

Date of Meeting: 12th November 2020

APPLICATION NO: 20/0057/OUT

DATE OF APPLICATION: 17 January 2020

STATUTORY START DATE: 3 February 2020

SITE LOCATION

Former Police Station, Elstree Way, Borehamwood, Hertfordshire, WD6 1JP

DEVELOPMENT

Demolition of the former police station and construction of 1 seven storey and 1 eight storey building containing 96 flats, with associated bin and bike storage, car parking. (Outline Application to include access, appearance, layout & scale with landscaping matters reserved.)

AGENT

Mr Mark Bradbeer
West House
Meltham Road
Honley
Holmfirth
HD9 6LB

APPLICANT

Mr Alan Newton
Harpenden Police Station
15 Vaughan Road
Harpenden
AL5 4GZ

WARD: Borehamwood Kenilworth

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING: No

TREE PRES. ORDER: No

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 Section 106 of the Town and Country Planning Act by 26th Feb 2021 or at a later date to be agreed in writing.

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 consider refusing the planning application, for the reason set out below:

Suitable provision for affordable housing, education, public open space and highway infrastructure have not been secured. The application therefore fails

to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of, SADM Policies SADM 3, SADM 11, SADM 12, SADM 20, SADM 37, and Policies CS4, CS12, CS16 and CS21 of the Core Strategy (2013), together with the updated under CIL requirements by the Developer Contributions Framework 2014, and the Affordable Housing SPD 2015.

2.0 Application site / surrounding area

- 2.1 This site is located on the south side of Elstree Way 1.2km from Elstree & Borehamwood Station opposite the entrance to the civic centre car park and The Venue leisure centre, with the six storeys Ibis Hotel adjacent. It lies close to the edge of Borehamwood Town Centre. Adjacent to the east is the filling station and Kwik fit garage, which are single storey in height and beyond that are the 30m+ deep rear gardens of houses on Bullhead Road to the side/rear of the site. To the west and south is the Affinity Place development which is a 5 to 6 storey high residential development. Beyond this to the west is the Job centre and Fire and Ambulance Station, both single storey.
- 2.2 The site is more or less rectangular in shape but has a tapered boundary to the eastern side of the site; this means that the site frontage is wider than the rear part of the site. It should be noted that the adjoining site, affinity place is higher in level to the rear than the application site by around 1m.
- 2.3 The site is within the EWC and a priority area for the delivery of new homes.

3.0 Proposal

Background / Scheme Evolution

- 3.1 The proposal has been through pre-application advice with officers. The original scheme was for a much taller proposal with the buildings originally being proposed at 9 and 10 storeys in height. Further to strong officer advice, the applicants have reduced the proposed heights to result in the scheme put before Committee.
- 3.2 Other aspects of the scheme were also altered following officer advice during the pre-application process, inclusive of:
- More active frontages at ground floor level;
 - A reduction in car parking space numbers;
 - Better connection to the neighbouring development of Affinity Place, 12 Elstree Way, with the introduction of a central pedestrian crossing;
 - An improved refuse vehicle turning head which avoided entry into an undercroft area;
 - Improved levels of landscaping and green space across the site

- 3.3 In addition to the above, as part of the application consideration, officers have requested various amendments to the design with the aim of securing a high quality development. To that end, changes have been brought forward improving the entrance areas to the buildings and giving them more prominence and to make better use of materials whereby the lighter brickwork initially proposed to lower floors is now used on upper levels and the darker brickwork has been drawn to the lower levels resulting in a scheme that assimilates better at street level and into the wider street scene.

Proposal for consideration of the Committee

- 3.4 The application proposes the demolition of the existing vacant former Police Station and associated buildings and the redevelopment of the site to provide 96 residential flats (Use Class C3) within two blocks with associated bin and bike storage and car parking. This is an Outline Application to include details of access, appearance, layout and scale with landscaping matters reserved.
- 3.5 The development would comprise two main buildings with block A to the front of the site which is to be 8 storeys tall, setback between 2.25m and 3.7m from the highway with defensible space between the road and flats at ground floor level and two points of access reached by footpath to the entrances of the building. Block B which is proposed to be 7 storeys tall, would be sited to the rear and will be set in from the rear boundary by 13m. Car parking spaces and cycle parking will be sited between block B and the boundary. Block B is to be accessed from the side of block A.
- 3.6 The proposal will provide 96 units with 35% of the units secured as affordable rent, which will be split into 23 x 1 bed and 11x 2 bed units. The applicants have confirmed that the proposed affordable units would be in line with the tenure mix as stated the Affordable Housing Supplementary Planning Document. This will be secured by a section 106 agreement.
- 3.7 The application has been advertised as a departure from the Local Plan specifically the Elstree Way Corridor Area Action Plan (EWCAAP), insofar as the proposed heights of 8 and 7 storeys exceed the maximum height set out within Policy EWC7 (General Building Heights) whilst the proposed car parking provision is lower than that which would be required by Policy EWC8 (Parking Requirements). In addition to this, it is acknowledged that the density of development would be higher than the 100-180 dph, the EWCAAP stipulates.
- 3.8 The application is reported to Planning Committee as it is a Major proposal exceeding 10 residential units.

3.9 Key Characteristics

Site Area	3400 square metres
Density	282dph

Mix	<p>Block A:</p> <ul style="list-style-type: none"> • 42 X 1bed • 16 X 2bed <p>Block B:</p> <ul style="list-style-type: none"> • 18 X 1bed • 19 X 2bed • 1 X 3bed
Dimensions	<p>Block A measures:</p> <p>42.5m by 18.84m by 24.2m</p> <p>Block B measures:</p> <p>35.3m by 17.8m by 21.5m</p>
Number of Car Parking Spaces	Total of 23 car parking spaces inclusive of four spaces for disability parking

4.0 RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
14/0979/FUL	Retrospective application for erection of 2.4m high fencing/hoarding to front and sides of station.	21 August 2014 Grant Permission
TP/00/1272	Single storey property stores.	31 January 2001 Grant Permission
TP/00/1216	Single storey side extension to, and single storey building in rear yard of, police station to provide parade room, sergeants' office and secure crime office	31 January 2001 Grant Permission
TP/92/0165	Erection of 4 stables for a temporary period of three months (Notice of proposed development under Circular 18/84)	31 March 1992 Raise No Objections
TP/89/0848	Siting of temporary portacabin to be used as office in front of existing building	26 September 1989 Grant Permission
TP/89/0818	New front entrance with disabled access. Single storey rear extension and fire escape. 2.7 metre high boundary wall, and other alterations.	26 September 1989 Grant Permission

5.0 CONSULTATION & RESPONSES

5.1 Notices

Site Notice (Generic) 6th February 2020 Expiry Date: 27th February 2020
Borehamwood Times: 20th Feb 2020 Expiry Date: 12th March 2020

Site notice (departure): 10th March 2020. Expiry Date: 31st March 2020
Borehamwood Times: 19th March 2020 to 9th April 2020

Neighbour notification was sent regarding the amendments to the scheme on the 1st September 2020 and ran till 15th September 2020

5.2 Summary of consultation responses

Consulted:

