PLANNING AND REGULATORY COMMITTEE
21st May 2019

PLANNING APPLICATIONS FOR DETERMINATION

Item 1: 07/18/0461/O

Location: Land at Delamare Road, Cheshunt, Hertfordshire, EN8

Description: Outline application with all matters reserved other than access for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led mixed use development including basement parking and servicing comprising up to 1,853 apartments (Use Class C3 (Including elderly accommodation)), up to 19,051 sqm (GIA) of commercial and non-commercial floorspace including business (Use Class B1), retail (Use Classes A1, A2, A3 and A4) and community and leisure uses (Use Classes D1 and D2), a two form entry primary school, the creation of a new local centre plaza and link access from Windmill Lane, plus associated works for landscaping, flood attenuation, works to existing waterways, parking areas, pedestrian, cycle and vehicular routes.

Applicant: Cheshunt Lakeside Developments Ltd
Agent: Montagu Evans
Date Received: 28/03/2018  Expiry Date: 05/03/2019
Officer Contact: Peter Quaile  Date of Committee: 21/05/2019
Ward Councillors: Cllr Mike Iszatt; Cllr Linda Russell; Cllr Penny Soteris

RECOMMENDED that planning permission be granted subject to the planning conditions set out at the end of this report, a further condition limiting dwelling numbers in each land parcel, and the Applicant first entering into a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report.

1.0 Background

1.1 Members will recall that this application was presented to the Committee on 5th March 2019 when it was deferred for further consideration in the context of five matters on which the Committee sought additional information or clarification as set out below:

(a) To resolve the disparities between the master plan, the computer generated images of the development and the scale parameter plan, particularly in relation to the east side of the development;
(b) To consider the potential for placing limitations on the amount of homes that can be provided within each land parcel;

(c) To give more confidence to the Committee on the process that will be set out within the section 106 agreement to enable businesses to relocate and to provide new business space within the development;

(d) To take legal advice on the ability of the section 106 agreement to include provisions that prevent the sale of homes for social rented housing to non-Broxbourne residents;

(e) To provide an explanation of the implications for the development of meeting the Council's Interim Parking Guidelines in full.

1.2 The five reasons for deferral are considered in turn below and the original report to committee of 5th March is reproduced in full at the end of this addendum report.

1.3 Since the presentation at the previous committee, no additional letters of representation have been received from residents or business occupiers.

1.4 Sport England has now withdrawn its objection in the context of the £630,000 planning obligation contribution towards sport and recreation facilities which has been agreed with the applicant. Sport England has requested that it is consulted in respect of the specific projects which are to benefit from this contribution, that there is phasing related to the level of occupancy of the development and that the sports facilities are delivered within a reasonable timescale.

2.0 Consideration of deferral matters

2.1 The first deferral point was:

(a) To resolve the disparities between the master plan, the computer generated images of the development and the scale parameter plan, particularly in relation to the east side of the development.

2.2 Since the committee presentation, further discussions have taken place with the applicant who has submitted material intended to clarify the structure of the outline application. Analysis has been undertaken in respect of the supporting information in order to ascertain whether it addresses the precise matters highlighted by Members. The particular area of concern raised by the committee was the reliability of the visual information in relation to the quality of townscape which would result from the construction of the eastern green route and its flanking residential blocks. The illustrative masterplan shows the flats flanking the Regional Park to consist of ground and two upper floors while the flats which would face them across the green route would be ground and three upper floors. These storey heights are accurately reflected in the CGIs which were presented at committee. The intent of the illustrative masterplan is to set out for the Council one way in which the project could be implemented. It is clear from the submitted information that the proposal for up to 1853 residential units is capable of being accommodated within a development such as is shown in the illustrative masterplan.

2.3 The parameter plans which form part of the application for determination set maximum storey heights throughout the development, including the buildings along the eastern
boundary of the site [ground and three upper floors adjacent to the Regional Park and ground plus five storeys in the blocks which would face them across the green route]. The parameter plans relate directly to the visual impact study for the environmental statement and several of these verified views were set out in the original planning report to committee [pages A22 and A23]. In this way, the maximum visual impact has been mapped in key views around the site and from further afield. The original report considered that the effect on viewpoints would be acceptable and officers still maintain this to be the case.

2.4 For most areas of the proposed development, the height parameter plans are consistent with the master plan images. The only area where this is not the case is the eastern corridor where the height parameters could enable a significantly greater mass of development than has been presented through the master plan and the CGI’s - as set out above. Officers have proposed to address this disparity by placing limitations on unit numbers for each of the master plan land parcels as set out below. This approach has been agreed by the applicant. The effect of these limitations would be to ensure that the overall mass and density of development in each of these parcels would not differ significantly from the master plan and images that are being presented to members.

2.5 The second deferral issue was:

(b) To consider the potential for placing limitations on the amount of homes that can be provided within each land parcel.

2.6 The Council’s concerns about the mass of development along the eastern corridor and the potential to ‘load’ particular parts of the site to the benefit of some landowners and the detriment of others prompted this reason for deferral. This matter was put to the applicant who has now responded with agreement to a planning condition which would put an upper limit on the residential unit numbers in each of the 19 parcels identified on the Masterplan Layout/ Use and Amount Parameter Plans as follows:

- Parcel 1 – 0 units
- Parcel 1A – 0 units
- Parcel 2 – 205 units
- Parcel 3 – 203 units
- Parcel 4 – 131 units
- Parcel 5 – 82 units
- Parcel 6 – 139 units
- Parcel 7 – 79 units
- Parcel 8 – 92 units
- Parcel 9 – 138 units
- Parcel 10 – 151 units
- Parcel 11 – 195 units
- Parcel 12 – 309 units
- Parcel 13 – 105 units
- Parcel 14 – 24 units
- Parcel 15 – 0 units
- Parcel 16 – 0 units
- Parcel 17 – 0 units
- Parcel 18 – 0 units
- Parcel 19 – 0 units

Total - 1853
2.7 These unit numbers accurately reflect the totals for each parcel set out in the illustrative Masterplan layout and its associated design code which will ensure a consistency of approach for the proposals contained within the outline application. It is suggested that the quantum of residential development per parcel is enshrined in a planning condition to ensure the proper planning of the site and equitable development opportunities throughout the project area.

2.8 The third deferral point was:

(c) To give more confidence to the Committee on the process that will be set out within the section 106 agreement to enable businesses to relocate and to provide new business space within the development.

Since the March committee, officers have agreed in brief the following Section 106 provisions with the applicant:

1. That the first reserved matters application for each of the four main phases is to be accompanied by an audit of businesses within that phase;

2. For phases 2, 3 and 4 that audit is to be submitted within one year of the grant of outline planning permission if, as expected, that is in advance of the first reserved matters application in respect of that phase;

3. That businesses which it is agreed can be appropriately located within the Cheshunt Lakeside development be offered appropriate premises to enable the continuous trading of those businesses;

4. That assistance be offered to those businesses that would not be appropriately located within Cheshunt Lakeside to re-locate – either elsewhere within the Borough or beyond.

2.9 It should be noted that these provisions would only apply to those owners that sign the section 106 agreement. That is expected to include the northern landowners (phase 3) but not the phase 4 landowners.

2.10 The applicant has proposed that this process will apply to all those businesses present within the development at the time of the submission of the outline planning application in 2018 but not to businesses that have subsequently taken space within the development on the basis that those arrangements are short term pending redevelopment. Officers are in principle agreeable to that proposition.

2.11 Officers have also sought a provision that for each phase within which business floorspace is to be provided, the first reserved matters application is to set out how, when and where that business floorspace is to be provided. The applicant has accepted that proposition.
2.12 The fourth deferral issue was:

(d) To take legal advice on the ability of the section 106 agreement to include provisions that prevent the sale of homes for social rented housing to non-Broxbourne residents.

2.13 Counsel’s opinion has been sought and in summary that advises that clauses could prospectively be included within the section 106 agreement provided that they are for positive planning reasons. His suggestion is that the principle of securing a mixed and balanced community, which would be supported by both national and local planning policy, could be justification for controlling the tenure and social balance within Cheshunt Lakeside.

2.14 Further to Counsel’s opinion, officers have constructed a number of clauses for prospective agreement with the applicant in order to achieve a mixed and balanced community. Whilst not the direct subject of the opinion, these clauses also seek to prioritise Broxbourne residents above affordable housing for non-Broxbourne residents on the basis that the majority of the need for the new homes at Cheshunt Lakeside is generated within Broxbourne.

In summary, the provisions would be as follows:

1. That no more than 40% of the homes within each main phase are to be occupied as affordable housing without the Council’s agreement;

2. That no more than 25% of the homes within each main phase are to be occupied as “social rented” housing without the Council’s agreement;

3. That the Council would be agreeable to shared ownership housing above this cap up to 60% of the homes within each main phase;

4. That any homes proposed to be sold to a registered provider or another Council should first be offered to Broxbourne Council.

2.15 The applicant is generally agreeable to the foregoing but there is on-going dialogue on the details of these clauses and the definitions on which they rely. This is challenging legal territory and it is anticipated that further counsel opinion will be sought by both parties before these provisions within the section 106 agreement are finalised.

2.16 The final deferral point was:

(e) To provide an explanation of the implications for the development of meeting the Council’s Interim Parking Guidelines in full.

2.17 As Members may recall, the scheme currently proposes to provide 1844 residential car spaces in a combination of underground and surface parking. The submitted illustrative masterplan and its associated design code present an indicative mix of residential units to make up the 1853 dwellings as follows:

- Studio flats - 156
- 1 bed flats - 529
- 2 bed flats - 1105
2.18 The Council’s SPG sets out car parking guidelines of 1.5 spaces for studio and one bedroom flats, 2 spaces for two bedroom flats and 2.5 spaces for three bedroom flats. Applying the guidelines to the indicative mix of dwellings would generate a parking level of 3396 parking spaces [234 + 794 + 2210 + 158]. Due to its location close to Cheshunt Railway station, the site lies within the Accessibility Corridor in which the SPG allows for a [discretionary] 25% reduction in car parking provision which would lower the parking level sought to 2547. If the discretionary reduction is endorsed, when set against the proposed parking provision of 1844 spaces, there would be a headline shortfall of 703 parking spaces.

2.19 In order to meet the Council’s parking guidelines in full there would need to be either fewer flats or a larger number of car parking spaces. If the 703 space shortfall were to be resolved by removing flats then at an average of two spaces per flat then 352 flats would need to be taken out of the scheme which would result in a development of up to 1501 units. This loss of housing units would have an impact on the Council’s housing trajectory which underpins the Local Plan. It would also be below the Local Plan allocation of c 1,750 dwellings for Cheshunt Lakeside.

2.20 If the number of parking spaces were instead to be increased then this would be either in a multi-storey car park [of perhaps six storeys] or by adding another storey of car parking so that most of the proposed residential blocks had two layers of car parking before the residential element commenced on the first floor. A multi-storey car park would be an incongruous structure and would concentrate a large volume of parking spaces in one part of the scheme, compelling residents to walk significant distances to/from their flat which is far from an ideal solution. With the scheme no taller than currently proposed the installation of double-layer car parking under the majority of blocks would also result in the loss of at least 200 flats from the scheme. The applicant has noted the technical problems such as fire risk and the additional cost associated with delivering two floors of parking below the residential blocks. It should also be borne in mind that unless all of the parking was set in basements, the ground floors of all the blocks would be dead frontage across the site. Overall, it is considered that the two options set out above which would provide additional car parking in multi-storey form or by extra spaces below each block are not acceptable methods of bridging any perceived gap between need and provision.

2.21 A loss of 200 units would be likely to reduce the development value to be derived from the scheme by more than £50 million. A substantial reduction in the number of dwellings, either by reason of a multi-storey block by an extra floor of parking in the residential blocks, would therefore have significant consequences for the delivery of community benefits which would otherwise be produced by this strategic housing site. The major components of the planning obligation such as the primary school, affordable housing and the contributions in respect of secondary schooling and the wider strategic highway network would be at clear risk of non-delivery due to the considerable impact on viability from reduced housing numbers and consequent revenue.

2.22 Whilst housing units would reduce, higher numbers of parking spaces would also encourage car ownership and lead to a greater number of car borne trips. This would entail the need to re-visit the traffic modelling that underpins the Local Plan allocation and this planning application.
Returning to the number of spaces which would be appropriate for the current application, a major part of the rationale for the parking level of around one space per flat is the unique nature of this scheme [at least in terms of this Borough]. The proposed site of the flats will be next to a new local centre, as well as nearby an improved Old Pond centre, the main line railway station is at the southern end and a new, dedicated bus route would serve the site from first occupation of the flats. There would be a segregated walking/cycle route along much of the eastern side of the site. A parking management scheme for the site as well as a £100,000 contribution towards a resident parking scheme would assist in regulating car parking within and around the scheme. If Members were to consider that the above factors led to the application site having most of the attributes of a town centre then they could regard it as appropriate to consider the 40% discretionary reduction in parking levels which the SPG recommends for such locations. If this discount were applied at 40% then the number of parking spaces needed would be 2038 [3396 -1358]. This level of provision, set against the current proposal for 1844 spaces would be a shortfall of 194 car parking spaces. Meeting this parking level would severely compromise the high quality spaces which are proposed between the residential blocks and would lead to a car dominated environment for future residents of Cheshunt Lakeside.

The applicant has noted that the average car ownership for residents of this Ward living in flats is 0.7 vehicles which compares favourably with the parking proposed for the current application which approaches one space per flat. While it can be argued that new, high quality flats near the railway station would attract affluent residents more likely to own cars, it is also true that residents moving into these flats would be fully aware of the levels of car parking provision within and around their block and would tend to adjust to the situation accordingly. It is also the case that making more than the necessary provision for car parking will encourage higher car ownership rates and car usage with detriment to road conditions and air quality which they entail. The presence of five car club vehicles within the site will further tend to influence residents at the very least in terms of future car buying choices, even if it does not produce significant immediate reductions in levels of car ownership.

The issues presented above are considered to demonstrate that all of the alternative options for closing a perceived gap between parking levels proposed and the necessary provision of parking for the number of residential units set out in the application would have significantly deleterious impacts on the delivery of this strategic allocation in the draft Local Plan. If the parking provision were to exactly reflect the SPG guidelines then there certainly be fewer dwellings and there would be consequential risks for the future provision of physical and community infrastructure through the period of the new Local Plan up to 2033.
3.0 Conclusion

3.1 This outline application was deferred for the five reasons laid out at the start of this addendum report. The applicant has clarified the relationship between the masterplan, the parameter plans and the accompanying CGIs and officers have verified this relationship. The applicant has also accepted that there should be a cap on the number of dwellings to be provided in each of the 19 parcels into which the development site is divided. In this context it is considered that first two reasons for deferral have now been resolved subject to an additional controlling condition.

3.2 With regard to the third deferral reason, the applicant has now agreed an acceptable structure which would ensure that timely audits of existing businesses are undertaken and would assign clear responsibility for the applicant to provide assistance for suitable businesses to re-locate within Cheshunt Lakeside and for unsuitable businesses to relocate elsewhere. Officers have sought assurances to be contained within a permission that each relevant reserved matters application would include a commitment on timing and location of replacement business space. This has been agreed in principle by the applicant.

3.3 Turning to the matters involved with affordable housing and potential en bloc sales of dwellings to London Boroughs or other corporate housing provider, the Council has received counsel’s opinion and has had detailed discussions with the applicant. The outcome is that restrictions on such sales can be legal if for a proper planning purpose. The applicant has accepted that limitations on their disposal of dwellings units can be imposed in the interests of achieving a balanced community on site.

3.4 Finally, Members queried the level of car parking proposed within the scheme for residential occupiers and sought clarification on the implications of meeting the parking guidelines set out in the Council’s SPG. The detailed figures are set out above in paragraphs 2.10 to 2.13. The options of providing extra car parking by means of a multi-storey block or by adding a layer of parking beneath most of the blocks are not considered to be acceptable on this site. A reduction in the number of dwellings to meet the existing levels of parking proposed in the application would have a seriously adverse impact on the viability of the project and would have negative consequences for the delivery of new homes and physical and community infrastructure from this strategic allocation site.

3.5 The application is re-presented with a positive recommendation as before with an additional condition in respect of dwelling unit numbers on land parcels and with more robust elements to be inserted within the planning obligation to ensure the successful delivery and proper planning of this major strategic site.

4. RECOMMENDED that planning permission be granted subject to the planning conditions set out at the end of this report; a further condition limiting dwelling numbers within each land parcel; and the Applicant first entering into a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report.
**ORIGINAL REPORT**

**Item 1:** 07/18/0461/O

**Location of site:** Land at Delamare Road, Cheshunt, Hertfordshire, EN8

**Description:** Outline application with all matters reserved other than access for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led mixed use development including basement parking and servicing comprising up to 1,853 apartments (Use Class C3 (Including elderly accommodation)), up to 19,051 sqm (GIA) of commercial and non-commercial floorspace including business (Use Class B1), retail (Use Classes A1, A2, A3 and A4) and community and leisure uses (Use Classes D1 and D2), a two form entry primary school, the creation of a new local centre plaza and link access from Windmill Lane, plus associated works for landscaping, flood attenuation, works to existing waterways, parking areas, pedestrian, cycle and vehicular routes

**Applicant:** Cheshunt Lakeside Developments Ltd

**Agent:** Montagu Evans

**Date Received:** 28.03.2018  
**Date of Committee:** 05.03.2019

**Officer Contact:** Peter Quaile  
**Expiry Date:** 27.06.2018

**Ward Members:** Councillor Iszatt, Councillor Russell, Councillor Soteris

**RECOMMENDED** that planning permission be granted subject to: the planning conditions set out at the end of this report; and the Applicant first entering into a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report.

### 1.0 CONSULTATIONS

#### 1.1 Highway Authority – No objection, subject to imposition of planning conditions.  
*Additional comments provided are set out below at paragraphs 8.33-8.42.*

#### 1.2 Lead Local Flood Authority – No objection subject to imposition of planning conditions.

#### 1.3 Environment Agency – No objection subject to imposition of planning conditions.

#### 1.4 Thames Water. Objection. Have identified an inability of the existing waste and water infrastructure to accommodate this development.  
*Additional comments provided are set out below at paragraph 8.70.*
1.5 Environmental Health – No objection. Have considered matters including noise, air quality and land contamination and have no objection. Recommend planning conditions in the event that permission is granted.

1.6 Herts & Middlesex Wildlife. No objection, subject to imposition of planning conditions. Additional comments provided are set out below at paragraph 8.53.

1.7 Natural England – Response awaited

1.8 Hertfordshire Constabulary. Support.

1.9 NHS England. Comment. Seek developers contributions to be retrospectively applied to project to expand the High Street surgery.

1.10 LVRPA – Objection. Based on two grounds: a) prematurity in that the scheme does not clearly identify ‘safeguarding’ land required for a new route for Windmill Lane in the event of the Crossrail 2 scheme progressing and b) the application does not include reference to a financial value for measures required to adequately mitigate for the large numbers of visitors to the Regional Park from this new development. [Subsequent discussions have been held in relation to the matter of planning obligations and are set out later in this report].

1.11 Sport England. Comment. For Sport England to be supportive, a financial contribution would need to be commensurate to the additional needs generated by the development and ring fenced towards the delivery of projects that Sport England considers appropriate for meeting the needs generated. Comments at paragraph 8.76.

1.12 Cadent Gas. Comment. Cadent have identified operational gas apparatus within the application site boundary.

1.13 BoB Arboricultural Officer. Comment. Outline arboricultural statement only supplied at this stage, it recommends that a full detailed tree inspection/survey is required. The tree survey details are BS5837 compliant and an arboricultural impact and tree protection methodology needs to be supplied identifying BS5837 categories of trees and the impacts that the proposals would have on the trees, with justifications for any tree removals and replanting proposals to mitigate any losses.

1.14 Transport for London (Crossrail 2). Comment. The application site is outside the Limits of Safeguarding as set out in the 2015 Safeguarding Directions but the masterplan proposals would be prejudicial to the future delivery of the railway. Ongoing engagement with the Borough and Applicant will be important. This issue is discussed further in paragraphs 8.12-8.13.
2.0 PUBLICITY

2.1 This application was advertised by means of site notices posted 23rd May 2018 and 11th October 2018, an advertisement in the local press dated 17th May 2018 and 401 individual letters were sent to properties within the following streets:

- Windmill Lane; Shalcross Drive; Southmead Crescent; Clifton Close; Oakdene; Greenall Close; Delamare Road; Palmers Way; Cadmore Lane; Fieldings Road; and Stains Close.

3.0 REPRESENTATIONS

3.1 28 comments and 25 objections have been received in response to the plans on the following grounds:

- No approved Masterplan;
- Delivery and phasing of the development;
- Lack of collaboration with landowners and businesses;
- Impact on existing businesses;
- Viability of proposed development;
- Impact on existing retail provision;
- Impact of large lorries and works vehicles on households. Roads are already gridlocked around school run time. Windmill Lane bottlenecks by Cheshunt station – will cause chaos. Could be as many as tens of thousands over the 3-5 year build.
- Lack of parking for existing and future residents.
- Loss of parking for commuters using Cheshunt station and travelling to the station from towns such as Buntingford, Standon, Puckeridge. Stations at Ware and Hertford East cannot cope with many more users on a regular basis.
- Impact of ‘permit parking’ on existing households.
- Housing will be a ghetto – looks like the original design for Broadwater Farm and other London sink estates.
- Nothing on offer to the displaced business and there will be a loss of rates.
- Density is too high and the application does not provide any valid justification for it. High density development requires noise, litter and anti-social behaviour to be managed. Brings neighbourhood, services, transport, congestion and social issues. Cheshunt lies outside the Metropolitan area and density standards should be lower than those within London.
- Dwellings per hectare is 144 which exceeds the ward density and that of the Borough. PPS 3 states that development should be in general keeping with the local area in terms of scale, density, layout and access.
- No evidence provided that Cheshunt station can accommodate the additional 2000-4000 residents using it – it has experienced a 60% increase in journeys in the last 10-15 years.
- Traffic modelling is flawed as based on comparison of commercial and residential occupation of the site.
- Lack of capacity within local infrastructure and services to accommodate additional residents.
- Construction traffic will result in air pollution.
• Cheshunt Lakeside is the largest development in the draft Broxbourne Local Plan. A decision should not be taken in advance of the adoption of the Local Plan.
• Noise and vibration during construction – and structural impact of vibrations on houses 150+ years old.
• Close proximity of commercial buildings to houses on eastern side of Delamare Road.
• Plaza is likely to experience antisocial behaviour. A piece of 1970’s social engineering.
• Access is an issue. Will fire tenders be able to reach flats?
• Has Broxbourne Council carried out due diligence on Inland Homes?
• Will the Section 106 agreement be used to reduce the Social Housing available?
• The Applicant does not control the whole application site. There is no clarity on how site wide mitigation will be secured or how a satisfactory form of S106 can be completed. The Council cannot give weight to the delivery of the development as a whole.
• The development appears to look to take advantage of the delivery of Crossrail 2 – but that delivery is not yet certain.

4.0 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

SUS1 Sustainable Development Principles
SUS2 Energy
SUS3 Waste and Recycling
SUS6 Air Quality
SUS9 Requirement for a Noise Impact Study
SUS10 Noise Sensitive Development
SUS12 Development on Contaminated Land
SUS14 Water Supply Waste Water Treatment and Water Conservation
SUS17 Flood Prevention
SUS18 Surface Water Drainage
GBC19 Protection for Sites of Wildlife and Nature Interest
GBC20 Protected Species
H2 Maximising the Development Potential from Sites
H8 Design Quality of Development
H11 Housing Densities in New Development on Unallocated Housing Sites
H12 Housing Mix
H13 Affordable Housing
H14 Securing Provision of Affordable Housing
H15 Affordable Housing: Ensuring Continuing Benefits
EMP1 Employment Areas
RTC4 Criteria for Assessing New Retail Proposals
RTC7 Proposals for Class A3 and Similar Proposals
CLT2 Children’s Play Areas
CLT4 Lee Valley Regional Park
HD13 Design Principles
The draft Broxbourne Local Plan 2018-2033 was submitted to the Secretary of State for independent examination on 16 March 2018 and the examination hearings have now concluded. The following draft policies are a material consideration in assessing this application and should be afforded significant weight:

- **PM1** Sustainable Place Making
- **CH1** Cheshunt Lakeside
- **LV1** Lee Valley Regional Park
- **INF1** Infrastructure
- **INF4** Crossrail 2/Four Tracking
- **INF7** Bus Transport
- **INF8** Local Cycling and Walking Infrastructure Plan
- **INF9** Utilities Statement
- **INF11** New and Expanded Primary Schools
- **INF12** Educational Facilities
- **INF13** Healthcare
- **PO1** Planning Obligations
- **IMP1** Delivery of Development
- **DSC1** General Design Principles
- **DSC3** Design Affecting the Public Realm
- **DSC4** Management and Maintenance
- **DCS5** Sustainable Construction
- **DSC6** Designing Out Crime
- **DSC7** Comprehensive Urban Development
- **H1** Affordable Housing
- **H3** Housing Mix
- **ED3** Loss of Employment Uses – Rest of the Borough
- **RTC1** Retail Hierarchy
- **ORC1** New Open Space, Leisure, Sport and Recreational Facilities
- **W1** Improving the Quality of the Environment
- **W2** Water Quality
- **W3** Water Efficiency
- **W4** SuDS
- **W5** Flood Risk
- **NEB1** General Strategy for Biodiversity
- **NEB2** Wildlife Sites
- **NEB3** Green Infrastructure
- **NEB4** Landscaping and Biodiversity in New Developments
- **ENV1** Residential and Environmental Quality
- **EQ2** Air Quality
4.3 The Borough-wide Supplementary Planning Guidance (SPG) (August 2004, updated 2013) is relevant to this application as it provides design guidance for all forms of development.

4.4 The National Planning Policy Framework (NPPF) 2018 should also be considered as it sets out the Government’s planning policies for England and how these are expected to be applied.

4.5 Interim Policy for Residential Car Parking Standards (February 2011) is a relevant consideration.

4.6 The Technical Housing Standards – nationally described space standards (March 2015) is also relevant.

5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The application site comprises lands between Cadmore Lane to the North and Windmill Lane to the South, bounded by the railway to the East and the existing residential area and allotments to the West. Overall, the application site occupies an area of 12.8 hectares.
5.2 The application site contains mixed land uses including some leisure (gymnasium), retail and residential development but is primarily occupied by B1 (offices), B2 (Industrial) and B8 (storage and distribution) operators. The site includes the now vacant former Tesco headquarters in the form of New Tesco House on the western side of the road and Old Tesco House backing onto the railway. On Windmill Lane the site also includes a Network Rail depot, houses at 197-211, the small local centre and office block along with the Maltster PH. On Delamare Road, the terrace of houses and maisonettes at no. 10 – 20 do not form part of the application site. The area is chiefly characterised by post-war low-rise commercial buildings of limited architectural merit. New Tesco House is the tallest structure within the application site rising to five storeys. Cheshunt Train Station is located to the south east of the application site and provides connections to Cambridge and Hertford to the North and London Liverpool Street and Stratford to the south.

5.3 The application site is identified within the adopted Local Plan as falling within a designated Employment Area (to which Policy EMP1 refers). However, the site is allocated within the emerging Broxbourne Local Plan under Draft Policy CH1, which identifies the site for development of a mixed use urban village.

5.4 The site lies within the urban area, outside the boundaries of the Metropolitan Green Belt. The site constitutes previously developed land, as defined within national planning policy.

5.5 The site lies mainly within Environment Agency Flood Zone 2, with the southernmost part falling within Flood Zone 3, meaning that it is at a higher risk of flooding.

5.6 A drainage feature [Windmill Lane Ditch] which is an Ordinary Watercourse, runs south along part of the western boundary before turning east via a culvert to cross the site into the Park. College Brook, which is a Main River Tributary, runs to the south side of Windmill Lane.

5.7 The Lee Valley Regional Park is located to the eastern side of the railway and is subject to several ecological designations including Ramsar wetland sites. Of particular note is the Turnford & Cheshunt Pits SSSI which lies next to the railway and which consists of former gravel pits important for a wide range of flora and fauna including wintering birds such as gadwall and shoveler. This area forms part of a Special Protection Area which is designated for locations internationally important for protecting vulnerable bird populations.

5.8 The application site does not contain any designated Heritage Assets and there are no such assets in the vicinity of the site. It does not lie within a conservation area nor does it contain any statutorily listed buildings. The site does have some historic interest however, having formerly accommodated the Lotus car factory, with that building having a commemorative blue plaque.
6.0 PROPOSAL

6.1 This application seeks outline permission for wholesale redevelopment of the majority of the land east and west of Delamare Road between Windmill Lane and Cadmore Lane. The outline application would establish the detail of the accesses to the development from the public highway including the new plaza link road from Windmill Lane to Delamare Road. The application also aims to establish the principle of the various proposed uses, scale, massing and amount of development via parameter plans which show a range of building heights to a maximum of eight storeys in the central areas of the scheme. The proposals would provide up to 1853 apartments which would be a range of sizes dominated by one and two bedroom units but also likely to include some larger units. There would also be new and replacement business floorspace on the ground floors in the northern part of the site and within the southern part of the site around the new plaza which would include B1 and A2 office uses along with shops, bars, restaurants, community and medical uses. A new two form of entry primary school is proposed towards the southern end of the development. There would be a new public park to the western side of the site and a green cycle/pedestrian route leading north from the plaza up the eastern side of the site. The precise mix and disposition of the uses would be determined under future reserved matters submissions. The density proposed would be 145 dwellings per hectare across the c.12.8 hectare site.

6.2 The application is supported by a wide range of supporting information which looks to underpin the detailed element of the application and the in-principle elements by setting out in detail how the overall proposal has been considered against all the relevant technical criteria. The key documents are:

- Environmental Statement with sections dealing with the full range of anticipated impacts from the scale and nature of the development to include flood risk, daylight/sunlight, utilities, energy strategy, telecoms, sustainability and wind micro-climate
- Masterplan Design Statement and Design Code
- Planning Statement
- Transport Statement
- Travel Plan Statements for residents, businesses and the school
- Business relocation strategy

A16
• Landscape Design Statement
• Tree survey
• Lighting Strategy
• Archaeological Desktop Study
• Statement of Community Involvement

6.3 The application is supported by an illustrative masterplan which sets a vision for this strategic project underpinned by supporting technical information. This masterplan has been the subject of considerable discussion with the Council prior to submission of the outline application and while the Council has not formally adopted the masterplan it has endorsed it as a suitable basis on which to progress the formal submission.
Illustrative Masterplan
6.4 The applicant has submitted parameter plans which have the purpose of fleshing out the technical basis for the masterplan and which cover such matters as building layout, distribution and amount of proposed uses along with the scale of development in terms of maximum building heights. The parameter plans are augmented by a series of design codes which set out key concepts for individual components of the overall site. The design codes add detail and assurance in respect of the details of neighbourhood streets, the upgrade of Delamare Road, the Green Route, western linear park, apartment blocks, the new local centre and Cadmore Lane. The purpose of the parameter plans and associated design codes is to seek to demonstrate to the Council that the scheme is sound as conceived and therefore deliverable in a form substantially as set out in the application albeit that the overall scheme is an outline application.
Notes:

- Ground FFL has been set at +21.63 AOD throughout scheme as this accommodates for the highest level on the site.

KEY TO MIXED USE BUILDINGS
- Masing up to G+2
- Masing up to G+3
- Masing up to G+4
- Masing up to G+5
- Masing up to G+6
- Masing up to G+7

KEY TO COMMERCIAL BUILDINGS
- Masing up to G+1
- Masing up to G+2
- Masing up to G+6
7.0 RELEVANT HISTORY

7.1 The land was in historic horticultural use, in common with much of the Borough prior to World War 2. Much of the existing building stock was constructed in the 1950s and 1960s with New Tesco House being built in the early 1980s.

7.2 There is an extensive history of commercial-related planning permissions over the post-war period which illustrates the ongoing evolution of business patterns but also serves to highlight the lack of modern business premises across the site.

8.0 APPRAISAL

8.1 The main issues to consider are:

- Principle of development including draft Local Plan status;
- Environmental Impact;
- Relocation of existing employment;
- Comprehensive Development/Compulsory Purchase/Phasing;
- Design, layout, density and appearance;
- Impact to the amenity of neighbouring residential properties;
- Highways/Parking;
- Trees and Landscape;
- Biodiversity, Ecology and Lee Valley Regional Park;
- Flood Risk and Drainage;
- Refuse and Recycling;
- Planning Obligations and the Viability of the Development;
- Utilities; and
- Other matters.

