Date of Meeting: 9th January 2014

APPLICATION NO: 13/2395/FUL

DATE OF APPLICATION: 26 November 2013

STATUTORY START DATE: 26 November 2013

SITE LOCATION

The Old Dairy, Shenley Park, Radlett Lane, Shenley, WD7 9DW,

DEVELOPMENT

Conversion of existing storage building (formally known as The Old Dairy) into two self contained dwellings including insertion of a dormer, roof light and windows.

AGENT

Mr David Morgan
The Laurels
Mill Green
Hatfield
AL9 5NZ

APPLICANT

Shenley Park Trust

WARD Shenley

GREEN BELT: Yes.

CONSERVATION AREA Conservation Area - Shenley

LISTED BUILDING: Local List.

TREE PRES. ORDER: No

1.0 Summary of Recommendation

1.1 That powers be delegated to the Managers of Planning and Building Control 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 the 21st January 2014.

1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed by the 21st January 2014, it is recommended that the Managers of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring have not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have also 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 CIL Regulations (2010), policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS21 of the Core Strategy (2013), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

2.0 Application Site/Surrounding Area

2.1 The Old Dairy is a single storey building with a pitched roof. Within the building there is a first floor which was originally a hay loft. The building is currently used for storage. The site is situated within the Green Belt and the Shenley Conservation Area. The building is also on the list of Local Important Buildings. The surrounding area is characterised by tarmac, vehicle access and green space.

2.2 The surrounding buildings are a mixture of storage buildings and residential buildings at Shenley Park. Shenley Park itself is a large rural park which has a tea room, walled garden and The Chapel. The Park contains a wild flower meadow, an orchard and a cricket centre.

3.0 Proposal

3.1 This proposal seeks permission to change the use of the existing building into two dwelling houses.

3.2 The external changes include one roof light, 6 new dormers, 4 windows on the ground floor and a bin store. The roof light to be inserted complements the existing roof. The windows to be inserted match the windows on the elevation they are to be inserted.

3.3 This application is required to be determined by the Planning Committee as the Borough Council is the freeholder of Shenley Park.

Key Characteristics

<table>
<thead>
<tr>
<th>Site Area</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>N/A</td>
</tr>
<tr>
<td>Mix</td>
<td>N/A</td>
</tr>
<tr>
<td>Dimensions</td>
<td>See plans.</td>
</tr>
<tr>
<td>Numbers of Car Parking Spaces</td>
<td>Two spaces on the hard standing and ample space on the adjoining public car parking court.</td>
</tr>
</tbody>
</table>

Any other relevant statistical information as appropriate
4.0 Relevant Planning History:

<table>
<thead>
<tr>
<th>Reference Number: WN/02/0759</th>
<th>Description: Roof windows replacement (Former Dairy)</th>
<th>APPCON4 September 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Number: TP/13/1688</td>
<td>Description: Change of use to existing storage building to 2 No. 2 bed dwellings with alterations to the roof to incorporate 6 No. dormers</td>
<td>WDN4 October 2013</td>
</tr>
<tr>
<td>Reference Number: TP/02/0612</td>
<td>Description: Replace existing skylights with conservation rooflights.</td>
<td>GP29 August 2002</td>
</tr>
</tbody>
</table>

5.0 Notifications

17 neighbours notified directly by letter, a site notice erected and a public notice advertised. No response received.

<table>
<thead>
<tr>
<th>In Support</th>
<th>Against</th>
<th>Comments</th>
<th>Neighbours Notified</th>
<th>Contributors Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>17</td>
<td>0</td>
</tr>
</tbody>
</table>

6.0 Consultations

<table>
<thead>
<tr>
<th>Conservation Officer</th>
<th>No objection raised.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Services</td>
<td>No conditions required to be imposed.</td>
</tr>
<tr>
<td>Thames Water Development Planning</td>
<td>Standard informative applies.</td>
</tr>
<tr>
<td>Shenley Parish Council</td>
<td>No Response received.</td>
</tr>
<tr>
<td>Waste Management Services</td>
<td>No Response received.</td>
</tr>
<tr>
<td>Tree Officer</td>
<td>No Response received.</td>
</tr>
<tr>
<td>Highways HCC</td>
<td>No Response received.</td>
</tr>
<tr>
<td>Hertfordshire Fire &amp; Rescue Service</td>
<td>No Response received.</td>
</tr>
<tr>
<td>EDF Energy Networks</td>
<td>No Response received.</td>
</tr>
<tr>
<td>National Grid Company Plc</td>
<td>No Response received.</td>
</tr>
</tbody>
</table>
7.0 Policy Designation

- Green Belt;
- Shenley Conservation Area; and
- Local Important Building.

