

Date of Meeting: 12 November 2020 (Deferred from 08 October meeting)

APPLICATION NO: 19/0321/FUL

DATE OF APPLICATION: 1 March 2019

STATUTORY START DATE: 25 April 2019

SITE LOCATION

Land At Windsor Close 1-15 Windsor Close And 80-104 Gateshead Road And 1-15 Stannington Path, Borehamwood, Hertfordshire,

DEVELOPMENT

Demolition of existing 39 no. dwellings. Redevelopment of site to provide 43 no. affordable residential units comprising 11 two-storey, three-bedroom houses and 26 two-bedroom flats within two and three-storey blocks plus the provision of 43 no. car parking spaces. (Amended Plans Received)

AGENT

Mr John Escott
Downe House
303 High Street
Orpington
BR6 0NN

APPLICANT

Clarion Association Ltd
Innovation House
97 London Road
Bishops Stortford
CM23 3GW

WARD: Borehamwood Cowley Hill

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRES. ORDER: No

REASONS FOR COMMITTEE CONSIDERATION

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

1.0 SUMMARY OF RECOMMENDATION

- 1.1 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 18th January 2021, or at a later date to be agreed in writing pertaining to the provision of 100% affordable housing to be delivered on-site.

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 consider refusal of the planning application, for the reason set out below:

The application fails to adequately address the affordable housing requirement for the development contrary to the requirements of the NPPF, the Site Allocation and Development Management Policies Plan 2016, the Core Strategy 2013 Policies CS4 and the Affordable Housing SPD 2015.

2.0 APPLICATION SITE AND SURROUNDING

- 2.1 The site has 39 residential units of Affordable Housing consisting of rows of terraced bungalows and two storey flats which are situated within a square and sited around an amenity green where there are a number of mature trees with the houses/flats fronting onto Warenford Way, Gateshead Road and Stannington Path. The site slopes from a high point to the east of the site along Stannington Path to west toward Brook Road, an incline of some 4 metres. The site is currently security boarded around its perimeter with the units unoccupied and is increasingly being beset by anti-social behaviour.
- 2.2 The properties are finished in a red multi brick with a tiled pitched roof. The bungalows have bay window features to the front and each property has a rear garden and a small garden area to the front.
- 2.3 The amenity space is located behind St Michaels Church which is locally listed and the amenity space is identified on the Local Plan Proposals Map as being Minor Amenity Land. The church itself fronts onto Brook Road and extends into Gateshead Road. There are two storey flats immediately behind which are separated by a public footpath and screened by a mature hedge.
- 2.4 There is no vehicular access to the site and therefore no existing parking for these properties. The properties are accessible via public footpaths. Parking is generally around the site in the surrounding roads.
- 2.5 The site is located in a residential area of Borehamwood, the area consists of mainly two storey houses and flats. There are flats on the opposite side of Gateshead Road/Leeming Road which are four storeys in height.
- 2.6 The site is in an accessible location close to the Leeming Road Shopping Parade and there are a number of bus stops in the immediate vicinity. Aberford park is also in close proximity to the site.

3. PROPOSALS

- 3.1 The proposal includes the demolition of the existing structures and the comprehensive redevelopment of the site to provide 43 new dwellings (11 houses, 32 flats) of contemporary design and appearance, arranged as a row of 2 storey terraces along Stannington Path, Warenford Way and to the rear of houses along Brook Road and with 3 storey blocks along Gateshead Road. The blocks form a perimeter of central amenity space which is an existing feature of the site.
- 3.2 The site is currently occupied by 39 social rent units which the registered provider does not deem to meet modern requirements and the site is currently

vacated and hoarded for security reasons. The proposal is to provide 100% affordable housing units (in accordance with the definitions set out in Appendix 2 of the NPPF) with nomination rights going to the Council and with the developer to retain control of the development.

- 3.3 It proposed to create a new vehicle access off Warenford Way to access parking courts with provision for 43 parking spaces.

3.4 Key Characteristics

Site Area	7500 square metres
Density	57 dph
Mix	6no. 1b/2p flats 22no. 2b/4p flats 4no 2b/3p flats 11no. 3b/5p houses
Dimensions	See plans
Number of Car Parking Spaces	43

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
17/0234/FUL	Demolition of existing dwellings and the construction of 50 flats and houses, 3 x 3 storey blocks of apartments and 2 x 2/3 storey terraces of houses consisting of 15 one-bedroom, 26 two-bedroom and 9 three-bedroom units, with access from Warenford Way and Gateshead Road leading to 73 off-street parking spaces, cycle parking, refuse storage and private and communal amenity space.	18 February 2019 Application Withdrawn
17/2056/FUL	Erection of temporary hoarding around the site area for a period of 24 months (retrospective)	25 June 2018 Grant Permission

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) Expiry Date: 31 May 2019
Borehamwood Times 16th May 2019 Expiry Date: 6th June 2019

5.2 Summary of consultation responses

Consulted:

Consultee	Date Consulted
Place Services - Essex County Council - Urban Design Advice	3 May 2019
Elstree & Borehamwood Residents Association	3 May 2019
Heathrow Airport	3 May 2019
Elstree Aerodrome	3 May 2019
Met Office	3 May 2019
Elstree & Borehamwood Town Council	3 May 2019

Consultee	Date Consulted
Building Control	3 May 2019
Senior Traffic Engineer	3 May 2019
Drainage Services	3 May 2019
Environmental Health & Licensing	3 May 2019
Waste Management Services	3 May 2019
Tree Officer	3 May 2019
Highways	3 May 2019
Hertfordshire Fire & Rescue Service	3 May 2019
EDF Energy Networks	3 May 2019
Cadent Gas Limited (Prev National Grid Company Plc)	3 May 2019
Thames Water Development Planning	3 May 2019
Affinity Water Limited	3 May 2019
The Hertfordshire Environmental Records Centre	3 May 2019
HCC Minerals And Waste Planning Team	3 May 2019
Parks & Cemeteries - Waste & Street Scene	3 May 2019
Herts & Middlesex Wildlife Trust	3 May 2019
Hertfordshire Ecology	3 May 2019
Housing	3 May 2019
NHS England	3 May 2019
NHS England (CCG)	3 May 2019
Health & Community Services Management Board (HCC)	3 May 2019
Senior Flood Risk And SuDS Officer	3 May 2019
Highways England	3 May 2019
CIL	3 May 2019
Policy & Transport - Majors Only	3 May 2019
Transport For London	3 May 2019
Policy & Transport - Majors Only (LW)	3 May 2019
The Ramblers' Association	8 August 2019
Architectural Liaison Officer (Police)	28 August 2020
Senior Flood Risk And SuDS Officer	8 August 2019
HCC Planning Obligations Officer	3 September 2020