Consultee	Date Originally Consulted
CPZ - Parking Operations	3 February 2020
Community Safety Officer	3 February 2020
Drainage Services	3 February 2020
Senior Flood Risk And SuDS Officer	3 February 2020
Environmental Health & Licensing	3 February 2020
Housing	3 February 2020
Policy & Transport - Majors Only	3 February 2020
Policy & Transport - Majors Only (LW)	3 February 2020
Tree Officer	3 February 2020
Waste Management Services	3 February 2020
Architectural Liaison Officer (Police)	3 February 2020
Thames Water Development Planning	3 February 2020
Highways England	3 February 2020
EDF Energy Networks	3 February 2020
Cadent Gas Limited (Prev National Grid Company Plc)	3 February 2020
NHS England	3 February 2020
NHS England (CCG)	3 February 2020
Health & Community Services Management Board (HCC)	3 February 2020
HCC Planning Obligations Officer	3 February 2020
Affinity Water Limited	3 February 2020
HCC Development Services (S106)	3 February 2020
Place Services - Essex County Council - Urban Design Advice	3 February 2020
HCC Spatial Planning And Economy Unit	10 February 2020
Highways	3 February 2020
Elstree & Borehamwood Town Council	3 February 2020
Elstree & Borehamwood Residents Association	3 February 2020
Building Control	3 February 2020
Senior Traffic Engineer	3 February 2020

Responses:

Consultee	Comment
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<p>Housing</p>	<p>Received 4th February 2020 VERBATIM <i>The proposed number of affordable housing units is above the required number, providing essential housing for residents. However, before the Council's Housing team are able to provide support for this development, we would require a more detailed breakdown of which tenure type each of the affordable units will be (e.g. social rent, affordable rent or intermediate housing).</i></p> <p><i>Officer Comment:</i></p> <p><i>The applicants have confirmed that the provision of the affordable housing element will meet the tenure mix of 75% to be social/affordable rented homes and 25% as intermediate housing. This will be secured as part of the section 106 agreement.</i></p>
<p>Cadent Gas Limited (Prev National Grid Company Plc)</p>	<p>Received 5th February 2020 SUMMARY The apparatus that has been identified as being in the vicinity of the proposal includes – Low or Medium pressure (below 2 bar) gas pipes and associated equipment. Requirements have been set out to be completed before any works commence. This includes informing Plant Protection of any decision carried forward.</p>
<p>NHS England (CCG)</p>	<p>Received 7th February 2020 SUMMARY HVCCG request to reserve an option to seek CIL contributions at a later date to off-set impact on the NHS due to the following concerns:</p> <ul style="list-style-type: none"> • GP practices are already operating at capacity and ability to accept new patients is limited • Already major housing growth planned in the area <p>Significant changes are being made in healthcare delivery leading to increased pressure and demand on local GP services.</p>

	<p><i>Officer Comments</i></p> <p><i>The NHS would have the ability to draw down from the CIL at a later date to mitigate the concerns raised above.</i></p>
HCC Spatial Planning And Economy Unit	<p>Received 10th February 2020</p> <p>SUMMARY</p> <p>The Minerals and Waste Policy Team urge that in determining the application, due care is taken to ensure that national and local policies regarding sustainable waste management are met, particularly with regards to waste storage and storage of recyclable materials.</p>
Thames Water	<p>Thames Water would require a condition regarding the waste water management from the site, with regards to foul and surface water.</p> <p><i>Officer Comment:</i></p> <p>A condition is suggested to mitigate this.(condition 14)</p>
Tree Officer	<p>There is a belt of trees along the frontage of the site. It should be encouraged that they be retained and a Tree Protection Plan should be conditioned to protect the trees.</p> <p><i>Officer Comment:</i></p> <p>Condition 15 has been proposed to ensure provision of this.</p>
Drainage Services	<p>A standard Drainage condition CG01 is recommended.</p> <p><i>Officer Comment</i></p> <p><i>Condition 4 has been proposed to ensure provision of this.</i></p>
Highways England	<p>A Transport Assessment is required to see what impact the proposal will have on the Strategic Road Network.</p>

	<p>16th April</p> <p>No information has been provided to assess the impact of the development on the road network.</p> <p>11th Sept</p> <p>Highways England have assessed the additional Travel Assessment and have the following comments:</p> <p>The data set needs to be more comparable to town centre locations and concerns are raised that a parking survey has not been undertaken to see parking in the surrounding area but is ultimately up to the Council to make a determination on car parking. A Construction Transport Management Plan is required for a development of this size.</p> <p>2nd October 2020</p> <p>The applicants have provided additional information. Highways England have responded that they have no objection to the proposal, following receipt of the additional information</p>
<p>Parking Services</p>	<p>The site is outside of a CPZ. There is no immediate on street kerb side parking availability. Nearest on street parking is in a residential street, where there is already a high demand.</p> <p><i>Officer Comment:</i></p> <p><i>It is acknowledged that there is no control parking zone in the nearby residential street of Bullhead Road. It is considered that a part of the development the applicants monitor this situation and if this does become a significant issue then a proposal for a Car Parking Zone be explored. This would be secured by a section 106 agreement. This is also backed up with Condition 7 requiring a Green Travel</i></p>

	<i>Plan to be submitted and agreed by the Council.</i>
Elstree and Borehamwood Council	This application is considered to be overdevelopment due to the 8 storey height and lack of car parking.
Environmental Health	<p>The site is adjacent to a petrol filling station and therefore land contamination and a separate condition for remedial works.</p> <p><i>Officer Comment</i></p> <p><i>Condition 9 has been proposed to ensure provision of this.</i></p>
Waste	<p>Recycling and refuse provision calculations are needed. Distances between vehicle stop points and storage are needed.</p> <p><i>Officer Comment:</i></p> <p><i>The plans are to scale and measurements show that the bin store location relative to the proposed collection point will be within the prescribed 10m and Condition 11 is proposed to ensure the provision of this.</i></p>
Police	The proposal should be built to Secure by Design standard.
Flood Risk	<p>The proposal has not provided any information regarding flood risk. Surface water will need to be provided.</p> <p><i>Officer Comment:</i></p> <p><i>Thames water and Drainage have asked for conditions to cover this. The site lies within Flood Zone 1 and therefore a Flood Risk Assessment is not required and flood mitigation would be part of the overall landscape strategy which is reserved. The Drainage Engineer has raised no objection subject to conditions 4 and 5 and it is officer's view that this can be resolved by condition and via the outstanding</i></p>

	<i>reserved matters.</i>
HCC Infrastructure	<p>There is a lack of primary school places in the area and therefore a contribution of £474.184 is sought.</p> <p><i>Officer Comment</i></p> <p><i>This provision will be sought through the section 106 agreement.</i></p>
Hertfordshire Highways	<p>No Transport Assessment has been submitted and therefore no assessment can be made.</p> <p><i>Officer Comment:</i></p> <p><i>The applicants subsequently provided a Transport Statement. The highway engineer has agreed this in principle but is seeking clarification on trips to and from the site for the former police station. The comments will be provided to committee in the addendum sheet.</i></p>
TFL	The proposal does not appear to impact any of the TFL projects and therefore no comment.

5.3 Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	37	1	354	43 total for all consultation

The proposed development has been through three rounds of consultation.