8.0 Relevant Planning Policies

<table>
<thead>
<tr>
<th></th>
<th>Site specific constraint</th>
<th>GB</th>
<th>Green Belt</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Hertsmere Local Plan Policies</td>
<td>C1</td>
<td>Green Belt</td>
</tr>
<tr>
<td>4</td>
<td>Hertsmere Local Plan Policies</td>
<td>C4</td>
<td>Development Criteria in the Green Belt</td>
</tr>
<tr>
<td>5</td>
<td>Hertsmere Local Plan Policies</td>
<td>C5</td>
<td>House Extensions &amp; replacement dwellings in Green Belt</td>
</tr>
<tr>
<td>6</td>
<td>Hertsmere Local Plan Policies</td>
<td>H8</td>
<td>Residential Development Standards</td>
</tr>
<tr>
<td>7</td>
<td>Hertsmere Local Plan Policies</td>
<td>D20</td>
<td>Supplementary Guidance</td>
</tr>
<tr>
<td>8</td>
<td>Hertsmere Local Plan Policies</td>
<td>D21</td>
<td>Design and Setting of Development</td>
</tr>
<tr>
<td>9</td>
<td>Development Plan Document Core Strategy</td>
<td>CS13</td>
<td>The Green Belt</td>
</tr>
<tr>
<td>10</td>
<td>Development Plan Document Core Strategy</td>
<td>CS22</td>
<td>Securing a high quality and accessible environment</td>
</tr>
<tr>
<td>11</td>
<td>Development Plan Document Core Strategy</td>
<td>CS25</td>
<td>Accessibility and parking</td>
</tr>
<tr>
<td>12</td>
<td>Hertsmere Planning &amp; Design Guide</td>
<td>PartD</td>
<td>Guidelines for Development</td>
</tr>
<tr>
<td>13</td>
<td>Hertsmere Planning &amp; Design Guide</td>
<td>PartE</td>
<td>Guidelines for Residential Extensions &amp; Alterations</td>
</tr>
<tr>
<td>14</td>
<td>Supplementary Planning Document</td>
<td>PS</td>
<td>Parking Standards Supplementary Planning Document</td>
</tr>
<tr>
<td>16</td>
<td>Hertsmere Local Plan Policies</td>
<td>E22</td>
<td>Conservation Areas - Preservation and Enhancement</td>
</tr>
</tbody>
</table>
9.0 **Key Issues**

- Green Belt and principle;
- Heritage;
- Design and appearance;
- Residential amenity;
- Parking and highways;
- Landscaping and trees;
- Ecology;
- Section 106;
- Refuse;

10.0 **Comments**

**Green Belt and principle**

10.1 The principle of the change of use of the building in the Green Belt was agreed during the pre-application with the previous Officer. The NPPF (2012) paragraph 90 states that the re-use of buildings is appropriate in the Green Belt provided that the buildings are of permanent and substantial construction. There is no mention in the NPPF (2012) that the use of the existing building is required to be the same. Consequently, the principle of residential development in the existing building is considered acceptable. No objection is therefore raised by virtue of policies C1, C3 and C5 of the Local Plan (2003), policy CS13 of the Core Strategy (2013) and the NPPF (2012).