Responses:

Consultee	Comment
Heathrow Airport	We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.
Elstree & Borehamwood Town Council	At its meeting on 21 May 2019 the Environment and Planning Committee welcomed the provision of affordable units.
Drainage Services	Please apply planning condition CG01, standard drainage condition, to this application.
Environmental Health & Licensing	Environmental Health raises no objections.
Waste Management Services	Refuse and recycling provision adequate. Clarification required for distances between proposed vehicle stop points and bin

Consultee	Comment
	presentation points for properties adjacent to Stannington Path. Maximum walking distance for crews is 15m.
Tree Officer	Submitted arboricultural documents are dated 2016 and as such are no longer acceptable as part of the latest amended proposal. New or updated documents must be provided to reflect the site in its current state and the latest version of the proposal.
Highways	The proposed development is a significant intensification on the use of existing site. However, the concern is whether the level of traffic likely to be generated by the proposed development could have any significant impact on the local road network. Part of Warenford Way and Ranskill Road are one-way roads and most properties in the area are with off-street parking and there are no road capacity issues in the local road network. The proposal is to provide 43 on-site parking as part of the development which would remove any on-street parking associated with the existing use of the site. In relation to highway safety it is considered that there are no existing highways safety issues present that need to be considered.
Cadent Gas Limited (Prev National Grid Company Plc)	Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.
Thames Water Development Planning	Raise no objections
Hertfordshire Ecology	Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. A bat assessment was undertaken on 17 August 2016 and no bats were confirmed roosting in any of the buildings or trees on site. There was some low bat flight activity across the site.

Consultee	Comment
	<p>Advise that Informatives are set out in any planning consent relating to bats and that a Condition be included to secure a Landscape and Biodiversity Management Plan.</p>
Highways England	<p>Highways England have no objection to this application.</p>
Transport For London	<p>Having reviewed details of the proposed development there do not appear to be any impacts on TfL projects, services or infrastructure and so we have no comments to make on the application</p>
The Ramblers' Association	<p>Public footpaths (PFPs) 47 and 48 run north-west to south-east respectively along the site's north-east edge and across its left centre.</p> <p>Noting section 8 of the Planning Application Form, these PFPs should not be affected as a result of the proposed works. Furthermore, during these works, and beyond, full continuous safe access to, and use of, the PFP should be maintained, with safety signage when appropriate during the works.</p>
Architectural Liaison Officer (Police)	<p>As the dwellings will be 100% affordable housing, I would advise that they are built to the Police minimum security standard , Secured by Design , this would mitigate the majority of my concerns.</p>
Senior Flood Risk And SuDS Officer	<p>Following a review of the Flood Risk Assessment and Drainage Statement report produced by Infrastruct CS Ltd, document reference 2325-WIND-ICS-XX-RP-C-07.004, dated February 2020, we can confirm that we Hertfordshire County Council as the Lead Local Flood Authority are now in a position to remove our objection on surface water management and flood risk grounds.</p> <p>The drainage strategy is based upon permeable paving storage, an underground tank storage and discharge into Thames Water surface water sewer. We note surface water calculations have been provided and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 3 l/s discharge to surface water</p>

Consultee	Comment
	<p>sewer.</p> <p>We therefore recommend conditions to the LPA should planning permission be granted.</p>
HCC Planning Obligations Officer	Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL Zone and does not fall within any of the CIL Reg123 exclusions
Private Sector Housing Officer	We have no objections to this planning proposal.
HBC Housing	<p>The scheme will be 100% affordable housing that being either Social Rent, Affordable Rent or Intermediate Housing such as shared ownership. The applicant is preparing a bid to Homes England for all properties to be social rented and if successful the Council would receive nomination rights to 35% as per a typical S106 agreements (which is 15 properties on this site). The properties we would receive nomination rights for are: 6 x 3 bedroom properties and 9 x 2 bedroom properties. I'm very pleased that we would receive 6 x 3 bedroom properties here as our 3 bedroom housing need compared to supply is significant.</p> <p>If the applicant's bid is not successful, all properties will still be a form of affordable housing and the breakdown is as follows: 11 x Affordable Rent and 4 Intermediate (shared ownership) which is SPD compliant. The properties we would receive nomination rights for are: 6 x 3 bedroom properties and 5 x 2 bedroom properties as Affordable Rent and 4 x 2 bedroom properties as Shared Ownership.</p> <p>On this basis, I'm happy to support the application for approval of the site. There is a net gain of properties at this site and, as the tenure type is general needs, it would provide much needed accommodation for those in housing need.</p>

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	39	4	95	46

Summary of neighbour responses

- Redevelopment of site welcomed but not as proposed
- Welcome amendments made to previous application with buildings along Stannington Path now 2 storey
- Design and materials not in keeping with local character
- The buildings on Stannington Path are closer to the boundary than existing
- Residents along Stannington Path will be impacted by reduced privacy, reduced natural light and increased noise and disturbance.
- For environmental reasons alone the application should be rejected as surely it would be better to refurbish the existing rather than demolish and re-build
- According to statistics by proposing that all 43 dwellings would go to social rent the risk of raising antisocial behaviour in the area would rise exponentially.
- To have the development solely for social rent would jeopardise the balance that exists at the moment where everyone is equal and house proud.
- Likely to be reduced privacy and light and increased nuisance due to proximity of development to existing dwellings
- Windows facing Warenford Way will look directly into lounge, kitchen, dining rooms and garden
- No provision for children's play space
- Concern over impacts of construction nuisance
- Parking arrangements not adequate, significant impact on traffic
- Displacement of local wildlife

Officer comment: It is noted that the majority of responses received were in the form of the same letter which was the same as a petition received signed by 48 people and where appropriate concerns raised are considered in the body of this report.

6.0 PLANNING POLICY CONTEXT

6.1 National Policy/Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

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

SP1 - Creating Sustainable Development
SP2 - The Location of New Houses
CS1 - The Supply of New Homes
CS2 - The Location of New Homes
CS3 - Housing Delivery and Infrastructure

CS4 - Affordable Housing
CS12 - The Enhancement of the Natural Environment
CS16 - Environmental Impact of New Development
CS17 - Energy and CO2 Reductions
CS22 - Securing a High Quality and Accessible Environment
CS25 - Accessibility and Parking
CS26 - Promoting Alternatives to the Car

Site Allocations and Development Management Policies Plan 2016

SADM3 - Residential Developments
SADM10 - Biodiversity and Habitats
SADM12 - Trees, Landscaping and Development
SADM15 - Sustainable Drainage Systems
SADM19 - Waste Storage in New Development
SADM29 - Heritage Assets
SADM30 - Design Principles
SADM36 - Minor Amenity Land
SADM40 - Highway and Access Criteria for New Development

6.3 Supplementary Planning Guidance / Documents

Planning and Design Guide - Part D: Guidelines for High Quality Sustainable Development (draft revised version 2016)
Parking Standards SPD (2014)
Affordable Housing SPD (2015)

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 considerations indicate otherwise'.