The first round was from 6th Feb 2020 to 27th Feb 2020:

The main areas of concern detailed within the responses received were as follows:

- Noise and Disturbance through construction activity;
- Loss of light
- Loss of privacy
- Increase in traffic

- Not enough infrastructure to accommodate the additional families, such as school places
- The higher buildings will have an impact upon the character and appearance of the area;
- Lack of car parking;
- Anti-social behaviour
- Car parking in the surrounding area
- Underutilising the land and more flats should be provided
- The height would impact upon tv transmission

Comment has also been received detailing the proposal is in a good location for additional flats and should be more developed.

A period of consultation ran from 10th March 2020 to 31st March 2020 advertising the proposals as a departure from the Local Plan. The main representations received following this consultation period were as follows:

- Additional car charging points
- More PV panels
- Accessible lifts to all occupants
- Inside access to bin areas
- Abide by Building Regulations

Third round of consultation took place, due to the changes in design of the proposal, which ran from 1st September 2020 to 15th September 2020. The main issues raised in this consultation were:

- Not enough infrastructure to cope with the development, such as schools, GP surgeries etc.
- Increased car parking on surrounding roads
- Out of character due to the height
- Impact on light
- Loss of privacy
- Lack of car parking will increase competition in the surrounding area
- Lack of infrastructure to cope with the additional demand

6.0 PLANNING POLICY CONTEXT

6.1 National Policy/Guidance

National Planning Policy Framework 2019
National Planning Policy Guidance

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

SP1 - Creating sustainable development

CS1 - Location and Supply of new Homes
CS2 - Housing beyond existing built-up areas
CS3 - Housing Delivery and Infrastructure
CS4 - Affordable Housing
CS7 - Housing mix
CS12 - The Enhancement of the Natural Environment
CS16 - Environmental Impact
CS17 - Energy and CO2 Reductions
CS18 - Access to Services
CS21 - Standard Charges and other Planning Obligations
CS22 - High Quality Environment
CS23 - Elstree Way Corridor
CS24 - Development and accessibility to services and employment
CS25 - Accessibility and parking

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
SADM29 - Heritage Assets
SADM30 - Design Principles
SADM40 - Highway and Access Criteria for New Development

Elstree Way Corridor Area Action Plan (EWCAAP) 2015

EWC1 - Development Strategy
EWC2 - Comprehensive Development
EWC3 - Housing density and distribution
EWC4 - Community facilities
EWC5 - Transport & Accessibility
EWC6 - Public Realm & Townscape
EWC7 - Building height zones
EWC8 - Parking
EWC9 - Developer Contributions

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)
Waste Storage Provision Requirements for New Residential Development (Technical Note)

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'. The material considerations must relate to matters which have a planning purpose. The question of what weight to give to material considerations is a matter for the Council in its role as the decision maker. This includes the extent to which the proposed development does not accord with policies in the Hertsmere Local Plan.

7.1 The proposal raises the following main policy considerations:

- Principle of the development
- Affordable Housing
- Design and visual amenity
- Residential amenity
- Sustainability/Environmental Matters
 - Energy Efficiency
 - Sustainable drainage/Flood Risk
 - Land contamination
- Car parking and highway safety
- Trees and Landscaping
- Waste and recycling
- CIL and S106
- Public Sector Equality Duty

Principle of Development

7.1 The NPPF (2019), paragraph 117 states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting.

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.

Elstree Way Corridor and established use of site

- 7.4 The site is the subject to policy CS23 of the Core Strategy 2013 that supports residential development in the Elstree Way Corridor area.
- 7.5 The site is within the defined area of the Elstree Way Corridor Area Action Plan 2015 (AAP) which was adopted by the Council on 8th July and forms part of the statutory planning framework for the borough.
- 7.6 The Elstree Way Corridor Area Action Plan Strategic policy advises of the need to provide for at least 800 homes of a scale, height and quality as a civic and commercial gateway to the Borough supporting design and public realm improvements;
- 7.7 It is noted that the site formerly contained a police station. This was relocated to the site of the Civic Centre and the building has sat vacant for a number of years. The proposal seeks permission to redevelop this brownfield site in an efficient manner for the purposes of providing 96 residential units as stated before and thus provide a large contribution to the housing requirement necessary within the Elstree Way Corridor. .
- 7.8 The principle of development is considered acceptable and in accordance with NPPF (2019), Elstree Way Corridor Area Action Plan (2015), policies SP1, CS1, CS2, CS23 of the Core Strategy 2013, policies SADM3 of the Site Allocations and Development Management Policies Plan 2016.

Affordable Housing

- 7.9 The definition of major development (as defined in the glossary of the NPPF) for housing is development where 10 or more homes will be provided. Policy CS4 of the Hertsmere Core Strategy (2013) and the Hertsmere Affordable Housing SPD (2015) require developers to provide at least 35% of the units proposed as Affordable Housing on schemes where 10 units or more are proposed, or when the development site is 0.2 hectares or larger.
- 7.10 In respect to tenure mix, the Affordable Housing SPD (2015) states that each site should take into account the tenure profile of the surrounding area, and will be based on the prevailing need for Affordable Housing units. It is to be agreed with the Council's Housing team on a site-by-site basis, however on sites providing 15+ units the expected tenure split would be 75% to be social/affordable rented homes and 25% as intermediate housing, such as shared ownership or equity share.
- 7.11 This proposal will provide 35% affordable housing on site and therefore would be policy compliant in this regard. During the course of the application, officers sought to increase the affordable housing provision however the requested height reductions via the pre-application and application process, resulting in a reduced number of units overall meant that such a request would have had an impact upon the viability of the proposal. Similarly, further reductions to the heights of the buildings which was explored as part of the consideration of the proposals would have likely impacted upon the ability of the scheme to

provide the necessary provision of affordable housing. The Housing Officer has requested that the affordable housing units be tenure split in line with the SPD. The applicant has commented that they would provide the affordable housing in line with the tenure mix of 75% to be social/affordable rented homes and 25% as intermediate housing and this will be secured through the section 106 agreement prior to their occupation.

Design & Impact on Visual Amenity

- 7.12 The NPPF 2019 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The document goes on to advise that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.13 Hertsmere Policies CS22, SADM3 and SADM30 seek to ensure proposals respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Hertsmere's Planning & Design Guide 2016 gives specific guidance as to the appropriate design of new developments. Officers consider that the key issues to discuss are:
- Height, scale and massing
 - Layout, Spacing and setting
 - Architectural Design and Materials

Height, Scale and Massing

- 7.14 The NPPF, paragraph 118, part e, encourages the effective use of the land, especially brownfield land. One of the ways in utilising land is to encourage building upwards. The addition of the additional floors would provide an addition of 18 residential units in an accessible location. These are all discussed below.
- 7.15 Officers acknowledge that the EWCAAP does have a policy that buildings should not be more than 5 to 6 storeys high. However, the applicants in their Design and Access Statement have provided justification as to the scheme. There are a variety of heights within the immediate area and the Principal Urban Design Officer has been involved with the scheme since the pre-app stage and has raised no concerns regarding the height.