Principle of Development

Adopted Plan 2005

8.2 The site falls within a designated employment area as defined by the adopted Local Plan 2005. The primary policy relating to development within such areas is Policy EMP1 which, in its Part [l], sets a general presumption that physical works and uses should be within the B use classes which all relate to business and commerce.

8.3 Whilst the general policy direction set out in Policy EMP1 is clear in its intent to protect and enhance the Council’s established concentrations of business stock and land, it does provide a potential mechanism by which business areas can be regenerated to include “mixed use schemes”. Bullet [f] of the Policy states:

“The site or use forms part of a wider regeneration proposal providing a mixed use scheme”.

8.4 In the case of this proposal, although there would be wholesale demolition of commercial buildings, there would be more than 19,000 square metres of new business floorspace created during the course of the redevelopment in the form of B1 uses in the northern section and the various business uses around the local centre and plaza. The adopted Policy did not seek to anticipate a wholesale
regeneration of commercial areas but it is considered that, given the wording set out above, the mixed use development of Cheshunt Lakeside with its replacement B use class floorspace can be regarded as compliant with the adopted Local Plan 2005 in respect of Policy EMP1.

8.5 With regard to other key policies in the adopted Local Plan, RTC1 seeks to protect the Boroughs town and district centres by preventing new retail development outside town and district centres. The most recent national policy statement [NPPF] and associated planning practice guidance [PPG] state that a retail impact assessment only applies to proposals exceeding 2500 sqm of floorspace unless a locally appropriate threshold is set by the local planning authority. This Council has not set a local threshold in relation to retail impact assessments and such an assessment is not required in this instance. The eastern end of Windmill Lane is designated in the adopted Local Plan as a local centre and the current application would reinforce this status by means of the local centre around the new plaza.

Regulation 19 Draft Broxbourne Local Plan 2018

8.6 Members will be aware that the Cheshunt Lakeside development that is subject to this planning application is the largest strategic housing allocation within the Broxbourne Local Plan. The Local Plan policy is as follows:

Policy CH1: Cheshunt Lakeside

Cheshunt Lakeside will be developed as a new mixed use urban village to accommodate:

1. 1,750 new homes;
2. 40% affordable homes;
3. Buildings limited to a maximum of 8 storeys in height;
4. Elderly persons’ accommodation;
5. Approximately 20,000 square metres of business space to accommodate existing businesses within the allocated land area that could be satisfactorily located within the proposed mixed use urban village, new business start-ups and additional business space;
6. A local centre, situated along Windmill Lane, connecting Cheshunt Lakeside to Cheshunt Railway Station;
7. A two form of entry primary school;
8. Landscaped open space; and
9. Relocation of Network Rail depot.

A section 106 agreement will accompany a future planning permission and proportionate contributions will be allocated to priorities within the Infrastructure Delivery Plan.

Cheshunt Lakeside is to be developed in accordance with a comprehensive master plan. Incremental development of the area will be resisted.
The Council will work in partnership with Natural England, the Lee Valley Regional Park Authority and the developers of Cheshunt Lakeside to agree a mitigation strategy containing a range of on-site and off-site measures to mitigate the effect of the development on the qualifying interests of the Lee Valley Special Protection Area. The mitigation strategy will be in place by the time of grant of any planning permission for the development. Proposals must also satisfy the requirements set out in Policy NEB2: Wildlife Sites.

If necessary, compulsory purchase will be pursued by the Council.

8.7 The application is in full accordance with the Policy with the exception of the affordable housing target which is discussed in Section 8.39 of this report.

8.8 The Plan remains under examination but the hearings in respect of the Plan were held in 2018. A number of representations were made to the Local Plan in respect of Cheshunt Lakeside and these gave rise to the following issues that were debated at the Hearings:

The Principle of the Development

8.9 The principle of this development is clearly supported by the Council in having progressed the Local Plan to this stage. However, one of the key questions for this Committee in determining this application is whether it should be approved in advance of the adoption of the Local Plan and/or receipt of the Inspector’s report. The earliest that this will be received will be May 2019. The earliest that the Plan will be adopted will be June 2019. Key to this decision is the post hearings advice from the Inspector that was received in December 2018. This does not make direct reference to Cheshunt Lakeside but critically contains the following statement:

The proposal in Policy DS1 to make provision for at least 7,718 homes in the period 2016-2033 is justified and consistent with national policy.

8.10 As this number of homes is reliant on the Cheshunt Lakeside allocation, it is evident that the Inspector is supportive of the principle of the allocation and that in turn addresses most of the issues raised in respect of the allocation. However, there are two outstanding issues that are also the subject of representations to this planning application that were debated in the hearings:

The Provision to be made for the Relocation of Existing Businesses Affected by the Development

8.11 The Council has consistently advised Cheshunt Lakeside Ltd that it must make space provision within the development for those businesses that can co-exist with the proposed development. The strategy is therefore to provide a mixture of office and workshop premises at the northern and southern ends of the development that will be made available to existing businesses on a commercial basis. The precise phasing of the delivery of that space in relation to the continuity of trading for existing businesses is a matter to be addressed within the section 106 agreement and reserved matters planning applications. However, officers are satisfied that opportunities will be afforded to those businesses that can co-exist with housing. This leaves a limited number of businesses that would not be comfortable neighbours within the development. It is understood that all but one of those
businesses is on time limited leases and there is no absolute obligation on the Council to find new homes for those businesses. However, the strategy of the Local Plan had been to make provision for appropriate relocations to Park Plaza North. Whilst not ruled out, acquisition of that site by IKEA has rendered that a very challenging proposition. Discussions have therefore been advanced with a view to provision being made for appropriate relocations to the Maxwell’s land to the west of the A10 and a planning application has been submitted for development of that land which includes serviced industrial land. It would not be appropriate to pre-empt that application but there is a clear prospect of land being made available on commercial terms for Delamare Road businesses that would be compatible with gateway sites along the the A10 corridor.

Replacement of the Windmill Lane Level Crossing

8.12 Crossrail 2 is a potential major rail infrastructure project with the long term aim of linking Hertfordshire with Surrey along with many other station/interchange improvements to facilitate moving around and through London. The northern extent of the project would currently pass through Cheshunt to terminate at Broxbourne Station and would entail four-tracking the existing route. The project would be delivered via national legislation but at present does not have any confirmed funding which would enable a bill to be set before Parliament.

8.13 When Crossrail 2 and/or the four tracking of the West Anglia mainline is implemented, it will be necessary to replace the Windmill Lane level crossing with a bridge. It has been concluded by Crossrail 2 and officers that this would not be practicable or appropriate along Windmill Lane itself and three alternative options have been considered by Crossrail 2. Two of those options pass through the Cheshunt Lakeside site and the third through/alongside the station car park. Whilst discussions have been confidential, the Head of Planning and Development has stated a strong preference for the station car park option but Crossrail 2 prefers an alignment from Cadmore Lane. It has therefore sought a safeguarding of this alignment through the Local Plan and has objected to this planning application. stating that land within Cheshunt Lakeside includes land necessary to deliver Crossrail 2 and therefore would be prejudicial to the future delivery of the railway. The Council has advised the Local Plan hearings that this would not be appropriate given the impact on the Cheshunt Lakeside development and the Lee Valley Regional Park. It would also create blight and open up the potential for the Council to be forced to purchase the affected land at considerable expense. Given that there is an entirely reasonable alternative within Network Rail lands, the Council has advised the Local Plan hearings that it is not minded to safeguard the land. Even if planning permission is granted for the Cheshunt Lakeside development, it remains open to the Department of Transport to safeguard the Crossrail 2 preferred route. That is considered unlikely until the Crossrail 2 project is confirmed as this would similarly open the Government to the service of blight notices. The Local Plan Inspector has not alluded to this issue in his recently issued summary of important matters arising from the Examination. The comments of the Lea Valley Regional Park Authority are noted but it is considered that determination of a strategic, current planning application cannot be delayed on the basis of a notional need for land set against an unfunded project without statutory underpinning.
Conclusion

8.14 Given the outcomes of the viability appraisal in relation to affordable housing, this planning application is considered to be in full accordance with the draft Broxbourne Local Plan which promotes the Cheshunt Lakeside development. It is clear that the examination will support the principle of the development. The application is supported by a clear strategy for business relocations which is consistent with the Local Plan and the Council is clear in its position that it would not be appropriate to safeguard a rail crossing within the development. It is therefore considered that considerable weight should be afforded to the status of the 2018 draft Local Plan in the consideration of this planning application. Given the position outlined above in relation to the 2005 adopted Local Plan, this development is considered to be in overall conformity with the Development Plan.

Environmental Impact Assessment

8.15 As noted in the preamble to this report the application is supported by an environmental statement [ES] which encompasses the full scope of impacts which may be expected from these major redevelopment proposals. The majority of the matters examined in the ES are assessed within the individual sections of this report such as air quality, daylight/sunlight, ecology, ground conditions/contamination, transport, water resources/flood risk and drainage.

8.16 With regard to socio-economic impact the ES notes that there will be a benefit to the borough in terms of housing supply but this of course is counterbalanced by the impact on local services that 3000+ new residents will produce. The applicant has offered significant mitigation in respect of social and community impacts with provision of a new primary school, contributions to secondary education and medical services along with funding for mitigation within the Lea Valley Regional Park and to provide sport and recreation in the vicinity of the site. In terms of business occupiers, the replacement non-residential floorspace [across the range of use classes including the new school] is estimated to be likely to generate 1000 to 1100 jobs which would be an increase of c.250 against the existing workforce. There would of course be a temporary increase in employment in relation to construction related activity which would peak and trough across the length of the development. In terms of permanent posts, the employment profile would be significantly different from the current workforce but delivery of the entirety of the Cheshunt Lakeside project would be likely to provide a net increase in employment.

8.17 In terms of sustainability and climate change, the scheme is considered to be in a highly sustainable location with a sustainable mix of uses and development which takes full account of climate change in respect of the future safe operation of the businesses and dwellings. With regard to noise and vibration, a condition will require submission of piling details for any foundation works and it is anticipated that these would be augered rather than percussive. The impact on GP services would be mitigated by a significant contribution towards local service upgrades. The anticipated wind micro-climate is not expected to be materially affected by the proposed buildings so long as the significant areas of landscaped planting are delivered as part of the development. There are no listed heritage assets within the application site. There are grade 2 listed dwellings on Windmill Lane and an historic gun emplacement in the Regional Park. None of these would have their historic
interest diminished to any significant extent by the redevelopment of Cheshunt Lakeside.

8.18 Turning to visual impact, it is certainly the case that a development in this location with buildings projected to reach a maximum of eight storeys and surrounding blocks of substantial height will be visible from around the site and from longer range vistas. The applicant has made a detailed assessment of the visual impacts from the proposed development and the viewpoints [agreed with officers] are shown on this extract from the ES. A selection of the relevant views is also set out below.
The scheme has been compiled so that the tallest structures would run through the north-south spine of the site and the building heights would taper so that four storeys would predominate on the eastern [Regional Park] side of the site, two storeys would front Cadmore Lane and 2/3 storeys blocks would lie closest to dwellings to the western portion of the site. From the south, the new plaza and local centre buildings would be clearly visible above the dormer bungalows but the visual impact is not considered to be visually dominant. The short range views from Windmill Lane would be significantly changed and this transformation is inherent in re-making this part of the town. The viewpoints shown above reveal that this visual impact rapidly recedes as you travel west along Windmill Lane. The visual impact from longer views to the west would be modest, in particular the views from Rosedale Sports Club and Cheshunt Park would not be significantly affected by the development. The views from the Regional Park, including during winter months would be largely screened by intervening tree cover so while the scheme would be apparent as a physical development, the resultant impact on important vistas from the Regional Park would not be materially harmed. In terms of more local views, the scheme will of course be visible from local streets, especially via gaps between buildings. The existing buildings, including the bulky New Tesco House, are already visible from local street viewpoints. The study undertaken by the applicant includes a series of comparative views superimposing the new development as indicated on the masterplan onto existing street views of the application site. The outcome of this exercise is considered to demonstrate that the proposed development would improve some of the vistas and overall would not have a dominant and adverse impact on public views from all parts of the surrounding townscape. The scheme is acceptable in respect of its visual impact and overall there would be no harm to any of the important interests set out in the accompanying Environmental Statement.
8.20 More than 50% of the site is owned by Cheshunt Lakeside Ltd (CLL), a vehicle established by Inland Homes to deliver this development. That ownership consists of all of the former Tesco lands and a number of other sites that have subsequently been acquired or are under option. It is on that basis that the Council has agreed to work with CLL to master plan and deliver the comprehensive development of Cheshunt Lakeside. Whilst CLL has been seeking to acquire other sites through negotiation, there are significant areas at the northern and southern ends of the development that are not under the control of CLL. The northern landowners of the uppermost quarter of the site have now established a collective agreement to work together and the current likelihood is that those lands will be separately promoted in alignment with the master plan should planning permission be granted for the overall development. The sites at the southern end are more complex, consisting of the terrace of houses along Windmill Lane, industrial and business properties, retail premises and a Network Rail depot. Whilst these form part of the overall master plan, it is not anticipated that they will be comprehensively promoted unless they are all ultimately acquired by CLL. Whilst it will be possible for individual sites to be individually promoted in alignment with the overall master plan, the acquisition of certain properties will be necessary to deliver that master plan. For this reason, the potential for compulsory purchase has been included within the draft Local Plan policy and whilst this is an action of last resort, it is likely to be necessary for the Council to compulsorily acquire properties to deliver the overall development. As a public body, the Council has powers under the provision of the Acquisition of Land Act 1981, to acquire land compulsorily. Acquiring authorities should use compulsory purchase powers where it is expedient to do so, but, a compulsory purchase order should only be made where there is a compelling case in the public interest. Given the timescales involved, the compulsory purchase process would be instigated as soon as outline planning permission is granted and a strategy has been discussed with the Applicant to that end. Whilst other sites may come forward independently, that strategy would involve all of the lands not under the control of CLL.

8.21 The development has been divided into four broad phases as shown below. Were the entire site under the control of CLL, the natural phasing for the development would be from south to north in order that the new plaza, the proposed new link road and the primary school are delivered early within the development. However, whilst those areas are included within the large Phase 1, land ownerships and lease arrangements will delay the implementation of those cornerstones of the development for three to four years. CLL is therefore seeking to build the first major residential block to the east of Delamare Road through an initial reserved matters application. Officers are agreeable to that subject to a full understanding of the detailed phasing of Phase 1 and the cash flow of the overall development. For that reason, a condition is proposed to require a detailed phasing plan for each individual phase to be submitted for approval with the first reserved matters application for that phase. Whilst it is anticipated that the phases will follow chronologically, that is not proposed as a condition to this application. It may be appropriate for phases to run in parallel and the northern landowners in particular are seeking that eventuality. How they dovetail does not need to be determined at this stage. Rather, it would be for reserved matter applications to demonstrate deliverability. It should, however, be stressed that current provisions within the
section 106 agreement would not enable commencement of phases 2, 3 or 4 until the school and the new link road have been constructed.

**Design, Layout and Appearance**

8.22 The scheme has been conceived as a high density urban village under the terms of the site allocation set out in draft Policy CH1. Approval would enable up to 1,853 dwellings with a density of up to 144.76 dph. The design of the buildings and spaces has this concept at its centre and the intention is for the built scheme to be true to a modern vision of urban living near to transport, social and recreational facilities. The design and appearance of the buildings is not for determination in this application and the final decision would be made at the stage of subsequent reserved matters submissions. Nevertheless, the outline scheme would establish a firm design ethos and palate of materials which form a coherent package on which to assess the merits of the proposal. The buildings would be uncompromisingly modern with flat roofs and clean, rectilinear profiles. The precise parapet heights and the detailed design of buildings would be a matter for reserved matters consideration. In terms of the overall scheme, while this is not a design concept which is to be found regularly elsewhere in the Borough, this would be a self-contained site which would set itself apart, not seeking to conceal its difference and would make its own design cues to pick up and translate across the entire project from Windmill Lane up to Cadmore Lane. Two issues should be borne in mind in considering the magnitude of this townscape and design intervention. First, the existing townscape is of low to moderate quality and contributes little to the architecture of the area; even the more modern buildings such as New Tesco House and St Georges Works are of modest design quality. A selection of street views is set out below.
8.23 Secondly, for a development of this scale, pitched roofs and traditional detailing would be highly unlikely to sit comfortably within an area characterised by buildings up to eight storeys in height and with many others of five to six storeys. In the context described above, it is considered that the modern design is inextricably linked to the Council’s planning aspirations for the site and that the overall design concept presented by the application is acceptable.

8.24 In terms of the layout, the siting of buildings is formally not for determination in this application but the parameter plans, which would be approved as part of the application include proposed building plots [which generally reflect historic land ownerships] and building footprints. The layout would also be strongly influenced by the retained line of Delamare Road and the new link road at the south end of the site with the new local centre. The layout of the new commercial centre would involve setting back the new office and commercial/leisure uses so as to provide an informal plaza for uses to spill out and enliven the streetscene – the setback from the new road would range from around 7m to more than 12.5m and this is considered sufficient to allow for pedestrians and the adjacent businesses to have shared use of the footway. The layout of the residential blocks would be slightly staggered so that travelling along Delamare Road either heading north or south there would be a changing vista of new buildings of individual design as each neighbourhood street is crossed. The intention of this element of the layout is to prevent a monotonous townscape and it is considered that the subtle setbacks of the blocks will contribute to providing a variety of views along the road and between the buildings.

8.25 Other key components of the layout are the western park [including enhanced watercourse] which would range from 20m to 45m in width and the north-south green route which would be a 15m wide landscaped corridor for walking/cycling towards the eastern side of the site. These substantial features are essential to creating a successful urban village by providing open, green, landscaped areas to relieve the high density development and prevent it dominating the proposed scheme. The layout as shown below in the illustrative masterplan is considered to represent a workable and supportable structure for the planning of the site and therefore is acceptable.
The appearance of the new buildings is reserved for future determination, but as described above, a design code has been submitted as part of the design statement which makes a clear commitment to high quality materials for the blocks with their surrounding approaches and hard surfacing along with a clear coding of the public realm to be created with its associated lighting and essential street furniture. In this design coding, a unified long term approach is envisaged so that the building parcels and the intervening roads and open vistas would result in a desirable locality to live, work and socialise. Some typical images from the design code document are shown below.
8.27 The designs displayed above from the design coding are intended to be closely reflective of the nature, range and quality of architecture, cladding, hard and soft surfacing and the usable spaces between buildings which would characterise this new quarter within Broxbourne. Reserved matters applications would necessarily dictate the detail of all the above but these submissions would be made in the context of approved parameter plans, to include maximum storey heights, along with design coding which would be established by planning condition as a key element of reserved matters proposals. Against this backdrop it is considered that the design and appearance of the Cheshunt Lakeside scheme is acceptable as proposed at this outline application stage.

Amenity and Impact on Neighbours

8.28 In this section the likely adverse impacts on nearby residents is examined along with the amenity for future residents of the development.

8.29 In terms of the potential for loss of privacy, the parameter plans submitted with the outline scheme show the locations of the building plots along the western side of the development. At the nearest point, the proposed block adjacent to the southern edge of the allotments [Parcel 4] would be 30m distant from the nearest dwelling on Palmers Way which would meet the Council's SPG standard. Detailed design of the new block can ensure that privacy is not materially affected. Moving south along the western boundary, the block proposed for Parcel 3 would be located around 45m from the nearest dwelling situated on Palmers Way which comfortably exceeds the Council’s SPG standard and would not result in a material impact on privacy. Parcel 2 would be over 48m distant from the nearest residence on Clifton Close which would retain adequate levels of privacy for these neighbours. Dwellings on Greenhall Close would back onto the primary school at an indicative distance of around 24m but this building can be designed so that there would not be a material loss of privacy. To the north and south of the redevelopment site the relationship with existing properties would be across established public highways which would serve to ensure that the facing buildings would maintain existing levels of privacy. To the east of the site is the Regional Park.

8.30 With regard to daylight and sunlight, in the context of the distances from existing dwellings described above, it is likely that the new buildings would be located so as not to materially affect natural daylight reaching neighbouring dwellings. In terms of sunlight, as the proposed residential blocks are located to the east of the established residential area, any limited loss of sunlight would chiefly be in the early mornings and would not materially impact the amenity enjoyed by existing residents. With regard to noise and disturbance, it is the case that there would be a very different rhythm and nature of occupation from residential blocks when compared with the current commercial/industrial operations. The intensive use during the working day with far quieter periods during evenings and weekends would be replaced by conventional residential occupation which would largely take place as a counterpoint to the present day activities. While this reversal of periods of use would be a significant alteration, there is no valid reason to suppose that day to day residential use would be likely to result in untoward noise and disturbance.
8.31 Turning to the proposed residential blocks, it would be customary in an outline scheme to largely postpone assessment of the quality of the proposed residential environment to the reserved matters stage. In this case, the applicant has submitted considerable levels of information, enshrined in the parameter plans which enable scrutiny of a typical floor level of the proposed blocks. The layouts reveal that the overall floorspace and the individual room sizes for the apartments shown would comply with local and national internal space standards. The typical distance between the blocks across the local access streets would be around 20m which is similar to a generous suburban street. Within the blocks the typical minimum separation distance would be around 28m which is sufficient in respect of privacy across a communal amenity area. In terms of amenity space, the Council’s SPG sets a level of 20 sqm per apartment. As shown on the parameter plans, substantial, landscaped courtyards would be provided within the enclosed blocks and in total these private areas would provide over 8000 sqm of usable amenity space for future residents. The substantial linear park along the western side of the site would provide additional, accessible amenity space for residents and it is likely that each apartment would benefit from a usable balcony. In these particular circumstances it is considered that there would be sufficient good quality amenity space for future residents of the development.

8.32 As presented, the scheme is considered to be capable of meeting Council SPG standards in relation to the likely impact on established residential occupiers and would meet national and local amenity standards in respect of the standard of accommodation for future residents. As such the scheme is considered to comply with adopted Policies H8 and HD16 of the Local Plan 2005.

Highways, Transport and Parking

8.33 The application seeks detailed permission for the means of access from the development to the existing public highway and has come forward with a comprehensive package of information and detailed proposals which would provide a range of transport choices for residents of the new urban village. The scheme also aims to integrate this new urban quarter into the existing highway network, locally and more widely while enabling a new bus service north-south within the Borough to link railway stations and the strategic developments at Brookfield. The application is supported by a full transport assessment which has been clarified and updated during the course of the application and was amended in October 2018. This assessment has taken full account of the strategic transport model which the Council has used to assess the overall impact of development through the new Local Plan period up to 2033.

8.34 The primary change to the road layout inherent in the Cheshunt Lakeside proposals is the construction of a new link road which would run north from Windmill Lane just before Cheshunt Station then turn westward to connect with Delamare Road. This two-way road would allow for a bus service to be introduced which would utilise the loop to serve the station and facilitate the route from Windmill Lane leading up to Cadmore Lane. This new road, which would be an adopted highway, is a critical element of the overall scheme and would also form a key element of the new plaza which would feature at the south end of the site. The technical performance of the new highway has been assessed by Herts County Council [HCC] and with recent amendments to the corner radii proposed by the applicant, HCC is satisfied that the road would be able to accommodate public service vehicles and a full range of
commercial traffic which would need to access the plaza and the surrounding commercial uses. Subject to completion of a s.38 adoption agreement in due course, no objection is raised to the construction of this new carriageway which is shown below.

Traffic Impact from the development

8.35 The applicant’s revised Transport Assessment has estimated the full range of impacts from delivery of the new development in the context of a site in full commercial use. The baseline used is not solely existing traffic generation but is adjusted to include full occupation of the office and other commercial uses currently vacant to the west and east of Delamare Road. It should be noted that the traffic generation in relation to future commercial uses is based on 100% B1 office use of the business space. In reality there will be a mix of uses to include shops, cafes and similar businesses so the B1 office traffic outturn is a worst case scenario which ensures a robust assessment of the likely traffic impacts.

8.36 In terms of trip generation, the scheme would create a significantly different profile from that currently operating in respect of peak hour journeys, with residents leaving for work in the morning and returning in the evening peak rather than businesses arriving in the morning and leaving in the evening peak. In numerical terms, the following trip levels have been estimated:

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<th>Morning Peak Hour Out</th>
<th>Evening Peak Hour In</th>
<th>Evening Peak Hour Out</th>
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</tbody>
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Members will note that the overall numbers of vehicle movements would be considerably reduced, especially in the morning peak hour. This can offer some reassurance of the likely long term result of development but this is a relatively crude measure of how the site would operate in reality and the developer has set these traffic figures in the context of impact on critical junctions near to the site:

- Windmill Lane/Delamare Road
- Russells Ride/Windmill Lane
- Turners Hill/Windmill Lane signalised junction
- Delamare Road/Cadmore Lane
- Cadmore Lane/High Street
- Church Lane/High Street

These figures are derived both from observed, existing traffic flows, modelling the full effect of re-occupation/use of the vacant buildings on site and from projected traffic generated from the completed site in the context of wider traffic modelling up to 2033. In terms of the impact on local junctions, in the morning peak hour the assessment is that there would be insignificant changes to the length of time that vehicles queue at junctions – the maximum deterioration would be an additional four seconds delay at the Old Pond junction and the junction of Cadmore Lane. Other junctions are assessed to be likely to enjoy reduced queue periods with the most significant beneficiary at the College Road/A10 junction where there would be an 11 second fall in waiting times. With regard to the evening peak hour, it is estimated that all the local junctions would either retain the same queuing time or have that time reduced. The most significant improvements would be at the northern end of Delamare Road and College Road/A10. While this model of the traffic impact is valid, it is important to keep in mind that it is based on full occupation of the former Tesco sites along Delamare Road. In practical terms, set against the existing traffic flows, there may be an adverse impact in the longer term. However, the work undertaken by the applicant and validated by HCC as local highway authority does demonstrate that the overall impact on junctions around the site would not result in severe impacts which would give rise to a supportable reason for refusal.

The likely impact on local journey times also forms an important part of the analysis undertaken by the developer and these four main routes around the application site are set out on the plan below with the associated tables setting out the resultant trip timings in the morning and evening peak hours [expressed in seconds].
Members will note that the only route in the morning peak which would be liable to be significantly affected for the worse would be the north-south route along the High Street/Turners Hill which would add 36 seconds to complete. In the evening peak three of the four routes would have improved performance while 10 seconds would be added to the same route 2. The time shown to travel north-south does not...
take account of the Council’s strategy to rationalise the traffic flows through the Old Pond centre and it is highly likely that removing the existing traffic junctions as part of the Old Pond improvements will have its own impact on traffic flows in the vicinity. At this time the full impact on traffic movements from the draft strategy at the Old Pond has yet to be modelled but the outturn from the application site would not in itself result in impacts which would give rise to a reason to withhold permission.

8.41 The assessment of the impact on the local highway network has been examined in detail by Herts County Council as Local Highway Authority and they have verified the methodology and technical output of the Transport Assessment submitted and amended by the applicant. The resultant outcome for local roads and junctions which the applicant has modelled indicates that there would not be a material worsening of traffic generation, queuing at road junctions or journey times around this part of Cheshunt and beyond when compared with the situation where Delamare Road were fully re-occupied. HCC does not raise objection and overall it is considered that the situation in respect of local highway impacts is acceptable.

Strategic Network

8.42 The traffic volumes estimated to be generated by the scheme are shown above and would not have a severe impact on the operation of the local highway network in the vicinity of the site. The effects of traffic generation will generally dissipate with distance from a development and the work undertaken in conjunction with the Council’s strategic modelling associated with the draft Local Plan indicates that the wider highway network would be capable of absorbing the traffic from this and all other anticipated development over the Local Plan period to 2033. As part of the mitigation to be provided under the terms of the planning obligation, the developer would provide a road and rail infrastructure contribution of £5 million, most of which would be directed towards local and strategic network upgrades which would assist the Council in delivering the Old Pond improvements along with additional capacity, especially along the A10, to enable the future developments in the draft Local Plan to come to fruition.

Bus Services

8.43 The current 242 bus service from Cuffley no longer directly serves Cheshunt Station as the nearest embarkation point is at the Old Pond, a ten minute walk away. The applicant has put forward proposals to reflect the aspirations in the Council’s draft Local Plan and associated IDP which would facilitate and fund a new bus service which would operate not only for the new residents of Cheshunt Lakeside but would also create a new route up the spine of the Borough. The intended route would link Waltham Cross Station with Cheshunt Station then travel up the Old A10 to connect with Brookfield developments and possibly with a new railway station at Turnford to the rear of Hertford Regional College. The detailed specification of the route is yet to be finalised and would involve HCC and Arriva in achieving a workable solution. The current intent is to establish the new bus service on a half-hourly basis with the initial service to be fully in place when the first residents move into their apartments on Delamare Road. The substantial funding set aside as part of the planning obligation package would be sufficient to start up the new route and to provide tapering subsidies after which the bus service should revert to a self-funding commercial operation. This form of provision is considered
to be in accordance with the Council's objectives and therefore acceptable subject to detailed implementation.

Walking and Cycling

8.44 A key element of the Council's transport strategy in the draft Local Plan is the promotion of sustainable and healthy forms of transport and an essential component of this strategic allocation is to fully integrate these environmentally low impact modes of travel while assisting in promoting modal shift elsewhere in the Borough. Specifically, the new development would include a green route through the eastern part of the site which would be designed solely to be for walking and cycling and would run from the north side of the plaza two thirds of the length of the site before turning west to join Delamare Road. This would be a 3m wide hard surfaced route with landscape buffers to each side so as to make travelling through this part of the site as pleasant and inclusive as possible. The western linear park would also provide quiet walking routes set away from the public highway. With regard to Delamare Road itself, this would be traffic calmed with a target speed limit of 20mph along its entire length meaning that walking and cycling along this primary north – south route through the urban village would be a safe and practical form of transport. In terms of the wider picture across the Borough, the applicant has offered a financial package relating to sustainable transport which would be in excess of £850,000 and which would aim as part of a comprehensive package of initiatives to promote walking and cycling along with improvements to the Old A10 corridor which would result in it being transformed to become a true green spine route linking the main settlements within Broxbourne.

Travel Plans

8.45 The applicant has submitted framework travel plans in respect of the residential occupiers, commercial operations and for the new on-site primary school which will assist in encouraging travel via alternatives to the private car. The intent of these travel plan documents which would be monitored and adjusted during their use would be to make a real difference to the practical choices which individuals make in choosing their mode of transport. At present the travel plans are necessarily in outline and further details will be needed when the development is implemented of the practical measures which need to be in place in order to deliver the benefits of the Plans which will be secured via suitable planning conditions.

Car Parking

8.46 The scheme as currently presented would provide the following car parking facilities in relation to the various uses across the whole site:

- Residential - 1681 spaces dedicated to the apartment blocks
  - 158 visitor spaces
  - 5 car club spaces
- General - 55 on street short term spaces
- Commercial - 241 parking spaces
- School - 22 staff/visitor spaces
  - 7 drop-off spaces
The car parking which would be provided for residential occupiers would include 1526 basement spaces while the visitor and car club parking would be on the surface arranged along the residential access streets which would radiate from Delamare Road. The proposal seeks in principle approval for up to 1853 apartments and the level of car parking which is envisaged by the applicant would provide 1839 car spaces, including visitor facilities. There would also be 55 on-street short term spaces which could be used overnight for residential parking. As part of the package, five car club spaces would be included for use by future residents and the applicant has offered a financial contribution towards the Council promoting and setting up a residents’ parking scheme in surrounding streets. Such a scheme would not only mitigate any perceived shortfall on the application site but would also serve to deal with commuter parking for Cheshunt Station.

In terms of car club spaces, there is no simple formula which can measure the number of spaces against an absolute reduction in need for private car spaces. If the car club is in operation from the early occupation of the blocks it would serve to reduce car ownership both in terms of purchase of new cars and retention of existing vehicles, especially in the context where there would be feasible alternative transport options. In this way the club alters perceptions of the need for private ownership and would help to moderate demand for parking spaces as the scheme is built out. The applicant has stated that as part of the residential travel plan, a welcome pack for residents would include a year’s free membership of the car club.

As presented, the parking scheme for residential would provide just above one space per apartment including visitor spaces if the short stay public parking is utilised overnight as would be highly likely. This is a development with multiple travel mode choices from the outset, close to Cheshunt Station and backed up with a residential travel plan designed to encourage use of alternatives to the private car. The promotion of a residents’ parking scheme for the surrounding area would reinforce the requirement for the development to absorb its own residential parking within the application site and overall the ratio of parking to dwellings set out in the application is considered to be acceptable.