7.1 The proposal raises the following main issues.

- Principle of development
- Affordable Housing
- Impact on visual amenity
- Impact on residential amenity
- Amenity provision and internal dimensions
- Trees and landscaping
- Access, car parking and refuse
- Sustainability/Environmental matters
- CIL
- Public Sector Equality Duty

Principle of development

- 7.2 Policies SP1, 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 residential areas, such as Borehamwood. Development is however required to adhere to the principles of sustainable development and to meet the criteria listed in Policy SP1, as well as other development plan policies and local and national guidance.
- 7.3 Core Strategy policy SP1 requires new development to prioritise the efficient use of brownfield land and also provide for new development that is safe, accessible and creates a healthy living environment for new and existing residents.
- 7.4 The green space around which the existing and proposed development is sited is identified on the Local Plan Proposals Map as Minor Amenity Land where Policy SADM36 says development proposals “which would result in the loss of minor amenity land that contributes to the character and visual amenity of an area will not be permitted unless it can be demonstrated that the benefits of development to the area clearly outweigh the loss”.
- 7.5 In that regard, the space would not be lost as such and the Public Right of Way that runs along the south western side of the space would remain in place. It could also be said that the provision of much needed affordable housing would provide some justification if the space was proposed to be lost.
- 7.6 In principle, therefore, the development is considered acceptable in terms of redeveloping a previously developed site whilst maintaining open green spaces and gardens for the proposed dwellings and making more efficient use of land.

Affordable Housing

- 7.7 The NPPF 2019 and Policy CS4 of the Core Strategy 2013 seek a provision of Affordable Housing on all qualifying sites (10 or more residential units). Policy CS4 sets out that: *As a guideline, on sites of 15 or more units (gross) or 0.5 hectares, the Council expect that 75% of the Affordable Housing units will be delivered as social rented and/or affordable rent housing and the remainder as intermediate housing. The precise tenure and dwelling mix will be agreed with the Council on a site-by-site basis and reflecting current housing needs or updated supplementary guidance.* In this location Policy CS4 sets out that a provision of 35% of the total number of units should be provided as Affordable.
- 7.8 Annex 2 to the NPPF defines Affordable Housing as:

Affordable Housing: *housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

a) **Affordable Housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

7.9 With regard to how sites with an existing provision of Affordable Housing are considered, Policy SADM3 states:

Proposals which would result in the net loss of affordable housing units will not be permitted. Where exceptionally a net reduction in units is demonstrated to be unavoidable, applications should

*(i) provide at least an equivalent floorspace of affordable housing; and
(ii) achieve an appropriate mix of housing types and tenures in line with local housing need.*

7.10 In this case the site is currently occupied by 39 Affordable Housing units (at social rent) and the proposal is to replace those with 43 Affordable Housing units. In that regard, where Policy SADM3 makes no reference to tenure mix,

the current proposal does not result in a loss of affordable housing units on the site and SADM3 is therefore of little relevance in the determination of this application.

- 7.11 Notwithstanding the above, Clarion Housing (the applicant) are submitting a bid to Homes England for delivery of a 100% social rented scheme for this site. As such, the applicant is providing the commitment to provide all affordable housing (in accordance with policy) but with flexibility on the final tenure mix as at present they can't guarantee all social rent as it very much depends on the outcome of their Homes England bid.
- 7.12 The Council's Housing team support this approach, provided approval is subject to appropriate S106 agreement and they have advised Clarion that if they were to change their model significantly to, for example, all shared ownership properties, this would not be supported.
- 7.13 The scheme will be 100% affordable housing that being either Social Rent, Affordable Rent or Intermediate Housing such as shared ownership and if the Homes England bid is successful the Council would receive nomination rights to 35% (which is 15 properties on this site). The properties we would receive nomination rights for are: 6 x 3 bedroom properties and 9 x 2 bedroom properties. The Council's Housing team are pleased that we would receive 6 x 3 bedroom properties here as our 3 bedroom housing need compared to supply is significant.
- 7.14 If the Homes England bid is not successful, all properties will be a type of affordable housing and the breakdown is as follows: 11 x Affordable Rent and 4 Intermediate (shared ownership) which is SPD compliant. The properties we would receive nomination rights for are: 6 x 3 bedroom properties and 5 x 2 bedroom properties as Affordable Rent and 4 x 2 bedroom properties as Shared Ownership.
- 7.15 Having regard to the above, it is clear that there will be no loss of Affordable Housing on the site and that, whether or not the Homes England bid is successful, the Council will receive nomination rights for 35% of the total number of units being 73% social rented and/or affordable rent housing and the remainder as intermediate housing. Whilst Policy CS4 says the Council will expect 75% of the units to be delivered as social rented and/or affordable rent housing it also says this will be agreed on a site-by-site basis and in this particular case 73% is considered acceptable where there are a large number of 3-bed properties, of which there is a significant need in the borough. It is also the case that if the split is calculated by habitable rooms the percentage of social or affordable rented would be 78%.
- 7.16 The proposal would therefore be policy compliant in respect of Policy CS4 and the Council's Affordable Housing SPD and appropriate detail can be secured through the drafting of the S106 Agreement.

Impact on visual amenity

- 7.17 The NPPF attaches great importance to the design of the built environment and sees good design as a key aspect of sustainable development that contributes positively to making places better for people. Core Strategy Policy CS22 and Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 seek to ensure that proposals respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, bulk, height and urban form.
- 7.18 A previous application on this site referenced 17/0234/FUL was withdrawn prior to its presentation to the planning committee with the primary criticism of that proposal being that the buildings of greater height, mass and bulk were sited on that part of the site adjacent to more modest and lower domestic scale buildings whilst the lower scale elements of the proposed scheme were positioned facing four storey development along Gateshead Road. There was also more detailed criticism of the way that the buildings related to each other and also to a proposed access point, which was from Gateshead Road in a location where there were existing traffic calming features in the road.
- 7.19 The issue around the relationship of the taller buildings then proposed to the lower scale buildings off site was exacerbated by the gradient of the land which give buildings located close to Stannington Path the impression of being roughly an extra storey in height beyond the buildings true form when viewed from lower viewpoints or along Warenford Way / Gateshead Road.
- 7.20 Among other things, this current proposal effectively flips the development such that the taller 3 storey elements now relate to the 4 storey flatted development on Gateshead Road with those buildings facing onto Stannington Path now reduced from 2.5 storeys to 2 storeys with flat roofs. This is considered to provide for a better relationship with existing development in the local area in terms of massing and views through and makes better use of the gradient of the land.
- 7.21 The Council's urban design consultant from Place Services was consulted on the scheme and advises that:

"As mentioned in previous comments, this site is considered as suitable for a contemporary architectural approach, with a variety of inset and projecting dormers, parapet roofs, simple fenestration and a restrained materials palette".