- 7.16 The development would be taller at 7 and 8 storey in height compared to nearby buildings on Elstree Way such as Ibis Hotel opposite, and Gemini Park (consented in 2013) which are all six storeys high. However, there are examples of taller buildings in the immediate area, such as Foster House, which is located behind the Fire Station. The public realm is 18m wide between properties facing each other across Elstree Way. The frontage building will be adjacent to the street and the recent development of Affinity Place, 12 Elstree Way which is adjacent to the site.
- 7.17 Although the frontage building will be taller, by 2 storeys, compared to Affinity Place which is 6 storeys tall, the design of which, with the open roof top garden adjacent to this building and light colour external appearance will not appear to dominate or be out of keeping in this location, but provide a transition between the two and being at that height, the views of the two buildings will not be significantly different when viewed from street level. Additionally the proposed front building will give a visual difference to the street scene and create a marker point.
- 7.18 It should be also noted that the Government have recently released a swath of Permitted Development rights for adding two stories on top of buildings and it appears that the Affinity development would be able to utilise this, subject to the conditions and this building would be taller than the current 6 storey form. This would also be applicable to other buildings within the immediate area. However, it is acknowledged that this scheme would not benefit from these permitted development rights but a condition no.17, is recommended to ensure this.
- 7.19 The rear block will be adjacent to the rear block of Affinity Place development. This block is 6 storeys in height, but is on a higher ground level than the application site by approximately 1.5m to 2m high. In terms of heights block b would not be significantly higher than the adjoining block at Affinity Place and would therefore be considered acceptable. The site is outside of the lower density development, as designated in the EWCAAP, respecting the houses on Bullhead Road. The proposal would have a higher density than the upper level recommended for this part of the EWCAAP and as set out in Policy EWC3 (up to 180 dph).
- 7.20 However, it is considered that the scheme would be accommodated satisfactorily on this site and would have an acceptable impact on the locality in terms of size and scale. As discussed previously, the impact of a reduced scale of development would have an impact on the delivery of the scheme and the loss of the additional storeys would have meant that there was a reduction of 18 dwellings and reduction in the level of affordable housing. The following paragraphs provide further discussion and clarification as to why the density proposed is considered acceptable in respect to design and amenity considerations.

Layout, Spacing & Setting

- 7.21 The frontage block would align with the building line with Affinity Place. The design of the proposal is to have open space between the two blocks and there will be routes around the building, to access the bin store and cycle parking. The entrances have been designed to give them some presence within the street and the routes around the building will emphasise this.
- 7.22 Block A would have an approximately 13.5m gap between the side elevation of block A and the front block of Affinity Place and 4m gap between the building and the boundary with the petrol station to the east.
- 7.23 The block to the rear, would be 13m from the rear most boundary and 4.5m from the boundary with the closest most house on Bullhead Road. The rear elevation would be 14m away from the side elevation of the rear block of Affinity Place. This block will be adjacent to the car garage to the east, which is adjacent to the northern boundary of the first property on Bullhead Road. The spacing would allow for the buildings to appear attractive in the street scene and represent a significant improvement on the current vacant building on the site. The proposal would enhance the street scene by providing a more coherent street scene rather than the irregular arrangement of buildings of different heights and setback.

Architectural Design and materials

- 7.24 The architecture in Elstree Way is unremarkable and a high quality appearance and is considered essential. The most prominent part of the proposal is the frontage. Due to the large frontage compared to the adjoining building and height, it is considered that the proposal provides a light weight appearance to its scale and mass, especially at the upper level. The evolution of the appearance has resulted in the use of darker material appearance at lower level and lighter appearance of material further up the elevation and with some detailing on the elevation, this breaks up the scale and mass of the building and it is considered to provide a high quality design.
- 7.25 The design has included a variety of materials to break up the appearance of building with brick being the predominant material with different colours and features. This ensures that the upper levels and the side elevations avoiding significant areas of blank facades by the addition of windows, recessed balconies and brick recessed panels with an accentuation of the ground floor entrance to the front. The proposed public open space, between the two blocks would provide a good level of natural surveillance from the proposed units. It is considered that the design would add a high quality of architecture to this streetscene and the area, in keeping with the overall improvements to the Elstree Way Corridor which are underway.
- 7.26 It is considered that the proposed scheme would not be out of keeping with varying styles and designs of flatted and other developments within the immediate area and considering that there are already developments of a taller nature nearby the proposal will sit well within this edge of town centre location.

Impact on Residential Amenity

- 7.27 The NPPF 2019 states that local plans should set out policies that use buildings to create attractive and comfortable places to live. Policy SADM30 seeks to protect the privacy and amenity of local residents when consideration is given to development proposals. The Planning & Design Guide 2016 Part D gives specific guidance as to the appropriate design of developments with the key objective being that the Council wishes to ensure that existing and future residents can enjoy reasonable levels of natural daylight in their homes and private garden space.

Amenities of existing/neighbouring occupiers

Privacy

- 7.28 Part D of the Design Guide SPD suggests a 20m separation distance is normally sufficient to ensure a reasonable level of privacy 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. The guidance also expresses that the first 3m of the rear of properties are considered the most private and that which should be protected from overlooking.
- 7.29 The proposed windows would allow for distances greater than the above minimum privacy standard (20m) for windows facing within the development and for views to the nearest neighbouring windows surrounding the site facing from the rear of houses in Bullhead Road and from Affinity Place. The arrangement would allow for over a 50m distance from the proposed windows and the rear elevations of Bullhead Road and this will be at an angle due to the inset design of balconies. The rear block will be within 13m to the rear boundary of properties along Bullhead Road but this is the rear part of the garden and is already overlooked by other first floor windows along Bullhead Road and the Affinity Place development and it is considered that due to the distances involved the proposal is acceptable.
- 7.30 The relationship of the proposed development to the Affinity Place would meet the minimum standards. The balconies are inset into the building envelope and the distance of block A (front) to the nearest front building at Affinity Place will be 13.5m and would be side to side on and therefore will be above the minimum of 10m. With regards to the rear block the distance between the sides will be 14.3m apart and the rear will be 14m.

Outlook

- 7.31 The EWCAAP would have allowed a 6 storey block in these positions. Although there will be a noticeable difference to the views from the neighbouring flats and houses the impact on their outlook would not be to a detrimental degree. There will be 10m or larger distances from the proposed

windows to neighbouring and proposed walls, without windows, facing each other. If there is any impact on windows, the distances involved would provide sufficient levels of separation so as to not create an unacceptable sense of enclosure and the proposal would comply with the design guidance. Considering that there is an expectation that there would have been a minimum of a 6 storey building here the additional heights would not be considered significantly different in terms of impact upon the adjoining neighbours.

- 7.32 Although when taking the 45 degree from some of the windows in the Affinity Place development and the houses facing Bullhead Road, there would be some breaches it is considered that the separation gap between the proposal and these occupiers is more than the 10m and 20m distances as set out within the Design Guide and is therefore considered acceptable.