In terms of commercial car parking, the application would provide 241 car parking spaces with just over 100 around the local centre and the remainder in the courtyards of the mixed use blocks in the northern part of the site. The business floorspace in this northern part would be likely to consist of office uses and the parking set out on the plan would exceed by one space the parking standard set out in the Council’s SPG at 133 parking spaces against a requirement of 132 spaces. In terms of the commercial uses at and around the plaza and new local centre, 108 surface spaces would be offered which would offer shared parking for the variety of business uses. Permission is sought for a range of different use classes within the scheme to give flexibility for future commercial disposal, many with differing parking levels and profiles of periods of peak use. In this way a gym or medical/therapy use will have few similarities with a shop or offices. The scheme would include a maximum of 2499 sqm of retail floorspace and this would most likely be smaller shops, particularly those which are compatible with Sunday trading laws [c.300sqm]. The Council’s SPG would look to provide 62 spaces for these shops but as Members will be aware, the day to day practicality of providing a small local shop often entails parking for a manager while customers would use short term car parking in the surrounding area, in this case around the new local centre. Given the variety of likely uses in this highly sustainable location served by rail and
bus it is considered that the level of parking for this element of the scheme is acceptable.

8.51 Turning to the school premises, the two form of entry primary would look to provide 22 spaces in curtilage for school staff and seven drop-off bays for parents and carers. The intention is to provide parking spaces for teachers and other support staff who need to use a car to reach their work and the spaces would be allocated on this basis. There is short stay parking near to the site for visitors and in this sustainable location on a constrained site, the level of car parking is considered to be acceptable.

Trees and Landscape

8.52 The application is supported by a tree survey which covers the application site along with adjoining land such as the railway. The trees which exist within the site are chiefly along the watercourse along the western boundary although there are a few, chiefly self-set specimens at the boundaries of commercial premises. The trees are of low to medium quality and include hybrid conifers, silver birch, ash and poplar. The trees along the railway lands are self-set willows which are coppiced to a height of around 4m. There is a multi-stemmed ash to the rear garden of 197 Windmill Lane to a 12m height. The Council’s tree officer notes that this work represents only an outline survey and advises that more detailed work is undertaken prior to development starting. It is considered that none of the trees in and adjoining the site is of outstanding quality and none appears worthy of protection via a Tree Preservation Order. The more detailed survey work which is needed can be undertaken as part of the reserved matters applications as the individual building plots and phases come forward.

Biodiversity, Ecology and Lee Valley Regional Park

8.53 The application site is heavily dominated by buildings and hard surfacing which, unremarkably for a predominantly industrial landscape, currently has low levels of biodiversity and a degraded ecological environment. The main area which retains some habitat and vegetation is the watercourse corridor along the western boundary [known as Windmill Lane Ditch]. The surveys undertaken by the applicant’s ecologist noted that there are likely to be nesting birds in the modest selection of existing trees but did not find any evidence of bat presence on the site. No other part of the site was noted as having significant potential to harbour a protected species.

8.54 The application would entail three particular areas where there would be the ability to considerably enhance the ecological status of the site and in support of this process a detailed landscape strategy, including structural and ornamental planting has been submitted with the application. First and most importantly, the western watercourse is proposed to be opened up, its channel widened and improvements made to remove invasive weeds/clear the banks to allow for appropriate re-planting. The opening up will also allow for regular management to maintain the ongoing improvements. Along Delamare Road, deep areas of landscaping would form a buffer between the carriageway and new buildings which would introduce opportunities for verges, shrub and tree planting where currently only hard surfacing exists. To the eastern side of the site a green corridor would run north from the new plaza to provide a pedestrian and cycle route which would meander
through landscaping towards the north of the site before turning east to meet Delamare Road. This again would provide considerable opportunity to plant vegetation where almost none currently exists. The consultation response from Herts and Middx Wildlife Trust is generally supportive of the efforts to promote biodiversity which would include installation of bat boxes and swift bricks. The Trust makes two other points in respect of tree species and maintenance of the improved watercourse. First, it recommends that native species should be used exclusively in order to maximise benefits to biodiversity and secondly, an 8m buffer zone should be maintained along the watercourse to allow for long term management of the feature which should be ensured by planning condition. In an environment dominated by residential apartment development it is considered that while the majority of trees can be native/local stock, it would also enhance the appearance of the scheme to have some more ornamental species to introduce colour and variety into the landscaped areas. With regard to the watercourse, the illustrative masterplan and layout parameter plan indicate that the sole pinch point would be a corner of the primary school which would be just over 5m from the channel but this is not a significant concern at this juncture. The Environment Agency is supportive of the works to naturalise and improve Windmill Lane ditch and have requested further details via planning condition relating to the overall scheme of watercourse improvements and management. Subject to imposition of this condition it is considered that the scheme is acceptable in terms of its on-site biodiversity and ecology in accordance with adopted Policies GBC19 and GBC20.

8.55 Turning to the internationally important Special Protection Area [SPA] which lies in the Lee Valley Park within 400 metres of the application site, while the applicant has submitted a detailed analysis [including extensive over-wintering bird surveys], the Council has also conducted a Habitats Regulations Assessment [HRA] of the draft Local Plan which found that the Cheshunt Lakeside development would be likely to have an adverse effect on the SPA. The Lee Valley Regional Park Authority [LVRPA] has commented on this matter and has sought reassurances that there will be funds allocated as part of the planning obligation to mitigate the impact of development and in particular the significant additional numbers of visitors which would result from more than 3000 new residents. The applicant has met with the LVRPA ecologist and has agreed to fund a series of mitigation measures which would relate to improvement of the bird habitats in and around the gravel pits, along with the provision of information to new homeowners in respect of the importance of the nearby SPA and how to act in their vicinity to minimise potential impacts. The LVRPA has also suggested that there could be engagement projects including walks and children’s activities to raise awareness and guide longer term behaviour. The applicant has agreed to provide funding for the matters set out by the LVRPA as part of the planning obligation and this Council would also be part of this process, as it would hold the contribution subject to suitable projects coming forward such as additional paths and signage to divert visitors away from the most sensitive areas of the SPA. Overall it is acknowledged that introducing significant numbers of residents/visitors has the potential to adversely impact the SPA. The mitigation proposals put forward by LVRPA are considered to balance this impact and subject to delivery by means of the planning obligation it is considered that the scheme is compatible with adopted Policies GBC18 and GBC19 along with draft Policies NEB1 and NEB2.
Flood Risk and Drainage

Fluvial Flooding

8.56 As noted in the preamble to this report, the site falls partly within Flood Zone 2 [towards the northern part of the site] with the remainder in Flood Zone 3 as designated by the Environment Agency [EA]. Windmill Lane Ditch runs north to south along most of the western boundary and College Brook runs to the south of Windmill Lane. The current proposal needs to be considered against the backdrop of existing industrial/commercial development over the vast majority of the application site consisting both of buildings and extensive site coverage of hard surfacing. With regard to fluvial flood risk [from the watercourses] the EA initially objected to the scheme both on grounds of flood risk and lack of detail on watercourse restoration. Further information submitted by the applicant clarified the latter works and the EA withdrew the objection relating to ecological enhancement subject to a condition to provide further details in due course. The flood issues centred around two main issues, compensatory flood storage and the levels to be set for internal finished floor levels in the proposed dwellings. Compensatory flood storage allows for floodwater displaced by construction of new buildings on site to be stored underground so as to protect adjoining sites from flooding in the event of local watercourses breaching their channel. The applicant has now provided sufficient technical information to show that the flood storage which would be provided would be of sufficient volume so as to absorb flood waters and give protection to adjacent occupiers. In terms of the finished residential floor levels, the EA has recommended that these should be no lower than 300mm above the 1 in 100 year flood level with a 35% allowance for climate change and on that basis is content that the application can proceed subject to conditions.

Surface Water Flood Risk

8.57 The site, acknowledged by HCC as Lead Local Flood Authority [LLFA], is mostly impermeable being a combination of buildings and hard surfacing. The technical detail surrounding the surface water drainage has been refined within a revised flood risk assessment in order to demonstrate the ability of the scheme to be restricted to Greenfield run-off rates. The key features of this scheme for storm water disposal are attenuation in soft landscaped areas, storage in underground tanks and eventual discharge via the existing Thames Water surface water sewer into Windmill Ditch on the west edge of the site. This strategy has been endorsed by the LLFA, but only on the basis that the strategic surface water drainage scheme is integrated across the implementation of the project and that each phase is integrated into the overall catchment drainage plan. To that end the LLFA seeks the imposition of three planning conditions which would limit the run-off generated to greenfield rates including storage to allow for 1 in 100 year + 40% climate change event, demonstration that above ground features minimise the need for underground storage and provision of a management and maintenance plan for the SuDS features and drainage network. It is considered that the imposition of these planning conditions is necessary for the proposal to be acceptable.

With the above provisos, it is considered that the risk of flooding from watercourses and from storm water has been adequately addressed within the application and that the scheme now complies with adopted Policies SUS17 and SUS18 of the Local Plan.
Planning Obligations

8.58 As a major strategic allocation in the draft Local Plan the Council has sought to achieve proportionate and necessary contributions from the development project towards local and strategic infrastructure over the Local Plan period and beyond. The starting point for those contributions is the Council’s Infrastructure Delivery Plan which sets out the infrastructure required borough wide to support the new Broxbourne Local Plan. To this end, the applicant proposed a range of Heads of Terms to be covered by the planning obligation and submitted an economic viability assessment [EVA] in support of the level of individual contributions which they initially proposed. This EVA has been independently tested by the Council’s appointed valuer. Whilst that independent valuation substantially endorses the Applicant’s EVA, there are a number of areas in which the Council has challenged the financial assumptions made by the applicant and that process has resulted in increased obligations in a number of areas.

8.59 As the developer does not own all the land within the application site, it would normally be necessary to obtain the signature of all other parties with an interest in the land on the s.106 agreement so as to secure the planning benefits which should flow from this development. Given the number of other land owners, it is unlikely that all would agree to be part of this legal agreement despite being invited to do so by the applicant and the Council. It is considered that the only practical method to resolve this situation is by imposition of a condition which links all the sites within the application red line to the completed planning obligation so that any site owner who wishes to separately benefit from development would be tied into delivery of the requisite planning benefits as if they had signed the s.106 agreement. This mechanism was used on the Arsenal FC redevelopment and is a valid method by which to secure planning benefits which accrue from a site in multiple ownerships.

Transport

- Highway Contributions + rail - £5,000,000
  This total includes contributions towards strategic works to the A10 at College Rd and Church Lane, funds to mitigate the impact on Cheshunt Old Pond local centre along with other, wider network improvements

- Bus Services - £1,512,500
  This contribution would enable a new bus route to service the site, starting on a half-hourly basis. This would also be used to upgrade bus stops in the vicinity and to provide real time illuminated displays in the area and in particular around the plaza loop which would serve Cheshunt railway station.

- Sustainable Transport - £677,000
  These funds would support a wide range of measures which would aim to encourage alternatives to private car ownership/use, covering topics such as walking and cycling, improvements to the Old A10 and wider cycle network upgrades.
Education

- Primary school/nursery

The developer has agreed to allocate land and to build a two form of entry primary school with associated nursery provision at a cost likely to exceed £8,000,000.

- Secondary - £4,500,000

This contribution would be held by this Council pending the development and implementation of a planned new secondary school and/or the expansion of local secondary schools

Lee Valley Regional Park - £750,000

This funding would seek to mitigate the impact of the new development on the protected ecology of the Regional Park while also contributing to other worthwhile projects so that the Park is able to absorb the likely influx of new visitors

Indoor and Outdoor Sport and Recreation - £630,000

As there is limited scope within the application site to provide sporting facilities for the new residents, this sum is offered to enhance the sporting and recreational offer at the Laura Trott centre – this is likely to include sports pitch and changing room upgrades, lighting and refurbishment of play areas and similar facilities to be agreed.

Medical/Health - £500,000

Community, Youth, Childcare, Library, Fire Hydrants - £298,697

This contribution would cover the range of services which are administered by the County Council and are derived from the planning obligations toolkit published on their web site. The request for provision of fire hydrants to form part of the planning obligation is considered to be supportable.

Parking contribution towards a CPZ - £100,000

Car Club - £92,650

The total offered in respect of the infrastructure set out above is £14,060,847

This total does not include the cost of providing a primary school and nursery and the value of the land which is to be provided by the developer. When those are factored in, the overall contribution is likely to be in excess of £25 million.
Affordable Housing

8.60 Turning to affordable housing, the Council seeks an affordable housing level of 40% of the number of units in respect of any Major planning application and that figure is enshrined within the new Local Plan policy for Cheshunt Lakeside. However, the Local Plan does enable reduction of that figure if a development cannot afford to provide for it. The advice from central Government is also that where a scheme can be demonstrated not to be capable of providing the expected quantum of affordable dwellings by means of an economic viability assessment [EVA], council’s will need to accept reduced levels of affordable dwellings. As a result of independent assessment of the EVA and setting the costs of providing social housing in the context of the overall offer, it appears that the scheme would be capable of delivering an overall level of 10% affordable housing. This would represent around 185 units and this level would be a minimum across the development which would be subject to upward only adjustment via an EVA on each phase to determine the actual percentage on that upcoming phase. It is currently proposed by the Applicant that Phase 1 would not deliver any affordable homes because of the substantial costs of providing up front infrastructure, including the new primary school. The impact of this would be to increase the proportionate contributions of phases 2 and 3 to ensure the minimum 10% across the whole site. However, the percentage in a phase or sub phase would be limited to a 40% maximum in line with the Council’s adopted and draft Local Plan policies. In the light of the financial constraints demonstrated, the overall level of affordable housing set out above is considered on balance to be acceptable.

8.61 Officers have sought to negotiate a position whereby any social rented housing within Cheshunt Lakeside could only be for Broxbourne residents and that any intention to provide social rented housing for non-Broxbourne residents would require the consent of the Council. Whilst the Applicant has advised in writing that it is agreeable to that proposition, it feels unable to commit to that position through the Section 106 Agreement as this would be unlawful. This being the case, there can be no guarantees offered on the ultimate purchasers of the market housing within the development. Any concerns about the ultimate social mix would not be a reason for withholding planning permission.

Waste Services

8.62 A financial contribution of £303,113.29 is sought by Hertfordshire County Council towards the construction of a new Household Waste Recycling Centre (HWRC) to replace the existing Turnford HWRC, as part of the Brookfield Garden Village development. Given the constraints on the ability of this development to finance all infrastructure requests and that this is a relocation project, a contribution from Cheshunt Lakeside is not considered to be appropriate.

Education

8.63 The allocation of major strategic sites requires that the development meets both the immediate educational impact of introducing new families and their offspring into the Borough along with making provision in the longer term for secondary schooling over the local plan period. In terms of secondary education, it has been agreed that this would be addressed by means of a significant financial contribution towards construction of a new secondary school, the location of which is yet to be finalised.
and which is not likely to become a priority until around 2028. The level of contribution is set out in the planning obligations section in paragraph 8.58.

8.64 In terms of primary school provision, the draft allocation Policy CH1 includes a requirement to provide a two form of entry school. The application includes such a school and pre-school nursery and the applicant has pledged to provide the land and procure the school as part of its obligations attached to any planning permission. The masterplan extract is set out below showing an illustrative layout for a 0.55 hectare primary school in the south-western part of the site.

8.65 Herts County Council has welcomed the principle of providing a primary school on site but has raised objection on grounds that the overall site area is inadequate as HCC seeks 2.25 hectares, the school building does not meet HCC total floorspace standards and that as a result of the inadequate site area, there is insufficient outdoor soft play/recreation provision. HCC has also questioned the basis on which the applicant has derived pupil yields both for the primary and secondary school requirements. The applicant has calculated that this exclusively flatted scheme would yield a need for just less than one form of entry while HCC has concluded that between 2.5 and 3 forms of entry would be the outturn. Similarly, there is a significant gap between the projected secondary school pupil yield calculated by the applicant and that set out by HCC. Discussions between the parties have not resolved this apparent disparity and this Council has to reach a judgment on what is appropriate in respect of this site and its strategic educational impact. It is considered that a two form of entry school provided on a turnkey basis to the Council[s] is the correct way forward to deal with the on-site child yield while also adding some capacity in the local catchment. With regard to the secondary school outturn, a sum of £4.5 million has been agreed with the Applicant through the overall negotiation on the totality of the Section 106 agreement with recourse to the viability assessment. This is significantly in excess of the Applicant’s evidenced child yield from the development but significantly below Hertfordshire County Council’s predicted child yield.
In terms of site area, HCC has indicated that flexibility can be applied to the dimensions of school sites but notes that they have not agreed a site of this size and consider it too small. The school site as shown on the masterplan would have areas for hard and soft play [including a games court] and would be set immediately to the south of the linear park on the western edge of the development.

In terms of national guidance on school areas/dimensions, the Government has issued a document [BB103] which sets out non-statutory guidelines which are expressed as ranges of options and are non-prescriptive. The floorspace of the school is subject to final definition when a full application or reserved matters submission is made and it is considered that the dimensions of the school are capable of meeting national guidance defining the range of facilities and necessary floorspace involved in assembling a compliant primary school and nursery. The detailed proposal will of course include the design and external appearance of the school.

In terms of BB103, the main area in which the proposed school could be regarded as deficient is in respect of on-site playing fields. The Council owns the open space to the west of Roundmoor Drive which is a safe walk of around 400m from the site of the proposed school and which could be used at least in part as playing fields for these young pupils. A new gated access would need to be created on Council land to enable access from this eastern side of the land. HCC states that accessible, remote playing fields are acceptable if they can be made available for seven hours each week and this appears to be a feasible proposition on this Council owned open space. It is considered that use of this Council land would adequately deal with the issue of outdoor games pitches.

The school would be procured/built by the applicant and as shown is considered to be an acceptable response to the site constraints and the urban village nature of this strategic site. Upon completion it is intended that the school would be offered to HCC to seek an operator and failing that, this Council would take control to find a suitable user.

Utilities

Thames Water has raised concerns in respect of potable water supplies and the disposal of foul water and it is evident that the introduction of up to 1,853 apartments would generate very significant additional pressures on water services generally. The applicant is fully aware of the need to deliver upgrades to all the services administered by Thames Water and has acknowledged that the scheme would not be able to progress without this necessary work. The upgrades are likely to be delivered in a phased programme closely following an approved phasing plan. It is understood that there is not an in principle issue in relation to either fresh or foul water services which would be likely to prevent the project moving forward but suitable planning conditions are proposed to ensure that there is no disconnect between the needs of the development and the ability of the utility company to provide essential services. Thames Water has also identified a number of their operational underground assets across the site which the developer will need to take into during construction but this process is not unusual in an urban redevelopment proposal.
Similarly, Cadent has noted that their gas infrastructure is present on and close to the site and this again would need to be taken into account in progressing construction. This type of issue would be dealt with by means of an informative on the planning decision.

Turning to the need for any upgrades to the electrical power supply, UKPN has noted that the applicant needs to serve notice in respect of their equipment within the application site boundary but has not indicated that the current power supply is inadequate to serve the new development.

Other Matters

Noise and Site Contamination

The initial response from the Council’s Environmental Health was that additional information was needed in relation to noise [from the railway], air quality during construction and contaminated land in a context where the development would largely be served by basement car parking leading to significant excavation. Revised and updated information was subsequently submitted which demonstrated that the dwellings can be readily insulated against railway noise. Further information also clarified the likely impact on air quality from the construction activities and it is now proposed to impose a planning condition to require the installation of an air quality monitoring station from the start of construction and throughout its duration. Regular reports on air quality would be submitted for the Council’s consideration and/or action.

In respect of potential contamination, although the site is largely hard surfaced, it is probable that some pollutants will have reached the soils beneath. In addition, historic uses for intensive horticulture can lead of residues which need to be dealt with prior to construction of residential accommodation. The applicant has now submitted details of the risk assessments which would be undertaken prior to any construction and remediation. Validation would follow up in the required manner. A condition to deal with the necessary works to render the ground conditions acceptable is proposed.

In terms of potential disruption during construction, it is proposed to impose a condition relating to standard hours of construction so as to minimise disruption to neighbours in the vicinity of the site. This condition would be augmented by a requirement to submit for approval a construction environment management plan to control the methods by which the development would be constructed, including timings to avoid peak period delivery.

Sports and Recreation Provision

Sport England has raised a non-statutory objection to the application on the basis that the proposal does not provide sufficient opportunities for on-site sport and recreation and does not fully mitigate this shortfall. Since receipt of these comments the applicant has put forward an offer of £630,000 within the draft planning obligation to fund new/improved sporting and recreational facilities for residents of the new development. It is envisaged that the contribution would be chiefly used to upgrade various indoor and outdoor areas of the Laura Trott Centre such as improving the football pitches and their changing rooms, refurbishment of
the play area and installation of lighting to the MUGA ball court. Discussions are ongoing with Sport England and it is anticipated that a package of measures of the scale proposed, secured via the s.106 agreement will enable the objection to be withdrawn.

Refuse and Recycling

8.77 The applicant has put together a strategy to deal with construction waste and with waste/recycling arising from the operational phase [i.e. when the development is occupied]. The strategy encompasses domestic, school and commercial waste and notes the intention to comply with the Council’s published waste SPG. At this outline stage it would be impractical for more detail to be provided and it is proposed to ensure that adequate provision is made for waste/recycling facilities by means of a suitable planning condition.

Crime Prevention

8.78 Herts Police offers its support on the basis that the applicant intends to liaise with the Police Crime Prevention Design Service to meet at least minimum security standards.

Other Objections

8.79 The majority of the concerns raised by objectors have been covered by the report in dealing with individual topics but the following issues were also highlighted. A loss of commuter parking for travellers from towns to the north of Broxbourne is not a matter for this application to resolve. The assertion that this housing will become a ghetto is not based on evidence and there is no good reason to believe that this high quality scheme would have that undesirable outcome. The much higher density than the local area is in line with the draft allocation for this site in Policy CH1. Greater pressure on Cheshunt railway station is not a matter which has been raised by Network Rail as the statutory consultee. The proposed Plaza is unlikely to become an area for anti-social behaviour due to the businesses, foot and vehicle traffic and level of activity which would accompany a busy commercial area with surrounding flats. There would be commercial buildings relatively close to the retained houses on the eastern side of Delamare Road but their impact will be considered in detail at reserved matters stage.

9.0 CONCLUSION

9.1 The Cheshunt Lakeside project, allocated under the terms of Policy CH1 in the draft Local Plan 2018-2033, is the most significant urban redevelopment scheme in the Borough in recent decades. It has the clear potential over the next ten years to transform this predominantly commercial/industrial area into a modern, mixed use urban community served by and including new/relocated businesses. The transformation would also be physical with the ad hoc and mediocre quality commercial area re-made into a high quality environment encompassing a linear park and green pedestrian/cycle routes as well as an upgrading and re-imagining of Delamare Road to be traffic calmed, landscaped and connected via a new link road to Windmill Lane incorporating a new local centre and plaza.
9.2 The impacts which such a major scheme entails have been assessed by the applicant who submitted an Environmental Statement with the proposal and this work has been updated and revised in the light of input from this Council and other statutory consultees. The outcome of this process is that all significant technical issues identified at this outline application stage have now been satisfactorily addressed.

9.3 In terms of the community and other infrastructure benefits expected to derive from this project, the heads of terms and current offer from the developer against each head is set out from paragraph 8.38 above. The level and nature of contribution has been informed by the IDP in the context of a detailed financial evaluation submitted by the applicant. The levels of contribution offered are considered to be the maximum which can be reasonably sought against the backdrop of the viability information which has been supplied [and independently verified]. This would be a robust outturn in respect of the future infrastructure requirements of the Borough up to 2033.

9.4 The objections to this scheme have been both in principle and in respect of many points of detail which are covered in the individual assessments of the technical merits of the proposal and in a separate section above. It is not considered that there is a supportable reason to withhold permission among the issues raised by residents, owners and other interested parties.

9.5 Overall it is considered that this outline application and masterplan, underpinned by the technical supporting information, represent a vision and long-term direction which will re-generate this area next to Cheshunt railway station and transform it into a new urban village. The recommendation is for the committee to support the scheme as presented.

RECOMMENDED that planning permission be granted subject to: the planning conditions set out in the appendix at the end of this report; and the applicant first entering into a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report.
Appendix A – Planning Conditions

1. Planning Obligation
No development beyond the development hereby permitted within the land edged red on Drawing number (To Be Agreed) and associated works [associated strategic infrastructure] shall take place on any other part of the Site unless and until all parties with a registered interest in the relevant part of the Site have entered into a Deed of Adherence in the form attached to this decision notice (or such other form as may be approved by the local planning authority).

Reason - The Council would have refused the planning application in the absence of the section 106 agreement for all parts of the site and at the time of this permission being issued the applicant was not able to bind all the legal interests in the Site in the section 106 agreement. Development must not commence within any part of the Site until the legal interests for the part of the Site are bound under a section 106 and the obligations are enforceable in accordance with the aims and objectives of Policy CH1 of the draft Local Plan 2018-2033

2. Reserved Matters
Prior to the commencement of development on any individual phase or sub-phase approved pursuant to condition 4, the details listed below (herein called ‘the Reserved Matters’) shall first be submitted to and approved in writing by the Local Planning Authority insofar as they relate to that phase or sub-phase:

i) Layout (including car parking provision, access and servicing areas and waste management areas)
ii) Scale (including existing and proposed levels)
iii) External Appearance

The development thereafter shall be carried out in full accordance with the details approved.

Reason - To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Reserved Matters Compliance
Applications for the approval of reserved matters shall be in general accordance with the parameters described and illustrated in the Masterplan Design Statement Part 1 and 2 (March, 2018) and the following approved plans:

Parameter Plans:
- Access Parameter Plan (Drawing Reference.16012-01-174-C)
- Layout Parameter Plan (Drawing Reference. 3043-D6012-rev01)
- Use & Amount Parameter Plan (Drawing Reference. 3043-D6013-revP1)
- Scale Parameter Plan (Drawing Reference. 3043-D6014-rev01)

Highways Plans:
- Bus Loop Proposed Layout (Drawing Reference. 16012-01-184-RevD)
- Windmill Lane Proposed Layout (Drawing Reference. 16012-01-183)
- Cadmore Lane Proposed Layout (Drawing Reference. 16012-01-182)

Reason - To ensure full compliance with the planning application hereby approved
4. **Phasing**
As part of the first reserved matters application for each main phase outlined in the approved Phasing Plan (Drawing 3043-D6290-rev01) a detailed sub-phasing plan for that phase shall be submitted to the Local Planning Authority for approval. Development shall be undertaken in accordance with the approved detailed sub-phasing plan. The Sub-Phasing Plan shall include:

a) a plan defining the extent of works comprised within each relevant sub-phase;
b) details of the development quantum and land uses to be created within each relevant sub-phase; and
c) Details of infrastructure works within each relevant sub-phase.

Reason - In the interests of the proper planning of the area.

5. **Time Limit**
a) Applications for approval in respect of all matters reserved in Condition 2 above shall be made to the Local Planning Authority within a period of 10 years commencing on the date of this notice.

b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:
   i. the expiration of a period of 12 years commencing on the date of this notice;
   ii. the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990

6. **Limits on Non-Residential Floorspace**
The non-residential element of the development hereby permitted under this permission shall not exceed a total of 19,051sq.m nor the following totals (all Gross Internal Area (GIA)):

i) Retail (A1/A2/A3/A4) – 2,499sq.m
ii) Business – B class floorspace – up to 15,502 sq.m
   (B1a) – up to 12,862 sq.m
   (B1(b) / B1(c) – up to 5,279 sq.m
iii) Community & Leisure Use (D1/D2) – 1,050 sq.m

Reason: For the avoidance of doubt and because highways and other impacts have been assessed on the basis of the above quantum of development.

7. **Detailed Highways Drawings**
Prior to the commencement of any above ground works for any main phase or sub phase as approved by condition 4, full highways details (in the form of scaled plans and / or written specifications) relevant to that phase shall have been submitted to and approved in writing by the Local Planning Authority. The details submitted must illustrate the following:
• Roads, footways and cycleways;
• Visibility splays;
• Access arrangements;
• Parking provision;
• Servicing and loading areas; and
• All on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all vehicles to enter and exit the site in forward gear; and
• Turning areas.

Reason - To ensure the new adopted roads through and within the site are constructed to the standards outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition, to ensure the free, safe and sustainable flow of all highway users is maintained at all times, and that the new road is suitable as a bus route.

8. **Visibility Splays**
Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay shall be provided in full accordance with the details indicated on the approved plan numbers 16012-01-184. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

9. **New Loop Road**
Prior to the commencement of Main Phase 2, 3 or 4, the new vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 16012-01-184-RevD (Bus Loop Proposed Layout) in accordance with the highway specification approved as part of Condition 7.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

10. **Construction Traffic Management Plan**
Prior to the commencement of development within any main phase or sub-phase of the development approved under condition 4, a 'Construction Traffic Management Plan' for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The 'Construction Traffic Management Plan' should include details of:

a) The proposed construction programme for works within that phase or sub-phase;
b) Construction vehicle numbers, type, routing;
c) Traffic management requirements;
d) Construction and storage compounds (including areas designated for car parking);
e) Details of any hoarding;
f) Details of any tree protection measures during construction works;
g) Siting and details of wheel washing facilities;
h) Cleaning of site entrances, site tracks and the adjacent public highway;
i) Timing of construction activities;
j) Provision of on-site parking;
k) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period of that phase or sub-phase of the development.

**Reason** - To minimise the impact of construction works upon highway safety, congestion and parking availability.

11. **Construction Environment Management Plan**

Prior to the commencement of development for any phase or sub-phase of the development, a Construction Environmental Management Plan for that phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The Construction Environmental Management Plan shall provide details of:

a) The proposed construction programme for the proposed works within the phase or sub-phase;
b) Any proposed demolition works;
c) Measures to control the deposition of mud on the public highway;
d) Measures to control dust, including a Dust Management Plan;
e) Measures to control noise from construction works through compliance with British Standard 5228-1: 2009 Code of practice for noise and vibration control on construction and open sites;
f) Measures for site waste management including a methodology for the re-use & recycling of all materials arising from the development process;
g) Provision of fuel oil storage, landing, delivery and use, and how any spillage will be dealt with and contained;
h) Provision for the delivery and storage of materials;
i) Provision for contractor parking;
j) Provision for site security;
k) Measures to contain silt and soil runoff.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period of that phase or sub-phase of the development.

**Reason** - To minimise the impact of construction works upon environmental receptors within the vicinity of the site.

12. **Air Quality Monitoring**

Prior to commencement of development on main phase 1 (as approved by condition 4), an air quality monitoring station shall be established to monitor air quality for the duration of construction for that phase. A report on air quality shall be submitted to the Local Planning Authority thereafter. Subject to demonstrating acceptable air quality levels as part of main phase 1 monitoring, no further monitoring shall be required on future phases within the site.

**Reason** – To ensure that air quality in the local area is not materially affected during this major construction project

13. **Cycle Parking**
Prior to the first occupation of any individual dwelling within an individual phase or sub-phase, cycle parking shall be provided for that dwelling in accordance with details which have previously been approved in writing by the Local Planning Authority as part of the reserved matters application for that phase or sub-phase.

Reason - To promote alternative modes of transport.

14. **Provision of Parking and Servicing Areas**

Prior to the first occupation of any sub-phase of the development hereby permitted, the proposed access / onsite car and cycle parking / servicing / loading, unloading / turning / waiting area for that sub-phase shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

15. **Sample Facing Materials**

Prior to the commencement of any superstructure work on any main phase or sub-phase of development approved pursuant to condition 4, details/samples of all external facing materials to be used in the development shall be submitted to and approved by the Local Planning Authority in writing before work commences on the relevant part of the development. Details / samples of the following are required:

- Façade materials;
- Brickwork;
- Roofing materials;
- Balcony screening;
- Window frames and glazing; and
- Drainpipes & guttering materials.

Details to be submitted for approval shall include detailed drawings at a scale of 1:50 / 1:100, proposed materials brochure or specification and proposed material samples.

Reason - To secure a satisfactory external appearance in accordance with the council's adopted supplementary planning guidance.

16. **Sample Surfacing Materials**

Prior to the commencement of any above groundworks on any main phase or sub-phase approved pursuant to condition 4, details/samples of all surfacing materials to be used, including road surfaces, pavements and parking bays, shall be submitted to and approved by the Local Planning Authority in writing for that main phase or sub-phase.

Reason - To secure a satisfactory appearance in accordance with the council's adopted supplementary planning guidance.