"From the proposed elevations and street scene proposed in this application, it is appreciated this approach has been attempted to the built forms, which is felt to have created a more consistent street scene, with elevations to each of the built blocks applying similar approaches to materials, fenestration and architectural style".

"The proposed material palette is much more logical and appropriate for the site, as in regards to previous comments the palette was considered to offer too much variety. The simplified use of brick and metal cladding creates a much stronger identity in line with vernacular of the local area, whilst it is also

pleasing to see that the frosted glazing elements previously used for the balconies have been replaced by metal railing, which links to the metal cladding features”.

“The proposals for the scheme have generally improved since previous comments around the layout and positioning of dwellings through a perimeter block fashion around a central open space. The evolution of the revised design strategy outlined on page 26 within the Design and Access Statement (DAS) shows a logical approach to the layout with the aim of addressing the various challenging constraints, including the preference for retention of the central green space. Whilst it is agreed that the developed design offers the greatest opportunity for the provision of a true perimeter block, whilst enabling views onto the central green space and maintaining a similar arrangement to the existing, there are still some concerns regarding how the proposed buildings are articulated, and in regards to the layout generally”.

- 7.22 Comments above relating to articulation of the buildings refer to the corner and end of terrace elevations which the urban design consultant considered could be enhanced to create notable/focal points through a slight change in material variation or possible increase in height.
- 7.23 Those comments were passed to the applicant’s architect who said they were reluctant to locally raise the height of the buildings but have proposed the use of a ‘standard’ special brick such as a double cant which would not require cutting or special setting out to achieve a variation in the brick detailing.
- 7.24 Acknowledging the resistance to locally raising the height of the building corners, officers are of the opinion that the brick detailing proposed, which can be secured by a condition of consent, would provide a degree of interest to the corner elevations in line with comments made by the urban design consultant.
- 7.25 Other matters raised relating to the general layout refer to overlooking of terraces from residents of Block D flats into Block C properties fronting onto Stannington Path and this will be addressed further in this report.
- 7.26 It is acknowledged that the proposal represents a departure from the existing building typology in the local area, and that this has been raised through the neighbour consultation process, but redevelopment of the site is considered to provide the opportunity to create a more contemporary architecture that allows the site and area to be read through time. This includes a reading of the locally listed church and hall building as well as the 1970’s flatted development on Gateshead Road.
- 7.27 With regard to the church and associated hall building, it is the case that there are existing buildings to the rear along Gateshead Road which are seen when looking from the front of the church building along Brook Road in a similar location to that now proposed. It is acknowledged that the new buildings would be taller and of a more contemporary nature but the church building itself occupies a prominent position on a relatively spacious plot and the

proposal is not considered here to diminish the setting or importance of the locally listed building.

- 7.28 It is also the case that revised plans were received through the course of the application which reduced the amount of hardstanding around the green space to the rear of the church building providing further relief to the locally listed building and the development site.
- 7.29 The buildings along Stannington Path and Warenford Way are sited closer to the boundary than the existing development but a distance of 22m and 20m is achieved respectively to the front of existing houses which is not considered to result in a particularly incongruous relationship.
- 7.30 As proposed the scheme is considered to fit comfortably within the site but this may change if the properties were extended by future occupiers and it is considered reasonable that the LPA maintain some control over potential future developments. It is recognised that under current regulations flats do not enjoy permitted development rights but the houses potentially could and it is considered reasonable to remove permitted development rights for any extensions or outbuildings by way of conditions.
- 7.31 Overall, subject to the use of good quality materials including hard surfacing and brick detailing features, together with a removal of permitted development rights, which can all be secured by conditions, it is considered that the new development would be well designed taking into account the size, scale and heights of the surrounding development and would be well articulated. It would follow established building lines and provides for an appropriate relationship with existing development in the local area in terms of massing and views through the site. The development would therefore comply with the NPPF 2019, Policy CS22 of the Core Strategy 2013, Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016 and Part D of the Planning and Design Guide 2016.

Impact on residential amenity

- 7.32 The NPPF 2019 states that development should create places which are safe, inclusive and promote a high standard of amenity for all existing and future users. In addition, Policy SADM30 of the Site Allocations and Development Management Policies Plan 2016, Part D of the Planning and Design Guide 2016 and the NPPF seek to ensure that the residential amenities of the neighbouring properties and future occupiers is maintained.
- 7.33 The key considerations with respect to impact on neighbouring residential amenity in this instance are outlook and privacy.

Outlook, daylight and sunlight

- 7.34 The Design Guide advises that all new built form should sit comfortably within a 45 degree line taken from nearest edge of neighbouring habitable room windows for neighbouring outlook to be maintained. The proposed

development would not breach 45 degree lines taken from neighbouring habitable room windows and therefore, neighbouring outlook would be maintained from these windows.

- 7.35 The Design Guide also advises that the layout of new buildings and boundary trees should not significantly reduce sunlight to habitable rooms of neighbouring properties. Given the orientation of the scheme in relation to existing properties in the area, together with the generally 2 storey scale of the buildings and separation distances, it is not considered that the proposal would significantly reduce the amount of daylight or sunlight to habitable rooms or garden spaces to neighbouring properties.

