

## **Committee Report**

**Date of meeting: 12<sup>th</sup> November 2020**

**APPLICATION NO: 20/0887/FUL**

**DATE OF APPLICATION: 22 June 2020**

**STATUTORY START DATE: 22 June 2020**

### **SITE LOCATION**

South Block, Parkside, High Street, Potters Bar,

### **DEVELOPMENT**

Alterations to roof of existing residential block, to provide 6 additional flats (5 x 1 bed and 1 x 2 bed). Partial demolition of existing stores and erection of new ancillary bin storage, bicycle/general storage facilities and car parking. (revised application to 19/1716/FUL)

### **AGENT**

Mr Chris Southgate  
The Studio, Stone Mill  
The Wardens  
Kingsland  
Leominster  
HR6 9DP

### **APPLICANT**

Mr and Mrs Keith Newland  
St Vicents Way  
Barnet Road  
Potters Bar  
EN6 2RW

**WARD:** Potters Bar Parkfield

**GREEN BELT:** No

**CONSERVATION AREA:** No

**LISTED BUILDING:** No

**TREE PRES. ORDER:** No

### **REASONS FOR COMMITTEE CONSIDERATION**

The application is being brought to Planning Committee due to the application being called-in at the request of the Chair of the Planning Committee.

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

- 1.1 That powers be delegated to the Head of Planning and Economic Development to grant planning permission, subject to the receipt of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act by 31<sup>st</sup> December 2020, or at a later date to be

agreed in writing pertaining to the notification in writing of all future residents of the proposed residential units that they will be ineligible to be granted a permit to park a vehicle in the residents parking bay situated within the vicinity of the site and to pay to the Council the relevant CPZ consultation contribution.

- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within this timescale it is recommended that the Head of Planning and Economic Development be given delegated powers to refuse the planning application, for the reason set out below:

*The applicant has failed to agree an appropriate arrangement in terms of the restriction of parking permits for future residents of the proposed development and that the proposal would lead to inappropriate parking arrangements which would lead to a detrimental impact on highway safety. The proposal would therefore fail to accord with policy CS25 of the Core Strategy 2013, policy SADM40 of the Site Allocations and Development Management Plan 2016 and the guidance contained within the NPPF 2019.*

## **2.0 APPLICATION SITE AND SURROUNDINGS**

- 2.1 The application site is occupied by a three storey residential block of flats which dates back to the 1960s and comprises 18 flats. It lies on the western side of High Street Potters Bar. To the south of the site is a similar block of flats known as Parkside South Block and to the north is the Metroline Transport Bus Garage. To the rear of the site is the Parkside, and directly opposite is Oakmere Park, both large public open spaces in the heart of Potters Bar. A public footpath runs between the application site and Parkside South Block, providing access from the High Street to the Potters Bar Town Football Club field nearby and Parkside to the rear.
- 2.2 The existing building is constructed in yellow coloured, white framed windows and brown concrete tiled roof with hipped ends. These features are replicated in the South Block at Parkside. Both the North and the South Blocks are laid out in two distinct sections, both feature open frontages onto the High Street, including grassed open curtilages with boundary landscaping.
- 2.3 The site is close to the Potters Bar High Street District Centre and in close proximity of locally listed buildings, including the boundary wall

with Metroline Transport Bus Garage. The application site itself does not have any historical or ecological designations.

- 2.4 A planning application (ref 18/0608/FUL) for alterations to the roof of the existing residential block to provide 3 additional flats (2x1 bed & 1x2 bed) together with ancillary bin storage and bicycle/general storage facilities and car parking had previously been made in respect of the adjoining Parkside North Block, for which the planning committee had previously resolved to grant permission for this particular proposal.

### 3.0 PROPOSAL

- 3.1 Planning permission is sought for alterations to the roof of the existing residential block, to provide 6 additional flats (5 x 1 bed and 1 x 2 bed) and the partial demolition of the existing stores and the erection of a new ancillary bin storage, bicycle/general storage facilities and car parking.