17. **Boundary Details**

Prior to the commencement of any above groundworks on any main phase or sub-phase approved pursuant to condition 4, details of all screening, boundary walls and fencing (and any other means of enclosure) shall be submitted to and
approved by the Local Planning Authority in writing for that main phase or sub-phase. Such approved means of enclosure shall be erected prior to first occupation of the relevant dwelling[s].

Reason - To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of the adjoining and nearby properties in accordance with the council's adopted supplementary planning guidance.

18. **External Lighting**
Prior to the commencement of any above groundworks on any main phase or sub-phase hereby approved, details of all external lighting, including street illumination, shall be submitted for the written approval of the Local Planning Authority for that main phase or sub-phase and the lighting shall be installed as approved prior to first occupation of the relevant dwelling[s].

Reason - In the interests of amenity and public safety.

19. **Site Levels**
Plans of the site showing the existing and proposed ground levels and levels of thresholds of all proposed buildings in the relevant main phase or sub phase of the development shall be submitted to and approved by the Local Planning Authority in writing before any above groundworks commences on that main phase or sub phase. The site levels shall be constructed in accordance with details approved.

Reason - To ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements in accordance with the council's adopted supplementary planning guidance.

20. **Landscaping Scheme**
Prior to the commencement of any above groundworks of any main phase or sub-phase, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority for that particular main phase or sub-phase of development. The details submitted shall be in accordance with the approved Landscape Statement (February 2018) and Landscaping Technical Response (September 2018).

The landscaping details shall comprise a contoured plan to a minimum scale of 1:500 showing the existing features to be retained, new features proposed, their specification and the treatment thereof, unless otherwise agreed in writing by the Local Planning Authority. The features to be shown on the plan shall include:-

a) All existing trees (including details of their trunk position, spread and species), shrubs, hedges, grass areas and whether these are to be retained, or removed.

b) Proposed planting of trees, shrubs, hedges, grass areas showing the species, size of plants, planting distances/densities, and the number of plants to be used.

c) Details showing the location/depth and extent of any proposed underground works services within the spread of existing trees.

d) Any alterations in ground level around existing trees, shrubs or hedges.

e) Public footways, steps and other paved areas and the materials to be used.
f) The location and height of all earthworks, embankments and walls and the materials to be used.
g) Watercourses.
h) Amenity areas indicating whether these are to be dedicated to public use.

The landscaping specification shall provide details of clearance works, removal of invasive species, ground preparation, planting and maintenance techniques.

Reason - To enhance the general appearance of the development.

21. Flood Risk
The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (27/09/2018, TRS/INL/E4505/127023, produced by Terry Seymour) and the following mitigation measures detailed within the FRA:

Provision of compensatory flood storage shall be carried out in line with the “Parcel inter-dependence for flood volume compensation” as described in the Flood Volume Compensation Scheme in Appendix H of the FRA.

Provision of compensatory flood storage shall be completed before construction of the proposed buildings has commenced.

Finished floor levels shall be set no lower than 300mm above the 1 in 100 year + 35% allowance for climate change flood level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons - To reduce the risk of flooding to the proposed development and future occupant.
To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

22. Phased Surface Water & Drainage Strategy
Prior to the commencement of development (excluding demolition & site clearance) of each main phase or sub-phase, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for that main phase or sub-phase of development. The details submitted shall be in accordance with the approved Flood Risk Assessment (dated 28 November 2018) (Document Reference: TRS/INL/E4505/17023).

The drainage design for each phase or sub-phase shall include the following:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event and details as how this is to be achieved.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
4. Silt traps for protection for any residual tanked elements.
5. Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event including drain down times for all storage features.
6. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
7. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
8. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall even.
9. Provision of highway works relevant to that main phase or sub-phase as indicated with the Flood Risk Assessment

The scheme shall also set out methods to prevent contaminant transportation and migration along utility trenches or other structure.

The plan shall also confirm the construction details of sewers and drainage.

The development shall be carried out in accordance with the approved details.

Reason - To ensure that the foul and surface water discharge from the site shall not be prejudicial to the existing sewerage systems.

23. **Surface Water and Drainage Management Plan**

Upon completion of the drainage works for each main phase or sub-phase hereby approved, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;
1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure appropriate management and maintenance of the completed SuDs and drainage measures and ensure no adverse impacts resulting from flooding or drainage on the site.

24. **Water Management Strategy**

The development hereby approved shall be occupied until an integrated water management strategy detailing, what infrastructure is required, where it is required, when it is required (phasing) and how it will be delivered, has been submitted to and approved by the local planning authority in consultation with the water undertaker.

The development shall be occupied in line with the recommendations of the strategy.
Reason - The development may lead to no water and or significant environment impacts an Integrated water management strategy is required to ensure that sufficient capacity is made available to cater for the new development; and in order to avoid adverse environmental impact upon the community.

25. **Wastewater Network Upgrade**
No properties shall be occupied until confirmation has been provided that either:

I. all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
II. a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

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

Reason - The development could lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

26. **Water Network Upgrade**
No properties shall be occupied until confirmation has been provided that either:

I. all water network upgrades required to accommodate the additional flows from the development have been completed; or
II. a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

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

Reason - The development could lead to inadequate water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

27. Development here by approved shall not commence – until an integrated water management strategy detailing, what infrastructure is required, where it is required, when it is required (phasing) and how it will be delivered, has been submitted to and approved by, the local planning authority in consultation with the water undertaker. The development shall be occupied in line with the recommendations of the strategy.

Reason - The development may lead to no water and or significant environment impacts an Integrated water management strategy is required to ensure that sufficient capacity is made available to cater for the new development; and in order to avoid adverse environmental impact upon the community.
28. **Works to Trees**
In the event of the death or destruction of any tree, shrub or hedge within the site to which Condition 20 above relates, within 5 years of first occupation, due to felling, cutting down, uprooting or in any other manner, then unless the Local Planning Authority have dispensed in writing with this requirement there shall be replanted in its place, within such period and of such size and species as shall have been approved by the Local Planning Authority, another tree, shrub or hedge.

Reason - To enhance the general appearance of the development and safeguard the appearance and character of the area.

29. **Works to Trees**
No tree on the site shall be lopped, topped, felled or otherwise interfered with and no hedges removed without the prior agreement in writing of the Local Planning Authority, before the expiration of a period of 5 years after completion of the development permitted.

Reason - To assimilate the development into the landscape and to safeguard the appearance and character of the area.

30. **Energy**
Each Reserved Matters application shall include a report detailing how the requirements set out within the approved Environmental Statement Chapter 12 – Sustainability and Climate Change (March 2018) have been met, or such other standards as appropriate, to be submitted and approved in writing by the Local Planning Authority.

Reason: To demonstrate compliance with the approved Environmental Statement Chapter 12 - Sustainability and Climate Change.

31. **Contamination**
Prior to the commencement of any below ground works for any main phase or sub-phase of the development, a detailed site investigation shall be carried out for that main phase or sub-phase to establish the level of site contamination, to assess the degree and nature of the contaminants present and to determine its potential for environmental pollution. This should take into account the historical uses of the site.

The method and extent of the site investigation shall be agreed with the local planning authority. Details of measures to prevent environmental pollution including provisions for monitoring shall then be submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in accordance with the measures approved. The developer must submit a validation report to the local planning authority upon completion of any remediation works.

Reason - To ensure that any site contamination is dealt with safely in the interests of preventing pollution of the environment, the health and safety of the public and users of the development.
32. **Archaeological Watching Brief**

An archaeological watching brief shall be maintained during all intrusive groundworks to areas of the site which are not currently covered by buildings.

Reason - In order to protect any concealed heritage assets.

33. **Travel Plans**

The travel plan(s) set out in the planning obligation which accompanies this permission shall be implemented in full as approved for the lifetime of this development.

Reason - In order to promote alternative modes of transport to the private motor vehicle

34. **Integrated Bat Boxes**

Prior to the commencement of any above ground works on development parcels;
- Parcel 7B
- Parcel 8B
- Parcel 9
- Parcel 10A
- Parcel 11; and
- Parcel 12

as shown on the Phasing Plan (Dwg. 3043-D6290-rev01), details of the location and model of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

20 Integrated bat boxes e.g. Habitat 003 should be placed as high as possible in the brickwork of the Eastern aspect of the buildings facing the railway line. The measures approved shall be implemented prior to first occupation of any part of the relevant phase of the development.

Reason - In the interests of promoting biodiversity and protecting endangered species in accordance with Policy GBC20 of the adopted Local Plan 2005.

35. **Integrated Bird Boxes**

Prior to the commencement of any above ground works on development parcels:
- Parcel 2;
- Parcel 3;
- Parcel 4;
- Parcel 5; and
- Parcel 6

as shown on the Phasing Plan (Dwg. 3043-D6290-rev01), details of the location and model of integrated bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

20 Integrated bird boxes should be placed in the brickwork of the western aspect of buildings abutting the Western Park. Boxes such as Habitat swift brick and Manthorpe Swift brick are appropriate.

The measures approved shall be implemented prior to first occupation of any part of the relevant phase of the development.
Reason - In the interests of promoting biodiversity and protecting endangered species in accordance with Policy GBC20 of the adopted Local Plan 2005.

36. **Windmill Lane Ditch Restoration**
A scheme demonstrating how the Windmill Lane Ditch will be restored and enhanced to a more natural state shall be submitted to and approved in writing by the local planning authority at the reserved matters stage. Thereafter these works shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
The scheme shall include:
Details of any proposed enhancement and restoration of the channel
Plan-form design
Detailed plans showing the channel cross-sections
Details demonstrating how the buffer zone will be managed and maintained over the longer term to enhance the ecological value
Details of the native species planting scheme

Reasons - To reduce the risk of flooding by providing more space for water and improve amenity space.
The Thames River Basin Management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.
To enhance the ecological value of the Windmill Lane Ditch in line with paragraph 170 of the National Planning Policy Framework, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity, this is in line with your Local Plan policy 2.6 ‘Landscape enhancement’ with mention of the Lea Valley. Paragraph 175 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

37. **Sport Facilities**
Prior to the commencement of development on the primary school, full details of the design and layout of the school sports facilities shall be submitted to and approved in writing by the Local Planning authority.
The primary school sport facilities shall not be constructed other than in accordance with the approved details.

Reason – To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy CLT1.

38. **Community Use Agreement**
Prior to occupation of the primary school, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the school sports facilities and include details of pricing policy, hours of use, access by non-primary school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CLT1.
39. **Hours of Work**

No demolition, construction or maintenance activities audible at the site boundary of any residential dwelling shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or at any time on Sundays and bank or public holidays without the written approval of the Local Planning Authority, unless the works have been approved in advance under section 61 of the Control of Pollution Act 1974.

Reason - To ensure that the demolition of the existing buildings and the construction and maintenance of the development does not prejudice the amenities of occupiers of nearby premises due to noise pollution.

40. **Piling**

Within any main phase or sub-phase hereby approved, no impact piling or other foundation design using penetrative methods shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent damage to sub-surface water infrastructure and utilities. Any piling shall be undertaken in accordance with the approved piling method statement.

Reason – To protect groundwater and other sub-surface infrastructure from pollution and physical harm.

41. **Refuse / Recycling Storage**

Details of refuse storage facilities including facilities for the recycling of waste to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority before any superstructure work is commenced on any main phase or sub-phase hereby approved. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason - In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets and the adopted SPG.

42. **Car Parking Management Plan**

Prior to the occupation of any main phase or sub-phase, a car parking management plan for that main phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The management plan shall include details of:

- Allocated and unallocated residential car parking provision;
- Residential car club parking provision;
- Non-residential long-stay car parking provision;
- Non-residential short-stay car parking provision; and
- Servicing bays and areas for deliveries.

The car parking requirements within any main phase or sub-phase shall be kept under review based on demand in preceding phases.

Reason – To ensure adequate parking provision is provided in the interest of highway safety and in order to promote the use of sustainable modes of transport.
Item: 2 07/18/1039/F

Location: High View Farm, Crouch Lane, Goffs Oak

Description: Demolition of existing buildings, change of use of land to residential use [C3] and redevelopment of the site with 10 detached dwelling houses

Applicant: D & M Sewell

Agent: Mr Peter Biggs, Lanes New Homes

Date Received: 26/10/2018 Date of Committee: 21/05/2019

Officer Contact: Peter Quaile Expiry Date: 21/10/2018

Ward Councillors: Cllr Mills-Bishop, Cllr Moule and Cllr Pearce

RECOMMENDED that planning permission be granted subject to the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report and the conditions set out at the end of the original report

1.0 BACKGROUND

1.1 This application was deferred from the meeting held 16th April 2019 for two reasons. First, so that the Council can obtain additional information from the applicant in relation to the openness of the proposed development. Secondly, to arrange a Members’ site visit prior to the next meeting of the Committee. In view of the discussion which took place at committee about the highway safety implications, there is an update in paragraph 2 in respect of this matter. The Members’ site visit is programmed to take place 16th May 2019. The original report is reproduced in full after this addendum.

1.2 The applicant has now provided further information, supplemented by computer generated images [CGIs], in support of the scheme. These views include images taken from all points of the compass as well as a birds-eye view to show how the houses would be arrayed and views of the internal courtyard. The images are reproduced and annotated below. The sectional elevations overleaf annotated as A-A, B-B, C-C and D-D show views of the proposal in turn from the public highway at Crouch Lane, from the eastern paddock, from the western boundary with Lucas End Farm and finally, from the north. The section lines are indicated in the corner of the image. From these drawings the significant gradients within the site, both the fall to the north and to the east, are readily apparent. Members may also bear in mind that the main public view of the site is from the south along the line of Crouch Lane.
1.3 The applicant has also provided internal elevations taken looking to the west and to the east and a birds-eye view as set out below:

**Internal Elevations**

**Birds-Eye View**

1.4 With regard to CGIs, four views around the internal courtyard have been provided by the applicant, each one annotated to clarify the direction of view being illustrated.
2.0 Highway Safety

2.1 In response to the committee discussion about the objection from Herts Highways the applicant has submitted further vehicle tracking details and clarification in respect of the revised site access onto Crouch Lane. HCC Highways has been re-consulted and has withdrawn its objection subject to conditions relating to visibility at the access, surfacing, details of pedestrian warning signage, wheel washing and a construction traffic management plan. The revised layout is reproduced below and Members will note the pedestrian path/refuge at the entrance in the blown up version which follows.
3.0 Conclusion

3.1 The applicant has provided the information sought by the Committee and the revised entrance has now allowed Herts County Council to withdraw its previous objections to the proposal. The recommendation, as before, is to approve subject to a planning obligation.

4.0 RECOMMENDED that planning permission be granted subject to the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in the original report and the conditions recommended by Herts County Council along with those set out at the end of the original report.
1.0 CONSULTATIONS

1.1 HCC Highways. Objection. There is insufficient information supplied within this application, specifically, the applicant has not undertaken vehicle tracking of two cars, a supermarket delivery van, and a refuse vehicle routing through the new/proposed access design. As such, the Highway Authority recommends refusal due to doubt over possible implications for highway safety and convenience.

1.2 Herts and Middlesex Wildlife Trust – No objection

1.3 HCC Flood Team – No objection subject to conditions

1.4 Environmental Health Service – No objection subject to conditions

2.0 PUBLICITY

2.1 The application was advertised by means of a site notice, a newspaper advert (in the Mercury on 01/11/2018) and 10 individual neighbouring letters were sent to the following properties on Crouch Lane:

- Lucas End Farm
- Tamsels
- The Brambles
- Lindrick Paddock

RECOMMENDED that planning permission be granted subject to the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report and the conditions set out at the end of this report
3.0 REPRESENTATIONS

3.1 One letter of objection has been received from a resident stating that we should not double the number of houses out of greed, this is a rural site on green belt land additional to the proposed local plan and will not support safe transport for children and for those with disabilities.

4.0 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

SUS12 Development on Contaminated Land
SUS14 Water Supply Waste Water Treatment and Water Conservation
GBC2 Development within the Metropolitan Green Belt
GBC19 Protection for Sites of Wildlife and Nature Interest
EMP6 Local Employment Sites
H8 Design Quality of Development
H13 Affordable Housing
HD13 Design Principles
HD14 Design Statement on Local Character
HD16 Prevention of Town Cramming
T3 Transport and New Development
T9 Pedestrian needs
T10 Cycling Provision
T11 Car Parking
IMP2 Community and Infrastructure Needs Linked To New Development

4.2 The Submission Local Plan 2018 – 2033 is in the process of Examination with a final day of sitting in June 2019. The emerging policies within it are a material consideration in assessing this application.

4.3 The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.

4.4 The revised National Planning Policy Framework (NPPF) 2018 also needs to be considered. The local planning policies listed above are generally considered to accord with the policies and principles of the NPPF.

4.5 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a material consideration.

4.6 The Technical Housing Standards – nationally described space standards (March 2015) are also relevant.
5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The application site comprises part of High View Farm, which lies to the north of, and has vehicular access onto, Crouch Lane. This former farm is located in the central part of the Goffs Oak ward. The entire site falls within the Metropolitan Green Belt and is an Area of Archaeological Interest. There is a local wildlife site close by to the west and north of the application site. Cheshunt Common lies to the west of the site and there is woodland to the north of the site through which Rags Brook flows. There is a drainage ditch to the rear/western boundary of the site which is an ordinary watercourse and which discharges into Rags Brook.

The site does not lie within Flood Zones 2 or 3a as designated by the Environment Agency.

5.2 The irregularly-shaped 0.6 hectare site has a significant gradient which falls to the north and to the east. The majority of the proposed housing site contains commercial structures, hard surfacing, former piggery buildings, stables, open storage and steel containers along with an occupied caravan on site, associated with the kennel/cattery use. The site forms part of a larger holding which is laid out as pasture land and includes a small element of the woodland across Rags Brook. There is an informal manege in the small field nearest Crouch Lane.

5.3 There is a semi-rural patchwork of residential, agricultural and isolated commercial uses in the surrounding area. Crouch Lane has a rural character being unlit, without footways and of restricted width in several places.
Kennels at north end of site
6.0 PROPOSAL

6.1 The application seeks full planning permission for 10 x four bedroom detached dwellings of two storeys with ridge heights of 7.8 metres. Four of the houses would have integral parking with open parking for the remaining six. The 10 houses would be accessed from Crouch Lane from an upgraded entrance and would be arranged around a central, landscaped courtyard. The development would all be contained within the existing fenced boundary of the kennel/cattery operation. Materials would be brick and weatherboarding with zinc roofs and dark grey powder coated aluminium windows. The existing structures and hard standing would be demolished as part of the proposed development of the site.

6.2 The site has an area of 0.66 hectares. The gross density of the development would be 15 dwellings per hectare.

6.3 The application is supported by a suite of documents comprising:

- Design and Access Statement
- A Planning Statement
- Land Contamination, gas and Risk Assessment report
- Ecological Survey
- Transport Statement

6.4 The agent has submitted a comprehensive set of drawings including sections comparing the current proposals with the scheme approved in July 2017 and the existing situation.

Proposed site layout

![Proposed site layout image]
6.5 The applicant undertook pre-application advice with the Local Planning Authority in respect of a larger number of residential units which indicated that such a scheme may be acceptable subject to the supporting information and justification.

7.0 RELEVANT PLANNING HISTORY

7.1 The relevant planning history is listed below.

- Change of use from piggery to kennel - conditional permission 13th July 1976
- Single storey side extension – unconditional permission 4th July 1978
- Erection of bungalow to replace mobile home – Refused 22nd February 1988
- Stationing of 2no. portacabins and 1 storage container – Refused 28th October 1991
- Outline permission was granted 28th July 2017 for demolition of existing buildings and erection of five detached houses
- Reserved matters approval for the external appearance and landscaping was granted 20th April 2018 – Not implemented
- Permission was granted 20th April 2018 for a stable block, associated manege, track and new access on the paddock/field to the east of the application site – Not implemented

7.2 The applicant previously stated in writing that they bought the site as a going concern in 1980 as kennels, cattery and farm and have supplied an aerial photograph from 1999 which shows the disposition of buildings similar to the existing situation. The Council licenses the kennel and has done so since at least 2001.

8.0 APPRAISAL

8.1 The main issues for consideration in this case are as follows:

i. Principle of development;
ii. Design, layout, and appearance;
iii. Impact on the amenity of neighbouring residential properties;
iv. Highways and car parking;
v. Drainage/Flood Risk/Contamination
vi. Ecology
vii. Loss of employment land
viii. Other matters;

These matters are assessed in turn, below.

Principle of Development

8.2 The site is not allocated for development within the current or emerging Local Plan and is located within the Green Belt but the Council has agreed the principle of residential development on this site by approving five detached houses in 2017. Nevertheless, the first issue to consider is the impact on the Green Belt in the context of ten rather than five dwellings. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
8.3 The revised National Planning Policy Framework (NPPF) identifies the construction of new buildings within the Green Belt as inappropriate development, unless they benefit from one of the exemptions set out in Paragraphs 145 and 146.

8.4 As a commercial kennel and cattery since the late 1970s, the majority of the part of the site proposed for housing is previously developed land. Along with the former piggeries which are now in use as kennels, there is also a single storey office, a mobile home and a stable block. Around these buildings are open storage, steel containers and considerable accumulated rubbish among several stored cars. Although every element of the existing situation has not been established on site by certificates of lawfulness, it is clear from the aerial photograph dated 1999 that the main elements which are currently in place have been present for a considerable period of time. In this context, it is considered that the sixth bullet of Paragraph 145 is engaged: this states that:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development.
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

8.5 There is no definition of “openness” within the NPPF and the National Planning Policy Guidance. It can be considered to mean the absence of built or otherwise urbanising development but also relates to the visual effects of such development.

8.6 The application site comprises a series of unattractive single storey structures in a range of materials from masonry and corrugated asbestos through to timber and plastic roof sheeting. The original agricultural use appears to have completely ceased with the land around the application site now laid to grass. The planning history reveals that commercial uses have been on site for more than 35 years. Where there are no structures, to the middle of the site and off to the east, there are considerable areas of concrete and other hard surfaces. In the context set out above it is considered that the majority of the application site is Previously Developed Land.

8.7 The existing structures and hard surfacing are roughly cruciform in layout with an unkempt, grassed area to the south-west adjoining the boundary and an undeveloped area to the north-eastern part of the site. However, both these areas of rough ground are within established fence lines which enclose and define the commercial area. As with the approved scheme, the proposed plots would not extend beyond the existing fence line.
Existing, Approved and Proposed Cross-Sections

Proposed Birds-Eye View from the south-east
In terms of floorspace there are currently structures and containers covering nearly 1500 sqm, the 2017 approval was for 1608 sqm of buildings while the proposed ten houses would comprise 1982 sqm. The approved two storey houses were 7.7m to the ridge while the proposal would now have ridge heights of 7.8m. For comparison it can be borne in mind that the houses approved at Tanfield Farm had ridge heights of up to 9.0m. Although there would be around 375sqm of additional floorspace when compared to the approved scheme, the cross-sections and aerial view shown above indicate how the structures would be more dispersed across the site to the benefit of openness when compared to the approved scheme. The small increase in ridge heights would not be apparent when viewing the site from public and private areas. It is also considered that removal of the sprawling agglomeration of commercial structures, storage and hard surfacing, will overall benefit the openness on this site.

The loss of existing employment generating uses within the site also requires consideration in relation to policy EMP6 of the adopted local plan. The principle of loss of local employment has been established by the outline permission granted in 2017.

The principle of residential use on this established commercial site is considered to be acceptable in that the proposed layout would not extend beyond areas which can reasonably be accepted as forming part of the site which has been in long term commercial use. The proposed development is considered to be more open than the present arrangement or the scheme approved in 2017. In this context it is considered that the development overall complies with the exemptions set out in Paragraph 145 of the NPPF.

Design, layout and appearance

The design and appearance of the houses would be significantly different from that approved and shown below which used traditional features with a combination of render, brickwork and weatherboarding as materials.

Approved Elevations

Proposed Elevations
8.12 The approach taken by the applicant is now a more modern design focus with simpler, cleaner profiles with some over-sized glazing, deep window reveals and steep pitched roofs. The materials would be buff and grey brickwork, dark grey aluminium windows, black weatherboarding and zinc roofing. Although the more modern design may not be reflective of vernacular architecture in the vicinity, this is a self-contained courtyard development set well back from the highway and is considered to be high quality architecture in its own right. The CGI supplied by the applicant, shown below, indicates that this can be a successful scheme with regard to its design and character which would not be incongruous in its semi-rural setting. The detail of the materials is proposed to be controlled by planning conditions and the detailed designs are considered to be acceptable, subject to suitable landscaping and tree planting to assist with the assimilation of the development into the surrounding green belt.

8.13 Turning to the layout, the scheme would remove all the existing structures, along with all the associated hard surfacing in order to provide ten dwellings. The proposal would retain the existing point of access and serve the houses along a slightly re-aligned road.
8.14 The development would cluster the ten houses around a central, landscaped courtyard with a variety of orientations for the dwellings. Two of the houses would frame the access road and Plot 5 would close the courtyard at the northern extremity. The group of houses would not appear cramped in layout as at the narrowest point of separation they would be around 8 metres apart. Each house would have a good-sized, private amenity area. Retention of the boundary vegetation supplemented by structural and garden planting would result in a scheme which would not appear cramped or visually intrusive. The density at 15 dwellings per hectare is low and would not be out of keeping with the semi-rural, Green Belt locality.

8.15 The general layout with well-spaced houses is not considered to be problematic in the context of the existing structures on the site. The layout would not result in intrusive overlooking between the proposed houses or any overbearing impact within the site. Equally, there would be good standards of daylight and sunlight for each of the new houses.

8.16 The site would present an acceptable design of houses in a layout which would improve the general character and appearance of the Green Belt in this part of the Borough. As such, the development is considered to comply with the NPPF and Policy DSC1 of the emerging Broxbourne Local Plan.

Impact on the amenity of neighbouring residential properties

8.17 At the closest point, plot 1 would be more than 10 metres from the nearest structure to the west which forms part of Lucas End Farm and which would be at the end of that plot’s garden. However, there are no vertical residential windows in that part of the farm and the neighbour has not objected. There are no dwellings to the east or north of the application site. Plot 1 is 45m distant from Crouch Lane so there would be negligible impact on dwellings to the south of the application site.
8.18 Due to the location, and the scale of the development, it would not cause a material loss of light or be unduly overbearing to neighbours. The layout of the proposed dwellings would not result in an unacceptable impact on privacy and noise generation is likely to be significantly less than the existing commercial use where kennelled dogs bark.

8.19 The footprints of the houses and plot sizes mean that the proposal would comfortably meet the dwelling size, bedroom and bathroom size and garden area standards within the Borough-Wide SPG.

8.20 Details of refuse/recycling storage have been provided and delivery of these facilities can be ensured by planning condition, if the application were otherwise acceptable.

8.21 **The proposed development is not considered to cause material harm to the amenities enjoyed by neighbouring residents and is considered to provide sufficient amenity for future residents. It would consequently comply with the NPPF, Policy H8 of the Borough of Broxbourne Local Plan Second Review, DSC1 of the emerging Broxbourne Local Plan and the Borough-Wide SPG.**

**Highways and Car Parking**

8.22 Vehicles would take access from Crouch Lane as at present and the development would result in a significant reduction in traffic volumes. HCC Highways as local highway authority has raised an objection, stating that there is insufficient information supplied within this application because the applicant has not undertaken vehicle tracking of two cars, a supermarket delivery van, and a refuse vehicle routing through the new/proposed access design. As such, the Highway Authority recommends refusal due to doubt over possible implications for highway safety and convenience. However, it is considered that in view of generally much less intense use of the road junction and the relatively modest speed of vehicles travelling on Crouch Lane, the access for residential use is acceptable. In terms of parking, six of the houses would have the ability to park three or more cars within their curtilage. The other four houses would provide two in-curtilage car spaces giving a total of 27 spaces against the Council SPG guidance of 30 spaces. There is, however, space within the private courtyard area for visitor parking without causing obstruction and all these parking areas are set well away from the public highway along the access road. In this context there would not be a conflict with the Council’s Interim Policy for Residential Car Parking Standards.
8.23 HCC Highways has noted the suggested signage along Crouch Lane in respect of pedestrians using the road in the absence of dedicated footways. This is considered to be an acceptable way to minimise conflict subject to installation of appropriate warning signage prior to first occupation of the site by new residents.

8.24 Subject to comments from HCC Highways it is considered the development would not cause material harm to traffic conditions and highway safety along the public highway in the vicinity of the site and the proposal would not conflict with the Interim Policy for Residential Car Parking Standards. As such the scheme is in accordance with adopted Policies T3 and T11.

Drainage/Flood Risk/Contamination

8.25 The existing operation deals with foul water off mains and the ten houses now proposed would adopt a similar method with clean, treated water travelling to Rags Brook to the north via the drainage ditch on the western side of the site which is an ordinary watercourse. As a Major application the advice of HCC as lead local flood authority has been sought in respect of surface water. The strategy adopted by the applicant and agreed by HCC includes underground storage beneath the communal courtyard with discharge at no more than Greenfield run-off rates to the
western drainage ditch thence to Rags Brook. Conditions would control the final detailed technical design. The site falls outside any designated fluvial flood zone.

8.26 The applicant has supplied a report on the probable ground conditions and likely receptors in the vicinity. In view of the commercial uses and the previous intensive farm use as a piggery the site [as well as asbestos roofing] there are likely to be hotspots of contamination and Rags Brook would be a receptor if the site were not to be thoroughly remediated. The report from the applicant recommends intrusive ground investigation. The Council’s Environmental Health Service has stated that full investigation, remediation and validation is needed to ensure that the site is fit for human habitation and an appropriately-worded condition is specified at the end of this report.

8.27 Subject to submission of the detail of the on-site drainage measures and details of the scheme for remediation, the application is considered to be acceptable in terms of drainage and pollution control. In this context, the proposal is considered to comply with Policies SUS12 and SUS14 of the Borough of Broxbourne Local Plan Second Review.

Biodiversity/ecology

8.28 The site itself is not designated as being part of a Local Wildlife Site or a Local Nature Reserve but there is a non-statutory local wildlife site to the north of the site, albeit separated by paddocks in the ownership of the applicant. The application includes a detailed ecological assessment of the site and its surroundings which did not discover any protected species associated with the land or buildings.

8.29 It is suggested that a condition should be imposed to ensure delivery of increased bio-diversity of fauna and flora across the site; installation of bat and bird boxes. Along with judicious planting of trees and domestic vegetation, such measures could significantly increase the wildlife potential across the application site. The Herts and Middx Wildlife Trust has no objection to the amended landscaping scheme which now includes native species of tree and hedge.

8.30 It is considered that the application is acceptable in relation to adopted Policies GBC19 and GBC20 of the Local Plan.

Other matters

8.31 The majority of the development is proposed to be concentrated on the areas already disturbed by development on site. However, as the site is designated in the adopted Local Plan as an Area of Archaeological Interest it is considered that an archaeological watching brief should be established for the duration of intrusive ground works to ensure that any buried heritage assets are recorded/recovered as necessary.
Planning obligation

8.32 With regard to affordable housing and planning obligations as set out in adopted Policy IMP2, the falls below the current local plan threshold for affordable housing. As a Major application [ten of more dwellings] the Council’s standard contribution of £3000 per bedroom towards social and physical infrastructure has been sought and has been agreed in principle by the applicant and this would be secured via a planning obligation under s.106 of the Town and Country Planning Act 1990. This would amount to a total sum of £120,000.

10.0 CONCLUSION

10.1 The majority of the application site is considered to be “previously developed land”. The principle of residential development was established by the outline permission for five houses approved in 2017. The report has concluded that the proposed development would be not be harmful to the Green Belt as its impact on openness would be beneficial when contrasted with the existing state of the land and buildings and the previous scheme which could still be implemented.

10.2 The report also notes that the layout and design are acceptable as are the highway implications and the impact on bio-diversity. There would not be a significant impact on local employment as a result of the proposal and overall the scheme is considered worthy of Member support.