Privacy

- 7.36 Part D of the Design Guide SPD suggests 20m separation distance is normally sufficient ensure a reasonable level of privacy in low to medium density housing schemes, however, lesser or greater distances may be more appropriate in some cases. Furthermore, the Design Guide suggests that where a proposed building would replace an existing building, the new building should be no nearer to neighbouring residential buildings than the building being replaced or no nearer than 28m, whichever is the lesser distance.
- 7.37 Concerns have been expressed regarding a loss of privacy arising from the development including from occupiers of properties on Brook Road which have a back to back relationship with the 2 storey houses proposed as Block A. However, the houses proposed as Block A would replace an existing block of 2 storey houses and would be constructed on the same rear building line. In that case the Design Guide is clear that the new building should be no nearer to neighbouring residential buildings than the building being replaced or no nearer than 28m, whichever is the lesser distance.
- 7.38 In this case, the back to back distance is between 21 and 22 metres at ground floor which complies with the 20 metre distance suggested for low to medium density housing schemes and with the guidance in respect of replacement buildings.
- 7.39 A neighbour on Brook Road has commented that the plans do not accurately reflect the existing situation at that property where a 6m long single storey extension has recently been constructed utilising permitted development rights. The applicant's architect has updated the plans in this regard but it is considered reasonable to say that the recently approved extension to the property on Brook Road has altered the relationship with the existing houses being replaced and that relationship would not alter whether or not the existing buildings are replaced.
- 7.40 There would be 2 windows at first floor level to the rear elevations of Block A; 1 would serve a bathroom to be obscure glazed and another full height inward opening window with inset 'Juliet' type balcony to serve a bedroom. As previously proposed under application 17/0234/FUL the building to the rear of

houses on Brook Road was 3 storey with an open terrace at 1st floor level and which was considered to have a negative impact on the privacy of the occupiers of the Brook Road houses.

- 7.41 In the current scheme the new building is 2 storey and whilst the bedroom windows at 1st floor would be taller than the existing windows to the rear of the Brook Road properties the existing windows do provide for views out to those properties and still at human eye height from inside the bedrooms. As noted, the proposed new building is no closer to the Brook Road properties than the existing building and fencing along the common boundary, details of which can be secured through a condition, would prevent views directly into ground floor rooms and private spaces. A back to back distance of 24 metres is achieved at 1st floor levels and, on balance, it is considered that the proposed building would not result in a significant loss of privacy to the properties on Brook Road over the existing situation.
- 7.42 Block A is the only block where a back to back relationship with existing properties in the area exists, all other blocks form a perimeter fronting the street and a front to front distance of 22 metres is achieved to those existing properties on Stannington Path and 20 metres is achieved to the fronts of properties on Warenford Way, all of which are within the ranges for such relationships set out in the Design Guide. The 3 storey units along Gateshead Road are some 24 metres distant from the existing flatted development, Lamberton Court, and tend to look out over publically accessible spaces and an access road.
- 7.43 Concern has been raised by an occupier of a property on Warenford Way that the units proposed along that road would look directly into their lounge, dining room, kitchen and garden. However, the properties proposed along Warenford Way face the street and generally have a front to front relationship with existing properties which is generally considered to be more of a public relationship. There are corner properties to the ends of Warenford Way which appear to have private gardens presenting to the public realm and there are existing relationships with houses along Stannington Path that allow views directly in to those spaces. The occupier who raised this particular concern is one of those corner properties and would have had a similar relationship with the existing properties on the application site.
- 7.44 Concern was raised initially by the Council's urban design consultant that there were clear views from the third storey balconies of Block D into the adjacent private rear garden spaces of Block C houses at the north-east corner of the site along Stannington Path. Revised plans have subsequently been submitted which include balcony screens to the upper floor units which would restrict views to the units in Block C. Notwithstanding that, it is considered reasonable to secure details of balustrades and privacy screens by condition.
- 7.45 Concern has also been raised through neighbour consultation that by proposing all 43 as social rent statistics suggest the risk of antisocial behaviour in the area would rise exponentially, presumably thereby impacting

on existing residential amenity. However, no such statistics have been provided to support that claim and, nonetheless, antisocial behaviour is controlled by means beyond the scope of the Planning Acts. This is not considered to be a valid objection to a planning application.

Amenity Space

- 7.46 The proposal has provided amenity space in a number of ways: All proposed flats on the 1st and 2nd floors have private balconies measuring a minimum of 6sqm, which is above the minimum size requirement set out in the Design Guide of 5sqm, whilst the ground floor flats have access to private terraces measuring between 13sqm to 21sqm, which also complies with standards. All houses are provided with private gardens of between 60sqm and 91sqm, which meet the Council's standards and in addition the central green space area provides a communal space measuring some 1600sqm. The proposal is considered to have an adequate level of amenity space and complies with the amenity space requirements set out in the Design Guide.

Internal dimensions

- 7.47 Part D of the Design Guide also advises on minimum internal dimensions (reproduced from the nationally described space standards). 1 bedroom-2 person flats should achieve 50m², 2 bedroom-3person flats should achieve 61m², 2 bedroom-4 person flats should achieve 70m² and 3 bedroom-5 person houses should achieve 86m². Each of the flats and houses proposed would comply with these guidelines and would also have sufficient bedroom sizes (11.5m² minimum for doubles). The internal dimensions proposed are therefore considered acceptable.

Trees and Landscaping

- 7.48 The NPPF 2019, Policy CS12 of the Core Strategy 2013 and Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 state that all development proposals must conserve and enhance the natural environment of the Borough. If development is approved which would result in the removal of trees and/or hedgerows, equivalent and appropriate replacement planting will be required.
- 7.49 The site falls outside of any conservation areas and does not contain any protected trees. There are however a number of trees of value over the site and it is proposed that most trees are to be retained.
- 7.50 Notwithstanding that, the Council's tree officer has been consulted on this application and has noted that the arboricultural information submitted is out of date and relates to a previous scheme. The tree officer has requested that the details be updated to better reflect the current proposal in relation to trees to be retained and the applicant has agreed that such detail can be secured

by a condition requiring an arboricultural method statement and tree protection plan prior to the commencement of development. Some landscaping detail has been submitted with the application but in the interests of amenity and the natural environment it is considered that further detail can also be secured by condition but this can be secured prior to occupation of the development.

- 7.51 Subject to those conditions it is considered that the proposal would be acceptable with regard to Policy CS12 of the Core Strategy 2013 and Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 which require development proposals to conserve and enhance the natural environment of the Borough.

Access, car parking and refuse

- 7.52 Policy CS25 of the Core Strategy 2013, SADM40 of the Site Allocations and Development Management Policies Plan 2015, the Parking Standards SPD 2014 and the NPPF 2019 seek to ensure that new development provides a suitable access and car parking provision. The NPPF 2019 further details that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety and that cumulative impacts on the road network would be severe. In addition, SADM19 seeks to ensure adequate waste storage provision in new development.