Sunlight/daylight

- 7.33 The relevant test for impact on sunlight and daylight would be met by the scheme for the impact on the flats to the west of the site, and the impact on their amenity areas, and for the housing and their gardens to the east.
- 7.34 The applicants have provided a Design and Access Statement, with some assessment in line with BRE guidance regarding daylight and sunlight impact upon adjoining occupiers. It should be noted that the rear block at Affinity Place sits at a higher ground level than the application site and as discussed above would be of a similar height. In regards to this, it is acknowledged that there will be some loss of light to the rear block in the early hours but this will then gain light as the sun moves around southwards.
- 7.35 With regards to the properties facing Bullhead Road, these are to the east of the site and would have a minimum of 50m separation distance. The rear block is 35m high and therefore these properties will not suffer any significant loss of light from the development. This is confirmed by the daylight and sunlight submitted as part of the Design and Access Statement.
- 7.36 Comments have been received that the proposal will lead to a loss of light to neighbouring occupiers, however, the applicants have provided a day light and sunlight study to show the different levels of shadowing that will occur throughout the year, within their Design and Access Statement. This shows that there will be no loss of light to the properties facing Bullhead Road. However, there will be some loss of light in the early part of the day to some of the flats within Affinity Place, facing the development. As this would be to the side of the development and only for a small part of the day it is not considered that this would amount to a significant impact which would be a reasonable reason to refuse the application.

Living conditions of future residents

Outlook/Sunlight + Daylight/Privacy

- 7.37 The proposal would be set in two blocks. Officers consider that the break up of the buildings into two smaller blocks rather than one large block would allow the better layout of the internal spaces, which provides the end units to have a dual aspect and provide better living arrangement.
- 7.38 There is a proposed separation distance of 20m from the rear of Block A and front of Block B and this will allow for both sufficient levels of privacy and outlook. The indicative landscaping shows that there will be some plating at ground floor to protect allow for some protection of their privacy and buffering between the public space and private space. In addition, the roof top area would not have any windows serving the units adjacent to it and would therefore provide adequate protection to the future occupiers.
- 7.39 The units would all benefit from private balconies. The windows are a floor to ceiling design and would allow for light to penetrate into these units and considering the some units have a dual aspect they would benefit from further sun light gain. The applicants have carried out a day light sun light study and due to the relationship of the two blocks there would be no impact in terms of light. The 3 bed flat and the end flats within each block have a dual aspect. The on the ground floor of Block B is designed as a double aspect flat on the corner of the block and therefore will receive adequate amenities.

Amenity space

- 7.40 The proposal has provided amenity space in two ways: All flats in both blocks all have private balconies to the minimum size requirement. There will be a roof top garden on Block A, which measures 125sqm. The Design Guide states that flats that have private balconies that are a minimum of 1.5m deep and provide 5sqm would be acceptable. Each flat is provided with this as well as the internal open area and Block A will also benefit from a roof top garden. The proposal is considered to have an adequate level of amenity space complies with the amenity space requirements in the policy EWC8.

Internal Space Dimensions

- 7.41 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 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.

Sustainability/Environmental Matters

Energy Efficient Design

- 7.42 Hertsmere Council have declared a Climate Emergency in September 2019. Any Major proposals should incorporate sustainability measures into the development.
- 7.43 Policy CS17 of the Core Strategy 2013 requires consideration to the use of renewable energy in developments and a contribution towards offsetting carbon emissions through the design and use of renewable energy solutions, such as photovoltaic or solar thermal panels, would be required in the design. Solar panels are included in the design. The Climate Change and Sustainability Officer has commented that the proposed sustainability measures are welcomed.
- 7.44 The proposals seek to provide key sustainability benefits inclusive of:
1. Redeveloping a redundant brownfield site;
 2. Allowing for a reduced level of car parking on site and provision of cycle storage in a safe and covered area, within a highly sustainable location, so as to enable a modal shift. In addition to this the proposal will allocate two dedicated spaces for use by a car club; two electric charging points and four disabled car parking spaces.
 3. Photovoltaic panels are proposed on the roof of block B and green roofs are proposed to help with grey water recycling.

Sustainable Drainage/ Flood Risk

- 7.45 SADM16, Policies SP1, CS16 require on site sustainable drainage systems within larger schemes. The development will need to incorporate sustainable drainage so that water runoff is contained within the site to comply with the needs of the drainage authority. The landscaping is part of the reserved matters and full details; including the hard and soft landscaping will be provided within this. As part of this the SUD design will need to be incorporated within this.
- 7.46 The Local Lead Flood Authority has commented that the proposal does not include any Flood Risk Assessment and Surface Water Strategy. The site is in a Flood Zone 1 and no Flood Risk Assessment is required and with regards to surface water, the current site is all hard standing. The proposal will add soft landscaping, which will be part of the reserved matters and would be able to incorporate any surface water within this. In addition to these comments, Thames Water has commented that surface and foul water will need to be agreed and have requested conditions, which are attached. The Drainage Engineer has also commented with regards to surface water, which would also cover the concerns raised by the Local Lead Flood Authority and it is considered that subject to the recommended conditions and reserved matter landscaping the proposal will provide sufficient mitigation to surface water flood risk.

Land Contamination

- 7.47 The Environmental Health Team were consulted on this application. They commented that as there is a petrol station adjoining the site and there will be some private space provided there is a need to undertake a land contamination study and remediate land suitable for its purpose. A condition to this effect is recommended to comply with this policy that will require a three stage desktop, site investigation and remediation strategy.

Parking, Access & Highway Safety

- 7.48 The NPPF 2019 states that planning authorities should set local parking standards which take account of the accessibility of a site and the type of development. Policy CS25 of the Core Strategy 2013 and the Parking Standards SPD 2014 seek to ensure the car parking needs of development are accommodated on site in terms of the number of off street car parking spaces. Policy EWC8 requires parking in accordance with these policies. SADM41 seeks to ensure developments provide safe and adequate multi-modal access by car and cycle. SADM40 designates Transport Development Areas where trip generating uses should be located that covers this site being close to Borehamwood town centre.

Parking

- 7.49 The NPPF, paragraph 110 and the Core Strategy along with the Car Parking standards encourage the modal shift from private motor vehicle use to more sustainable methods, such as cycling, walking and use of public transport. Comments have been received regarding the lack of parking spaces and potential impact upon the surrounding area due to this.
- 7.50 NPPF paragraph 122, further emphasises the need promote sustainable travel modes and limit future car use. Paragraph 102 seeks to mitigate the impacts on transport networks and seeks to promote walking and cycling as well as use of public transport. In addition, paragraph 103 states that significant developments should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
- 7.51 The proposal is for 96 flats of which 60 units would have one-bedroom; 35 would be two-bedroom flats and one unit would be a three-bedroom flat. Having regard for the EWCAAP requirements for car, motorcycle and bicycle parking as set out above the scheme as proposed would necessitate the provision of 1 car parking space for, studio, one bed, two bed and three bed units. This would amount to 96 spaces.
- 7.52 The proposal seeks to provide 23 car parking spaces and cycle storage. The Design and Access Statement states the following regarding car parking. A total of 23 spaces are provided. 4 of these would be accessible bays. The reduced number of parking spaces reflects Hertsmere Borough Councils strategy to enhance air quality within the area by reducing the amount of cars

on the road. 2 Car Club' spaces are proposed. 4 number electric car charging points have been introduced and ducting is to be provided to all the remaining car parking spaces to ease future installations. It is noted that the proposal would provide levels of car parking below these policies and therefore considered a departure in this respect.