11.0 RECOMMENDED that planning permission be granted subject to the applicant first completing a planning obligation under s.106 of the Town and Country Planning Act 1990 [as amended] for the terms set out in this report and the conditions set out below

1. Time Limit (Full Applications)
2. Development in accordance with approved plans
3. External facing materials
4. Surfacing materials (SUDS)
5. Refuse/recycling storage and collection
7. Landscaping details
8. Completion of all roads and parking before first occupation
9. Detailed drawings of surface water drainage and sewerage
10. Wildlife mitigation/enhancement
11. No felling of trees prior to landscape scheme
12. Fencing/boundary treatments
13. Ground contamination assessment, remediation and validation
14. Private use of garages and parking spaces
15. Hours of construction (8-6pm Mon-Fri) and (8-1 Saturdays) No Sundays/Bank Holidays
16. Visibility splays at junction
17. Safety signage to be installed on Crouch Lane
18. Details of access and turning within site
19. Construction management plan including wheel cleaning
20. Removal of Permitted Development Rights Class E
21. Archaeological watching brief
Items 3 & 4: 07/18/1191/F & 07/18/1192/LB

Location: The Green Dragon, 62 Churchgate, Cheshunt, EN8 9NF

Description: Conversion of public house into 4 no. residential units including demolition of toilet block and attached outbuilding and erection of 7no. 3 bed houses to the rear of the site, together with associated parking and landscaping

Applicant: Mr S Khan

Agent: Aitchison Raffety

Date Received: 17.12.2018 Date of Committee: 21.05.2019

Officer Contact: Marie Laidler Expiry Date: 19.03.19

Ward Councillors: Cllr Mobbs, Cllr Greensmyth and Cllr Pitcher

RECOMMENDED that planning permission be refused for the reasons set out at the end of this report.

1.0 CONSULTATIONS

1.1 HCC Highways
   - No objection subject to conditions.

1.2 HCC Education
   - No objection, requests contributions towards Primary Education, Library Services and Youth Services.

1.3 HCC Lead Local Flood Authority
   - Objection, the submitted drainage strategy does not provide sufficient information relating to flood risk arising from the development.

1.4 Thames Water
   - No objection.

1.5 BoB Environmental Health
   - No objection subject to conditions and informatives

1.6 BoB Environmental Services
   - Raised comments regarding refuse and recycling storage

1.7 Cadent
   - Advises that low or medium pressure gas pipelines and associated equipment are present nearby and that the applicant should contact Cadent if approved.
2.0 **PUBLICITY**

2.1 The application was advertised by means of two site notices dated 28 December 2018, a newspaper advert (in the Mercury on 26 December 2018) and 11 individual neighbouring letters were sent to properties on Churchgate.

3.0 **REPRESENTATIONS**

3.1 Fourteen representations were received along with a petition signed by 57 members of the Whit Hern Bowls Club with the following objections:

- Impact on existing car parking stress in the wider area.
- Impact on highway safety and traffic concerns.
- Impact on views across the site and outlook from the Bowls Club.
- Impact on historic buildings neighbouring the site.
- Loss of the building as a historic public house, it should instead be restored.
- Impact on the listed building due to conversion.
- Demolition of a curtilage listed building.
- Scale of development is too big.
- Disruption to neighbours and traffic during the conversion and construction of the new dwellings.
- The area is overcrowded with too many housing developments.
- The Churchgate Conservation Area is losing its charm with high end development taking place.

4.0 **RELEVANT LOCAL PLAN POLICIES**

4.7 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

- SUS14 Water Supply and Waste Water Treatment and Water Conservation
- SUS18 Surface Water Drainage
- H2 Maximising the Development Potential from Sites
- H6 Protecting the Amenity of Existing Residential Areas
- H8 Design Quality of Development
- H11 Housing Densities in New Development on Unallocated Housing Sites
- H12 Housing Mix
- CLT1 Community, Open Space and Recreational Facilities
- HD5 Alterations and Extensions to Listed Buildings
- HD6 Other Development affecting a listed building and its curtilage
- HD10 New buildings and changes of use of existing buildings in Conservation Areas
- HD11 Demolition within Conservation Areas
- HD12 Development adjoining, or visually related to, Conservation Areas
- HD13 Design Principles
- HD14 Design Statement on Local Character
- HD16 Town Cramming
- HD17 Retention/Enhancement of Landscape Features
- T3 Transport and New Development
- T9 Pedestrian Needs
- T10 Cycling Provision
- T11 Car Parking
- IMP2 Community and Infrastructure Needs Linked To New Development
The draft Local Plan 2018 – 2033 was submitted to the Secretary of State for independent examination on 15th March 2018 and the Examination in Public opened 11th September 2018. The emerging policies within it are of some relevance to this application and are as follows:

DSC1  General Design Principles
ENV1  Residential and Environmental Quality
H2    Conversion of non-residential buildings to residential use
H3    Housing Mix
ORC5  Community Uses
NEB4  Landscaping and Biodiversity in New Developments
HA2   Conservation Areas
HA3   Demolition in a Conservation Area
HA4   Listed Buildings
TM1   Sustainable Transport
TM2   Transport and New Development
TM3   Access and Servicing
TM4   Electric Vehicle Charging Points
TM5   Parking guidelines
W4    SuDS

4.3 The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.

4.4 The Borough-Wide Waste Supplementary Planning Guidance (January 2017) provides the details for the provision of refuse and recycling at residential and commercial properties, it is therefore relevant for all forms of development.

4.5 The National Planning Policy Framework (NPPF) 2019 also needs to be considered as it sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore relevant to this application.

4.6 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a relevant consideration.

4.7 The Technical Housing Standards – nationally described space standards (March 2015) is also relevant.

5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The application site is located to the north of Bishops’ College and on the eastern side of Churchgate. It lies within the heart of Churchgate Conservation Area and is bounded by Whit Hern Park to the north and east. The New River is located 150m further to the east. The site is regular in shape and measures 0.07 hectares. The tall listed building at Bishops College towers over the site and abuts the application site boundary. The wider area is a mix of character and use with residential properties to the south west and further to the north, St Mary’s Church is located opposite the site to the north west and the Council offices are located to the south. Whit Hern Park Bowls Club occupies a space in the park to the east of the application site. The area around the site within the park contains a number of
mature trees that although not protected by a Tree Preservation Order do require specific Conservation Area consideration.

5.2 The existing building within the site is a former Public House known as The Green Dragon. The building is Grade II Listed along with the adjoining Bishops’ College office building and the Whit Hern Park Wall to the north of the site. It is a two storey building with a room in the roof space and single storey flat and pitched roof projections to the rear along with a timber barn/stable block. The building sits along the highway frontage and is split by a coaching entrance in the middle of the building which is the main vehicular and pedestrian access into the site. The access drive opens out to the east into a large hard surface parking area that can accommodate approximately 30 vehicles. The site is bounded by predominantly a boundary wall of varying heights with the northern wall of the host building forming part of the boundary.

5.3 Internally the building is arranged with the pub bar, kitchen and seating areas in the northern section of the building. Above this exists a four-bed flat that extends over the coaching entrance with a study room above in the roof space. The southern section of the building accommodates store rooms and toilets at ground floor level and a large function room with bar area above, an external staircase serves this area upon the flat roof area to the rear.

5.4 The site is relatively flat; however the car park has a gentle slope downwards towards the south.
5.5 The application site is located within Flood Zone 1 and therefore has a low probability of flooding. It is also located within an Area of Archaeological Interest being the historic core of Cheshunt. The site is within the borough accessibility corridor and within 250m of a landfill site.

*Existing front elevation*

*Existing rear elevation*
Existing former stable block/storage building proposed to be demolished

Hardstanding parking area to the rear of the site with Bishops’ College beyond
6.0 PROPOSAL

6.1 The application seeks full planning permission, to convert the existing public house into four residential units comprising 1x one-bed flat, 2x two-bed flats and 1x three-bed flat. The conversion would involve the demolition of the existing toilet block and attached outbuildings to the rear of the main listed building and replacement with two single storey additions.

6.2 To the rear of the site within the existing car parking area seven townhouses are proposed to be constructed, the layout of which has been marginally amended since initial consultations were made and detailed in the following sections. The townhouses would comprise of a terrace of 5x three-bed houses and a semi-detached pair of 2x two-bed houses.

Proposed Site Plan

6.3 The properties would all be served by car and cycle parking spaces to the south of the site. A communal bin store would be erected in the position of the existing stable/barn building. A gated pedestrian access would be provided along the eastern boundary wall to gain access to the park.

Proposed east elevation of terraced block of dwellings (view from Whit Hern Park). The plans have been amended during the consideration of the application and the red outline shows the position of the building as originally submitted.

Proposed east elevation of terraced block and semi-detached block.

Proposed west elevation of terraced block.
Proposed north elevation of terraced block

Proposed south elevation of terraced block

Proposed south elevation of semi-detached block
Proposed north elevation of semi-detached block

Proposed west elevation of semi-detached block
Proposed ground floor of public house conversion

Proposed first floor of public house conversion
Proposed second floor of public house conversion

Proposed north elevation of the southern section of the public house conversion showing replacement single storey additions

7.0 RELEVANT PLANNING HISTORY

7.1 7/0266/05/LB/WOL - Internal alterations to listed building, removal of wall and form new partition with hatch. Approved 6 May 2005.

7.2 7/0180/04/LB/BCOL - 1 no wall mounted corex holder and 2 no wall mounted poster cases (1 externally illuminated) (Refer app 7/0179/04/AC/BCOL) (Post-facto). Approved 19 April 2004.
7.3 7/0179/04/AC/BCOL - 1 no wall mounted corex holder and 2 no wall mounted poster cases (1 externally illuminated) (Refer listed building app 7/0180/04/LB/BCOL) (Post-facto). Approved 19 April 2004.


7.12 The applicant received pre-application advice on a proposal for the conversion of the public house to four flats and ten townhouses to the rear. The advice was that the proposed scale and layout would be an overdevelopment of the site that would have a negative effect on the host and neighbouring listed buildings and the wider conservation area.

8.0 APPRAISAL

8.1 The main issues for consideration in this case are as follows:

- Principle of development;
- Impact on Heritage Assets (Listed Buildings and Conservation Area);
- Design, layout and appearance;
- Impact to residential amenity;
- Highways/Car Parking;
- Refuse and Recycling;
- Drainage and Flood Risk
- Planning Obligations;
- Other matters
These matters will be appraised in turn, below.

**Principle of Development**

8.2 The National Planning Policy Framework identifies that Local Planning Authorities should provide a five year supply of housing land to ensure choice and competition in the market for land (para. 67). It also identifies that planning decisions should support development that makes efficient use of land (para. 122). Similarly, Local Plan Policy H2 requires proposals to maximise the development potential from sites. Residential development at the site would support this policy by providing eleven new dwellings within the built-up area and in a sustainable location. However, whilst being a potential windfall site for housing, the suitability of the site for such development is subject to other more detailed considerations including design, character of the area, amenity and the suitability of the access arrangements.

8.3 The proposal would involve the loss of a public house within the borough. In this instance Local Plan Policy CLT1 is relevant which requires a suitable justification for the loss of a community facility. It states that the potential for the facility to not function for the purpose it was provided should be demonstrated; that there is no detriment to facilities available in the area; that suitable alternative provision should be made; and that re-use for other purposes allows enhancement of other existing facilities serving the immediate area.

8.4 The public house is considered a community facility and has been since its construction in around the 16th Century. The applicant has submitted a marketing history report provided by the Chartered Surveyors firm AG&G that specialise in property matters for pub landlords and operators. The report is dated 8th October 2018. The freehold interest in the property was owned previously by Greene King plc who marketed the pub and its associated outbuildings and car parking on a freehold with vacant possession basis in July 2017. One of the sales particulars noted that the property has ‘conversion potential that may suit alternative uses (subject to obtaining the necessary consents)’ in order to encourage interest for redevelopment of the site and prompting bidding in excess of £500,000. In the light of this, ten bids were received, all of which were from property speculators. The current owners purchased the site in April 2018, however the property was not operated as a pub and. AG&G was instructed in May 2018 to openly market the pub available ‘To Let’ on a new lease following pre-application advice with the Council that a marketing exercise would be required in support of any future planning application. It is understood that this exercise only offered up a lease of the pub itself. The submitted report concludes that the two marketing campaigns did not attract any offers or interest from any licensed retail users including public house/bar operators and community users and that there is a clear indication that operators do not perceive the property to have potential as a viable public house. Officers are concerned that neither marketing campaign was sufficiently focussed towards securing a sustainable future for this very historic listed public house nor for a sufficiently long enough period to achieve that end. Overall, the proposal is not therefore considered to be in accordance with Local Plan Policy CLT1.

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With regards to the remaining criteria of policy CLT1 officers are also concerned that the loss of the public house would be detrimental to facilities available in the area. The Green Dragon has been a mainstay of the local community of Churchgate for 400 years. To lose this long standing and valued local facility to public use would be a seriously retrograde step for place making within the local area.

The proposed development is not considered acceptable in principle.

Impact on Heritage Assets

The former Green Dragon public house is a Grade II Listed Building. The listing description provided by Historic England describes the appearance of the building that is timber framed and dates back to the 16th or 17th Century with alterations in the 18th and 19th Century including the brick front that is now painted white. Despite being altered over time the building maintains its coach house appearance with the central coach entrance. The building presents itself in two distinct arrangements with the northern section being set lower with a pitched roof and bay window to the front. The southern section has a taller parapet wall frontage with a hipped roof behind and a hanging bay window or oriel.

The Council has published an information leaflet for the Churchgate Conservation Area which describes the history of the area with its core located around listed buildings from Bishops’ College (including the original College Chapel), the Church of St Mary’s and the dwellings along Churchgate that wrap around the northern section of Whit Hern Park. The Green Dragon Public House is also central to this area being located opposite the Grade I listed St Mary’s Church. The Churchgate Conservation Area is included on the Historic England Heritage at Risk Register. The conservation area has remained on the register since inclusion in 2010 and is described as being highly vulnerable and of poor condition.

The applicant has provided a comprehensive Heritage Statement providing further detail. Constructed in around 1590 it is believed that the Green Dragon formed part of a larger complex of buildings within this historic core of Cheshunt and was used by the Stuarts to house foreign ambassadors when the court was in residence at Theobolds Palace. The Green Dragon was later recorded as a licenced house and inn in 1756. It provided accommodation for four guests and stabling for nine horses and was a meeting place for visiting and magisterial business until 1869. Whilst over time a number of outbuildings have been demolished, the boundary of the site was largely as seen today. Therefore, the building and its setting has significance that is reflected in its historic interest. The Statement indicates that the property has undergone a significant number of alterations and extensions over time including more modern single storey elements to the rear. There are various planning applications associated with alterations to the public house including advertisements and a car park extension.

The first part of the proposal for consideration is the alterations to the listed building itself. The submitted Heritage Statement provides details of the elements to be removed as part of this proposal which are evidenced as being mainly modern additions to the building. In the northern section of the building at ground floor level one of the bar area’s is being removed which was constructed in around 2005 along with a stud partition wall and kitchen units. A former fireplace will be
reinstated within this area. In the eastern elevation, original window openings are proposed to be reinstated with timber sash windows. A conservation roof light would also be introduced above. At first floor level the stair way to the attic would be reconfigured to allow a wider access. In the southern section of the building at ground floor level modern stud partitions would be removed around the existing storage rooms and a small section of the original fabric of the existing stairway leading into the cellar would be removed which is negligible. At first floor level further modern partitions would be removed along with the modern bar area along with the 1980’s double doors leading to the external staircase that would be replaced with a window. The scheme will involve some renovation work particularly above the coach entrance where some timber decay is present. It is proposed to repair or otherwise replace the materials where required. Overall, the internal alterations to accommodate the dwellings would not remove significant elements of the original fabric of the building; in fact historic features are proposed to be reinstated.

8.11 External alterations would see the removal of the 1980’s toilet block extension to the rear of the southern section of the building. The external staircase would also be removed. In place of this structure would be a new single storey pitched roof extension that would integrate appropriately to the host building and appear similar to the single storey pitched roof element to the rear of the northern section. The timber clad outbuilding to the rear of the site would also be demolished as part of this proposal. The outbuilding has fallen into disrepair and internally it appears that the roof beams are modern indicating that the roof has been reconstructed at some time with corrugated sheeting. Historic England has not commented on the demolition of the building as being a part of the curtilage setting of the listed building. Local Plan Policy HD4 requires very exceptional circumstances to demonstrate justification for the demolition of a listed building. Paragraph 194 of the NPPF sets out similar requirements. The applicant’s Heritage Statement identifies that the building formed a part of a linear arrangement of stabling that once stretched across the site towards the eastern boundary. The building has been allowed to fall into disrepair by previous owners; however it does show some character of its former function that does relate to the significance of the setting of the public house. The building is required to be demolished to enable an access route to the car parking area within the scheme. The applicant proposes to use the timbers of the building to construct a bin store serving the entire development that would be positioned nearer to the public house. A CGI of the arrangement with the new single storey rear extension has been provided. It is appreciated that the building would require renovation work, but total demolition rather than restoration and reuse is not considered to meet the criteria of policy HD4 or the NPPF.
8.12 The replacement extension to the public house, being single storey, is not considered to have any detrimental impact upon the setting of the adjacent listed building at Bishops’ College. Given that the extension would be to the rear of the Green Dragon there would be no detrimental visual intrusion at the Grade I listed St Mary’s Church opposite the site. Furthermore, the new addition to the building would be appropriately proportioned, modest in scale and contained within the existing complex of buildings and are not considered to cause any significant harm upon the wider character and appearance of the conservation area.

8.13 The second element to the scheme is the new build townhouses within the car park area to the rear of the site. These would be set within close proximity to the Grade II listed building at Bishops’ College. Bishops’ College is an extensive building with extensions added over time, however the oldest part faces onto Churchgate and was built in 1720. The building became a college for training young men for the ministry in 1792 and the large wing built in yellow brick and stone with a slate roof along with the tall bell tower was added in around 1870. The college closed and was bought by the District Council in 1968. The large complex of buildings has a prominent position within the core of the Conservation Area and stands tall when viewed particularly from Whit Hern Park. The application site is located directly adjacent to the college buildings and whilst being outside the extent of the college grounds it does impact upon the setting of the buildings. The proposed dwellings to the rear of the Green Dragon would be presented in a block of five terraced townhouses and a pair of semi-detached townhouses. Both blocks would be two and a half storeys in height reaching approximately 8 metres. When viewed from the east within Whit Hern Park the townhouses would be positioned 25 metres from the northern extent of Bishops' College. However, the college is in a large ‘L’ shaped plan and the townhouses would be set in the foreground of the college extension fronting onto Churchgate when viewed from the park. Whilst there are a number of additions to the Bishops’ College building and variation in height, at the height and mass proposed for the new dwellings there would be partial screening of the listed college within its setting presented by a blank façade facing the park that would absorb some of the overall character of the building. Although the materials can be controlled by condition the scheme would not integrate with the immediate...
surroundings and would have a dominant presence from public vantage points. The CGI image below presents the contrast in built form that is not considered to preserve the setting of the listed buildings.

8.14 The image above also presents the building filling a space within the conservation area that forms an essential feature due to its openness and lack of development. Whilst Bishop’s College is a tall structure itself, the building is predominantly set back from the park due to the presence of the parking area at the rear of the Green Dragon that allows a transition from the park towards the built form. It is not considered that the proposal would preserve the sense of space and openness around this western corner of the park. Furthermore, the vacant hardstanding, which is hidden from view by an attractive wall and soft landscaping, contributes to the setting and significance of both the listed buildings of Bishops College and the Green Dragon. The proposed new townhouses would have an imposing height close to the eastern boundary of the site that would not preserve or enhance the character and appearance of the conservation area. The applicant states that the buildings would be of a high quality; however their presence would cause substantial harm to the setting of the listed buildings and the important views across the site within the conservation area. This view currently comprises a view of Bishop’s College, the Green Dragon, and the tower of St Mary’s Church, and is one of the most important views of historic Cheshunt. The loss of this view would negatively impact the historic interest of the conservation area.
8.15 Local Plan Policies HD6 and HD10 respectively seek to preserve the character and setting of a listed building and to preserve or enhance the character and appearance of a Conservation Area. These policies are considered to comply with Section 12 of the NPPF which seeks to conserve and enhance the historic environment. It is not considered that this proposal meets the policy aims and objectives in this regard.

8.16 Paragraphs 194 and 195 of the NPPF state that developments resulting in substantial harm to a heritage asset should be refused unless it can be demonstrated that there are public benefits that outweigh the harm. The overall development at the site would be for 11 dwellings requiring a planning obligation as set out in paragraphs 8.41 and 8.42 below. However, the development would be for entirely market housing which would not be of public benefit and therefore the monetary benefit alone would not sufficiently outweigh the harm that such a substantial proposal would cause. The value of the heritage asset would be diminished due to the presence of the proposed dwellings that would not relate harmoniously with its surroundings.

8.17 Overall, the proposed dwellings would be an unsympathetic addition at the rear of the Green Dragon. The scale, height and massing of the development would be overbearing upon the setting of the adjacent listed buildings. The loss of an outbuilding that forms a part of the history of the public house is not considered to be significantly justified. Furthermore, the special interest and setting of the wider Churchgate Conservation Area would be diminished due to the loss of view across the currently open space in a public location. There are not considered to be sufficient public benefits to outweigh the potential harm. Therefore, the scheme is contrary to policies HD4, HD6 and HD10 of the Local Plan, the SPG and the NPPF.
Design, layout and appearance

8.18 As considered above the Green Dragon public house would be converted to four dwellings with two at ground floor level and two at first floor level. The proposed extensions to the rear are considered to be sympathetically designed. It is appropriate to reuse the timbers of the demolished outbuilding to construct the bin store as a replacement building. This element of the scheme in terms of design and appearance is considered acceptable.

8.19 The proposed dwellings to the rear of the site are excessive in height close to the boundary with Whit Hern Park at just 2 metres from the eastern boundary. The arrangement of the terraced dwellings being side on to the park with no side elevation windows to break the brick form is not considered appropriate. The dwellings would have very limited private amenity space that would not meet the SPG requirements. Although the site is located directly adjacent to Whit Hern Public Park, the three-bed properties in particular are likely to attract families seeking a reasonable amount of garden space that would not be provided. The buildings would be served by the existing access road that passes through the low level coach entrance at the public house towards the rear along the western boundary and into the proposed parking area; the access road is narrow in places at just 2.6 metres in width and the parking area would be tight to manoeuvre particularly towards the eastern boundary between spaces. No tracking diagrams have been provided to demonstrate manoeuvrability. A pedestrian route would be provided along the eastern boundary with access through a new gate in the wall to the park. Whilst there have been some amendments to the layout of the scheme during the application process, these are not considered by officers sufficient to warrant the proposal acceptable. The limited private amenity space, constraints on vehicle manoeuvrability and proximity of the buildings to the eastern boundary coupled with the height concerns cumulatively lead to overdevelopment of the site.

8.20 The Planning Statement indicates that the proposal would be of a high quality design, this may be the case and the modern dwellings are not unpleasant in that regard. However, the height and overall mass of the dwellings would be overbearing within the surrounding context. A development of fewer properties and lower in height could still accomplish a high quality.

8.21 The materials are indicated to be dark brick with slate roof tiles. Whilst the materials can be conditioned in the event of an approval, the dark brick is not likely to integrate effectively with the yellow brick associated with Bishop’s College.
8.22 The internal environment of the development is indicated to be appropriately landscaped; however a condition in this regard would be recommended in the event of an approval.

8.23 With regards to trees, the site contains only one substantial tree (‘tree of heaven’) adjacent to the timber outbuilding. This tree is proposed to be removed. The removal of this single tree is not considered to be significantly detrimental to the wider character of the area. The trees directly outside the site along the northern boundary are within Whit Park and are not to be removed. The proposed dwellings would sit outside of the Root Protection Area of these trees and tree protection measures would be put in place as set out in the submitted Tree Protection Plan.

8.24 Overall, the height, scale and arrangement of the development presents a scheme that would represent town cramming contrary to Policies H8, HD13, HD14 and HD16 of the Borough of Broxbourne Local Plan Second Review.

Impact to Residential Amenity

8.25 The site is not located within close proximity to any neighbouring residential properties and therefore there are no privacy impacts.

8.26 With regards to the residential amenity of the future occupants of the flats and townhouses, the development would comply with the dwelling size, bedroom size and bathroom size standards set out in the SPG.

8.27 As stated above, the private external amenity space for the townhouses would not comply with the SPG. With regards to the flats, the 3-bed flat would have sufficient external space; however the remaining three flats would have below standard space with a shared garden providing just 25sqm. This level of space for flats is acceptable being adjacent to the park.
8.28 Overall, the proposal would not provide sufficient external space for the proposed townhouses and would compromise the living conditions of the future occupants of the dwellings. The proposal is considered to be contrary to Local Plan Policies H6 and H8 and the SPG.

Highways/Car Parking

8.29 Vehicular access to the development would be off Churchgate through the existing coach entrance that passes under the first floor of the listed public house. Only vehicles lower than 2.72 metres in height would be able to enter the site. The access road at points is particularly narrow at 2.6 metres in width with limited ability for two way traffic to pass by. A turning head would be provided within the parking area however there are no tracking diagrams provided to show that vehicles can manoeuvre within the site and this adds to the concerns expressed above regarding the proposal being an overdevelopment of the site.

8.30 HCC Highway Authority has expressed concerns during the application process regarding in particular the inability of service vehicles to reach the new units at the rear of the site. Through consultation with the Highway Authority it is now proposed to provide a layby arrangement along the verge at the frontage of the site that would allow service vehicles to wait along Churchgate without obstructing the free and safe flow of traffic. However, construction of the layby would require removal of a raised cobbled planter area and removal of two small trees. The area provides an attractive feature at the frontage of the property and its loss would result in an unacceptable loss of character within the conservation area. The inability to provide a suitable waiting area for service vehicles would result in impacting upon the free and safe flow of traffic as previously expressed by the Highway Authority.

Raised cobbled area at the frontage of the public house

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8.31 Access to the site would be restricted due to the undercroft height restriction. Emergency vehicles would not be able to reach all the properties, however it is indicated that the dwellings beyond 45 metre for fire appliance distance would be fitted with sprinklers. Refuse vehicles would not be able to enter the site; however the bin store is located within 25 metres of the road side collection point which would accord with the Waste SPG requirements. Construction traffic would also not be able to enter the site; a construction traffic management plan has been submitted however further detailed matters should be included as per the Highway Authority recommended condition. It is noted that the method for larger construction vehicles is either off-loading at the side of the road or gaining access to the site through Whit Hern park which would be problematic.

8.32 With regards to parking, the proposed development of 11 units would generate the requirement for 19 spaces with the reduction applied for being within the accessibility corridor. The proposal would incorporate 17 car parking spaces. A shortfall of two spaces would result in parking along Churchgate where there are parking bays nearby. Whilst this is not ideal, it is not sufficient reason to recommend refusal.

8.33 The proposal would include space for storage of 14 cycles which would accord with the SPG requirements.

8.34 The site is located within reasonable walking distance to nearby shops and services. A bus stop 150 metres away would allow travel to further afield without reliance on a car.

8.35 On balance, given the location of the development close to existing shops, facilities and transport links the shortfall in parking is judged to be acceptable and not a significant reason to recommend refusal of the application alone. The issue regarding service vehicles parking along Churchgate has not satisfactorily been overcome and therefore there would be implications for highway safety. The inability of emergency vehicles to reach all properties is also of concern. The proposal is therefore not considered to satisfy the requirements of Local Plan Policy T3. The proposal has potential to meet the requirements of Local Plan Policies T10 and T11.

Refuse and Recycling

8.36 The proposed refuse store would be within 25 metres of the collection point on the highway and less than 30 metres from the front door of the furthest property from the store. These distances would accord with the Waste SPG.

8.37 Revised plans address concerns expressed by the Council’s Waste section. The applicant has calculated the bin capacity required for each stream of waste based on the details set out in the Waste SPG. The bin store would be of an appropriate size to accommodate the number of bins. However, larger Eurobins would be required and therefore the applicant states that a private contractor would be employed to manoeuvre bins to the road side on collection days and dispose of refuse. Whilst the layby considered above is not appropriate, it is appreciated that the existing public house would have had bin collections resulting in vehicles temporarily waiting on the road side.
8.38 **Suitable provision has been made for the storage of refuse and recycling in accordance with the Waste SPG.**

**Drainage and Flood Risk**

8.39 The site is located within Flood Zone 1 therefore there is a low probability of flooding from rivers. However, being a major application the surface water drainage at the site is to be considered.

8.40 The submitted Drainage Strategy proposes the use of existing soakaways. However, HCC as the Lead Local Flood Authority has raised an objection to the proposal due to insufficient information being submitted relating to the lack of infiltration tests to ensure the soakaways are capable of supporting the development. There is also a lack of SuDS features for above ground drainage (such as permeable paving and swales). There is no management of surface water indicated for the large extent of car parking within the site area.

8.41 **In the absence of a suitable method of disposing of surface water at the site, the proposal is contrary to Local Plan Policy SUS18.**

**Planning Obligations**

8.42 In accordance with Local Plan Policy IMP2, the development is subject to contributions towards local infrastructure and community facilities at a rate of £3,000 per bedroom, which in this case is a sum of £69,000. The designated project is the New River Cycle Path.

8.43 The County Council has requested contributions to local services as follows:

- Primary Education = £20,400 towards the expansion of Andrew’s Lane Primary School from 1 form of entry to 2 forms of entry.
- Library Services = £1,885 towards developing the office space for room hire for the local community at Cheshunt Library.
- Youth Service = £420 towards additional recreational and educational resources for the Cheshunt Access Point (formerly Cheshunt One Stop Shop).

8.44 The applicant has agreed to the sum and a S106 agreement is yet to be completed.

8.45 **It is considered lawful and appropriate to require planning obligations, provided they are in accordance with the Community Infrastructure Levy Regulations 2010. The obligations are considered to be necessary in planning terms, reasonable in scale, and directly related to the development. As such the obligations are considered to comply with the Community Infrastructure Levy Regulations 2010.**
### 8.46 Land contamination

As the proposal involves the demolition of the existing outbuilding, the Council’s Environmental Health service has advised that an informative should be added for any asbestos containing material to be disposed of by licensed contractors. Given the use of the hard surfaced area for vehicular parking, a condition is recommended relating to ground contamination. To support the air quality of the area, an informative is recommended if approved for consideration of electric vehicle charging points. Noise from traffic is not considered an issue with the upgrading of windows at the public house, although a suitable condition should be imposed if approved to maintain control given the listed building status.

### 8.47 Archaeology

The site is located within an Area of Archaeological Interest being the historic core of Cheshunt whereby artefacts have been collected in relation to a Roman Settlement. It is therefore considered appropriate, if permission is granted, to impose a suitable condition to ensure a watching brief is carried out during construction.

### 9.0 CONCLUSION

Although the proposal would provide additional housing within a sustainable location of the borough, the principle of the loss of the public house as a community asset has not been sufficiently justified. The impact of the conversion upon the Grade II listed public house is considered acceptable in terms of the fabric of the building, however the additional dwellings at the rear of the site would result in a significant harmful change in the setting of both Bishops’ College and The Green Dragon that would detract from their presence within the wider area. Being located within the Churchgate Conservation Area, the desirability of preserving or enhancing the character and appearance of the area is also a primary determining issue. The proposed new townhouses would have a dominant presence that would disrupt important views across a currently open site towards the Grade I listed Church of St Mary’s that is an essential feature of the conservation area. It is therefore considered that the scheme would be to the detriment of the special interest of an already at risk conservation area. The design and layout of the scheme is also considered to be an overdevelopment of the site. In turn, the residential amenity of future occupants of the proposed townhouses would be compromised due to the substandard garden sizes. Finally, the drainage strategy provides insufficient information. The scheme is therefore recommended for refusal.
10. RECOMMENDED that: planning permission be refused for both the full and listed building applications for the following reasons:

Reference 07/18/1191/F:

1. The information submitted has not appropriately established that the principle of the conversion of the historic listed public house to residential use would be acceptable. The proposal is therefore contrary to Policy CLT1 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005.

2. The proposal would result in the demolition of an outbuilding that forms part of the setting and history of the host grade II listed building as a public house. The proposal does not present any exceptional circumstances to justify the loss that would be detrimental to the character of the listed building at the frontage of the site. Therefore, the proposal is contrary to policy HD4 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005 and the National Planning Policy Framework (February 2019).

3. The proposed dwellings would be an unsympathetic addition at the rear of the Grade II listed Green Dragon. The scale, height and massing of the development would be overbearing upon the setting of the adjacent listed buildings. Furthermore, the special interest and setting of the wider Churchgate Conservation Area would be diminished due to the loss of views across a public park. There are not considered to be sufficient public benefits to outweigh the potential harm. Therefore, the scheme is contrary to Policies HD6 and HD10 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005, the Borough-Wide Supplementary Planning Guidance 2004 (updated 2013) and the National Planning Policy Framework (February 2019).