### 4.0 RELEVANT PLANNING HISTORY

Reference number	Description	Date and outcome
16/2158/FUL	Alterations and extensions to the roof of the existing residential block to provide 6 flats (4 x 1 bed, 1 x 2 bed, 1 x 3 bed) with ancillary bin storage and bicycle/general storage facilities and car parking. Alterations to selected windows to front elevation to provide Juliet balconies (Amended Description)	21 March 2017 Application Withdrawn
18/0609/FUL	Alterations to roof of existing residential block to provide 4 additional flats (3x1 bed & 1x2 bed) with ancillary bin storage and bicycle/general storage facilities and car parking (Additional Ecology Report received on 31/07/2018 and amended plan received 29/10/2018).	4 May 2020 Permission subject to/linked to Sect 106
19/1716/FUL	Alterations to roof of existing residential block, to provide 6 additional flats (5 x 1 bed and 1 x 2 bed). Part demolition of existing bin store to create ancillary bin storage and bicycle/general storage facilities and car parking.	11 March 2020 Application Withdrawn

### 5.0 CONSULTATION & RESPONSES

#### 5.1 Notices

Site Notice (Generic) 10th July 2020  
No Press Notice Required.

Expiry Date: 31st July 2020

## 5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Environment Agency	24 June 2020
CPZ - Parking Operations	24 June 2020
Environmental Health & Licensing	24 June 2020
Housing	24 June 2020
CIL	24 June 2020
Senior Traffic Engineer	24 June 2020
Tree Officer	24 June 2020
Potters Bar Society	24 June 2020
Drainage Services	24 June 2020
Waste Management Services	24 June 2020
Highways	24 June 2020
Thames Water Development Planning	24 June 2020
EDF Energy Networks	24 June 2020
Cadent Gas Limited (Previously National Grid Company Plc )	24 June 2020
Affinity Water Limited	24 June 2020
HCC Planning Obligations Officer	24 June 2020

Responses:

Consultee	Comment
CPZ - Parking Operations	Future residents will not be able to apply for or purchase resident parking permits.
Housing	No objection.
Drainage Services	No objection.
Highways	No objection and informatives recommended.
Cadent Gas Limited (Previously National Grid Company Plc)	No objection.
HCC Planning Obligations Officer	No objection.

## 5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	2	1	28	3

2 letters of objection received raising the following concerns:

- The inadequate provision of parking for existing residents and for future residents of the proposed units;
- Concern as to how the proposed parking bays would be managed.

1 letter received, whilst not raising an objection to the proposal, queried the proposed sewage and waste water arrangements of the proposed residential units.

## **6.0 PLANNING POLICY CONTEXT**

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

National Planning Policy Framework 2019 (NPPF)

### **6.2 The Development Plan**

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

SP1 - Creating Sustainable Development

SP2 - The Location of New Houses

CS1 - The Supply of New Homes

CS2 - The Location of New Homes

CS3 - Housing Delivery and Infrastructure

CS4 - Affordable Housing

CS16 - Environmental Impact of New Development

CS17 - Energy and CO2 Reductions

CS18 - Access to Services

CS21 - Standard Charges and other Planning Obligations

CS22 - Securing a High Quality and Accessible Environment

CS24 - Development and Accessibility to Services and Employment

CS25 - Accessibility and Parking

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

SADM3 - Residential Developments

SADM12 - Trees, Landscaping and Development

SADM13 - The Water Environment

SADM14 - Flood Risk

SADM15 - Sustainable Drainage Systems

SADM17 - Water Supply and Waste Water

SADM19 - Waste Storage in New Development

SADM20 - Environmental Pollution and Development

SADM30 - Design Principles

SADM40 - Highway and Access Criteria for New Development

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

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

Planning and Design Guide - Part E: Guidelines for Residential Extensions/Alterations (2006)  
Parking Standards SPD (2014)  
Biodiversity, Trees and Landscaping SPD – Parts B, C and D (2010)  
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:

- Planning History
- Principle of development
- Design and Visual Appearance
- Whether harm would be caused to the living conditions of neighbouring residents
- Living Standards and Amenity of Future Residents
- Trees and Landscaping
- Parking, Access and Refuse Facilities
- Drainage and Flood Risk
- Affordable Housing
- Sustainability and Energy Efficient Design
- Community Infrastructure Levy (CIL) Liability
- Equalities and Diversity

### **Planning History**

7.2 Planning permission has already been granted under application 18/0609/FUL for alterations to the roof of the existing residential south block in order to provide 4 additional flats (3x1 bed and 1x2 bed) with ancillary bin storage and bicycle/general storage facilities and car parking. This application was granted permission by members subject to the satisfactory completion of a section 106 agreement which removed the rights for any future residents to either apply for or purchase resident parking permits. This legal agreement was satisfactorily signed and permission was finally granted on the 4<sup>th</sup> May 2020.