- 7.53 However, the proposal is on the edge of Borehamwood town centre with convenient access to walking, cycling and public transport routes and being in such a sustainable location would encourage a modal shift with reduced car parking. The table 3.1 on page 16 of the Transport Statement, shows that local facilities are no more than 16mins walk or 6min by bicycle, maximum from the development site. In addition to this, the site is within close proximity to access primary and secondary schools and employment areas within 800m of the site and further justifies the reduction in car parking. In addition, a children's nursery is on the opposite side to the development as well as The Venue Leisure facility.
- 7.54 With regards to walking the site provides good connection to the existing foot paths that allow access to local facilities and public transport. The table 3.2 within the Transport Statement sets out the distances people are prepared to walk. When looking at table 3.1 it is clear that many of the local facilities are within the distances and adds further to the justification of reducing car parking. The proposal will provide cycle parking which is discussed below, due to convenient access to commercial, educational and employment as well as the railway station, which is providing a new cycle hub with CCTV coverage, maintenance area, bike detection system and cyclist, which is free, would further encourage lower level of car parking.
- 7.55 There is a bus stop within 200m of the site and is served by two bus routes, both of which serve the rail station. The railway provides a mainline station serving London and St Albans and Luton.
- 7.56 The Transport Statement, adds that the 2011 census showed that 33.6% of employed borough residents travelled to work using sustainable modes of transport. Paragraph 4.12 shows the impact of car club provision on car ownership. This shows that each car club provision resulted in the sale of 5.4 cars, which meant that 1 car club space resulted in the reduction of 5.4 cars. In London a survey showed that each car club space reduced car ownership by 10.5 cars, which would further justify the reduced scheme. Table 4.1 shows that the level of car ownership within flatted developments is reduced to 0.78 per household. The Transport Statement further adds that the sales literature would be provided and would encourage the benefits of the sustainable scheme and this would be controlled by section 106 as will the provision of car club.
- 7.57 Officers are plainly aware that despite best endeavours and encouraging the use of more sustainable transport methods, it is very likely that there will be those people that may choose to live within the development that may still have private motor vehicles. To further discourage this, the Transport Statement advises that sales literature for the development would be provided

and would encourage the sustainable transport benefits of the scheme whereby officer's will also require that it advises of the lack of parking availability within the development) which would be controlled by section 106. Beyond this, officers will require the applicant to carry out annual parking surveys within the area and on those local roads most likely to be impacted by any parking overspill. If increased parking levels are found on such roads there will be a requirement for a Controlled Parking Zone consultation to be carried out. This requirement would again be secured via the section 106 agreement.

- 7.58 In terms of cycle parking this scheme would need to provide 96 spaces and 19 spaces for long term. The proposal provides 122 spaces within the two blocks, which would be an over provision. This is encouraged, as due to the sites location and cycle routes this would encourage the future occupiers to be able to utilise cycling as a form of transport rather than relying on private motor vehicle use.

Highway Safety

- 7.59 The applicants have provided a Transport Statement. Highways England acknowledge that due to the reduced level of car parking provided on site, this would potentially reduce the movements of vehicles to and from the site than the previous use as police station. The Transport Statement shows that the former use of the site, police station would have had a large number of trips from the site. The proposed use would result in fewer trips generated in comparison and therefore have a lesser impact upon the public highway. The applicants have provided additional information, addressing points raised regarding the impact of traffic on the strategic network and Highways England have responded that the proposal would not impact upon the Strategic Highway Network. The CPZ team have already confirmed that the area surrounding the site is not within a CPZ and surrounding road and therefore would restrict the future occupiers from parking in the surrounding area, as stated above a section 106 agreement will be sought to monitor this and if this is a problem going forward a CPZ be provided.
- 7.60 The layout allows for a turning area for refuse collection vehicle; for entry and exit in a forward gear. As part of the condition on landscaping, which is a reserved matter, it will necessary for the areas within the site to be able to take the weight of a 28 tonne vehicle and the condition detailing the hard surfacing will require this. (Condition 8).
- 7.61 The Transport Statement highlights that the former use would generate a high level of trip movements. The proposed use with the reduced parking would lead to lower number of trips. The consequent impact of the scheme would be an improvement to traffic flows on the local highway network than a fully occupied police station on the site. The highways officer supports the scheme and recommends conditions on construction management and on surface water runoff which have been recommended.

- 7.62 A residential travel plan will be conditioned (Condition 7) and secured through a section 106 agreement, which would help to support new residents in taking informed travel choices and encourage use of cycling and walking and use of public transport. The proposal would consequently meet the parking needs of the development in comparison to the lawful use of the premises in this location and have an acceptable impact on highway safety.

Trees and Landscaping

- 7.63 The NPPF and SADM 12 and CS12 of the Core Strategy 2013 seek to ensure developments and the SPD on Biodiversity, Trees and Landscape (2010) refers to the protection needed for trees.
- 7.64 This is an outline application and the landscaping as shown is indicative. However, it is acknowledged that the tree officer has suggested the retention of trees (condition 15). The site is not within a Conservation Area and the trees are not protected. The indicative plans show that there will be some landscaping and new trees within the central corridor between the buildings.

Landscaping & Public Open Space – Green Infrastructure

- 7.65 Policies within the Local Plan and the Developer Contributions framework require public open space to be provided for developments, above 50 homes or one hectare in area, at the rate of 800 sq.m per 50 homes. This is also contained in Policy SADM38 prioritising green space above hardsurfaced areas.
- 7.66 The proposal would offer up a new public open space of over 640 sq.m with a width of 20m between block A and B. This is below the policy standard of 1,536 sq.m. However, it is important to emphasise that there is a significant amount of public open space at Maxwell Park which is within 275m walking distance from the site. Additionally, as part of the overall strategy for the Elstree Way Action Area Plan there is a potential for this public space to link up with the public space expected from neighbouring housing developments.
- 7.67 An indicative landscaping scheme has been provided that offers the ideas for plants and use of the public open space within the site. A landscaping element of the development will be finalised as part of the reserved matters application.
- 7.68 The public open space will need to be offered up and maintained as part of the management of the block for the residents to pay for its upkeep and consequently a condition is recommended to provide an estate management plan for the development. The S106 agreement will need to secure the use of the land for the public. The proposal would consequently have an acceptably located public open space and landscaping scheme to assist in softening the edges of the development to enhance the appearance of the Elstree Way Corridor.

Waste and Recycling

Waste

- 7.69 SADM20, The Planning & Design Guide Part D and the Waste storage provision requirements for new residential development state that boundaries of developments should not be more than 25m from where waste collection vehicles stop, have access roads that can withstand a 28 tonne refuse collection vehicle within the site and meet the needs of the occupiers' waste streams.
- 7.70 Under the waste storage provision requirements for new residential development provision for each household requires the following for general waste and recycling:
- 240l for general waste;
 - 240l for green waste;
 - 240l for plastic / cans / glass;
 - 38l for paper;
 - Additional 55l capacity for possible future storage requirements (i.e. putrescible or electrical waste)
- 7.71 The proposal would provide two areas for 43 palladins of waste storage; at the ground level of Block A of 19 palladins and Block B of 29 palladins. This is 20% below the required bin storage necessary of 56 palladins. The waste services officer objects on this basis. However as half of this deficiency can be accounted for in future storage provision, currently not collected, it is not considered that this would be detrimental to the waste collection services for the homes currently. The proposal would have satisfactory provision of waste storage area currently subject to appropriate management of the waste streams and collections that would be achieved through an estate management plan recommended as a condition. (Condition 12).
- 7.72 Additionally the bin store areas are located within 25m of the side access road and therefore will be in a convenient place for collection.