**Heritage**

10.2 The Conservation Officer has raised no objection to the scheme. The Officer considers that the proposal would preserve the Conservation Area and does not harm the Local Important Building or setting of the Local Important Building. Overall, the proposed works would be almost identical to the fabric of the building and consequently, no objection is raised in terms of heritage considerations. This is however, subject to the imposition of a condition ensuing the materials to be used will match the existing building. Overall, no objection is raised by virtue of policies E18, E20, E21, E22, E23 and E25 of the Local Plan (2003), policy CS14 of the Core Strategy (2013) and the NPPF (2012).
10.3 The existing building is to be retained. The proposed works to the building include one roof light, 6 new dormers, 4 windows on the ground floor and a bin store. The roof light to be inserted complements the existing roof. The windows to be inserted match the windows on the elevation they are to be inserted. The bin storage area to be erected is to be made of timber to complement the rural environment the site is in. The bin storage is next to the flank elevation of cottage number 2’s kitchen. The dormers to be inserted are traditional in appearance and have three window lights broken up with smaller window panes. The roof of the dormers are to be flat which complements other dormers within the vicinity of the site. Overall, it is considered that the design and appearance of the proposed works is acceptable. No objection is raised by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS22 of the Core Strategy (2013) and the NPPF (2012).

10.4 The closest habitable building to the existing building is The Stables. The flank wall of the building is 8m away from The Stables. The building has been in existence for many years. Consequently, any assessment in relation to residential amenity needs to be made in terms of what is being inserted on the existing flank elevation. A window is being inserted on the ground floor. This window is already in existence and would be used to serve the kitchen and dining room. It is not the only window serving the room. Consequently, given the existence of the window, it is not considered demonstrable overlooking would occur to The Stables. The first floor has a door, which is already in existence. This door is to remain. However, the plans demonstrate that this door is to open out even after being converted to habitable accommodation. To ensure that this is not the case, based on safety standards, it is suggested that this door be fixed shut. This is to be secured by way of condition.

10.5 The internal floor dimensions of the dwellings both conform with the requirements of the Planning and Design Guide Part D (2013). The proposal therefore provides adequate internal floor space in the interest of future residents. These requirements are in excess of 80m2 per unit.

10.6 To the front of the proposed units is a ramp access to the properties. To the front of the ramp is large area which has been split into two separate areas. The areas split serve proposed cottage number 1 and proposed cottage number 2. The areas are to be screened from the highway and from each other using a hedge. The amenity area is to be made up of grass and hard surface. The space is useable and adequately screened. The areas are in excess of 80 square metres which meets the requirements of the Planning and Design Guide Part D (2013).

10.7 Overall, no objection is raised by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS22 of the Core Strategy (2013) and the Planning
Parking and highways

10.8 Each cottage is providing two bedrooms. Therefore, in accordance with the Parking Standards (2008, revised 2010) four car parking spaces are required to be provided on site. However, only two car parking spaces have been provided opposite the building. This is not an issue because within close walking distance is the Shenley Park car park which has ample car parking spaces. Thus, given that the dwelling houses are within walking distance of the existing and established car park, it would be unreasonable to refuse the application on this matter. Further, it should also be noted that there are two car parking spaces, one for cottage 1 and one for cottage 2 opposite the building and thus car parking is still being provided within the red line of the site. No objection is raised by virtue of policy CS25 of the Core Strategy (2013) and the NPPF (2012). However, if this is an issue for Members a further two car parking spaces can be accommodate opposite the building and all that would be required is a smaller amenity space for the cottages.

10.9 An established highway surrounds the site. There would be no additional highway required to be created around the proposed dwelling houses. The serving of the site is via Radlett Lane, which is also the existing access which all structures on the site are serviced by. The addition of two properties is unlikely to significantly increase pedestrian and vehicle movement. Overall, no objection is raised by virtue of policy M12 of the Local Plan (2003), policy CS25 of the Core Strategy (2013) and the NPPF (2012).