- 7.3 This current application proposes 6 no. residential units to the building rather than the consented 4 no. residential units under the previous 2018 application, and proposes this in the form of 5 no. 1 bedroomed units and 1 no. 2 bedroomed units.

#### **Principle of development**

- 7.4 The National Planning Policy Framework (NPPF) (2019) highlights the need to significantly increase the supply of houses within appropriate areas. This is further reiterated in local policy in which Policies CS1, CS2 and Policy SADM3 emphasise the need to make provision for new housing within the Borough, specifically in accessible locations within the boundaries of existing built-up areas, such as Potters Bar.
- 7.5 In the light of the provisions in the NPPF, the Core Strategy and the Development Management Policies the development site is considered to be a brownfield site, in a sustainable location. It is located adjacent to the edge of the Potters Bar District Centre, with the bus routes, high street facilities and associated amenities. In the circumstances, it is consistent with the provisions in and the intent of the NPPF in that it encourages the effective use of land. In principle therefore, the proposal is acceptable subject to the satisfactory resolution of the other matters and material planning considerations.
- 7.6 The remainder of this report addresses the suitability of the scheme given its scale, massing, design and visual appearance in the context of the immediate locality; whether suitable affordable housing is proposed; whether the development would impact on the amenity of adjacent residents; whether it would provide good amenity standards for future residents; whether it would impact on the successful operation and safety of the surrounding highways and nearby trees and biodiversity at the site.

#### **Design and Visual Appearance**

- 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 provide specific design principles for new development.
- 7.9 The development proposes the construction of a third floor within the existing roof structure of the building in order to facilitate the addition of 6 new residential units to the existing building.
- 7.10 Development in the surrounding Potters Bar High Street District Centre is generally mixed in terms of style and design. The townscape to the north and south of the site contains a hybrid collection of traditional hipped two and three storey terraced buildings, containing shops at ground floor and either offices or accommodation on the upper floors, and there are a scattering of flat roofed buildings as well as a number of prominent and imposing tall 1970s and 1980s office buildings that are dispersed amongst the town centre.
- 7.11 The application site is prominent within the streetscape. The proposed development would incorporate a measured use of front and rear dormer windows and roof lights with the majority of the proposed dormer windows situated towards the rear of the building and a limited use of front dormer windows. These windows are needed in order to give future residents of the proposed residential units sufficient access to light and a level of outlook.
- 7.12 The hipped roofs to each of the side elevations of the building have been retained in order to minimise the visual prominence of the proposed development on the street scene.
- 7.13 When a comparison is made with the already consented 2018 application for 4 no. residential units, Officer's note that the design of



the two schemes in each case is not substantially different. For example both of the schemes proposed would incorporate hipped roofs to each of the side elevations of the building, with smaller box shaped dormer windows intersected with roof lights on the front elevation of the building and a similar approach on the rear elevation, only with slightly larger box shaped rear dormer windows intersected with roof lights. As such, Officers consider the current proposal would not be any more materially harmful in terms of design and visual appearance when compared with the consented scheme, and that the current scheme would not be detrimental to the character and appearance of the existing building and the wider street scene.

### **Whether harm would be caused to the living conditions of neighbouring residents**

- 7.14 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 (draft 2016) to safeguard the residential amenity of neighbouring residents.
- 7.15 Consideration has been given to the development relative to adjoining residential properties including no. 110 High Street – as well as the existing flats within the residential flat building, being no's 1-21 Parkside. The development would not adversely impact the privacy, outlook or result in loss of light to residents within the adjoining properties. Officers also note that the amount of new built form relative to the building in terms of the proposed roof alterations would not be any much greater in terms of size and scale when compared to the previously consented 2018 application for 4 no. units to the building and that the addition of 2 no. new residential units to the already consented scheme is not going to result in a detrimental impact on neighbouring properties in terms of loss of light, outlook or privacy. Officers therefore raise no objection in this regard.