S106 Obligations

- 7.73 Policies CS23, EWC1, EWC4 and EWC9 require the infrastructure needs of developments to be accommodated within a S106 agreement for the Elstree Way Corridor. This has been agreed to be provided as summarised in the table below with the key heads of terms as follows:
1. Affordable housing – 34 flats or 35% of the 96 flats proposed, which should have a tenure split of 75% to be social/affordable rented homes and 25% as intermediate housing;
 2. Access to the new public open space, from and through the development with links to other developments; and
 3. Payment towards primary school places (£474,184).

4. Car parking – CPZ review and survey review
5. Marketing

- 7.74 The proposal will be providing some affordable housing and a public open space and there will need to be heads of terms necessary to provide these homes in the two types of tenure of affordable rented and shared ownership.
- 7.75 The site sits between other key sites within the EWCAAP that have either come forward for development or may likely do so and have been identified for potential redevelopment opportunities. So that a more comprehensive approach can be taken to this part of the EWCAAP it is necessary to ensure pedestrian and where suitable, vehicular connectivity between neighbouring sites is possible and that such opportunities are retained whilst it is also necessary to rationalise areas of Green Infrastructure and vehicular access points to/from Elstree Way.
- 7.76 The HCC Infrastructure Team have commented that there is a lack of primary school places within the area. The development has the potential to increase the demand and therefore have requested that a sum of £474,184 is provided.
- 7.77 It is noted that the applicants have provided justification for the reduced number of parking spaces. However, to help better control this, it is acknowledged that future occupiers could still potentially acquire private motor vehicles and it is considered that an annual survey of the area and site be undertaken and possibly extend or add a Control Parking Zone to the surrounding streets, following the necessary procedures.
- 7.78 In addition to the above, it is considered that the marketing and sales particulars should contain all the necessary information for future occupiers regarding car ownership on the site and alternative modes of transport.

Community Infrastructure Levy

- 7.79 This proposal would be exempt from CIL as it is located in the nil rated part of the borough within the Elstree Way Corridor.

Public Sector Equality Duty

- 7.80 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.
- 7.81 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.

7.82 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.

The Planning Balance

7.83 It is acknowledged that the proposal is taller than the prescribed heights within the Elstree Way Corridor Area Action Plan and would provide less than the minimum car parking spaces. However, balancing that with the positives of providing 96 new homes, which 35% would be affordable, providing sustainable technologies within the site, encouraging modal shift, in a sustainable location, in close proximity to local services and walking, cycling and public transport routes. In addition, by providing more housing on brownfield land would then lessen the pressure of provision in rural or Green Belt land and more unsustainable locations and therefore on balance it is considered that there are sufficient material planning considerations that weigh in favour of departing from the development plan in this instance.

Conclusion

7.84 The proposal for the redevelopment of this employment site in the Elstree Way corridor would be acceptable in principle and would have an acceptable impact on the visual amenity of the area, on the residential amenities of neighbouring properties and future occupiers, highway safety, trees, biodiversity and would include sustainability measures. The proposal would also make an important on-site contribution towards affordable housing and planning contributions towards infrastructure in the area viably. As such the proposal would comply with the relevant policies.

Recommendation

8.1 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 Section 106 of the Town and

Country Planning Act by 26th February 2021, or at a later date to be agreed in writing.

- 8.2 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 be given delegated powers to refuse the planning application, for the reason set out below:

Suitable provision for affordable housing, education, public open space and highway infrastructure have not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of, SADM Policies SADM 3, SADM 11, SADM 12, SADM 20, SADM 37, and Policies CS4, CS12, CS16 and CS21 of the Core Strategy (2013), together with the updated under CIL requirements by the Developer Contributions Framework 2014, and the Affordable Housing SPD 2015.

CONDITIONS/REASONS

1 **Reserved matters to be approved**

No construction work for any phase of the development shall commence (other than site clearance and demolition) until written approval has been obtained from the Local Planning Authority as regards the following matters for that phase (which are hereafter referred to as the Reserved Matters), and the development of each phase shall thereafter be carried out in accordance with the approved Reserved Matters:

1i) **Landscaping**

To include details of any existing trees that are to be retained and full hard and soft landscaping details

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

2. **Time limits**

Details of the Reserved Matters for each phase shall be submitted to and approved in writing by the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development to which this permission relates must be begun not later than the expiration of 2 years from the final approval of the details referred to in condition 1 above, or in the case of approval on different dates the final approval of the last such matter to be approved

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances, and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended.

3 Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities to avoid school pick up/drop off times;
- h. The management of crossings of the public highway and other public rights of way;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j. There is a desire, where feasible, vehicles relating to the construction of the development shall be parked within the development site and that any verges / footpaths damaged as a consequence of the development works shall be made good

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS25 of the Hertsmere Core Strategy 2013.

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

Reason:

To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS16 of the Revised Core Strategy 2013.

5 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details.

Reason:

To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS16 of the Hertsmere Core Strategy 2013.

- 6 **BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT** the parking spaces on the approved plans shall be provided in accordance with the approved details and thereafter retained for the sole use of parking for the development hereby approved.

Reason:

To ensure adequate off-street parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents. To comply with Policies CS24 and CS25 of the Hertsmere Core Strategy 2013 and the Draft Elstree Way Corridor Area Action Plan (2013).

- 7 Two months prior to the first occupation of the development the applicant shall implement a "Green Travel plan" with the object of reducing the residents and visitors travelling to the development by private car which shall be first submitted to and approved by the Planning/Highway authorities.

Reason:

To provide sustainable transport measures for visitors and staff and to ensure that the impact of the proposal on the free and safe flow of traffic on the highway is kept to a minimum and to comply with Policy M2 of the Hertsmere Local Plan 2003 and Policies SP1, CS24 and CS25 of the Hertsmere Core Strategy 2013.

- 8 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas and car charging points have been submitted to and approved in writing by the Local Planning Authority. This shall include construction details of the access ramp and routes within the site for vehicles. Development shall be carried out in accordance with the details so approved.

Reason:

To ensure that retained planting on the site is not adversely affected by any underground works and to comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS22 of the Hertsmere Core Strategy 2013.

- 9 **NO DEVELOPMENT SHALL BE COMMENCED** until a contaminated land assessment and, if necessary, associated site investigation, and remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted (two

copies of each report) and approved in separate phases, as required, taking full account of the following:

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

b) The site investigation (Phase 2) shall consider relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy.

c) The Local Planning Authority shall approve this remediation strategy (Phase 3) as proposed prior to any remediation commencing on site. The work shall be of such a nature so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Any laboratories used for sampling shall be compliant with UKAS/MCERT or an equivalent approved accredited quality control system as appropriate. If during any works contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS16 of the Hertsmere Core Strategy 2013.