5. By virtue of the substandard provision of external amenity space for the proposed townhouses, the scheme would be harmful to the future occupants of the dwellings and therefore is contrary to Policies H6 and H8 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005 and the Borough-Wide Supplementary Planning Guidance 2004 (updated 2013).

6. The proposal has not demonstrated satisfactory waiting arrangements for larger service vehicles that cannot access the site. Vehicles waiting along Churchgate would unacceptably disrupt the free and safe flow of traffic resulting in implications for highway safety. The proposal is therefore contrary to policy T3 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005 and the Borough-Wide Supplementary Planning Guidance 2004 (updated 2013).
7. Emergency vehicles would be unable to access the entirety of the development, contrary to Policy T3 II(d) of the Borough of Broxbourne Local Plan Second Review (2001-2011)

8. There is insufficient information submitted within the proposed Drainage Strategy and therefore the scheme fails to ensure that surface water is disposed of appropriately within the site contrary to policy SUS18 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005.

Reference 07/18/1192/LB:

1. The proposal would result in the demolition of an outbuilding that forms part of the setting and history of the host grade II listed building as a public house. The proposal does not present any exceptional circumstances to justify the loss that would be detrimental to the character of the listed building at the frontage of the site. Therefore, the proposal is contrary to policy HD4 of the Borough of Broxbourne Local Plan Second Review (2001-2011) December 2005 and the National Planning Policy Framework (February 2019).
Item 5: 07/18/1146/F

Location: Oaklands Yard, Essex Road, Hoddesdon, Herts. EN11 0BX

Description: Demolition of 12 No. garages and construction of 7 No. two bed dwellings, 18 No. three bed dwellings, 13 No. one bed flats and 33 No. two bed flats (total 71 dwellings) with associated access road, car parking, external works and landscaping.

Applicant: B3 Living

Agent: Vincent and Gorbing

Date Received: 29.11.2018 Date of Committee: 21.5.19

Officer Contact: Gill Forbes Expiry Date: 04.03.2019

Ward Members: Cllr Ayling, Cllr Payne, Cllr A Banks

**RECOMMENDED** that permission be refused for the reasons detailed at the end of this report.

1.0 CONSULTATIONS

1.1 Hertfordshire Highways – Have withdrawn initial objections to the proposed travel plan following receipt of additional detail. Highways had also initially recommended refusal due to the lack of agreement for financial contribution towards improvements for pedestrians and cyclists in the area on the grounds of the provision of 100% affordable housing, but now express willingness to reconsider this with the Local Planning Authority if payment of a S106 contribution would make the scheme unviable.

1.2 Environment Agency – Do not object to the proposal subject to conditions relating to prevention of risks of pollution to controlled waters.

1.3 Environmental Health – Initial report relating to an investigation of contamination on the site is satisfactory as detailed remediation works proposed, but as these will need to be reviewed following further investigations conditions to this effect are recommended. Air quality assessment report is satisfactory but no mitigation measures are proposed. However, as the NPPF (paragraph 110) refers to the expectation that new development should include electric vehicle charging points an informative is recommended giving EV ready domestic installation specifications. The noise assessment provided recommends a substantial amount of noise mitigation measures including; 2.2 metre acoustic fence, upgraded glazing, enhanced acoustic ventilation to numerous dwellings and noise mitigation to Block C balconies. If acoustic fence height of 2.2 metres is not acceptable in planning terms a revised noise assessment will be required for a lower fence. Specifications of proposed glazing products, specification for acoustic fencing, type of ventilation system, technical data for noise mitigation to balconies and method statement in
relation to piled foundation works are also required. A condition for a revised noise assessment is recommended to address the above.

1.4 Hertfordshire County Council – has no objection to SUD’s proposal, but recommends conditions for the SuDS to be carried out in accordance with SUD’s Strategy – Revision A, SuDS to be completed prior to commencement of development and a maintenance and management plan to be submitted for approval.

1.5 Leisure Services – No objection subject to landscaping condition.

1.6 Hertfordshire County Council – Growth and Infrastructure Unit-Financial contributions sought for youth and library facilities.

1.7 Hertfordshire County Council – Seek provision of fire hydrants to serve the proposed buildings, as set out within HCC’s Planning Obligations Toolkit, through a S106 agreement.

1.8 Hertfordshire Constabulary – The Police Crime Prevention Design Service supports the application.

2.0 PUBLICITY

2.1 The application was advertised by means of a site notice and 51 individual neighbouring letters were sent to the following properties:

1-6 Parrots Field  
8C, 9-21 New River Close  
9, 11-22, 24, 26, 28, 30, 32, 34, 36, 38 Stortford Road  
D & D Commercials, Pumping Station, PCL Transport, Jewsons Ltd, Essex Road  
90, 92, 94, 96, 98, 100 Old Essex Road

3.0 REPRESENTATIONS

3.1 Two objections have been received from local residents at 98 Old Essex Road and 28 Stortford Road in response to the plans on the following grounds:

- Vehicle access to the rear of property 98 Essex Road will be lost;
- Property will be devalued;
- Object to changes in layout as properties would now overlook 28 Stortford Road and access would be allowed from Stortford Road.

4.0 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001- 2011 (adopted December 2005) apply:

SUS3 Waste and recycling  
SUS12 Development on Contaminated Land  
SUS15 Ground and Surface Water Protection  
H2 Maximising the Development Potential from Sites  
H8 Design Quality of Development
4.2 The draft Local Plan 2018-2033 was submitted to the Secretary of State for independent examination on 16 March 2018. The following draft policies are a material consideration in assessing this application:

DSC1 General Design Principles
DSC3 Design Affecting the Public Realm
DSC5 Sustainable Construction
DSC6 Designing Out Crime
H1 Affordable Housing
H3 Housing Mix
W1 Improving the Quality of the Environment
W2 Water Quality
W3 Water Efficiency
W4 SuDS
NEB1 General Strategy for Biodiversity
NEB3 Green Infrastructure
NEB4 Landscaping and Biodiversity in New Developments
EQ1 Residential and Environmental Quality
EQ2 Air Quality
EQ4 Noise
EQ5 Contaminated Land
TM1 Sustainable Transport
TM2 Transport and New Development
TM3 Access and Servicing
TM4 Electric Vehicle Charging Points
TM5 Parking Guidelines

4.3 The Borough-wide Supplementary Planning Guidance (SPG) (August 2004, updated 2013) is relevant to this application as it provides design guidance for dwellings.

4.4 The National Planning Policy Framework (NPPF) 2019 should also be considered as it sets out the Government planning policies for England and how these are expected to be applied.

4.5 The Council's Essex Road Gateway Development Brief (April 2011) includes the Oaklands Yard site. In the brief, the vision for the site is to deliver an attractive and high quality housing development.

A119
4.6 The Interim Policy for Residential Car Parking Standards (February 2011) is a relevant consideration.

4.7 The Technical Housing Standards – nationally described space standards (March 2015) are also relevant.

5. LOCATION AND DESCRIPTION OF SITE

5.1 The application site, known as Oaklands Yard, is accessed off Essex Road and was previously mainly used for storage and distribution (Class B8), although a two storey office building was situated near the front of the site and occupied by a cleaning company. The approved 2014 application for 71 residential dwellings has commenced through the demolition of buildings on the site.

5.2 Oaklands Yard is located approximately half a mile to the east of Hoddesdon town centre. The key employment/industrial area of North East Hoddesdon is located on the opposite side of the New River. The river runs along the south-eastern boundary and provides a natural barrier to the busy Essex Road and the industrial area beyond.

5.3 The site has an area of 0.97 hectares with approximate dimensions of 110 metres (south-west to north-east) by 95 metres (north to south).
5.4 Two storey residential dwellings in Stortford Road are located to the north-west and garages which are owned by B3 Living are located in the north-western area of the site off Stortford Road.

5.5 A new B3 Living residential development of 13 affordable two storey houses is located in New River Close. This is to the immediate north-east of Oaklands Yard and rear gardens of seven of the new dwellings back onto the application site with the flank of a further dwelling immediately beyond the eastern boundary.

5.6 The application site is fairly level, but there is a gentle slope up from Essex Road and a further slope up to dwellings in Stortford Road.

5.7 The site is located in Source Protection Zone 1 which means groundwater here will form part of the public drinking water supply within 50 days.
View of the New River from the site

View from Essex Road showing elevated position of Oaklands Yard above the bank of the New River
View from the entrance into the site looking towards New River Close

View from the entrance into the site looking north-east towards properties in Essex Road and Stortford Road
View of entrance from Stortford Road

View of north-eastern section of B3 Living owned garage area to be incorporated into the site
6.0 PROPOSAL

6.1 This is a full application for a residential development consisting of 7 No. two bedroom and 18 No. three bedroom houses and a block of apartments with a mono-pitch roof increasing in height from three to five storeys. The apartment block would comprise of 13 No. one bedroom and 33 No. two bedroom apartments. This equates to a total of 71 residential units on the site and be the same number of dwellings as the previously approved scheme. However, this proposed development would provide an additional 6 No. three bedroom houses to replace 4 No. two bedroom houses, 1 No. one bedroom and 1 No. two bedroom flat thereby increasing density from the previously approved schemes. It is proposed that the development would provide 100% affordable housing. Unlike the approved scheme that contained underground parking, all parking within this proposal would be at surface level.

6.2 The houses would be a mixture of detached, semi-detached and terraced and include three storey town houses with rooms in the roof and two storey dwellings. The height varies depending on the style of house, but the town houses would be approximately 9.4 metres high, 5.3 metres wide, and 9.1 metres deep and the two storey dwellings approximately 8.2 metres high, 8.6 metres wide and 5.8 metres deep. The houses would be arranged along both sides of the linear access road from the entrance with a further line of housing consisting of three small terraces and one pair of semi-detached dwellings parallel with New River Close. All of the houses would have adjacent surface car parking providing spaces for 50 vehicles. The apartment block would be approximately 56 metres long and 18.9 metres wide and between 9.3 and 17.5 metres high with the number of storeys increasing from three to five storeys. The apartment block would be located on the south eastern part of the site at a bend in the New River and closer to the industrial buildings within Essex Road.

6.3 Vehicular access would be from the existing entrance off Essex Road with the width increased to allow two-way traffic. A new pedestrian link from Stortford Road into the site would be created and an existing garage courtyard consisting of 12 garages owned by B3 living would be incorporated into the site. There would be no through traffic.

Proposed layout plan
6.4 The majority of the houses would back on to Stortford Road or New River Close, although one detached dwelling would have a flank wall facing Nos. 20 and 22 Stortford Road and there would be four dwellings on the southern side of the access road.

6.5 In total there would be 71 dwellings providing 147 bedrooms and the housing density would be 73 dwellings per hectare.
6.6 A communal landscaped area with benches would be included in the south-western corner of the site. A SuDs detention basin has been added to replace part of the landscaped communal garden area initially proposed for the development. All the houses would have private rear gardens which would vary in size and shape due to the irregular boundary of the site. All boundaries would be secured by 1.8 metre high close-board timber fencing, except for boundaries facing public spaces within the site. These would have 1.8 metre high brick walls topped with 300mm of trellis.

View looking north-west

6.7 Although the existing conifer screening along part of the boundary with the river bank would be removed it is proposed to introduce trees, shrubs and hedging as part of a comprehensive landscaping scheme for the site. However, the extent of planting would be limited by the amount of built form and hard landscaping within the site layout. A 1.1 metre high black railing is also proposed to enclose the riverside boundary. The landscaping would be secured by condition if members were minded to approve this development.

Flank elevations of apartment block
It is proposed to enclose the rear gardens of the houses with 1.8 metre high close boarded fencing and add a top section of trellis 0.4 metres high adjacent to any public spaces. Plots 1 and 25, which are located adjacent to Essex Road, would have acoustic boundary treatments to provide some additional noise protection. These would consist of a 2.2 metre high timber acoustic fence along the western and southern boundaries of the rear garden set back approximately 3 metres from the public footpath with scope for screening from public view with soft landscaping. The rear garden of Plot 25 would be enclosed on three sides with a 2.2 metre high acoustic barrier, consisting of a 1.8 metre high brick wall with a 0.4 metre high acoustic fence panel above. The western section of the acoustic barrier would be set back approximately 2.6 metres from the footpath along Essex Road whilst the longer southern section would follow the line of the river bank with limited screening. Although the boundary treatment around Plot 25 would be in public view the higher wall would be restricted to the one plot so would not have a significant impact on the overall external appearance.

Example of design of shared ownership townhouses
7.0 RELEVANT HISTORY

7.1 The site had historically been used for commercial/industrial purposes, but was granted planning permission for residential use in 2015 to provide 11 No. two bedroom and 12 No. three bedroom houses, together with 2 No. three storey blocks of 14 No. one bedroom and 34 No. two bedroom apartments with associated access, car parking, cycle parking, refuse storage and amenity area, reference 7/14/0026/F. This application was subject to a S106 contribution of £622,435. The application has been implemented by the demolition of the industrial buildings originally on the site.

7.2 Plans showing the site layout and design of the previously proposed apartment blocks are shown below:
7.3 A further application to vary Condition 2 of 7/14/0026/F relating to construction of the development in accordance with the approved plans, (reference 7/16/0388/F), was submitted in 2016. Members were minded to approve this application which provided the same number and combination of dwellings, but sought to change the design of the apartment blocks, and realign them to allow greater space between the blocks.

7.4 The plans below show the previously amended proposed design and layout changes:
7.5 The most recent application for Oaklands Yard (reference 7/17/1289/F), sought amendments to planning conditions attached to planning permission 7/14/0026F to delaying submission of surveys and additional information from pre-commencement to 'before any works above ground level commence’, except for the demolition of the existing buildings within the site. This application was approved in 2018 and as demolition is also regarded as development the completion of these works allowed the implementation of the proposed development first approved in 2015 and
provided more time for relevant surveys and information to be submitted at a later date for discharge.

8.0 APPRAISAL

8.1 The main issues to consider are:

- The principle of redevelopment for residential use;
- Design, layout and appearance;
- Impact on amenity of neighbouring residential dwellings;
- Visual impact on the street scene;
- Highways and parking and,
- Planning Obligations

The Principle of Redevelopment for Residential Use

8.2 The NPPF (paragraph 47) requires Local Planning Authorities to “boost significantly the supply of housing” by retaining a five year supply of housing land and states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Development of this site for housing would contribute to the housing supply. The NPPF also supports the development of under-utilised land and brownfield sites and sets out a presumption in favour of sustainable development. This includes approving applications that accord with policies in the Local Plan. The compliance of the proposal against the Local Plan will be assessed within this report.

8.3 A design brief known as ‘Essex Road Gateway Development Brief’ (April 2011), considered that a change of use from storage/distribution (Class B8), to residential was appropriate for this site as long as the layout and design respects residential properties to the north and west. The principle has also since been established through the approval of the 2014 and 2016 planning applications detailed above.

8.4 Local Plan policies support maximising the development potential from sites and providing a mix of housing for a balanced community. The Oaklands Yard development would provide a mixture of one, two and three bedroom houses and apartments which would be 100 percent affordable and include Shared Ownership and rented houses and flats.

Design, Layout and Appearance

8.5 The layout of the proposed development has been influenced by the size, shape and external features surrounding the site. The site lies adjacent to existing residential dwellings on two sides with Essex Road and the New River enclosing the remainder of the site.

8.6 The slightly elevated position of the site and the unrestricted views from Essex Road across the New River would result in the proposed dwellings, and particularly the large apartment block fronting the New River being highly visible from public views.
The proposed development would include two and three bedroom houses located behind surface car parking. The dwellings would be a combination of town houses and two storey dwellings and the development would include detached, semi-detached and terrace properties. All would have steep pitched roofs with blue/black roof tiles, gable ends, and be constructed using two different brick colours; buff or cream. Some houses would have Juliet balconies. A variety of sizes and styles of window openings would be incorporated to create a modern and distinctive design and allow a degree of individuality.

The houses would be arranged in a linear form fronting the internal roads that form a ‘T-shape’ with a spur off to the south-east leading to parking in front of the apartments, and ending at a parking courtyard.

Both the houses and the apartment block would be located behind the central surface car park which would dominate the central part of the development. Previous schemes had avoided this relationship by placing the majority of car parking spaces underground. The applicant has however rejected this solution as too costly. In seeking to retain the same number of dwellings, this has inevitably resulted in a large area of the site being dedicated to surface parking to the overall detriment of the scheme.

An area of landscape garden of approximately 521 square metres is provided in the south-western corner but, this would be obscured from view from the central access to the site by the position of the houses and could only be accessed either by a pathway to the side of a proposed detention basin, or through a parking area to the immediate north of the apartment block. As a result, the area of open space would fail to achieve any significant prominence within the public realm.

The proposed block of apartments would be immediately adjacent to the boundary with the New River and on land elevated above Essex Road. The apartment block, rising to five storeys in height would form a large monolithic structure that would dominate views from Essex Road and result in high flank elevations with limited articulation and a hard urban, industrialised appearance which would be detrimental to visual amenity. The proposed houses within the site and in surrounding streets would be dwarfed by the apartment block and, apart from some matching materials such as brick colour, would have few features in common. The roof shapes of the houses and apartment block, for instance, would be completely different. As houses within the site would be located in close visual proximity to the apartment block the lack of cohesion in the design would detract further from the general appearance of the site. The previously approved schemes addressed this issue by using the same colour schemes, window designs and architectural features on both houses and apartments to provide a compatible characteristic across the development.

The apartment block would be located at a bend in the New River, but the form would reflect the linear layout of the site rather than the contours of the surrounding setting so would not be sympathetically related to the wider area.

To aid negotiations on this development, the Council suggested that an alternative architectural approach could better address the cohesion between the dwellings and houses and be more appropriate to local character. This is shown in the illustration below. It would result in a reduction in overall numbers but whilst the
Applicant has not commented on this approach, they have previously indicated that any reduction in dwelling numbers would be unviable.

8.14 Whilst the proposed houses are considered to be acceptable in terms of design, overall it is considered that the large monolithic and dominant apartment block would be materially detrimental to the open character of this waterside green chain location adjacent to the New River, and be unsympathetically related to the character of surrounding dwellings, and the proposed houses. The layout would include a large amount of hardstanding/surface car parking that would further detract from the appearance of the area. The proposal therefore does not comply with Local Plan Policies H8, HD13, HD14, HD16 or HD19.

Trees and landscaping

8.15 All the houses would be provided with private rear gardens that would meet or exceed minimum size standards as detailed in the SPG.

8.16 The communal garden would be accessed via a pathway parallel with the flank of the house at Plot 22 and along the western side of an enclosed SuDS detention basin, and be fenced along the southern boundary with the New River bank. Due to the location between houses and the flank of the apartment block, the opportunity would be lost for the landscaped area to provide a visual break in the otherwise hard urban appearance of built form, internal road and surface car parking.

8.17 The detention basin would be more visible within the development, located adjacent to the internal road, and would be a green space with sides sloping down approximately 1.3 metres to the bottom. It is proposed to enclose this area with a 0.3 metre high brick wall with 0.6 metres high railings above. The plan shows some indicative planting around the detention basin, but specific landscaping has not been provided. This area has a functional use for surface water drainage, although the applicant advises that it could also be used as a recreational space when dry. Despite this area adding to the soft landscaping it is not a suitable alternative to provision of attractive, centrally placed constantly available amenity space.

8.18 There are a few poor quality, possibly self set, trees within the site which equate to six individual trees and three small groups. All trees within the site are recommended for removal in an Arboricultural report submitted with the application. To mitigate against the loss of trees a planting scheme is proposed as part of the landscaping for the site for which a condition would be required if the Council were
minded to grant approval. This would result in an overall gain in the number and quality of trees.

8.19 Japanese knotweed has been identified, spreading from the north-east corner of the site. A method and proposal to eliminate the plant in this area has been provided.

Amenity for Existing and Future Residents

8.20 The Local and National standards set out minimum dwelling sizes of 70 square metres for a 2 bedroom, four person dwelling and 86 square metres for a 3 bedroom, five person dwelling. This scheme would provide 7 No. 2 bedroom, four person houses with a size of a minimum of 80 square metres, and 18 No. 3 bedroom, five person houses of between 101 and 106 square metres. Minimum dwelling sizes would be achieved.

8.21 With regard to the size of the proposed apartments, the one bedroom, two person flats would be 50 square metres, and 2 bedroom, three person flats would be 61 square metres. The Local and National standards state that the minimum size of one or two person flats should be 50 square metres and three person flats should be at least 60 square metres. The sizes of the proposed apartments therefore either meet or exceed minimum size standards.

8.22 Local Plan Policies H8 and HD16, together with the Council’s SPG seek to ensure that new development proposals do not materially harm the amenities of existing local residents. The nearest proposed dwellings would be 14.3 metres from existing properties Nos. 26 to 28 Stortford Road. The new dwellings would have a flank wall facing the properties in Stortford Road with a first floor window serving a landing only. This could be conditioned to be obscure glazed and non-opening so would not result in any overlooking issues. Two storey dwellings in New River Close back on to the Oaklands Yard site and window to window distance of approximately 25 metres would be achieved so there would be no material loss of privacy to local residents.

8.23 The occupier of No. 98 Essex Road has raised an objection stating the development would impact on their right to vehicular access to their property. However, the existing en-block garages that are owned by B3 Living appear to block any vehicular access to the rear garden. There are only back gates for pedestrians in situ, and a pathway would remain leading to the rear of properties in this part of Essex Road so there would be no detrimental impact on neighbouring properties.

8.24 Within the site, houses have some dual aspect rooms and habitable rooms have windows that look across front parking spaces and the internal road or across private rear gardens, so a reasonable outlook is achieved. Throughout the site, the internal room layout has been designed so that windows to habitable rooms do not face each other in close proximity with mainly kitchens located to the front facing the highway.

8.25 There would be windows to habitable rooms in the upper levels of the apartment block that would overlook the private amenity space of the houses, particularly plots 19 to 21 and 22. The nearest would be Plot 21 whose side boundary would be only
approximately 14 from the rear elevation of the apartment block, but the windows would look across the public open space of the internal road and parking spaces so would not be an unusual relationship for an urban area.

8.26 The bedrooms of the houses would either meet or exceed National internal space standards of 11.5 square metres for double bedrooms and 7.5 square metres for single bedrooms. However, single bedrooms in the apartment block would only achieve 7 square metres for single bedrooms, so would be slightly sub-standard. However, the bedroom sizes would be regular shapes and allow for a reasonable layout of furniture so, on its own, would not be a reason for refusal.

8.27 There is potential for disturbance from car headlights to the living area of Plot 21 due to the proximity and relationship between the proposed unallocated parking spaces and the flank lounge windows of Plot 21. A number of the unallocated parking spaces would also abut the windows and balconies to the front and side ground floor dwellings in the three storey section of the apartment block, so is likely to also result in noise and light disturbance to potential occupiers of these units from cars entering and exiting the spaces.

8.28 **Overall it is considered that the proposal does not comply with Policy H8 or the Council’s SPG as the layout results in the potential for detriment to the amenity of future occupiers of the proposed development.**

**Highways and Parking**

8.29 The use of the site for residential and the number of trips that would be likely to be generated from such use and the impact on the highway has already been accepted through approval of the previous planning approval for residential.

8.30 With regard to parking, the Council’s Interim Policy for Residential Car Parking Standards (February 2011), recommends 1.5 spaces for one bedroom dwellings, 2 spaces for two bedroom properties and 2.5 spaces for three bedrooms. On this site 71 dwellings are proposed that would contain a mixture of one, two and three bedroom properties. In order to comply with the Council’s parking standards a total of 144.5 spaces would be required. The proposed scheme would provide 96 surface parking spaces for the houses and apartments including two bays for disabled parking, resulting in a shortfall of 48.5 spaces. This equates to only 66% of the Council parking standard being achieved. Although the previously approved scheme had the same number of houses, compliance with parking guidelines was achieved by provision of basement parking which is now considered unviable by the current applicant. In addition, as a result of the provision of large expanses of car parking at surface level. It is considered that the proposal is now contrary to criterion (iii) of Policy T11, which requires that new car parking should be signed, located and landscaped so as to have a minimal effect on the quality of the local environment. To the contrary, the proposed car parking would appear overly prominent with the development, without any significant opportunity for softening by sympathetic soft landscaping.

8.31 The applicant has investigated the possibility of using a car club/ car share scheme, but the site is too small for commercial car club operators to be interested. Instead the applicant proposed to promote a ‘peer to peer’ scheme which would be based on privately owned cars being made available by the owners for use of non-car
owing residents. Car sharing is also proposed to be promoted within the site together with a Travel Plan aimed at reducing the need to use public transport through walking and cycling. The Travel Plan would include providing a £100 voucher to each household upon first occupation of the development towards the purchase of bicycles, walking equipment or the purchase of bus/rail tickets. However, the success of such a scheme is not controllable and is not considered a viable alternative to overcome the shortfall in on-site parking provision.

8.32 A bicycle storage area would be centrally located within a secure store on the ground floor of the apartment block and sheds are proposed for the rear gardens of the houses. The provision of bicycle spaces would achieve one space per dwelling and therefore complies with Council standards.

8.33 The NPPF states that new developments should be designed to: “incorporate facilities for charging plug-in and other ultra-low emission vehicles;” and this is echoed in Policy TM4 of the emerging Local Plan that expects all parking spaces within new housing developments to have EV charging points. However, the applicant has stated that ownership of electric vehicles amongst their tenants would be very low and propose to have a 13amp charging point in a position suitable to allow vehicles to charge whilst parked on the driveway of the houses rather than dedicated charging points. For the apartments the supply of two to three communal charging points has been offered. Although the policy relating to the provision of electrical charging points has not yet been adopted, the proposals would not comply with the NPPF.

8.34 The vehicular access would remain in the same location, although it would be widened to allow two-way traffic.

8.35 There are also plans to build a new Essex Road Bridge which would result in this part of Essex Road becoming a cul-de-sac which would improve the local highway to the benefit of potential residents.

8.36 **Overall, there would be inadequate on-site parking provision and that provision which would be made would be to the detriment of the landscaping and visual amenity of the site. The proposed development does not therefore comply with Local Plan policies T3, T11 or the Interim Policy for Residential Car parking Standards (February 2011).**

**Refuse and Recycling**

8.37 An internal refuse area is included in the design of the apartments. Details of the number and type of bins to be used have not been provided and the proposed storage area does not appear large enough to accommodate the required number of communal refuse and recycling bins for 46 apartments. However, there would be space within the ground floor of the apartment block to increase the size by reconfiguring the internal layout. All the houses are provided with a means of access to the rear gardens so that waste and recycling bins can be stored out of public view.
**Planning Obligations**

8.38 A development of this scale would normally be subject to significant planning obligations in accordance with adopted Policy IMP2 to address the impact of the development on the local area. Following a viability appraisal, a S106 for £622,435 was entered into in relation to the approved 2014 planning application and the site would have been acquired in full knowledge of this obligation. However, as the development would provide 100% affordable housing, the applicant is declining to enter into any financial obligations on the basis that they would be unviable. The normal approach in such circumstances is for a viability assessment to be submitted and for that to be independently assessed. A very cursory assessment has latterly been received but that in no way complies with national guidance on viability assessments. In its absence, the Council is unable to conclude that obligations would be unviable.

8.39 The specific obligations sought to date have included £86,675 towards sustainable transport and £7,002 towards youth services and libraries. As those have been rejected by the applicant, further contributions that would be considered compliant with the Council’s Infrastructure Delivery Plan have not been sought to date.

**Other Matters**

8.40 Due to the historic use of the site there is likely to be some contamination of the land, and an investigation into this matter would be requested by condition should it be resolved to approve this application.

10.0 **CONCLUSION**

10.1 The proposed development of the site for housing is considered to be acceptable in principle and accords with the provisions of the NPPF, the Local Plan and the Council’s Essex Road Gateway Development Brief. However, the amount of housing, lack of parking, the design and dominance of the proposed apartment block and the layout of the site would lead to overdevelopment to the detriment of local and potential residents.

10.2 The layout would result in a dominance of hard landscaping that would create a very urban and harsh environment and opportunities to soften the appearance of the site are lost through the hidden location of the proposed communal garden area.

10.3 The development would not provide a high standard design throughout and would be detrimental to the character and appearance of the site adjacent to the New River. Members are therefore recommended to refuse this application.
RECOMMENDED that permission be refused for the following reasons:

1. The proposed number of dwellings and surface car parking within the confines of the site would result in overdevelopment leading to a predominance of built form and hardstanding. This would be detrimental to the amenity of potential occupiers and the open character of this New River location. The proposed development would therefore, be contrary to Local Plan Policies H8, HD14, HD16, HD19 and T11 and DSC1 of the emerging Local Plan.

2. The design of the proposed apartment block would result in a large, bulky and dominating structure adjacent to the bank of the New River that would have a materially detrimental effect upon the open character of the area. As such the proposal does not comply with Local Plan Policies HD13, HD14, HD16, HD19 or DSC1. All policies comply with the aims and objectives of the NPPF.

3. There would be insufficient on-site parking provision on a site that is not well served by public transport. The proposal does not comply with Policy T11 or the Interim Policy for Residential Car Parking (February 2011) and TM5 of the emerging Local Plan.

4. There would be insufficient provision of electric vehicle charging points within the site. The proposal would not comply with Policy TM4 of the emerging draft Local Plan 2018-2033 or the NPPF.

5. The highly prominent location of the proposed SUDS detention basin together with the associated proposed hard landscaping would be detrimental to the visual amenity of the site. As such the proposal would be contrary to Local Plan Policy H8 and DSC1 of the emerging draft Local Plan 2018-2033.

6. The application fails to make provision for any planning obligations necessary to mitigate the impacts of the proposed development on local infrastructure. In the absence of a comprehensive appraisal to demonstrate that such planning obligations would not be viable, the proposal does not comply with Policy IMP2 of the adopted Local Plan.
Item 6: 07/19/0011/O

Location: Westfield Community Primary School, Westfield Road, Hoddesdon, EN11 8RA

Description: Outline application for demolition of existing school buildings and erection of up to 37 dwellings with associated access, parking and open space

Applicant: Hertfordshire County Council

Agent: Vincent & Gorbing

Date Received: 03.01.2019 Date of Committee: 21.05.2019

Officer Contact: Marie Laidler Expiry Date: 05.04.2019

Ward Councillors: Cllr Ayling, Cllr Banks and Cllr Payne

RECOMMENDED that planning permission be refused for the reason set out at the end of this report.

1.0 CONSULTATIONS

1.1 HCC Highways
   - No objection, subject to conditions.

1.2 Environmental Health
   - Objection, a noise assessment is required.

1.3 BoB Tree Officer
   - Trees within the site have been assessed and many of which merit a Tree Preservation Order given their quality, foreseeable threat and public visibility.

1.4 Sport England
   - Comments raised on the phasing of the development and suggests a phasing condition.

1.5 HCC Lead Local Flood Authority
   - Objection. Further detail is required to assess the flood risks arising from the proposed development.

1.6 Thames Water
   - No objection, an informative is suggested.

1.7 HCC Education
   - Requires contribution to Youth Services

1.8 Herts and Middlesex Wildlife Trust
   - No objection subject to a condition relating to installation of bat and bird boxes.
1.9 Herts Constabulary
- Recommends the applicant engages with the Police Crime Prevention Design Service.

1.10 Cadent
- Advises of a low or medium pressure gas pipeline and associated equipment in the vicinity.

1.11 HCC Mineral and Waste Team
- Advises of a condition to address site waste management at the site during construction and ensuring provision of appropriate facilities during the long term.

2.0 PUBLICITY

2.1 The application was advertised by means of site notices (dated 25 January 2019), a Press Advert in The Mercury on 23 January 2019 and 80 individual neighbouring letters were sent to properties on Westfield Road, Hillside, Saffron Close, Norris Rise and MSD on Hertford Road.

3.0 REPRESENTATIONS

3.1 One letter of objection was received from a neighbouring occupant raising the following issues:

- Disruption, noise and access during construction;
- Air pollution due to numbers of additional vehicles;
- Security, privacy and overlooking;
- More houses with lack of infrastructure (crime and policing) impact upon the community;
- Loss of nature and overall impact of development in the wider area cumulatively affecting existing communities.