### **Living Standards and Amenity of Future Residents**

- 7.16 The NPPF states that local plans should set out policies that use buildings to create attractive and comfortable places to live. Policies SADM30 and CS22 advocate that the creation of attractive and usable places for the amenity of future residents. The Planning & Design Guide Part D provides specific guidance as to the appropriate designs of new residential development.

*Internal size / bedroom size*

- 7.17 The Council's policies and guidance seek to ensure that all new homes are of a high quality, both externally and internally. The internal size and layout of new homes should ensure that the needs of occupants can be accommodated. It is advocated that the proposed one bedroomed flats would have an average internal floorspace of 54m<sup>2</sup> and the 2 bedroomed flat would have an internal floorspace of 70m<sup>2</sup>; all of which exceed the minimum internal space standards for new one and two bedroomed flats. Single and double/twin bedrooms are advocated to be a minimum of 7.5sqm and 11.5sqm respectively. The bedroom sizes proposed align with these size requirements. No objection is therefore raised in this regard.

*Orientation / Aspect and Daylight*

- 7.18 The proposed dwellings have been designed to have multiple aspects. The units with north facing orientations have been designed with large areas of glazing, and at an elevated level, they will receive a good level of daylight and sunlight. The units are proposed to be located on the third floor of the building, and given the separation distances from neighbouring sites; future residents would receive a good outlook from the proposed flats. Overlooking from adjoining properties is considered to not be of a concern, given the separation distances relative to nearby buildings. No objection is therefore raised in this regard.

*Overlooking and privacy*

- 7.19 It is considered that future residents would have adequate privacy, as the proposed development is suitably separated from nearby dwellings. The development aligns with Councils guidelines.

*Private Amenity Space*

- 7.20 It is recommended that 1 bedroom flats have access to a minimum of 20sqm of amenity space, with a further 10sqm of amenity space for each additional bedroom. The proposed development does not provide for private amenity space. Officer's note that this approach in terms of a lack of private amenity space was also an element that was considered acceptable under the previously approved 2018 application for 4 no. residential units at the site. A communal space is provided around the periphery of the site – however, consideration has been given to the sites position relative to Parkfield and Oakmere Park (located opposite the application site). Both spaces are expansive and publically accessible. It is therefore considered that future residents would have an acceptable level of amenity provision and no objection is raised.

### **Trees and Landscaping**

- 7.21 The National Planning Policy Framework states that local planning authorities should aim to conserve and enhance biodiversity. Policy CS12 advocates that developments must conserve and enhance the natural environment of the Borough. In addition further guidance on trees and landscaping is provided in Council's Trees and Biodiversity SPD and the Planning and Design Guide SPD Part D.
- 7.22 Officers note that the proposed bin storage and storage sheds would involve the removal of a few trees and soft landscaping. The application site does not fall within a conservation area and the trees are not protected and as such Officers raise no objection to their removal, however, an additional condition is recommended to ensure that further details of soft landscaping are provided to the areas around the proposed storage sheds and parking bays in order to soften the impact of the proposed development.

### **Parking, Access and Refuse Facilities**

- 7.23 The NPPF, Policy CS25, Policy SADM40, and Councils Parking Standards SPD seek to ensure that new development provides a suitable access and car parking provision. The NPPF requires developments to prioritise pedestrian and cycle movements, to create safe and secure layouts minimising conflicts between pedestrians, cyclists and pedestrians, and to consider the needs of people with disabilities. In addition, SADM20 seeks to ensure adequate waste storage provision in new development.

### *Access and Highways Safety*

- 7.24 The development includes alterations to the roof of the existing residential block to accommodate six additional flats, with ancillary bin storage and bicycle/general storage facilities and car parking. The existing site has access to the south of the apartment block from the High Street. The proposal does not seek to alter the existing vehicular or pedestrian access arrangements. The application has been reviewed by Hertfordshire County Council as the Highway Authority and no objection has been raised with regards to access and highways safety.