Access

- 7.53 The application proposes a new vehicular access off Warenford Way which would provide access to 43 car parking spaces set around the perimeter block to the rear of the residential units.
- 7.54 Hertfordshire County Council as the Highways Authority (HA) has been consulted on this application and raises no objection in terms of impacts arising from the development on the local highways network.
- 7.55 The HA note that the area adjoining the site is predominantly residential in character. The proposed site access is off Warenford Way which is a cul-de-sac. To the north-east of the site is a Public Footpath known as Stannington Path which forms a wide avenue with grassland at the centre and a number of mature trees. There is no vehicle access to the site or street frontage in this area. The walkway at the boundary with the church is also a designated Public Footpath. The existing bungalows all have a private walkway connecting their front gardens to the large communal space at the centre of the site.
- 7.56 In terms of the local road network, the HA advise that Warenford Way from Brooke Road to the end is a one-way road and to the end is 238 m in length. This section of the road is unclassified local access road with footpath on both sides. The road layout is with sharp bends with a number of on-street car parking. Ranskill Road is also an unclassified local access road, a loop one-way road with Warenford Way with houses on either side. Ranskill Road is also with footpath on both sides. The main route closer to the proposed

development is Brook Road, which is an unclassified local distributor road some 1083m in length and is a bus route. Some bus stops are not with shelters or to DDA compliance.

- 7.57 With regard to accessibility the HA note that the application site is located around 1.4 kilometres to the north of Borehamwood town centre. The site is therefore within a short distance of a host of town centre shops, services and amenities. In addition, there is a parade of local convenience shops, including other various facilities. Bus services can be accessed from stops within 200 metres of the site. The closest bus stops are located on Brook Road, Gateshead Road, and Leeming Road. The nearest train station to the site is Elstree & Borehamwood National Rail Station which is around 1.9 kilometres to the south of the site. This is also a major Bus/rail interchange. The station provides regular service to London, Luton and other destination. The walk routes to the nearby bus stops are very direct and straightforward. Footpaths in proximity to the site appear to be well lit, and sufficiently wide. There is a shared footpath and cycle path that runs north through Aberford Park, across Gateshead Road and onto Lemming Street.
- 7.58 The proposed access arrangement as shown in drawing APL005 Revision D is acceptable in principle, but this is subject to a S278 agreement with the Highway Authority. Any TROs required is to be assessed under S278 agreement and they are not planning consideration.
- 7.59 The existing site is formed of 20 specialist older persons housing units, 13 general needs housing units, and six vacant general needs residential units. The site has no vehicular access or parking facilities. It is reasonable to assume that most of the residents are unlikely to be car owners. Any vehicular trips associated with the site were mainly linked to visitors and health care workers and their vehicles were parked on-street. The transport assessment prediction is that the current 39 residential units on site could generate a total of 142 two-way vehicle movements over the course of a typical weekday, consisting of 71 arrivals and 70 departures. The predicted trip generation of existing site is a gross exaggeration and not a helpful comparison against the proposed development. The proposal is for the redevelopment of the site to provide 43 affordable residential dwellings comprising of six one-bedroom and 26 two-bedroom flats and 11 three-bedroom houses. A total of 43 off-street car parking spaces are to be provided under the proposal. The 43 affordable residential units are predicted to generate a total of 161 two-way vehicle movements over the course of a typical weekday, consisting of 79 arrivals and 82 departures.
- 7.60 The proposed development is a significant intensification on the use of existing site. However, the concern is whether the level of traffic likely to be generated by the proposed development could have any significant impact on the local road network. Part of Warenford Way and Ranskill Road are one-way roads and most properties in the area are with off-street parking and there are no road capacity issues in the local road network. The proposal is to provide 43 on-site parking spaces as part of the development which would remove any on-street parking associated with the existing use of the site. In

relation to highway safety it is considered that there are no existing highways safety issues present that need to be considered.

- 7.61 The transport statement indicates that the proposed parking is 43 spaces. Car parking is about car ownership and the development proposal should offer a choice of travel modes to minimise the use of cars. The bus stops with flags in immediate proximity to the site are located on Brook Road. To promote the use of passenger transport the applicant should consider upgrading the two bus stops at Brook Road with bus shelters and real time information. These stops have a good pedestrian link from the site.
- 7.62 Such works to the bus stops are recommended by the HA to be secured through a s106 planning obligation. In that regard, however, members are advised that such works to rectify an existing problem should be funded by CIL monies and it is not considered here that the works are site specific enough or required to make the proposal otherwise acceptable to justify a s106 contribution.
- 7.63 In terms of access to Fire Tender the HA advise that the access road junction off Warenford Way has been designed to suit a Fire Tender. The carriageway width and the swept path diagrams in support of the application demonstrate that the Fire Tenders can enter and leave the site in forward gear.
- 7.64 The HA recommend a number of conditions and advisory notes be included with any planning consent, the majority of which are considered acceptable in planning terms. However, a condition requiring details of a construction method statement which seeks to minimise danger, obstruction and inconvenience to users of the highway is not anymore considered acceptable in planning terms where such matters are dealt with under the Highways Acts rather than the Planning Acts.

Car Parking

- 7.65 The Parking Standards SPD 2014 details that 1 bedroom units should provide 1.5 off street spaces per unit and 2/3 bedroom units should provide 2 off-street parking spaces per unit. The development proposes 11 x 3 bed houses, 26 x 2 bed flats and 6 x 1 bedroom flats resulting in a requirement for 83 spaces. However, where the site is within Residential Accessibility Zone 4 parking can be provided at 75% to 100% of standards, resulting in a requirement for between 62 and 83 parking spaces.
- 7.66 As originally submitted the application proposed 59 car parking spaces but this was considered by officers to result in a scheme that was dominated by hard surfacing and car parking that encroached into the existing open green space to the detriment of the overall layout of the proposal and general amenity.
- 7.67 In that regard, it was felt by officers that Policy CS25 afforded some scope for a reduction in parking numbers where it sets out that matters such as local car

ownership, pre-existing on-street parking conditions, and accessibility zones for the borough are material considerations, amongst other things, when considering the parking provisions in new residential development.

