

**Planning Committee  
12<sup>th</sup> November 2020**

**UPDATE SHEET**

**Item A**

**20/0057/OUT - Former Police Station, Elstree Way, Borehawood**

Affordable housing – The applicants have now finalised the tenure mix for Affordable housing. This will be 75% affordable rent and 25% social rent. This will be broken down into 12 x 2b and 22 x 1b properties. Hertsmere Borough Council will have full rights over these units. The Housing Team have confirmed that although this would provide more rented accommodation than the SPD allowance, but would be advantageous to the local residents. The Council would have 100% nominal rights, for perpetuity for all of the affordable units.

Highways – have provided their final written comments.

There are some conditions to be amended and attached:

Amend to condition 3:

Construction Traffic Management Plan No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning 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. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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.

Condition 7 to read:

3 months prior to the first occupation of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council

document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan Statement shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and to comply with Policy M2 of the Hertsmere Local Plan 2003 and Policies SP1, CS24 and CS25 of the Hertsmere Core Strategy 2013.

Add condition 17:

No development shall commence until a Stage 1 Road Safety Audit is undertaken. It is recommended that a Stage 1 RSA is undertaken on Elstree Way near the proposed site access. The RSA should include the changes to the access.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

Due to the addition of the above condition, the plans condition is now number 18.

Add Informatives:

AN1) Storage of materials: 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/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully 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/Highways-roads-and-pavements.aspx> or by telephoning 0300 123 4047.

AN3) Road Deposits: 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 123 4047.

Waste:

The level of waste provided will be acceptable. The proposal will provide bin space for green waste. This will not be required for gardens as this will be for the management company to organise and maintain. In addition future waste provision has been built in to the scheme and therefore not collected yet. In combination this will provide the necessary bin space required for the development and a condition for waste management is recommended to ensure that this is adequate now and for the future. (Condition 12)

HCC Infrastructure:

Amend paragraph 7.73 part 3, to add

1. The project: towards the 2f.e primary school in the Elstree Way Corridor
2. Index – is 1Q2019 (BCIS All in TPI)

This will also be part of the section 106 agreement.

#### **Item B**

#### **19/0321/FUL - Land At Windsor Close, 1-15 Windsor Close and 80-104 Gateshead Road and 1-15, Stannington Path, Borehamwood, Hertfordshire**

At the Technical Meeting a question was raised as to the status of the application given that it had been withdrawn from the agenda of the previous committee meeting. The question raised the prospect that the application had been withdrawn rather than deferred such that a new application would be necessary.

The draft published Minutes of the 08 October meeting states the following:

“Prior to the start of the meeting, permission from the Chair of the Committee and the Head of Planning & Economic Development had been given for the applicant to withdraw the application from the agenda.”

In Officers opinion the published minutes are clear that the application was withdrawn from the agenda of the 08 October meeting with permission, rather than being withdrawn as an application such that it could no longer be dealt with. This is distinct from a deferral by the Committee where the applicant could seek non-determination if the application was out of time. Officers are further of the opinion that the report currently before Members is now an accurate reflection of the application proposals in that they seek to secure provision of 100% Affordable Housing on site. The definitions of Affordable Housing set out in the NPPF are contained in the officer's report to Members.

Heads of Terms

After the first paragraph of 1.1 add the following:

*The Heads of Terms of the S106 agreement or undertaking shall include the following terms:*

1. *That the applicant shall submit details of the affordable tenure mix for the remaining 65% in consultation with the Head of Planning and Economic Development, prior to completion.*
2. *That any rented units delivered within the 65%, Hertsmere will have 100% first let nomination rights and 75% thereafter in perpetuity.*

A concern was raised at the Technical Meeting that no viability appraisal was submitted with the application. However, as set out in the officer's report, the proposals provide a Policy CS4 compliant 35% Affordable Housing on site and no net loss of affordable housing on-site, and therefore there is no requirement to provide a viability appraisal.

Members also queried why ward councillors were not consulted on any pre-application proposals previously submitted. In that regard Members are advised that there is a record of a pre-application scheme referenced 15/0038/PA1 and that Cllrs Harvey Cohen, Linda Silver, Richard Butler and Michelle Vince were consulted but no responses are recorded as being received. In any case the nature of any pre-application consultation with Members is not a relevant consideration in the determination of this application.