### *Parking Generation*

- 7.25 The proposed development seeks permission for the construction of a third floor on the building, to facilitate an addition of six residential units (5 x 1 bedrooms and 1 x 2 bedrooms). Therefore to comply with the Councils Parking Standards SPD 2014 an additional parking requirement of 12 no. spaces should be provided. Again however, with consideration of the site's position in the Residential Accessibility Zone (4), which affords the site a 25% discount in terms of parking provision, the parking generation rate would therefore equate to a requirement for 9 no. spaces.
- 7.26 The existing building already benefits from the total provision of 5 no. off-street parking spaces and the proposed plans show the total allocation of proposed parking spaces for the South Block increasing to 11 no. parking spaces (a net increase of 6 no. off-street parking spaces). These proposed parking spaces would be allocated to the existing building along with 1 no. disabled parking space and 2 no. electric vehicle charging bays/points. The number of spaces being provided would therefore be in excess of that required when applying the aforementioned parking discount.
- 7.27 Under the previously consented 2018 scheme, the proposal would have involved the re-allocation of some of the existing parking spaces to the previously proposed new flats, which are currently allocated to residents on a parking permit basis by the existing management company.
- 7.28 However, it is important to note that under this current application, all of the proposed 11 no. parking spaces that would be provided would be maintained for the existing residents of the building and that none of these spaces would be set aside for the future residents of the proposed six new residential units.

- 7.29 In order to ensure that future residents of the proposed new units will not be able to apply or purchase parking permits, it is proposed, if members are resolved to grant permission for this current scheme, to ensure the applicant enters into a legal agreement in order to secure this particular arrangement. This particular approach was adopted by members as part of the previously consented 2018 application.
- 7.30 Whilst Officers note that this particular approach in terms of a car free development for the proposed new units would not accord with the Council's Parking Standards 2014, Officers can afford consideration to the sites position on the edge of the Potters Bar High Street District Centre and being sited within close walking distance to the main Potters Bar bus terminus as well as Potters Bar railway station, which would affords residents choice in public transport routes to services and amenities.
- 7.31 Officer's note the neighbours' concerns over the potential management of the proposed parking bays, and as such a car parking management plan condition is also proposed to ensure that details are submitted and approved by the local planning authority over the future maintenance of these parking bays.
- 7.32 Whilst the proposal would involve the removal of the existing storage sheds situated towards the rear of the building, these would be replaced with 27 no. newly constructed storage sheds with safety barrier, which would offer secure storage for the parking of bicycles and general storage.

**Bin stores/refuse collection**

- 7.33 Part D of the Hertsmere Planning and Design Guide SPD (2016) seeks to ensure that adequate provision is made for the storage or refuse and recyclable materials. The Waste storage requirements for the new development will consist of the following:

- General waste:

Total requirement: 6,480L

Capacity proposed under this application: 6,600L

- Plastic/cans/glass recycling:

Total requirement: 6,480L

Capacity proposed under this application: 6,600L

- Paper recycling:

Total requirement: 1,026L

Capacity proposed under this application: 1,080L

- 7.34 The proposal would involve the demolition of the existing bin and storage sheds in order to accommodate the provision of new parking spaces, however, the proposal would include the provision of 27 no. new storage sheds along with the installation of 2 no. new bin storage areas, which would be located towards the rear of the application site and as can be seen from the above figures, would provide sufficient storage space for the required bin storage capacities stated above. A bin collection area has also been designated towards the front of the site and adjacent to Parkside, in order to provide ease of collection by waste operatives.

#### **Drainage and Flood Risk**

- 7.35 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policies SADM15 and CS16 advocate that development should be located in locations which would avoid the risk of flooding.
- 7.36 The application site is not in an area of high flood risk. The site falls within Flood Zone 1 which is the lowest classification and a flood risk assessment is not required as it is not anticipated the site is at risk of flooding. The development is considered to align with the Council's policies and no objection is raised in this regard.