Landscaping and trees

10.10 There are no trees or hedges within the vicinity of the site which are protected by a preservation order. The site is within a Conservation Area but no trees are being removed to accommodate the building and associated works, as they are already in existence. Rather, the existing landscaping around the building is to be enhanced. The existing hedge is to be added to in order to create the individual amenity area for the dwelling houses and a lawn is to be laid around the hard standing area. A cherry tree is to be included within the amenity area for cottage number 1. Specifically around the building, a hedge is to be planted around the flank elevations and the elevation facing the existing road. This is to ensure the building appears more domestic in nature. No specific detail has been provided in relation to the type of landscaping to be planted, soft or hard, and thus, a condition has been imposed for the provision of this detail. Overall, no objection is raised by virtue of policies E7 and E8 of the Local Plan (2003), policies CS12 of the Core Strategy (2013) and the NPPF (2012).
The Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there is the presence of protected species on the existing site given its use class. Consequently, it would be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted. Overall, no objection is raised by virtue of the NPPF (2012), policies E2 and E3 of the Hertsmere Local Plan (2003) and policy CS12 of the Core Strategy (2013).

Section 106

The Heads of Terms are as follows. Any updates to the Section 106 would be incorporated within the Update Sheet and reported to Members.

Hertfordshire County Council

To be confirmed.

Hertsmere Borough Council

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Open Space</td>
<td>£185.30</td>
</tr>
<tr>
<td>Public Leisure Facilities</td>
<td>£21.2</td>
</tr>
<tr>
<td>Playingfields</td>
<td>£564.40</td>
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<tr>
<td>Greenways</td>
<td>£348.82</td>
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<tr>
<td>Cemeteries</td>
<td>£26.35</td>
</tr>
<tr>
<td>Monitoring fee</td>
<td>£231</td>
</tr>
<tr>
<td>Museum and Cultural facilities</td>
<td>£364</td>
</tr>
<tr>
<td>Total</td>
<td>£1,741.12</td>
</tr>
</tbody>
</table>

The above requests for Section 106 contributions are in line with the Section 106 Part A and Part B (2010), policies R2, M2 and L5 of the Local Plan (2003), policy CS21 of the Core Strategy (2013) and the NPPF (2012).

Refuse

On the flank elevation of cottage 2, there are 4 wooden doors serving a refuse area. The refuse area is large enough to accommodate three 1,100L bins for green waste, recycling and general waste, a 1 600L bin for paper and an additional space to accommodate 55L boxes for possible future waste. These are in line with the guidelines of the Waste Storage provision requirements for new developments. Thus, no objection is raised to this element of the scheme as there is an allocated area for the storage of waste which is accessible from the highway.

Conclusion

No objection is raised to the principle of redeveloping the subject site to create dwellinghouses. The siting, design and appearance of the proposal is

12.0  Recommendation

12.1 That powers be delegated to the Managers of Planning and Building Control 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 the 21st January 2014.

12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed by the 21st January 2014, it is recommended that the Managers of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments cemeteries, museum and cultural facilities and section 106 monitoring have not been secured. Further, monies towards primary education, secondary education, childcare, youth facilities, libraries and sustainable transport have also 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 CIL Regulations (2010), policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS21 of the Core Strategy (2013), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

Conditions/Reasons

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

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

02. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

03. NO DEVELOPMENT (including any demolition, earthworks or vegetation clearance) SHALL TAKE PLACE BEFORE a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS20 of the Hertsmere Core Strategy 2013.

04. The door demonstrated on the first floor north west elevation shall be fixed shut.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2013.

05. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:
   - Planning, Design and Access Statement date stamped 12th December 2013.
   - 1040 02 B date stamped 12th December 2013.
   - 1040 03.

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

**General Reason(s) for Granting Permission**

No objection is raised to the principle of redeveloping the subject site to create dwellinghouses. The siting, design and appearance of the proposal is considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area. The layout and design of the proposal, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking, refuse storage and

13.0 Background Papers

1. The Planning application (13/2395/FUL) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
2. Replies from Statutory consultees and correspondence from third parties.
3. Any other individual document specifically referred to in the agenda report.
4. Published policies / guidance

14.0 Informatives

Positive and pro-active statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated at combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Public Sewer

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3m of these pipes Thames Water recommend you contact them to discuss their status in more detail to determine if a building over/near agreement is required.
Section 106

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.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

To obtain Building Regulations Approval the applicant should apply to obtain either:
Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
Building Notice approval - this requires 48 hours’ notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

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

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government’s explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council’s web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Case Officer Details Maria Demetri - Email Address
maria.demetri@hertsmere.gov.uk