- 7.68 Through discussions with the applicants design team it was established through Census data from 2011, the last Census data available, that 31% of households in the Super Output Area adjoining the application site did not have a car or van at the time of the Census. Tables extrapolating that Census data, including numbers of cars per household, has been submitted with the Transport Statement accompanying this application and concludes that in this area the proposed 43 dwellings could generate demand for 46 cars.
- 7.69 Concern has been raised through public consultation that much has changed in terms of car ownership since the 2011 Census with many more people owning cars and that this data is not considered a proper reflection of the true situation.
- 7.70 However, and notwithstanding that, as noted above, there is currently no vehicular access to the site and no on-site car parking for the existing properties so it would be expected that there would be some car parking associated with the existing use that would spill over onto surrounding roads. Through providing parking on-site where there was previously none it is considered reasonable to suggest that a number of free parking spaces on street will be created.
- 7.71 It is also the case that the site is located close to bus stops serving various locations including Borehamwood town centre and the train station, which is also a comfortable distance to cycle.
- 7.72 Dependency on the use of the private motor car is becoming increasingly untenable as it results in Co2 emissions, poor air quality and increasing gridlock on our roads, among other things. With the Council's recent declaration of a Climate Emergency officers are of the opinion that reducing the number of car parking spaces within new developments should be something of a priority for all of us and in this particular case the reduced provision allowed substantially more of the open green space to be retained with low wooden bollards around the green space to prevent unauthorised parking.
- 7.73 Having regard to the above, officers are of the opinion that the proposed car parking ratio of 1:1 is appropriate in this location and would not be detrimental to highways safety in accordance with Policy CS25 of the Core Strategy 2013, SADM40 of the Site Allocations and Development Management Policies Plan 2015, the Parking Standards SPD 2014 and the NPPF 2019.

Refuse

- 7.74 The refuse and recycling provision for the houses and two storey flats would be accommodated within their private front or rear gardens in simple

brickwork enclosures housing 3no. 240 litre wheelie bins. The three storey flats are served by two refuse stores accessed from between the blocks.

- 7.75 The Councils Waste Management team have been consulted on the proposals and advised that refuse and recycling provision is adequate. However, clarification was sought for distances between proposed vehicle stop points and bin presentation points for properties adjacent to Stannington Path.
- 7.76 It is acknowledged by officers that some of the properties in the middle of the row along Stannington Path are beyond the standard carry distance to the vehicle stop points but that is true of the existing development to be replaced and also of existing properties on the other side of Stannington Path. The locations of the waste storage facilities are considered to be in logical positions in relation to the development and are in similar positions to the provision for the properties to be replaced. In that respect officers are of the opinion that the provision proposed here is appropriate.

Sustainability/Environmental Matters

Drainage/flood risk

- 7.77 As of 6th April 2015 Local Planning Authorities should consult the relevant Lead Local Flood Authority (LLFA) for applications of 10 residential units or more on matters relating to the proposed management of surface water arising from the development.
- 7.78 The applicant has submitted a drainage strategy based upon permeable paving storage, an underground tank storage and discharge into Thames Water surface water sewer. Surface water calculations have been provided and ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 plus 40% for climate change with 3 l/s discharge to surface water sewer.
- 7.79 The LLFA was consulted on the application and raise no objections subject to conditions relating to the submitted SuDS statement and a detailed surface water drainage scheme.

Ecology

- 7.80 A bat assessment was submitted with the application that concluded no bats were confirmed roosting in any of the buildings or trees on site, though there was some low bat flight activity across the site. The County Ecologist was consulted on the application who requested that any consent included advisory notes relating to bats and their habitats.
- 7.81 The County Ecologist also noted the presence of a number of mature trees across the site which are understood to be retained but it was considered that the loss of any *mature* trees should be compensated for on a two-for-one basis within the landscape scheme. The landscape scheme should ideally

include native tree and scrub species, as well as plants that bear fruit (berries), blossom, and nectar to attract pollinators, to benefit local wildlife.

- 7.82 Further to the above, the County Ecologist noted that *“the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements that could be incorporated into the development proposal include: integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for Swifts and House Sparrows, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree, shrub and hedgerow planting, fruit tree planting, wildflower area, etc. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans. Consequently, I would like to see a **Landscape and Biodiversity Management Plan** submitted as a **Condition**, which should include details of how biodiversity will be incorporated within the development scheme”*.
- 7.83 This is considered reasonable in planning terms and could be incorporated within a landscaping plan for the site. Subject to such conditions and advisory notes Hertfordshire Ecology confirm that with the retention of the majority of the trees, the limited extent of habitats present and the proposed ecological enhancements a biodiversity gain in line with the aims of the NPPF is likely to be achieved.

Sustainability/energy efficiency

- 7.84 Core Strategy Policy CS16 requires proposals to incorporate sustainable development measures, including amongst others efficient use of resources, sustainable drainage, remediation, and use of energy efficiency design and use of renewable energy sources.
- 7.85 The application is supported by an Energy Statement which, as originally submitted, claimed an estimated regulated CO₂ savings on site of 1.8%, against a Building Regulations Part L 2013 compliant scheme. Following questioning by officers a revised Energy Statement was submitted which proposes an estimated regulated CO₂ savings on site of 35.5%, against a Part L 2013 compliant scheme.
- 7.86 Detailed within the submitted Energy Statement plans the proposed development offers the following:
- Fabric-first and renewable energy measures are proposed, including photovoltaic roof panels, energy-efficient building fabric design, high-efficiency double-glazed windows, high-efficiency heating systems and low-energy lighting installations, which result in a reduction in CO₂ emissions from the proposed building by 9.33% over the existing situation;
 - Passive electric charging connection to encourage electric vehicle use and accommodate future increased usage;

- Pollutants in water runoff will be managed by the proposed sustainable drainage system;
- Level of cycle parking provision exceeds Hertsmere Parking Standards (2014) requirement to encourage users of the new building to cycle;

CIL

7.87 The Local Planning Authority became a CIL charging authority as of 1st December 2014. The CIL is a charge that raises funds to provide improved infrastructure in Hertsmere and is charged on the increase in new build floor space for both residential and retail uses. This application would be CIL liable and in this location the residential floorspace is charged at a rate of £120 per m², however, there are exemptions for the provision of affordable housing.

Public Sector Equality Duty

7.88 The Equality Act 2010 came into force in April 2010. Section 149 of the Act introduced the public sector equality duty, which requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity.

7.89 In determining this application the Committee is required to have regard to its statutory obligations under the Equality Act 2010. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.90 In relation to this specific application, it is not considered that the development would have a disproportionately adverse impact on any people who share protected characteristics. Consideration has been given to the access arrangements and the internal layout of the development and the suitability of these for disabled users. These matters would also be covered by building regulations. Therefore the proposed development would not impact on the Council's ability to meet its public sector equality duty. The equalities impact of the scheme has been duly considered in accordance with the Council's statutory duties under the Equality Act 2010.

8.0 CONCLUSIONS

8.1 The principle of the residential development in this location is considered acceptable and the development would provide an appropriate level of affordable housing, maintain the visual amenity of the area and would not

result in a detrimental impact on the residential amenities of the neighbouring residents or future residents of the development. In addition, the level of parking is considered acceptable and with appropriate detail secured the proposal would result in a biodiversity gain. The proposed development would therefore comply with the NPPF 2019, Policies SP1, SP2, CS1, CS2, CS3, CS4, CS12, CS16, CS17, CS22 and CS25 and CS26 of the Core Strategy 2013, Policies SADM3, SADM10, SADM12, SADM15, SADM19, SADM29, SADM30, SADM36 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, Planning and Design Guide Part D - Guidelines for High Quality Sustainable Development (2013) and the Parking Standards (2014).