10

NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the

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

Reason:

To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D3, H8, D20, D21, M12, E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

- 11 **NO DEVELOPMENT SHALL TAKE PLACE** until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

Reason:

To ensure that the proposed development would include the reuse of limited resources, and to ensure that the amount of waste for landfill is reduced in accordance with Policy D7 of the Local Plan (2003), Policy CS16 of the Core Strategy (2013) and the NPPF (2013).

- 12 **NO DEVELOPMENT SHALL TAKE PLACE** until a General Management Plan, to include details of how the refuse and recycle stores will be controlled and managed in accordance with the frequency of the Council's waste collection service as well as ensuring the visual appearance of the site is maintained (including balconies, terraces and amenity areas) in a clean and tidy manner, has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

Reason:

To ensure that all refuse and recycling is collected from the site in a manner which does not affect the safety and operation of the Council's refuse crews, and, to protect the visual amenities of the wider street scene.

- 13 **PRIOR TO THE COMMENCEMENT OF DEVEVELOPMENT (including demolition)** a full Travel and Construction assessment shall be submitted to and approved by the local planning authority. This shall include but not limited to the impact of the proposal in the Highway Network.

To provide sustainable transport measures for visitors and staff and to ensure that the impact of the proposal on the free and safe flow of traffic on the highway is kept to a minimum and to comply with Policy M2 of the Hertsmere Local Plan 2003 and Policies SP1, CS24 and CS25 of the Hertsmere Core Strategy 2013

- 14 No properties shall be occupied until confirmation has been provided, for both surface and waste water that either:-
1. Capacity exists off site to serve the development, or
 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 15 NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme will comply with the provisions of BS5837 and BS 3998. 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 ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policy SADM12 of the Site Allocations and Development Management Policies Plan 2016 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2013.

- 16 Notwithstanding the provisions of Part 20, Schedule 2, Class A the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension, installation of a mezzanine floor or other alteration to any building the subject of this permission shall be carried out without express planning permission first being obtained.

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.

- 17 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 and matters reserved, such as landscaping:

- Schedule of Accommodation – 502-(PL)-8420
- Location Plan – 001-(PL)-8420
- Existing Site Plan – 002-(PL)-8420
- Proposed Block Plan – 003-(PL)-8420 rev.A
- Proposed Site Plan – 004-(PL)-8420 rev.B
- Proposed Site Plan (Colour) - 004-(PL)-8420 rev.B
- Indicative Landscape - 005-(PL)-8420 rev.B
- Block A Proposed Floor Plans – 101-(PL)-8420 rev.B
- Block A Proposed Floor Plans – 102-(PL)-8420 rev.B
- Block B Proposed Floor Plans – 103-(PL)-8420 rev.B
- Block B Proposed Floor Plans – 104-(PL)-8420 rev.B
- Proposed Roof Plan – 105-(PL)-8420 rev.A
- Proposed Elevation Block A – 201-(PL)-8420 rev.B
- Proposed Elevation Block B – 202-(PL)-8420 rev.B
- Proposed Section – 301-(PL)-8420 rev.A
- Proposed Perspective – 401-(PL)-8420 rev.C
- Proposed Perspective – 402-(PL)-8420 rev.C
- Proposed Perspective – 403-(PL)-8420 rev.C
- Proposed Perspective – 411-(PL)-8420
- Proposed Perspective – 412-(PL)-8420
- Proposed Bin Refuse – 501-(PL)-8420 rev.B
- CGI – 421-(PL)-8420
- CGI – 422-(PL)-8420
(27th August 2020)
- Transport Statement produced by EAS dated August 2020
(28th August 2020)
- Design and Access Statement
(7th September 2020)
- Demolition Plan – 051-(PL)-8420 (7th October 2020)

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

12.0 BACKGROUND PAPERS

1. The Planning application (20/0057/OUT) 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. Outline planning permission has been granted for this proposal. The

Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the application which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186, 187 and 188) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The applicant is reminded that this decision is an approval of reserved matters pursuant to an outline planning permission and that the conditions attached to the outline planning permission also have to be complied with.
3. 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.

4. STANDARD DRAINAGE CRITERIA (CG01)

1. MAXIMUM ALLOWABLE PEAK DISCHARGE (Q_{max})

The maximum allowable total discharge rate from this site will be calculated for the 'pre-developed' site layout for 1 in 1 year return period storm conditions. The contribution areas will be equivalent to 100% of the paved surface areas (roofs, hardstanding, roads etc) and an allowance of 10% of the 'permeable' surface areas (which will be deemed to act as though impermeable)

2. STORAGE REQUIREMENTS

The need for storage will be calculated for the proposed site layout for 1 in 100 year return period critical storm duration conditions taking into account the maximum allowable discharge previously calculated. The contributory areas will allow for 100% of the impermeable surfaces plus an equivalent 10% of the permeable surfaces as though impermeable areas.

3. VOLUMETRIC RUNOFF COEFFICIENT

The catchments within Hertsmere Borough will consist of heavy clay soil, therefore a volumetric coefficient of 0.9 will be used for calculations, when Micro Drainage or similar methodologies are used.

In order to assist in a decision to advise the discharge of a planning drainage condition please supply 2 copies of drawings relating to the drainage layout, plus long sections and standard details (identifying any proposed storage and runoff control), along with calculations supporting the design and details of any flow restriction device.

Please also include the pre and post development permeable and impermeable areas of the site in m².

If you require clarification on any aspect of the requirements of CG01 please contact Hertsmere Borough Council Engineering Services on 020 8207 7492 or email engineering.services@hertsmere.gov.uk

Notes:

STANDARD DRAINAGE CRITERIA (CG01)

CG01 is a surface water source control condition and sets a maximum surface water discharge rate for a site based on a 1 in 1 year storm event for the pre development site. It also requires that storage be provided for a 1 in 100 year event, for the post development site, taking into account the previously calculated maximum discharge rate.

This is a Hertsmere Borough Council improving condition and is over and above any requirements placed on the development by the Environment Agency and / or Thames Water Utilities. The developer has to design for the most onerous of any of the requirements regardless of whether the system ultimately discharges to a private drain, public sewer, soakaway or watercourse.

Storage is to be provided on site by means of a storage tank or oversized pipes, not by utilising spare capacity within the system.

The following information is required in order to determine compliance with CG01 and assist in recommending discharge of the condition:

1. Proposed maximum surface water discharge rate i.e. up to the maximum allowable as calculated using CG01.
2. Proposed method of limiting surface water discharge to this rate.
3. Proposed volume of storage as calculated using CG01.
4. Proposed method of providing this volume of storage.
5. The following 5 areas:
 - o The total site area.
 - o The pre development permeable area.
 - o The pre development impermeable area.
 - o The post development permeable area.
 - o The post development impermeable area.

A site drainage plan showing layout, discharge point, location of storage and location of flow control device.

This information is required so we can assess compliance with CG01 so without them we cannot recommend discharge of the condition. If you require clarification on any aspect of the requirements of CG01 please contact Hertsmere Borough Council Engineering Services on 020 8207 7492 or email engineering.services@hertsmere.gov.uk

5. The developer can request information to support the discharge of

conditions 17 and 18 by visiting the Thames Water website at thameswater.co.uk/preplanning.

6. 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>

7 The applicant is reminded that an agreement will be required with Thames Water prior to any development on site.

Case Officer Details

Amit Patel - email address amit.patel@hertsmere.gov.uk