#### **Affordable Housing**

- 7.37 The Council's Affordable Housing requirements are set out in Policy CS4 of the Core Strategy 2013, however, each application must be considered on its merits, taking account of material considerations. These considerations include the latest government guidance and the Council recognises that the NPPG alongside the Written Ministerial Statement 2014 refers to a threshold of 10 residential units above which Affordable Housing should be provided. Applications exceeding this threshold will be expected to deliver

Affordable Housing in line with Policy CS4 and the Council's Affordable Housing SPD and sites capable of accommodating more than 10 new homes will be expected to contain this quantum of housing.

- 7.38 The proposed scheme is for the construction of six residential units and the site area is less than 0.2 hectares, therefore the proposal would not trigger the Council's affordable housing policy.

### **Sustainability and Energy Efficient Design**

- 7.39 In accordance with paragraphs 148 and 150 of the NPPF 2019 and Policy CS17 of the Core Strategy (2013), development proposal should achieve CO2 emission reductions.
- 7.40 Hertsmere Borough Council have recently declared a climate emergency and therefore all new developments are encouraged to incorporate energy from decentralised and renewable or low carbon sources.
- 7.41 The proposal would incorporate the provision of cycle storage and electric vehicle charging points would also be installed.
- 7.42 Overall, the proposed development is considered to incorporate energy saving measures and make a good contribution towards promoting sustainable energy and infrastructure.

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

- 7.43 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.
- 7.44 The proposal is chargeable under the Community Infrastructure Levy Regulations 2010 (as amended).

## **Equalities and Diversity**

7.45 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.

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

7.47 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), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards



(2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

## **9.0 RECOMMENDATION**

- 9.1 That powers be delegated to the Head of Planning and Economic Development to grant planning permission, subject to the receipt of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act by 31<sup>st</sup> December 2020, or at a later date to be agreed in writing pertaining to the notification in writing of all future residents of the proposed residential units that they will be ineligible to be granted a permit to park a vehicle in the residents parking bay situated within the vicinity of the site and to pay to the Council the relevant CPZ consultation contribution.
- 9.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed within this timescale it is recommended that the Head of Planning and Economic Development be given delegated powers to refuse the planning application, for the reason set out below:

*The applicant has failed to agree an appropriate arrangement in terms of the restriction of parking permits for future residents of the proposed development and that the proposal would lead to inappropriate parking arrangements which would lead to a detrimental impact on highway safety.*

## **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 variation of the type and colour of the external materials to be used in the construction of the development as shown on the approved deposited plans shall be made without the prior written consent of 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 Hertsmere Adopted Site Allocations

and Development Management Policies Plan 2016 and Policy CS22 of the Hertsmere Core Strategy 2013.

3. NO DEVELOPMENT (including any demolition, earthworks or vegetation clearance) SHALL TAKE PLACE BEFORE 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 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.

4. Prior to first occupation of the development hereby permitted, a car parking management plan detailing the intended use of the parking spaces and future maintenance of the car park overall shall be submitted and approved in writing by, the local planning authority. The scheme shall be implemented as approved and the spaces available for use before the development hereby approved is brought into first occupation.

Reason: To ensure adequate parking facilities are permanently provided in accordance with the Council's adopted car parking standards. To comply with Policy SADM30 and SADM40 of the Site Allocations and Development Management Policies Plan and Policy CS25 of the Hertsmere Core Strategy 2013.

5. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

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- 1256\_S\_TP\_02

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- 1256\_S\_TP\_07
- 1256\_S\_TP\_08
- 1256\_S\_TP\_09
- 1256\_S\_TP\_10
- 1256\_S\_TP\_11
- Parking Rights Letter (dated 4th January 2017)
- Supporting Statement
- Arboricultural Report (dated December 2019)
- Ecology Report (dated 31/07/2018)

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), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards (2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

## **12.0 BACKGROUND PAPERS**

1. The Planning application (20/0887/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 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.
2. 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.
3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development, are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.
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 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. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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. The applicant shall make themselves aware of their roles and responsibilities in terms of the formal response from Cadent Gas (dated 25/06/2020).
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), Guidelines for Residential Extensions & Alterations, Part E SPD 2006, Parking Standards (2014), Affordable Housing SPD and the Technical Note on Waste Storage Requirements (2017).

Case Officer Details

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