4.0 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

- H2 Maximising the Development Potential from Sites.
- H6 Protecting the Amenity of Existing Residential Areas
- H8 Design Quality of Development
- H11 Housing Densities in New Development on Unallocated Housing Sites
- H12 Housing Mix
- H13 Affordable Housing
- H14 Securing Provision of Affordable Housing
- HD13 Design Principles
- HD14 Design Statement on Local Character
- HD16 Prevention of Town Cramming
- HD17 Retention/Enhancement of Landscape Features
- HD18 Trees, Hedgerows and Woodlands
- T3 Transport and New Development
- T9 Pedestrian Needs
- T10 Cycling Provision
The draft Local Plan 2018 – 2033 was submitted to the Secretary of State for independent examination on 15th March 2018 and the Examination in Public opened 11th September 2018. The emerging policies within it are of some relevance to this application and are as follows:

- **HOD4** High Leigh Garden Village
- **DSC1** General Design Principles
- **ENV1** Residential and Environmental Quality
- **H1** Affordable Housing
- **H3** Housing Mix
- **ORC5** Community Uses
- **NEB4** Landscaping and Biodiversity in New Developments
- **TM1** Sustainable Transport
- **TM2** Transport and New Development
- **TM3** Access and Servicing
- **TM4** Electric Vehicle Charging Points
- **TM5** Parking guidelines
- **W4** SuDS

The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.

The Borough-Wide Waste Supplementary Planning Guidance (January 2017) provides the details for the provision of refuse and recycling at residential and commercial properties, it is therefore relevant for all forms of development.

The Interim Policy for Residential Car Parking Standards (approved February 2011) is a material consideration.

The National Planning Policy Framework (NPPF) February 2019 also needs to be considered as it sets out the Government’s planning policies for England and how these are expected to be applied. The local planning policies listed above are generally considered to accord with the policies and principles of the NPPF.

The Technical Housing Standards – nationally described space standards (March 2015) are also relevant.
5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The application site is located to the north west of Hoddesdon Town Centre on a residential street off Hertford Road. It lies to the north of the highway at the western end of Westfield Road and is a rectangular shaped site measuring 1.27 hectares. The site is surrounded by mainly residential properties at two/four storeys in height to its southern, eastern and western boundaries with MSD Pharmaceutical Campus to the north. A single existing vehicular access and pedestrian access is available directly off Westfield Road in the south east corner of the site.
The application site comprises of an existing primary school, still in active use, known as Westfield Community Primary School owned wholly by Hertfordshire County Council. The main complex of single storey buildings lie towards the southern boundary with a playing field to the north and hard play areas immediately surrounding the buildings. Parking exists in the south eastern corner at the access. Well established hedging and mature trees exist around mainly the perimeter of the site, with at least three mature trees located more centrally. Since receipt of this application the trees have been assessed and the majority merit a Tree Preservation Order. Dense hedging exists along the northern boundary. There are no significant level changes within the site; however it slopes gently to the west.

The site is within the built up area but outside the borough accessibility corridor. Woollens Brook lies approximately 120m to the west; however the site is within flood zone 1 with a low probability of flooding as designated by the Environment Agency.
Existing Westfield School building

Site frontage looking east
Existing access and rear of properties on Saffron Close

Flats on Hillside and western boundary of the site
6.0 PROPOSAL

6.1 The application seeks outline planning permission, with all matters reserved apart from access with the erection of up to 37 dwellings. The application contains an indicative layout plan, which identifies the broad plot arrangements and road layout of the site. If the application is approved, a reserved matters application detailing the layout and the scale of the residential development, would be required prior to commencement.

6.2 The application indicates that the proposed dwellings would be a mixture of sizes from 2-bed to 4-bed detached, semi-detached and terraced houses. The proposal would comprise of open-market and affordable homes.

6.3 The existing access within the south eastern corner of the site would be closed with a new access created slightly further west of this which would be the only access into and out of the site. The internal road is indicated to be a circular layout with the main entrance being segregated vehicular and pedestrian surface for the first 70m into the site and shared surface elsewhere. The dwellings are reasonably spaced around the road arrangement.

6.4 The proposed development would have an overall density of approximately 29 dwellings per hectare. A length of public open space is indicated across the frontage of the site.
The application is supported by a Planning, Design and Access Statement with accompanying plans; Phase 1 Geo-Environmental Site Assessment; Transport Assessment; Tree Survey and Constraints Plan; Topographical Survey; Ecological Appraisal; Archaeological Desk Based Assessment; Flood Risk Assessments; and Statement of Community Engagement.

7.0 RELEVANT PLANNING HISTORY


7.2 07/12/0728/F – Lean to conservatory extension. Approved 18 October 2012.

7.3 The applicant received pre-application advice relating to the principle of a residential development comprising 40 dwellings at the site. It indicated that the loss of playing fields would need to be fully justified and that the site was capable of accommodating an adequate SuDS scheme. Layout concerns were also required to be addressed.

8.0 APPRAISAL

8.1 The main issues for consideration in this case are as follows:

- Principle of development;
- Design, layout and appearance;
- Impact to residential amenity;
- Highways/Car Parking;
- Drainage and Flood Risk;
- Refuse and Recycling;
- Planning Obligations; and
- Other matters

These matters will be appraised in turn, below.

Principle of Development

8.2 The application site comprises the existing Westfield Community Primary School. It is not an allocated site for housing, however it is within the built up area of Hoddesdon. The applicant sets out within the Design and Access Statement that the reason the site may be developed is that the approved development at High Leigh (ref. 07/13/0899/O) comprises space for a new two form of entry primary school in which case Westfield School would be surplus to requirements and the land would be available for development. The planning application for the new school at High Leigh was submitted for determination to Hertfordshire County
Council on 12th December 2018; this Council has prepared a response to the consultation of the new school.

8.3 Both the NPPF and the Local Plan place significant weight to the retention and expansion of community facilities. Local Plan Policy CLT1 identifies that planning permission will not be granted for development proposals which would result in the loss of existing community facilities. However, this policy identifies that development may be granted if suitable provision is made in a location which is equally or more accessible and of a similar or improved standard to that to be lost. Whilst the specific nature of the primary school within the High Leigh development is not yet fully defined, it is considered that the proposal could be compliant with Policy CLT1. Section 8 of the NPPF promotes healthy and safe communities. Specifically, Paragraph 94 expresses the importance of ensuring a sufficient choice of school places is available to meet the needs of existing and new communities. Westfield Primary School would not be closing but relocating to the new school at High Leigh to expand to a two form of entry school. The relocation will provide schooling for the new High Leigh development as well as the current pupil through take of the existing school. The County Council has indicated that the requirements of pupil spaces generated by other developments in Hoddesdon will be met through the permanent expansion of The Cranbourne Primary School on Bridleway North and/or St. Catherine’s School on Haslewood Avenue. Therefore, the loss of the Westfield School site would not result in a loss of primary education spaces within Hoddesdon. In addition, the closure of the site at Westfield School is necessary to fund the new enlarged school at High Leigh.

8.4 Further to this point, it is noted that the site would form a parcel of previously developed (brownfield) land. The development of the site would therefore be supported by Section 11 (Making Effective Use of Land) of the NPPF and also H2 of the Local Plan which seeks to maximise the development potential of urban land.

8.5 Paragraph 97 of the NPPF identifies that existing playing fields should not be built upon unless the playing fields would be replaced with equivalent or better provision in terms of quantity and quality. The proposed development would involve the loss of the playing fields at Westfield School. Sport England is a statutory consultee in relation to the proposed loss of playing field land and also a consultee to the new school and playing field provision at High Leigh. Whilst Sport England do not object to the proposal, concern has been expressed regarding the phasing of the new school with the closure of Westfield School and the timescales involved with the operational use of the new playing field following the opening of the school buildings. Sport England suggests the use of a pre-commencement condition to provide details of the phasing arrangements in order to obtain further certainty on this matter.

8.6 The principle of the proposed development would therefore be acceptable subject to compliance with other development management considerations.
Design, layout and appearance

8.7 The detailed design, scale, layout and landscaping does not form part of the outline application at this stage. These matters would be subject to later reserved matters applications in the event that planning permission is granted. The submitted layout plan is only indicative and would not form part of the planning permission. Subsequent proposals would need to address the detail within the scheme ensuring that solutions and measures would be adopted concerning the consideration of privacy, relationships between dwellings, garden spaces and relationships with the access road, footpaths and public space.

8.8 The indicative layout has, however, been produced to inform the number of dwellings that would be acceptable on this site. Acceptance of the up to 37 dwellings applied for necessitates examination of the proposed layout. The submitted plans suggest that the dwellings would largely cover the entire site, maximising its development potential. The majority of trees along the western and eastern boundaries and a number along the road frontage of the site are proposed to be removed to enable the development of up to 37 dwellings and the repositioned access. The trees have been assessed by the Council’s Tree Officer and there are seventeen trees and five groups of trees that are now protected by a Tree Preservation Order due to their quality, visual presence and foreseeable threat. The trees to be removed range in species and include Scots Pine, Oak, Maple, Walnut and Holly trees. Although the submission indicates that there would be replacement planting within the scheme these would not be of the quality, height or visual presence to those that they replace. The proposed layout indicates that the dwellings within the site would have a wide coverage across the site up to both the eastern and western boundaries, the protected trees would limit the number of dwellings that can be achieved within the site due to their position and root protection areas. For these reasons, it is considered that the site would not be capable of comfortably accommodating 37 dwellings which this outline application proposes.

8.9 The development would be close-knit; however the set back of the properties would do little to integrate the site into the wider streetscene. The only property that appears to achieve this is that at plot 20. However, elevation plans would assist in ascertaining active frontages within the site. An access road and parking area appears to dominate the remainder of the frontage. The designated area of public open space is located along a narrow strip at the frontage of the site; it is not clear how useable this space would be particularly given that following consultation with HCC Highways the space would need to accommodate a public footpath to satisfy highway concerns. Areas of public or private use should be clearly defined, for example the space between plots 35 and 36.

8.10 The proposed density at 29 dwellings per hectare is not considered to be out of keeping in the context of the existing housing density in the local area around the site. A number of detached properties are indicated to be proposed that would add a new mix to an area that is predominantly characterised by semi-detached dwellings or blocks of flats. The indicative layout demonstrates that the site could potentially achieve the SPG requirements for internal and external amenity space. However, if 37 dwellings are approved, the density would be more confined to the central area of the site to avoid harm to the trees. As a result, it is likely that a partially flatted development would be required within the developable area. This
greater net density would lead to a cramped development that would limit the size of the units and the garden space for future occupants.

8.11 There is no indication of the appearance of the proposed dwellings at this stage, however if approved these would be provided at the reserved matters stage. In any case, it would be expected that the dwellings are designed to a high standard to complement the surrounding residential area.

8.12 Hertfordshire Constabulary has commented that the applicant should engage with the Police Crime Prevention Design Service during the design process to achieve the minimum security standards within the site that is ‘Secured by Design’.

8.13 Overall, the layout in its current format is not considered acceptable as the site cannot broadly accommodate the number of dwellings proposed. The proposal would cause substantial loss of protected trees that would not be mitigated by low-key replacement planting. It is considered that the potential for 37 dwellings within the site in the form proposed would result in town cramming, loss of mature landscaping and an overall loss of visual aesthetics within the wider area that would be contrary to Local Plan Policies H8, HD13, HD14, HD17 and HD18.

Impact to neighbouring residential amenity

8.14 Neighbouring residents have raised concerns that the proposed development would present unacceptable adverse impacts to residential amenity in terms of privacy and noise.

8.15 The application seeks outline planning permission, with all matters reserved apart from access. As such, the detailed layout and scale of the proposed development have not been confirmed.

8.16 The site has the potential to be developed without harming the amenity of neighbouring units. The main consideration would be the impact on the existing dwellings at Saffron Close to the east where the gardens of these properties back on to the application site with a depth of approximately 12m. The indicative layout shows that the new dwellings closest to these properties would have a garden of approximately 11m in depth. The window-to-window distance at first floor level would be around 24m which would not accord with the SPG minimum privacy distance of 25m for two storey dwellings. If the outline application is approved, the separation distances will be considered through a reserved matters application whereby the requirements of the SPG would be expected to be fulfilled. Furthermore, the layout would be required to be altered given the number of preserved trees along the eastern boundary that would allow screening of the site for the occupants of dwellings along Saffron Close.

8.17 The site is located adjacent to a large manufacturing site at Pharmaron pharmaceuticals to the north. Noise from the site has potential to affect the amenity of new residents of the development and therefore a noise assessment would be required. It is likely that the layout of the site could potentially alter due to this requirement and therefore a condition would be imposed requiring a noise assessment to be provided prior to submission of any reserved matters application should this application be approved. Noise from the new development upon
existing residents would not be any more than would be expected in any existing housing development. Noise during the construction phase would be a temporary matter and not sufficient reason to refuse the application. If approved the hours of construction would be conditioned for acceptable hours of the day.

8.18 Overall, the proposal has the potential to present an acceptable level of amenity for neighbours in accordance with Local Plan Policies H8 and HD16.

Highway Safety and Car Parking

8.19 Vehicular access would be off Westfield Road via a proposed new access approximately 20m to the west of the existing access currently serving the school. HCC Highways does not consider the potential trip generation from the 37 new dwellings to generate more traffic compared to the existing school. As such, there would not be a significant impact on the wider highway network.

8.20 HCC Highways initially expressed concerns regarding the direct impact on the immediate highway network due to the access arrangement. The applicant subsequently provided amended plans that overcome all of the concerns subject to conditions. The access design has been revised and demonstrates that manoeuvring in and out with two-way passing cars/supermarket delivery vans and the tracking of a larger refuse vehicle can be achieved particularly when vehicles are parked opposite the access. A condition would be recommended for the detailed engineering design and construction of the new access should this application be approved.

8.21 The existing zig-zag road markings for the school would be replaced with double yellow lines along the frontage of the site. HCC Highways recommends a condition requiring a separate Traffic Regulation Order to be processed.

8.22 Pedestrian dropped kerbs and tactile paving are shown across the access which links into a new 2 metre wide footpath to be provided along the site frontage. The footpath is set back from the Westfield Road carriageway in order to preserve a number of mature trees. It is noted that the Highway Authority would not adopt the footpath and grass verge. New pedestrian dropped kerbs and tactile paving are shown at the western extent of this footpath, allowing pedestrians to cross the road to access the opposite footway. Whilst the footpath would reduce the level of grass verge across the frontage of the site, it would enable suitable links to the footpath into the High Leigh development and the new primary school.

8.23 HCC Highways concerns relating to the wider area to provide sustainable travel infrastructure have been addressed through the proposed provision of pedestrian footpath improvements across Saffron Close, Norris Lane, Hertford Road and at two points along Westfield Road. HCC Highways has recommended conditions in this regard that would be imposed in the event of an approval. Improvements are also proposed to the westbound bus stop along Hertford Road that would make provision for wheelchair users and those with pushchairs etc. The proposal would therefore provide suitable measures to promote sustainability and accessibility to public transport networks. The site is also located within walking distance of the Hoddesdon Town Centre.
8.24 With regards to construction traffic, a condition would be recommended in the event of an approval for a Construction Traffic Management Plan to be submitted prior to commencement.

8.25 In terms of car parking, the level proposed would meet the Council’s Car Parking Standards and raises no highway safety concerns. However, with the concerns expressed above relating to the layout of the site, this could potentially put pressure on the provision of car parking spaces within any detailed layout plan submitted for future approval. In accordance with emerging plan policy TM4 it would be appropriate to require any future applications to include detail of electric vehicle charging points or as a minimum provide cabling to enable the development to be ready to install electric vehicle charging points at a later stage. An informative to this effect will be included in the event of an approval.

8.26 In terms of cycle parking, this level of detail is not provided within the indicative layout; however each of the properties would have private rear gardens with space to enable cycle storage.

8.27 **Overall, the proposal would not compromise highway safety;** The proposal therefore accords with Local Plan Policies T3, T9 and T10. However, it would be contrary to Local Plan Policy T11.

**Drainage and Flood Risk**

8.28 The application sets out that the intention is to deal with foul water via the mains system. The site is entirely located in Flood Zone 1; therefore there is a low probability of fluvial flooding. Infiltration will be the method used to deal with surface water drainage at the site which corresponds with the existing method that also utilises soakaways. HCC as the Lead Local Flood Authority (LLFA) commented that the initial flood risk assessment did not provide details of the ground conditions and permeability of the site. The flood risk assessment has since been amended and the Flood Authority has commented that an alternative surface water drainage strategy should be provided. The applicant has since submitted further detail stating that the alternative strategy would be connection into the Woollens Brook; however this would require consent from Broxbourne Council to allow connection over Council owned land. Alternatively, connection into the Thames Water network could be achieved but also requires the relevant consent. At the time of writing, the comments of the LLFA are awaited.

8.29 Thames Water has not objected to the proposal and suggests inclusion of an informative relating to water pressure.

8.30 **The application has potential to be acceptable in terms of drainage. In this context it is considered to comply with Local Plan Policies SUS14 and SUS18.**

**Refuse and Recycling**

8.31 Details of refuse and recycling storage at this stage have not been provided, however this detail would be required in any subsequent application.
Planning Obligations

8.32 Local Plan Policy H13 identifies that affordable housing provision at a rate of 40% is sought for schemes exceeding 15 dwellings or 0.5ha in area. The proposal would trigger this requirement and the applicant has agreed to this obligation via a s.106 agreement or unilateral undertaking.

8.33 In accordance with Local Plan Policy IMP2, the development is subject to contributions towards local infrastructure and community facilities at a rate of £3,000 per bedroom. Were it determined that this application should be approved, it is suggested that a sum of £315,000 would be directed towards suitable Hoddesdon Town Centre Improvement Projects.

8.34 The County Council has requested contributions towards Youth Services. A sum of £1,430 towards the detached youth work curriculum run from Hoddesdon Youth Project – Pound Close Community Centre. In terms of nursery, primary and secondary contributions the County Council has not required any amount given that the closure and development of Westfield School will provide funding towards the new school at High Leigh and therefore no further sum would be necessary.

8.35 The applicant is currently under negotiations with the LPA regarding the above obligations.

8.36 A site management plan would be included within the s.106 with a clear layout plan indicating the site management responsibilities.

8.37 It is considered lawful and appropriate to require planning obligations, provided they are in accordance with the Community Infrastructure Levy Regulations 2010. The obligation is considered to be necessary in planning terms, reasonable in scale, and directly related to the development. As such the obligation is considered to comply with the Community Infrastructure Levy Regulations 2010.

Other Matters

8.38 Land Contamination – The site has been assessed through a Phase 1 Geo-Environmental assessment indicating that there are sources of potential contamination associated with the former use for a swimming pool within the site and infilled ground. The Council’s Environmental Health Officer has advised that further intrusive investigations are carried out and required through conditions.

8.39 Ecology – An ecological appraisal and bat roosting assessment has been submitted as part of this application which concludes that the site has a very limited ecological value. The only potentially important species group would be nesting birds. Mitigation measures are proposed to ensure tree and hedge removal would be outside of the nesting season and that bat and bird boxes are installed. Herts and Middlesex Wildlife Trust have commented that bat and bird boxes should be placed in all suitable buildings.

8.40 Archaeology – The application site does not fall within an area designated as being of Archaeological Interest in the Local Plan. However, a desk based study of the site has been conducted revealing that the Late Post-Medieval Westfield House
was located at the site the remains of which have been truncated by the construction of the school. The potential for significant historical remains being found is considered to be low, however the submitted desk based study recommends the implementation of a programme of archaeological evaluation prior to development at the site and this would be included as a planning condition was it resolved to approve this application.

9.0 CONCLUSION

9.1 This application is a major scheme which enables the development of the new school associated with the High Leigh development to the west of the site. The proposal is in outline form and the only matter sought is access, however an indicative layout has been provided for 37 new dwellings. The site is located within the built up area of Hoddesdon surrounded mainly by residential properties of a comparable density to that proposed. Therefore, residential development of the school site is considered an appropriate proposal for the site. In principle, the scheme is considered acceptable.

9.2 The proposed layout which has been submitted to demonstrate that this development could accommodate 37 dwellings would involve the loss of a number of preserved trees within the site and the layout of the site is not considered acceptable. Whilst residential development is appropriate, the number of dwellings proposed is considered to represent an overdevelopment of the site.

9.3 The concerns expressed by the Highway Authority would be overcome by conditions; however this again would require an alteration to the layout of the site to achieve a footpath across the site frontage.

9.4 Whilst HCC Lead Local Flood Authority has raised an objection, it is considered that the surface water drainage matters can be appropriately addressed through ongoing consultations with the Flood Authority.

9.5 Detailed design of the dwellings, car and cycle parking, refuse storage and landscaping are all matters for consideration under a future reserved matters applications.

10. RECOMMENDED that planning permission be refused for the following reason:

1. The application has failed to demonstrate that 37 dwellings can be achieved within an appropriate development of the site whilst accommodating the retention of protected trees. Accordingly, there is potential that the proposed development may result in a substantial loss of protected trees to the detriment of the character and appearance of the site and the wider area. The scheme would therefore be contrary to policies H8, HD13, HD14, HD16, HD17, HD18 and T11 of the Borough of Broxbourne Local Plan Second review (2001 – 2011) adopted December 2005 and the Borough-Wide Supplementary Planning Guidance adopted 2004 (updated 2013).
Item 7: 07/19/0221/F

Location: 171 Crossbrook Street, Cheshunt

Description: Conversion and part demolition of existing club to 10 no. 1-bed, 1 no. 2-bed and 2 no. studio flats including alterations to the roof and construction of 2 storey residential block to the rear

Applicant: Mr Di-Piazza

Agent: N/A

Date Received: 04.03.2019

Expiry Date: 05.06.2019

Officer Contact: Marie Laidler

Date of Committee: 21.05.2019

Ward Councillors: Cllr Crump, Cllr Siracusa and Cllr Monaghan

RECOMMENDED that planning permission be granted subject to the conditions set out at the end of this report and completion of a section 106 agreement

1.0 CONSULTATIONS

1.1 HCC Highways
- No objection, subject to conditions

1.2 Hertfordshire Constabulary
- Objection due to lack of reference to Police preferred security standard – Secured by Design.

1.3 HCC Education
- No objection, requests contributions towards library services

2 PUBLICITY

2.1 The application was advertised by means of a site notice (dated 28 March 2019), advertisement in The Mercury on 28 March 2019 and 50 individual neighbouring letters were sent to properties at Hillside Court, Crossbrook Street, Hillside Avenue and Laburnum Close.

3 REPRESENTATIONS

3.1 Five letters of objection were received from neighbouring residents on Crossbrook Street and at Hillside Court with the following concerns:

- Overdevelopment of the site
- Lack of variety in the dwellings
- The proposal would be too dense
- Overbearing and negative visual impacts
- Too tall amongst the neighbouring buildings
- Inadequate car parking provision and increased parking in the wider area.
- No communal amenity space
- Inaccessible for waste vehicles and emergency vehicles
- Issues regarding surveillance of undercroft car parking
- Increased risk of flooding and drainage issues.
- Not any different to previous refusals
- Issues relating to the right of access noted by committee
- Impact to neighbouring resident’s privacy due to overlooking
- Laburnum Avenue already suffers with vehicle congestion
- The design of the front elevation would not be in keeping with the surrounding design of Crossbrook Street, too high.
- Inappropriate access for waste and impact on adjacent development in terms of manoeuvring ability
- Potential to breach fire safety and health and safety concerns.
- Disruption during construction phase.

4 RELEVANT LOCAL PLAN POLICIES

4.1 The following policies of the Borough of Broxbourne Local Plan Second Review 2001-2011 (adopted December 2005) apply:

H2 Maximising the Development Potential from Sites.
H6 Protecting the Amenity of Existing Residential Areas
H8 Design Quality of Development
H11 Housing Densities in New Development on Unallocated Housing Sites
HD13 Design Principles
HD14 Design Statement on Local Character
HD16 Town Cramming
HD17 Retention/Enhancement of Landscape Features
RTC10 Residential Use in Town Centres
T3 Transport and New Development
T9 Pedestrian Needs
T10 Cycling Provision
T11 Car Parking

4.2 The draft Local Plan 2018 – 2033 was submitted to the Secretary of State for independent examination on 15th March 2018. The emerging policies within it are of some relevance to this application and are as follows:

DSC1 General Design Principles
DSC2 Extensions and alterations to existing development
DSC3 Design affecting the public realm
EQ1 Residential and Environmental Quality
EQ4 Noise
TM1 Sustainable Transport
TM2 Transport and New Development
TM5 Parking guidelines

4.3 The Borough-Wide Supplementary Planning Guidance (SPG) (August 2004) (updated in 2013) is relevant in this case as it provides design guidance for all forms of development.
4.4 The Borough-Wide Waste Supplementary Planning Guidance (January 2017) provides the details for the provision of refuse and recycling at residential and commercial properties, it is therefore relevant for all forms of development.

4.5 The National Planning Policy Framework (NPPF) 2019 also needs to be considered as it sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore relevant to this application.

4.6 The Interim Policy for Residential Car Parking Standards (approved February 2011) is a relevant consideration.

4.7 The Technical Housing Standards – nationally described space standards (March 2015) is also relevant.

5.0 LOCATION AND DESCRIPTION OF SITE

5.1 The application site comprises the former Comrades Club, situated along Crossbrook Street 310m to the south of Cheshunt Old Pond District Centre and 90m to the north of Crossbrook Street Neighbourhood Centre. It is set close to the junction with Laburnum Close, a residential street with a mix of styles of terrace houses and a modern block of flats. Vehicular access to the proposed undercroft car parking is located off Laburnum Close via a group of garages outside the application site area. The wider area along Crossbrook Street is residential comprising of two and three storey buildings with a variety of styles and ages. Hillside Avenue to the north is characterised by three storey blocks of flats at the junction with Crossbrook Street. Beyond this are rows of terraced properties with reasonably large gardens at around 20m in depth.
5.2 The building is a two storey property, with residential use on the upper floor for a three bedroom flat. There is a single storey section projecting from the rear of the main building which provided storage to the Comrades Club. The building is of London stock yellow brick with a dual pitched roof finished with plain tiles. Concrete arched features add detail to the ground floor windows and doors along the frontage of the property.

5.3 The plot measures approximately 55m in depth and 11m in width with an overall site area of 0.06 hectares. The building is set forward of Hillside Court to the north by approximately 9m.

5.4 The site is located within the Borough-Wide Accessibility Corridor. The building is not listed or locally listed.

*Photo of existing frontage of the Comrades Club building*
Photo of rear of existing building

Photo facing north towards the site from Laburnum Close
6.0 PROPOSAL

6.1 This application seeks planning permission for the conversion of the existing community/residential building to 4 x 1 bedroom and 2 studio flats. The roof would be altered as a result and the ridge height raised with five dormer windows facing Crossbrook Street. A two storey block of 6 x 1 bedroom flats and 1 x 2 bedroom flat, with undercroft car parking, is proposed to the rear of the site.

6.2 The entrance to the flats at ground floor level of the frontage building would be directly off the pedestrian footpath to the front. Access to the flats above and to the rear would be via the undercroft car parking. Car parking spaces would be provided for 14 vehicles accessed via the garage complex directly to the west of the site. Bin and cycle storage areas would be provided within the undercroft area also.
6.3 The application is a resubmission of a previous application (reference 07/18/0776/F) considered at the planning committee on 13th November 2018. Members agreed to refuse permission based on the reasons set out in paragraph 7.1 below. This current application presents a reduction in the size of the building to the rear of No. 171 and a corresponding reduction in the total number of units from 14 to 13 flats.

6.4 The application is supported by a Design and Access Statement with accompanying plans and elevations.

6.5 The applicant received pre-application advice relating to amendments to the scheme following the previous refusal outlined in section 7 below.

7.0 RELEVANT PLANNING HISTORY

7.1 07/18/0776/F - Conversion and part demolition of existing club to 11 no. one bed and 3 no. studio flats including alterations to the roof. Conversion of vacant property to residential including works to the roof part, demolition and construction of 2 storey residential block to the rear. The application was refused on 29 March 2019 following the committee meeting of 13th November 2018 for the following reasons:
1. The proposal represents an over development of the site by reason of its bulk and mass that would be incongruous to the prevailing character of the surrounding development. The proposal is therefore contrary to policies H6, H8 and HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

2. The proposal would provide insufficient external amenity space that would be harmful to the living conditions of the future occupants of the dwellings. The proposal is therefore contrary to policies H6, H8 and HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Supplementary Planning Guidance August 2004 (updated 2013) and the aims and objectives of the National Planning Policy Framework (July 2018).

3. The proposed car parking arrangement at the site is sub-standard. This would result in inconvenience to future occupants and additional parking stress in the wider area. The proposal fails to meet the requirements of the Council’s Car Parking Standards, the Supplementary Planning Guidance August 2004 (updated 2013) and policy T11 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005).

7.2 07/17/0862/F - Conversion of existing retail/residential building to 3 no. one bed and 3 no. studio flats including alterations to the roof to raise the ridge height. New two storey block of 8 no. one bed flats with undercroft parking to rear of site (Re-submission 07/16/1158/F) – Application refused for the reasons set out below and dismissed at appeal on 25 June 2018:

1. The development, by reason of its size, roof design, design of the proposed privacy screening, and height of windows within the front elevation would not be in keeping with the design and character of the existing building or the surrounding area. As such, the proposal would not comply with Policies HD13, HD14, HD16, H6 and H8 of the Broxbourne Local Plan Second Review and the NPPF, which requires high quality design.

2. Due to the lack of car parking provision and the lack of amenity space, the proposed development indicates that the plot cannot adequately support the level of intensification of development and therefore represents over development. The proposal is contrary to Policy HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Borough Wide Supplementary Planning Guidance August 2004 (updated 2013) and Section 7 of the National Planning Policy Framework (2012) which requires good design in all new developments.

3. The proposed development would include two second floor flank windows, which would face towards 1 and 3 Hillside Avenue. Whilst louvers are proposed, they would not fully screen views towards these properties. The windows are considered to present an unacceptable impact in terms of overlooking to these residents. Therefore the proposal is not considered to comply with Policies H6 and H8 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Borough-Wide SPG and the National Planning Policy Framework.
7.3 07/16/1158/F - conversion and part demolition of the existing club building to create 12 x 1 bedroom flats, 2 x studio flats and 2 ground floor retail units – Application refused for the reasons set out below and dismissed at appeal on 25 June 2018:

1. The development, by reason of its size, roof design and proximity to Crossbrook Street, would not be in keeping with the design and character of the existing building or the surrounding area. As such, the proposal would not comply with Policies HD13, HD14, HD16, H6 and H8 of the Broxbourne Local Plan Second Review and the NPPF, which requires high quality design.

2. Due to the lack of car parking provision and the lack of amenity space, the proposed development indicates that the plot cannot adequately support the level of intensification of development and therefore represents over development. The proposal is contrary to Policy HD16 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Borough Wide Supplementary Planning Guidance August 2004 (updated 2013) and Section 7 of the National Planning Policy Framework (2012) which requires good design in all new developments.

3. The proposed waste storage area, with the proposed development, would be over 10 metres away from the nearest waste collection point. No new waste collection points are proposed as part of the application. Therefore, the proposed development would not comply with Policy SUS3 of the adopted Local Plan (Second Review) and the Waste Supplementary Planning Guidance.

4. The proposed development, would include two second floor flank windows, which would face towards 1 and 3 Hillside Avenue. The windows are considered to present an unacceptable impact in terms of overlooking to these residents. Therefore the proposal is not considered to comply with Policies H6 and H8 of the Borough of Broxbourne Local Plan Second Review 2001-2011 (December 2005), the Borough-Wide SPG and the National Planning Policy Framework.

7.4 Other application associated with the Club building are as follows:
7/016/1999/A - Erection of a large dark green sign with four light bulbs – Application approved.
7/681/1981 – Change of use to club – Application approved.
7/357/1981 – Change of use from shop/residential to club premises – Application refused.
7/244/1979 – Single storey toilet block extension – Application approved.

8.0 APPRAISAL

8.1 The main issues for consideration in this case are as follows:

- Principle of development;
- Design, layout and appearance;
- Impact to residential amenity;
- Highways/Car Parking;
- Refuse and Recycling;
- Planning Obligations;
- Other matters

These matters will be appraised in turn, below.

Principle of Development

8.2 The principle of residential development at the site has been established as acceptable under the previous applications in 2016, 2017 and 2018. However, all three applications raised concerns relating to the scale of the development.

8.3 The proposed development would redevelop the existing site, which forms the Comrades Club, with a flat above. The entire site would be for residential use providing 13 flats in total. The current use is a non-residential institution (Use Class D1).

8.4 Due to the existing use of the site, Policy CLT1 is considered to be relevant. This policy identifies that the change of use, resulting in the loss of a community facility, will not be granted, unless the policy’s criteria are satisfied. One criterion allows for a change of use if the facility is not performing the functions which it was proposed to do so, if suitable provision is made elsewhere and if the re-use would allow for the enhancement of other existing facilities serving the immediate area. Policy ORC5, within the emerging Local Plan, largely echoes this position.

