refuse Planning permission for the following reasons:

1. The proposal, by virtue of its design, height and mass, on a prominent corner site would result in a visually dominant and intrusive form of development to the detriment of the character and appearance of the street scene that would also adversely impact on the significance of the adjacent locally listed building (a non-designated heritage asset). It would therefore be contrary to the NPPF (2019), Hertsmere Core Strategy 2013 Policies CS14 and CS22; Hertsmere's Site Allocations and Development Management Policies Plan 2016 Policies SADM3, SADM29 and SADM30 and the following Supplementary Planning Documents: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016) and the Parking Standards SPD (2014).
2. The proposal, by virtue of its scale, height and siting within a narrow site with a proposed shortfall in off-street car parking to adequately serve the development, is considered to result in a cramped overdevelopment of the site to the detriment of the character and visual amenities of the area and the residential amenities of future residents. It would therefore be contrary to the NPPF (2019), Core Strategy 2013 Policy CS22; Hertsmere's Site Allocations and Development Management Policies Plan 2016 Policies SADM3 and SADM30, and the following Supplementary Planning Documents: Planning and Design Guide Part D - Guidelines for Development (Draft - 2016) and the Parking Standards SPD (2014).

## **11.0 Background Papers**

1. The Planning application comprising application forms, drawings, planning and statement.
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. This determination refers to the following plans:
  - 20232, 440115/1, 440115/11, 440115/9, 440115-10 REV A.
  - Planning Statement Henry planning consultancy and development (Feb 2019).
2. Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted pro-actively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue although it has acted on another application on this site which is more acceptable (18/1994/FUL). Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

### Case Officer Details

Sinead Normoyle - email address [sinead.normoyle@hertsmere.gov.uk](mailto:sinead.normoyle@hertsmere.gov.uk)