Clarification was sought at the Technical Meeting as to the wording set out in consultation comments made by the Council's Housing Officer and at paragraph 7.14 of the officer's report. In that regard, the first sentence of the second paragraph of the Housing Officer's comments and the first sentence of paragraph 7.14 of the officer's report should read:

*If the Homes England bid is not successful, all properties will still be a form of affordable housing and the Council would receive nomination rights to 35% (which is 15 properties on this site) with the breakdown being: 11 x Affordable Rent and 4 Intermediate (shared ownership) which is SPD compliant.*

Further to the above, and further to some discussion at the Technical Meeting, Members may wish to read paragraph 7.12 of the officer's report after 7.15 to improve the flow of the discussion.

#### **Item C**

#### **20/0800/REM - Site Of Former J Sainsbury Distribution Depot, York Crescent, Borehamwood**

No update

#### **Item D**

#### **South Block, Parkside, High Street, Potters Bar – 20/0887/FUL**

To clarify, the application proposal relates solely to the South Block, Parkside, High Street, Potters Bar and does not relate to the adjacent building of the North Block, Parkside, High Street, Potters Bar. There was an error within the report within paragraphs 2.1 and 2.2 which may have inferred that the proposed development was to be carried out to the north block, however, Officers can confirm that the proposal is to the South Block building, which will be clearly identified as part of the planning committee presentation, to ensure the correct building is referred to.

In terms of the proposed bin storage collection arrangements, the proposed ground floor plan does show that a bin collection point would be located adjacent to the front highway for ease of collection by waste operatives. Officers will also seek clarification from the agent and will update members verbally at the committee, if there are any additional points to be raised in terms of the proposed bin storage arrangements.

#### **Item E**

##### **20/1281/FUL 31 Beech Avenue, Radlett, WD7 7DD**

Condition 8: Add wording to read ‘...any necessary mitigation measures identified in that assessment shall have been implemented and shall be retained thereafter.’

Para 7.13 (Parking): Second sentence should read ‘The reduction from the six spaces proposed in the previous, withdrawn scheme to the two spaces for each house now proposed...’

Para.6.5 Draft Radlett Neighbourhood Plan Add:

Policy HD4 Development of garden land

Policy HD5 Design Code

#### **Item F**

##### **20/1450/FUL – Land and buildings adjacent to Pinks Cottage, Rectory Lane, Shenley**

In section 7.0 (Planning Policy Context) of the officer’s report details are given as to the current status of the Shenley Neighbourhood Plan, and it is explained that this now carries significant weight (albeit it does not yet carry full weight). The following paragraph is to be inserted at the end of section 8.0 of the report (Assessment and Reasoned Justification) to provide further detail. It should be regarded as paragraph 8.54.

##### *8.54 Shenley Neighbourhood Plan, Policy SH3*

The Shenley Neighbourhood Plan, having been subject to public consultation, approved by an Inspector, and voted upon favourably by the full Council, now carries significant weight (albeit not yet full weight as the local referendum has not yet taken place). Draft Policy SH3 is as follows:

##### **SH3 Housing Mix & Choices**

Development proposals for new homes or alterations to existing buildings for residential use will be supported where they increase supply in the neighbourhood area of:

- a. One to three bedroom homes; and
- b. Financially more affordable homes including starter homes, shared ownership, and/or social rented family homes; or
- c. Affordable housing provided in a tenure blind mix and;
- d. Self-build and custom-build homes; and
- e. Homes and developments for more mature households (55+), elderly living alone and young families within walking distance of local amenities and community facilities; and
- f. Homes meeting Building Regulations Requirement Part M4 (Category 2)\* and Wheelchair user dwellings as defined by Building Regulations Requirement Part M4 (Category 3)\*.

Considering the previously approved development 20/0464/FUL against draft Policy SH3, we can see that it complied with the policy only on one point, which was (a): those were indeed 3-bedroom houses. That scheme did not comply with the policy on any of the other points; those were not *affordable homes* and no financial contribution was made towards any affordable housing elsewhere, nor were they specifically designed for older residents or for disabled people, and they were not "*custom-build* or *self-build*" homes, but rather they were speculatively built private market homes.

On the other hand, the application that is before us now complies with the draft policy on two points, which are (c) and (d) – this development would make a significant financial contribution towards the provision of affordable housing in the borough (albeit not on the site itself), and the *CIL Additional Information Form* that has been submitted indicates that the applicant (who is the director of a commercial development company) intends to build this as his own home – which would make this a "*self-build*" project. The conclusion is that the current application is more compliant with the draft Neighbourhood Plan than the previously approved scheme was.