8.5 The Club has declined in membership over recent years. This has led the Club to be financially unviable, placing it into voluntary liquidation in February 2015. The Design and Access Statement sets out the situation and provides an identification of other sites within the area for community facilities. Several members have joined the Royal British Legion since the closure of the Club and this is evidenced by two letters from former members (although these are not signed declarations). An additional letter has been supplied from Kings Estate Agent, which has detailed the marketing of the site and the lack of interest in the property. The estate agent’s instruction ceased on 19 September 2016.

8.6 In addition to the above criteria, the proposal would maximise the development potential of the site whilst achieving suitably sized accommodation in accordance with policy H2 of the Local Plan. Furthermore, given its location, close to many shops and services and that there are local public transport links it would reduce reliance on the private car as a means of travel.

8.7 As the use has ceased, and the building has been actively marketed for D1 use with no success, it is considered that the redevelopment of the site from Use Class D1 to C3 is not contrary to Policy CLT1. The proposal is also in
accordance with Policy ORC5 of the emerging Local Plan and the NPPF. Furthermore, with regards to the consideration of the suitability of housing at the site, the proposal would accord with Local Plan Policy H2. Overall, the principle of the proposed development would therefore be acceptable subject to compliance with other development management considerations.

Design, layout and appearance

8.8 The proposed building would have two visually distinct parts. The main perspective is that of the frontage onto Crossbrook Street which is a busy street for both vehicular and pedestrian movement. The application site forms a small terrace attached to a shop on the corner of Crossbrook Street and Laburnam Close. A three storey block of flats at Hillside Court exists to the north albeit set back further than the application site. As with the previous three schemes, the proposal would be to extend above the existing two floors of the host property to provide a third floor with dormer windows. The height would be increased by approximately 1.8m but would remain lower than the adjacent building at Hillside Court. Whilst this arrangement was considered to be visually at odds by the Inspector at appeal under reference 07/17/0862/F, the Council had previously considered the appearance of the 2.5 storey building to be acceptable. The current proposal improves the arrangement further by providing pitched dormer windows as opposed to flat dormers. These would align with the windows beneath and the arch detail above the ground floor windows would be reasonably replicated in the redevelopment of the building.

8.9 The three storey building to the rear of the site would not have any visible presence from the perspective of the streetscene along Crossbrook Street. This element of the scheme would have a mainly mono-pitched roof with a smaller projection in the opposite direction. The arrangement is similar to that at the adjoining site facing Laburnum Close (No's. 31 to 35). Although taller than the flats at 31 to 35 Laburnum Close, the eaves would match the ridge height of this building and would slope away from the south, therefore the view of the structure would be reduced particularly when seen from street level. The submission includes sightline drawings indicating that the roof sloping away from Laburnum Close would have limited presence against the block of flats in the foreground. The main visual presence of the building would be between the flats fronting Laburnum Close and the host building, previously the bulk of the building was considered excessive. However, this current scheme has been reduced by the partial loss of the second floor between the host building and the flats at Laburnum Close thereby reducing the expanse of the building seen between the properties from the perspective of Laburnum Close and to a lesser degree at distant views from Hillside Close. Overall, the bulk of the new building is not considered by officers to be excessive or detrimental to the wider area.

8.10 The northern boundary, as previously proposed, would have privacy screens reaching 1.8m in height that would serve the balconies/terraces. The northern elevation is broken due to the staggered arrangement of this elevation.
Proposed front (east) and rear elevations (west)

Proposed north elevation

Proposed south elevation

Proposed cross section and sight lines
Proposed ground floor level

Proposed first floor plan

Proposed second floor plan

Proposed 3D views
8.11 The quality of the overall appearance of the building is important given the additional bulk and mass that would result. The applicant indicates that the materials used for the frontage building would match existing with white timber sash windows to the front, timber double glaze windows to replace the shop fronts and brick head detail to match, which would all complement the existing character. The building to the rear would be of a modern design; however it would be of a brick to match the frontage building with a standing seam roof and grey aluminium upvc windows. Whilst there is an indication of the materials within the submission, these are recommended to be conditioned for approval prior to commencement to ensure the quality of the build materials including that of the balcony screens.

8.12 Overall, the proposal would present a new building within the streetscene that would not be detrimental to the character and appearance of the wider area in accordance with Policies H8, HD13 and HD14 of the Borough of Broxbourne Local Plan Second Review.

Impact to residential amenity

8.13 The proposed residential units would comply with the Borough-Wide Standards in terms of dwelling, bedroom and bathroom sizes.

8.14 Insufficient amenity space was the second reason for refusal on the previous scheme; however this current application reduces the number of flats by one unit thereby reducing the amount of amenity space required. The proposed development is shown to provide approximately 145sqm of amenity space which would be separated into communal areas and private terraces for the development to the rear of the site. This would fall far below the expected level of amenity space (260sqm in total) that is required by the SPG. The site is located within the urban area and is covered by vacant buildings and hardstanding. Part of the scheme is a conversion of the existing building and it is noted that the SPG states that there are exceptional circumstances where the amenity standards cannot be met, such as residential conversions in town centres. Although not a town centre location, the site is within an active high street frontage and involves a partial conversion that would be impractical to provide private balconies to achieve additional amenity space. However, private balconies are achieved within the new build section to the rear of the site. Furthermore, the proposal would bring a vacant building back into an acceptable use providing new residential accommodation within a sustainable location of the borough. On balance, the shortfall in external amenity space is acceptable in this instance.

8.15 Due to the location of the proposed development, the proposal is not considered to present an unacceptable adverse impact in terms of loss of light. Although not previously featured as a reason for concern flat 7 would partially face the side facing windows at Hillside Court, however these are secondary windows and the reduction in height of this section of the proposal would not cause significant light loss. The screening upon the boundary wall would prevent any direct overlooking between properties.

8.16 The rear section of the proposed development would contain several flats which would face north. Four of these properties would face the gardens of 1 and 3 Hillside Avenue. The applicant has proposed privacy screening to limit views of the garden area of these dwellings. The proposal is considered to overcome concerns
regarding loss of privacy. With regards to outlook, the screens would be set approximately 4.5m from the first floor bedroom windows of the proposed flats. Whilst these rooms would have limited outlook, the distances of the screens are considered acceptable. The bedrooms within flats 12 and 13 at second floor level would have a source of light from glazed doors onto the balconies. These flats would have a balcony screen of 1.8m in height to reduce overlooking concerns but provide a degree of light to internal rooms. The bedroom windows serving flat 11 at second floor level would overlook the garages and service area to the rear of Hillside Court.

8.17 **Overall, the proposal presents an acceptable level of amenity for both existing and future occupiers in accordance with Local Plan Policies H6, H8 and HD16.**

**Highways/Car Parking**

8.18 The Interim Policy for Residential Car Parking Standards identifies that 20 car parking spaces would be required for the proposed residential units. The site is located within the Borough-Wide Accessibility Corridor and, therefore, a discretionary discounted level of car parking provision could be provided. As the site is considered to be within an accessible location, it is considered appropriate to apply this discount. Therefore, the proposed development should provide 15 car parking spaces on site. The undercroft parking would provide 14 spaces which are of the appropriate size to accord with SPG requirements. This would allow one space per flat with one visitor space.

8.19 The application site is well-served by a comprehensive local public transport network. A local bus route runs along Crossbrook Street with a bus stop 100m away from the site serving Waltham Cross and further afield. Theobolds Grove train station is located approximately 600m to the south serving London and links to Cheshunt mainline. The footpath links are reasonable and there is a signal controlled crossing next to Laburnum Close. The site is located within walking distance from local shops and key facilities in Cheshunt Old Pond and towards Waltham Cross. Therefore, the provision of one car parking space per unit is considered acceptable in this sustainable location. The development also incorporates secure cycle storage to promote sustainable modes of transport. The existing club with residential accommodation above had no parking provision. It is likely that there would have been a higher demand for parking than the proposed residential use with parking provision particularly in the evening.

8.20 It is noted that the turning area within the carpark is tight. Although it is indicated that the spaces would each have 6m to the northern boundary, there are some spaces that could be difficult to manoeuvre in and out of. It is suggested that tracking diagrams are submitted for approval by condition to ascertain this arrangement.

8.21 The Highway Authority has not raised any objection with regards to highway safety at the site and notes that traffic generation from the site would not be significant, that there are parking restrictions during the day in the area and the access arrangement is acceptable.
8.22 With regards to the concern expressed at the November committee meeting relating to the right of access to the site through the garage complex to the west, officers are satisfied following legal advice that the applicant has provided sufficient evidence to show a right of vehicular access is available.

8.23 On balance, given the location of the development close to existing shops, facilities and transport links the shortfall in parking is judged to be acceptable and there are not considered to be any highway implications as a result of this application. The proposal is therefore considered to satisfy the requirements of Local Plan Policies T3, T10 and T11 and Section 9 of the NPPF which seeks to promote sustainable transport options.

Refuse and Recycling

8.24 The proposed development would provide a refuse storage area that would be of a sufficient size to comply with the Borough-Wide Waste SPG. The storage area would be located approximately 12.6 metres from Laburnum Close, which appears to be the closest waste collection point. In order to access the waste collection point, the users will need to access the adjoining site, to the north (165-167 Crossbrook Street). The applicant has shown evidence that there is an agreement between the applicant and the adjoining owner for access. Whilst the proposal would fall short of the waste collection point distance, due to the small shortfall (2.6 metres) and the lack of any closer location, the proposal is considered to not present an unacceptable impact to future/existing occupiers in terms of waste collection.

8.25 Suitable provision has been made for the storage of refuse and recycling within the building curtilage close to the access with Laburnum Close.

Planning Obligations

8.26 In accordance with Local Plan Policy IMP2, the development is subject to contributions towards local infrastructure and community facilities at a rate of £3,000 per bedroom. The net increase in bedrooms is 11 which results in a sum of £33,000. The designated project is the Old Pond Gateway (south).

8.27 The County Council planning obligations toolkit presents the required contributions towards local services as follows:

- Library Services = £1,053 towards developing/converting office space at Cheshunt Library making it suitable and available for use by the local community.

8.28 The applicant has agreed to these obligations and the S106 agreement is currently being drafted.

8.29 It is considered lawful and appropriate to require planning obligations, provided they are in accordance with the Community Infrastructure Levy Regulations 2010. The obligation is considered to be necessary in planning terms, reasonable in scale, and directly related to the development. As such the obligation is considered to comply with the Community Infrastructure Levy Regulations 2010.
Other Matters

8.30 Land Contamination – As the proposal involves the demolition of part of the existing building an informative should be added for any asbestos containing material to be disposed of by licensed contractors. With regards to noise, given the close proximity of neighbouring residents, a condition is recommended for the restriction to working hours during the demolition and construction phase of the development.

8.31 Security – Herts Constabulary has commented that there is a lack of reference to security measures at the flats at ground floor level to the front of the site and within the undercroft car parking area. If approved an informative could be provided for the applicant to seek advice from the constabulary on this matter, however the Council do not have a specific policy to ensure the development meets the ‘Secure by Design’ standards. A condition is also recommended for the lighting details to be submitted for approval.

9.0 CONCLUSION

9.1 The proposed development presents a design, layout and appearance that is judged to be acceptable without causing a detrimental impact upon the wider area. The development would not cause significant loss of light, outlook or privacy to justify a refusal. There is not considered to be any harmful impact upon highway safety. Although there would be a marginal shortfall in the level of car parking, the site is well suited in terms of accessibility to facilities locally and to the public transport network. The building would be brought back into an acceptable use providing 13 new dwellings in a sustainable location. Although there would be a shortfall in amenity space provision for the future occupants of the flats, on balance the proposal would bring a vacant building back into an acceptable use within an urban area providing 13 new dwellings in a sustainable location. For these reasons, it is recommended that the application be approved.

10. RECOMMENDED that: planning permission be granted subject to the conditions set out below:

1. Standard time limit – 3 years.
2. Development in accordance with the numbered plans.
3. Materials to be agreed in writing
4. Cycle parking to be provided in accordance with approved plans, prior to first occupation.
5. Refuse/recycling storage to be provided in accordance with approved plans, prior to first occupation.
6. Construction Management Plan (to include hours of work, measures to reduce dust/dirt, wheel cleaning, construction vehicle movements, traffic management, parking of site operatives, facilities for site operatives, details of any site hoardings) shall be submitted prior to demolition.
7. Vehicular areas to be accessible surfaced and marked out prior to occupation.
8. Details of a Site Waste Management Plan to be submitted for approval prior to demolition.
9. Lighting to amenity/podium area to be submitted for approval prior to occupation
10. Car parking allocation plan and future retention of car parking

A172
The following schedule sets out the applications outstanding in excess of the Statutory 8 week/13 week period as at 21st May 2019

<table>
<thead>
<tr>
<th>Ref No</th>
<th>Description &amp; Location</th>
<th>Reason for Delay/Comments</th>
<th>Expiry date</th>
</tr>
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<tbody>
<tr>
<td>07/16/0877/F</td>
<td>Three storey side extension, external alterations and conversion of existing building to create 25 flats - Wellington House Trust Road Waltham Cross</td>
<td>Awaiting s106</td>
<td>23.12.2016</td>
</tr>
<tr>
<td>07/17/0352/O</td>
<td>Demolition of existing buildings at Garryross Farm and development of a mixed use scheme to include a new linear park and comprising up to 380 dwellings, 64 bed care home, local centre comprising up to 604 sq m (GIA) of A1, A2, A3, A4, A5 and D1/D2 uses and associated ancillary facilities, a primary school, improved recreational, leisure and sporting facilities and associated open space, landscaping and car parking - Land North and South of Andrew's Lane and South of Peakes Way Cheshunt</td>
<td>Awaiting completion of a planning obligation</td>
<td>07.07.2017</td>
</tr>
<tr>
<td>07/17/0864/O</td>
<td>Outline application for demolition of existing buildings and construction of up to 360 dwellings (Use Class C3) including affordable homes, family housing and 'retirement village', retail unit up to 500 sq m (Use Class A1), associated open space, drainage features, vehicular, pedestrian and cycle accesses and ancillary infrastructure and groundworks - Tudor Nurseries Burton Lane Goffs Oak</td>
<td>Awaiting completion of a planning obligation</td>
<td>31.05.2018</td>
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<tr>
<td>07/18/0021/O</td>
<td>Outline planning application for the redevelopment of the site for residential, with vehicular access of Lieutenant Ellis Way, and other associated works - Land West of Bury Green Road Cheshunt</td>
<td>Seeking Heads of Terms</td>
<td>09.04.2018</td>
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<td>07/18/0022/O</td>
<td>Outline planning application for the redevelopment of the</td>
<td>Seeking Heads of Terms</td>
<td>09.4.2018</td>
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western playing fields, former St Mary's School, for residential, with vehicular access off Dark Lane, emergency vehicular access at the eastern boundary, and other associated works - Former St Marys High School Western Playing Fields East of Dark Lane Churchgate Cheshunt

<table>
<thead>
<tr>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>07/18/0514/F</td>
<td>Area 1 - New stadium with capacity for up to 2000 spectators. 53 no. 1 bedroom apartments, 62 no. 2 bedroom apartments, 26 no. 3 bedroom houses and 22 no. 4 bedroom houses, (163 Residential Apartments) highway access works, internal roads and supporting infrastructure. Area 2 - Northern block - New facilities for Cheshunt Football Club in use classes D1, D2 and sui generis - matters relating to internal layout and appearance reserved. Area 3 - Western block - New sports, community, leisure and commercial uses in use classes A1, A3, A4, A5, B1, D1 and D2 - matters relating to internal layout reserved. (Resubmission of 07/16/1369/F) - Cheshunt Football Club Theobalds Lane Cheshunt Hertfordshire EN8 8RU</td>
<td>Legal advice being sought</td>
<td>21.08.2018</td>
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<tr>
<td>07/18/0363/F</td>
<td>Proposed re-development to provide 23 new houses - 104 Cuffley Hill Goffs Oak</td>
<td>Awaiting completion of a planning obligation</td>
<td>02.08.2018</td>
</tr>
<tr>
<td>07/18/1146/F</td>
<td>Demolition of 12no. garages and construction of 7no. two bed dwellings, 18no. three bed dwellings, 13no. one bed flats and 33no. two bed flats (total 71 dwellings) with associated access road, car parking, external works and landscaping - Oaklands Essex Road Hoddesdon Hertfordshire EN11 0BX</td>
<td>On P &amp; R Committee agenda for May</td>
<td>04.03.2019</td>
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<tr>
<td>Application ID</td>
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<tr>
<td>07/18/1181/O</td>
<td>Outline application for construction of a high-tech employment development in a parkland setting together with associated infrastructure comprising: 1) A data centre facility (upto 65,000 sq.m) and associated ancillary plant storage and office space 2) Business space (upto 36,400 sq.m) reserved for B1/B2/B8 use 3) Open space, landscaping and flood mitigation 4) Associated vehicular access from the A10 (Great Cambridge Road) and Lieutenant Ellis Way 5) Electricity sub-station - Land at Maxwells Farm West Great Cambridge Road Cheshunt Hertfordshire</td>
<td>Awaiting highway solution, power supply resolution</td>
<td>08.03.2019</td>
</tr>
<tr>
<td>07/16/0388/F</td>
<td>Variation to condition 2 of planning permission 07/14/0026/F &quot;The development hereby permitted shall be carried out and completed in accordance with the proposals contained in the application and drawings numbered 331125.10 - 27 submitted therewith, unless the Local Planning Authority otherwise agrees in writing&quot;. - Oaklands Yard Essex Road Hoddesdon</td>
<td>Awaiting Deed of Variation to S106</td>
<td>30.06.2016</td>
</tr>
<tr>
<td>07/16/0557/O</td>
<td>Outline application for residential redevelopment and associated development - Fourfields Rosedale Way Cheshunt</td>
<td>Awaiting s.106 obligation.</td>
<td>11.08.2016</td>
</tr>
<tr>
<td>07/16/0930/O</td>
<td>Construction of a Gypsy and Traveller site and use of land as allotments as a replacement for the existing Halfhide Lane sites - Land South of Hell Wood Turnford</td>
<td>Awaiting clearance from the Environment Agency</td>
<td>18.11.2016</td>
</tr>
<tr>
<td>07/17/1044/F</td>
<td>Demolition of vacant light industrial/commercial units and replacement with new mixed use building containing A1/ A2/ A3 or B1a use at ground floor level and 22 no. units of residential</td>
<td>Awaiting s.106 obligation.</td>
<td>05.01.2018</td>
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TOTAL MAJOR THIS MONTH: 10
TOTAL MAJOR LAST MONTH: 9

SMALLSCALE MAJOR

<table>
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<th>Application ID</th>
<th>Description</th>
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<td>07/17/1267/O</td>
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<td>Outline application for development of up to 60 dwellings including associated access - Langdons &amp; Ballymour Andrews Lane and land between Andrews Lane and Burton Lane Goffs Oak</td>
<td>Awaiting completion of a planning obligation</td>
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<tr>
<td>07/18/0130/F</td>
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<td>Conversion and extension of the upper parts of the site to provide 16 residential dwellings, private and public amenity; 19 parking spaces of which 1 space will be allocated to disabled parking; cycle storage and 56 solar panels - 99 High Street Waltham Cross</td>
<td>Awaiting amendment to overcome objection.</td>
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<td>07/18/0451/F</td>
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<td>Construction of a Light Industrial and storage/warehouse building - Storage Land Adj Unit D Bingley Road Hoddesdon</td>
<td>Awaiting completion of a planning obligation</td>
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<td>07/18/0778/F</td>
<td></td>
<td>Variation of condition 8 of planning permission 07/13/0158/O to allow occupation of individual plots once the relevant roads, footpaths, visibility splays, garages, hardstanding or parking areas have been provided - Land at Britannia Nurseries Bryanstone Road Waltham Cross</td>
<td>Under consideration</td>
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<tr>
<td>07/18/0779/F</td>
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<td>Variation of condition 7, 8, 9 and 10 of planning permission 07/16/1354/RM as varied by 07/17/0900/F to allow occupation of individual plots once the relevant footways, footpaths, pedestrian dropped kerbs tactile paving, pedestrian links and visibility splays have been provided - Land at Britannia Nurseries Bryanstone Road Waltham Cross</td>
<td>Under consideration</td>
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<tr>
<td>07/18/0783/F</td>
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<td>Conversion of existing building to 5no. two bed and 7no. three bed units and erection of 2no. four bed dwellings - 305 Ware Road Hoddesdon</td>
<td>Awaiting completion of a planning obligation</td>
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<tr>
<td>07/18/0802/F</td>
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<td>Demolition of two existing White House buildings (front and rear) totaling 46 units, to be replaced with three purpose built residential buildings providing a mix of one and two bed homes (57 units) with semi-</td>
<td>Awaiting completion of a planning obligation</td>
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<td>07/18/0806/F</td>
<td>Demolition of existing squash club and construction of a new four storey mixed use development allowing for A1-, A4, B1a, D1 and D2 use at ground level. Along with 17 ground floor parking spaces, with 10 off-site car parking spaces at the rear. The three upper floors will provide 24 one and two bed apartments (15no two bed apartments and 9no. one bed apartments per floor) - Former Hoddesdon Squash Club Conduit Lane Hoddesdon</td>
<td>Awaiting completion of S.106 agreement</td>
<td>20.11.2018</td>
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<tr>
<td>07/18/0921/RM</td>
<td>Reserved matters pursuant to outline planning permission 07/17/0500/O for the road layout, arrangement and surfacing within the custom build area and details of landscaping in the communal areas - Land at Small Acre Nursery Crouch Lane Goffs Oak Hertfordshire EN7</td>
<td>Under consideration</td>
<td>21.12.2018</td>
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<tr>
<td>07/18/1097/O</td>
<td>Outline application for demolition of all existing buildings and erection of 81 new homes with access off Goff's Lane - Tina Nursery Goffs Lane Goffs Oak</td>
<td>Awaiting secretary of state</td>
<td>14.02.2019</td>
</tr>
<tr>
<td>07/19/0021/O</td>
<td>Outline planning application for the demolition of buildings and provision of up to 17 residential self-build plots with new footpath (Resubmission 07/18/0027/O) - Springfield and Westgate Nursery Crouch Lane Goffs Oak Hertfordshire</td>
<td>Under consideration</td>
<td>09.04.2019</td>
</tr>
</tbody>
</table>

TOTAL SMALLSCALE MAJOR THIS MONTH: 15
TOTAL SMALLSCALE MAJOR LAST MONTH: 17

**MINOR**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/11/0730/O</td>
<td>Outline application for new footbridge over railway line at Park Lane, including bridleway route via level crossing to be discontinued with new alternative pedestrian footpath, cycle/bridleway route (Refer 07/11/0731/F) - Land opposite 116</td>
<td>Awaiting s.106 obligation.</td>
<td>10.11.2011</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Status</td>
<td>Date</td>
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</tr>
<tr>
<td>07/14/0566/F</td>
<td>Re-alignment and introduction of traffic lights at the junction of Brookfield Lane West and Flamstead End Road - Road Junction Brookfield Lane West and Flamstead End Road, Cheshunt</td>
<td>Under consideration</td>
<td>27.08.2014</td>
</tr>
<tr>
<td>07/15/0267/F</td>
<td>Change of opening hours from 7am to 11pm Monday to Sundays and Bank or Statutory Holidays to 7am to 11pm Sunday to Thursday and Bank or Statutory Holidays and 7am to 2am Friday and Saturday - 74 High Street Waltham Cross</td>
<td>To be amended by applicant.</td>
<td>22.05.2015</td>
</tr>
<tr>
<td>07/17/0199/F</td>
<td>Variation to condition 1 of planning permission 07/13/0083/F for the addition of 2 no. bin stores as contained in drawings 322/16/VC/PL1003 revision A, 322/16/506 and 322/16/507 - Garage site off Downfield Road Cheshunt</td>
<td>Awaiting amendments</td>
<td>08.05.2017</td>
</tr>
<tr>
<td>07/18/0169/O</td>
<td>Outline application for 6 dwellings as self-build plots - Hope Nursery Barrow Lane Cheshunt</td>
<td>Under consideration</td>
<td>06.06.2018</td>
</tr>
<tr>
<td>07/18/0756/F</td>
<td>Demolition of 74 no. garages and construction of 6 no. 2 bed and 2no. 3 bed dwellings. On site provision of new and replacement car parking spaces and off-site provision of replacement car parking spaces - Garages Site Cunningham Road Cheshunt</td>
<td>Awaiting legal agreement</td>
<td>02.10.2018</td>
</tr>
<tr>
<td>07/18/0908/F</td>
<td>Regularisation of non-material features, re-siting of bicycle storage and refuse area. Location of hydro-brake for surface water treatment - Rosedale Sports Club Andrews Lane Goffs Oak</td>
<td>Awaiting amendments</td>
<td>16.11.2018</td>
</tr>
<tr>
<td>07/18/1152/F</td>
<td>Additional floor within building and three storey side extension - 11 Amwell Street Hoddesdon Hertfordshire</td>
<td>Amendments received</td>
<td>31.01.2019</td>
</tr>
<tr>
<td>07/19/0080/F</td>
<td>Partial demolition of link building to Friends Meeting House and full demolition of adjacent meeting hall, erection of 2 no. 1 bed flats, 2 no. 2 bed flats, 2 no. 1 bedroom houses and construction of new vehicular access to serve the new dwellings (Refer full application 07/19/0081/LB - Friends Meeting House Lord Street</td>
<td>Awaiting amendments</td>
<td>22.03.2019</td>
</tr>
<tr>
<td>Date</td>
<td>Reference</td>
<td>Description</td>
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<tr>
<td>07/19/0146/F</td>
<td>07/19/0147/LB</td>
<td>Part single, part two storey rear extension, conversion from shop (A1) to residential (C3) to create 2no. 3 bed dwellings (Listed Building Reference 07/19/0147/LB) - Hammond Street Post Office, Flat 192 Hammond Street Road Cheshunt</td>
<td>Awaiting amendments</td>
</tr>
<tr>
<td>07/16/0147/HF</td>
<td>07/19/0147/LB</td>
<td>Erection of detached garage to front of dwelling – Trelane Burton Lane Goffs Oak</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/17/0256/F</td>
<td>07/16/0147/HF</td>
<td>Certificate of lawfulness for the existing use of the site as a caravan site, on site now known as plot 14 Wharf Road (formerly Homelea), Wormley - 14 Leeside Wharf Road Wormley</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/16/0147/HF</td>
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<td>Erection of detached garage to front of dwelling – Trelane Burton Lane Goffs Oak</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/16/0203/F</td>
<td>07/16/0203/F</td>
<td>Variation to S106 of planning permission 7/0214/08/F/HOD - Wormley House 82 High Road Wormley</td>
<td>Awaiting s.106 obligation</td>
</tr>
<tr>
<td>07/15/0998/F</td>
<td>07/15/0998/F</td>
<td>Removal of conditions 8, 11 and 12 and variation to conditions 4 and 7 of planning permission 07/15/0181/F - 55 High Road Broxbourne</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/14/1115/F</td>
<td>07/14/1115/F</td>
<td>Removal of condition 16 of planning permission 7/0078/05/F/WX - Newsprinters( Broxbourne) Ltd Great Eastern Road Waltham Cross</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/14/0896/F</td>
<td>07/14/0896/F</td>
<td>Retrospective change of use of agricultural buildings (Units A, B, H and I) to Class B8 (storage) use - Brook Farm Cuffley Hill Cuffley</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/14/0483/F</td>
<td>07/14/0483/F</td>
<td>Change of use of first floor to self-contained flat and loft conversion with rear dormer - 2 Clarendon Parade Turners Hill</td>
<td>Pending consideration November 2017 – applicant updated to confirm new agent instructed</td>
</tr>
<tr>
<td>07/15/1031/HF</td>
<td>07/15/1031/HF</td>
<td>Hardstanding and vehicle crossover - 24 Eleanor Cross Road Waltham Cross</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/16/0147/HF</td>
<td>07/16/0147/HF</td>
<td>Erection of detached garage to front of dwelling – Trelane Burton Lane Goffs Oak</td>
<td>Under consideration</td>
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<td>07/16/0203/F</td>
<td>07/16/0203/F</td>
<td>Variation to S106 of planning permission 7/0214/08/F/HOD - Wormley House 82 High Road Wormley</td>
<td>Awaiting s.106 obligation</td>
</tr>
<tr>
<td>07/16/1251/LDC</td>
<td>07/16/1251/LDC</td>
<td>Certificate of lawfulness for the existing use of the site as a caravan site, on site now known as plot 14 Wharf Road (formerly Homelea), Wormley - 14 Leeside Wharf Road Wormley</td>
<td>Under consideration</td>
</tr>
<tr>
<td>07/17/0256/F</td>
<td>07/17/0256/F</td>
<td>Removal of S106 agreement - Burton Grange Rags Lane Goffs Oak</td>
<td>Under consideration</td>
</tr>
<tr>
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<tr>
<td>07/17/0859/HF</td>
<td>Vehicle crossover and hard surface for driveway at front - 125 Downfield Road Cheshunt</td>
<td>Under consideration</td>
<td>16.10.2017</td>
</tr>
<tr>
<td>07/18/0555/LB</td>
<td>Listed Building consent to demolish and rebuild structurally unsound brick wall - 79 Crossbrook Street Cheshunt</td>
<td>To be revised</td>
<td>01.08.2018</td>
</tr>
<tr>
<td>07/18/0697/F</td>
<td>Variation to S106 agreement - Tanfield Farm Hammondstreet Road Cheshunt</td>
<td>Under consideration</td>
<td>13.09.2018</td>
</tr>
<tr>
<td>07/18/0747/LB</td>
<td>Listed Building Consent for fire safety works - 11 The Hollies St Catharines Road Broxbourne</td>
<td>Awaiting additional information</td>
<td>28.09.2018</td>
</tr>
<tr>
<td>07/18/0805/AC</td>
<td>Pole mounted, wall mounted and temporary wooden pole mounted sign - Lee Valley White Water Centre Station Road Waltham Cross</td>
<td>Under consideration</td>
<td>18.10.2018</td>
</tr>
<tr>
<td>07/18/1006/LDC</td>
<td>Certificate of lawfulness for the existing use of the site as a caravan site, on site now known as plot 14 Wharf Road (formerly Homelea), Wormley - 14 Leeside Wharf Road Wormley</td>
<td>Under consideration</td>
<td>12.12.2018</td>
</tr>
<tr>
<td>07/18/1192/LB</td>
<td>Listed building consent for conversion of public house into 4 no. residential units including demolition of toilet block and attached outbuilding (Refer to planning application 07/18/1191/F) - The Green Dragon 62 Churchgate Cheshunt</td>
<td>Under consideration</td>
<td>12.02.2019</td>
</tr>
<tr>
<td>07/19/0079/F</td>
<td>Variation of condition 5 of planning permission 07/16/0710/F &quot;Prior to the occupation of the development hereby permitted, the parking layby area to the front of the site, as shown on Drawing No. A005 Rev. P5 shall be completed to the satisfaction of the Local Planning Authority&quot; - 41 Beltona Gardens Cheshunt</td>
<td>Under consideration</td>
<td>27.03.2019</td>
</tr>
<tr>
<td>07/19/0081/LB</td>
<td>Partial demolition of link building to Friends Meeting Hall and full demolition of adjacent meeting hall, erection of 2 no. 1 bed flats, 2 no. 2 bed flats, 2 no. 1 bedroom houses and construction of new vehicular access to serve the new dwellings (Refer full application 07/19/0080/F) - Friends Meeting House Lord Street Hoddesdon Hertfordshire</td>
<td>Awaiting amendments</td>
<td>22.03.2019</td>
</tr>
<tr>
<td>Application No.</td>
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<tr>
<td>07/19/0140/HF</td>
<td>Loft conversion with rear dormer and change in roof shape from hipped to gable (Resubmission 07/17/1239/HF) - 7 Station Road Broxbourne</td>
<td>Under consideration</td>
<td>15.04.2019</td>
</tr>
<tr>
<td>07/19/0147/LB</td>
<td>Listed building consent for part single, part two storey rear extension, conversion from shop to residential (C3) to create 2no. 3 bed dwellings (Full application 07/19/0146/F) - Hammond Street Post Office, Flat 192 Hammond Street Road Cheshunt</td>
<td>Awaiting amendments</td>
<td>16.04.2019</td>
</tr>
</tbody>
</table>

**TOTAL OTHERS THIS MONTH:** 20

**TOTAL OTHERS LAST MONTH:** 26

**GRAND TOTAL THIS MONTH:** 55

**GRAND TOTAL LAST MONTH:** 62