9.0 CONDITIONS/REASONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

M0641 APL 010 SITE LOCATION PLAN
M9641 APL 001 REV A BLOCK A PLANS
M9641 APL 002 REV A BLOCK B PLANS
M9641 AOL 003 REV A BLOCK C PLANS
M9641 APL 004 REV C BLOCKS D-E-F GROUND AND FIRST FLOOR PLANS
M9641 APL011 REV B BLOCK D-E-F SECOND FLOOR AND ROOF PLANS
M9641 APL 006 REV A BLOCK A ELEVATIONS
M9641 APL 007 REV A BLOCK B ELEVATIONS
M9641 APL 008 REV A BLOCK C ELEVATIONS
M9641 APL 009 REV C BLOCKS D-E-F ELEVATIONS
M9641 APL 005 REV D SITE PLAN
DESIGN AND ACCESS STATEMENT REV D
PLANNING STATEMENT
TRANSPORT STATEMENT V 2

(all received 21 July 2020)

REVISED ENERGY STATEMENT (received 20 March 2020)

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

3. No works above the initial damp proof course SHALL COMMENCE until samples of the materials to be used in the construction of the external surfaces of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. No works above the initial damp proof course SHALL COMMENCE until details of all materials to be used for the hard surfaced areas within the site, including roads, pathways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

5. No works above the initial damp proof course SHALL COMMENCE until details of all walls (including retaining walls), fences, access gates or other means of enclosure to be erected in or around the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. NO WORKS OR DEVELOPMENT SHALL COMMENCE before a scheme for the protection of the existing trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 ("Trees in relation to construction-1990") and BS 3998 ("Recommendations for tree works – 1989"). The approved scheme for the protection of the existing trees shall be implemented BEFORE DEVELOPMENT COMMENCES and be maintained in full until the development has been completed.

Reason: To protect and conserve the natural environment to comply with the NPPF 2019, Policy CS12 of the Core Strategy 2013 and SADM12 of the Site Allocations and Development Management Policies Plan 2016.

7. No works above the initial damp proof course SHALL COMMENCE until 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. No works above the initial damp proof course SHALL COMMENCE until a Landscape and Biodiversity Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development and how the habitats within the site boundary will be managed to maintain long term biodiversity objectives.

Reason: To ensure that biodiversity objectives and long term maintenance are realised in accordance with the NPPF, Policy CS12 of the Hertsmere Core Strategy 2013 and Policy SADM10 of the Site Allocations and Development Management Policies Plan 2016.

9. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved surface water drainage assessment carried out by Infrastruct CS Ltd, document reference 2325-WIND-ICS-XX-RP-C-07.004, dated February 2020 and the following mitigation measures detailed within the Flood Risk Assessment and Drainage Statement:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff rate of 3 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event providing a minimum of 193 m³ (or such storage volume agreed with the LLFA) of storage volume in a cellular tank and additional storage in tanked permeable paved area.
3. Discharge of surface water from the private drainage network 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: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

10. NO DEVELOPMENT SHALL COMMENCE 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.

The scheme shall include:

1. Detailed hydraulic modelling of the final proposed drainage network.
2. Detailed drainage layout, clearly indicating SuDS features, their storage volumes, pipe runs, manhole invert and cover levels.
3. 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.
4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime. Indication of who will be responsible for undertaking all maintenance works has to be included.

Reason: To prevent the increased risk of flooding, both on and off site. To comply with Policies SADM13, SADM14 and SADM15 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS16 of the Hertsmere Core Strategy 2013.

11. PRIOR TO FIRST OCCUPATION OF THE APPROVED DEVELOPMENT the access arrangement from Warenford Way as agreed in principle as shown in drawing APL005 revision D shall be constructed and completed to the satisfaction of the Highway/Planning Authorities.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with the NPPF 2019 and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT HEREBY APPROVED details of the balustrades and screening to the balconies including their level of obscuration, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM30 of the Site

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

13. The window(s) to be created serving bathrooms, en-suites or WCs shall be in fully obscure glass (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM31 of the Site Allocations and Development Management Policies Plan July 2015 and Policy CS22 of the Hertsmere Core Strategy 2013.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no new building or enclosure shall be constructed within the application site without the prior written approval of the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies SADM3 and SADM31 of the Site Allocations and Development Management Policies Plan July 2015 and Policy CS22 of the Hertsmere Core Strategy 2013.

GENERAL REASON(S) FOR GRANTING PERMISSION

1. The principle of the residential development in this location is considered acceptable and the development would provide an appropriate level and mix of affordable housing, maintain the visual amenity of the area and would not result in a detrimental impact on the residential amenities of the neighbouring residents or future residents of the development. In addition, the level of parking is considered acceptable and with appropriate detail secured the proposal would result in a biodiversity gain. The proposed development would therefore comply with the NPPF 2019, Policies SP1, SP2, CS1, CS2, CS3, CS4, CS12, CS16, CS17, CS22 and CS25 and CS26 of the Core Strategy 2013, Policies SADM3, SADM10, SADM12, SADM15, SADM19,

SADM29, SADM30, SADM36 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, Planning and Design Guide Part D - Guidelines for High Quality Sustainable Development (2013) and the Parking Standards (2014).

10.0 BACKGROUND PAPERS

1. The Planning application (19/0321/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

11.0 INFORMATIVES

1. This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.
2. This decision is based on the following development plan policies and guidance associated with each reason or condition: NPPF 2019, Policies SP1, SP2, CS1, CS2, CS3, CS4, CS12, CS16, CS17, CS22 and CS25 and CS26 of the Core Strategy 2013, Policies SADM3, SADM10, SADM12, SADM15, SADM19, SADM29, SADM30, SADM36 and SADM40 of the Site Allocations and Development Management Policies Plan 2016, Planning and Design Guide Part D - Guidelines for High Quality Sustainable Development (2013) and the Parking Standards (2014).
3. Planning permission has been granted for this proposal. The Council acted pro-actively through engagement with the applicant during the application process 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) (Amendment No. 2) Order 2012.
4. AN1) The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not 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 Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

5. AN2) 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) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047.

6. AN3) 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. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>

or by telephoning 0300 1234047.

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

Case Officer Details

Patrick Haran - email address patrick.haran@hertsmere.gov.uk