

**The Town and Country Planning
(Section 62A Applications)
(Hearings) Rules 2013
ISSUES REPORT
and
OUTLINE AGENDA**

Application Reference No: S62A/2026/0159

Applicant: Chase (Canada) Ltd

Description of proposal: Partial demolition of existing buildings (with retention of existing two-storey car park and substation) and redevelopment of the site to provide a mixed-use development comprising 293 residential apartments (class C3) and 1742 sqm flexible commercial floorspace (class E) across 4 blocks and associated internal roads, parking, drainage, landscaping, amenity space and associated works.

Site address: Maple House, Nos 8-16 (even) & 30-32 High Street and nos 1-7 Princes Parade EN6 5BA

Report prepared by: N Robinson BA (Hons) MA MRTPI

Hearing to be held on: 14-15 October 2026

Introduction/background

1. This application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications directly to the Planning Inspectorate where an LPA has been designated by the Secretary of State.
2. As the appointed person, I have determined that a Hearing is appropriate in this case. This is to be held on 14-15 October 2026 at DoubleTree by Hilton London Elstree, Barnet By Pass, Borehamwood, Hertfordshire WD6 5PU.
3. It will be conducted in accordance with The Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This Issues Report is issued in accordance with Rule 5 of these Rules.
4. The site is 18.1 hectares in size and occupies a prominent corner plot at the junction of Mutton Lane, High Street, Southgate Road and Barnet Road in Potters Bar town centre within an area defined as 'Potters Bar High Street District Centre'. The site comprises the 12-storey Maple House office building, 2 parades of commercial units with residential flats above, a car wash, surface car park and 2-storey car parking structure.

5. There are a number of mature oak trees within the site, primarily along the southern, western and northern boundaries, some of which are protected by a Tree Preservation Order.
6. The site is surrounded by a mix of residential and town centre uses and borders a Tesco superstore to the west. The site is located within the setting of 2 listed buildings, the White Horse Public House and The Lion Public House.
7. The application seeks permission for the partial demolition of the existing buildings and redevelopment of the site to provide a mixed-use development comprising 293 residential apartments (class C3) and 1742m² flexible commercial floor space (class E). It is proposed that the existing 2-storey car park and substation be retained. Four residential blocks are proposed.
8. The Canada Life Place building, its basement car park and access ramp are excluded from the site. It is proposed that this building is to be retained and converted to residential use (74 units) under prior approval consent reference 25/1764/PD56M and external alterations carried out under planning permission reference 26/0764/FUL.



General arrangement ground floor plan [source link](#)

9. The development will use the existing Mutton Lane vehicle access, with the High Street vehicle access stopped up. A footpath connection onto a private road in 3rd party ownership is proposed in the site's northwest corner, linking Mutton Lane and The Walk along the western site boundary.
10. The development would provide a mixture of studio apartments (14 units), 1-

bedroom apartments (83 units), 2-bedroom apartments (150 units) and 3-bedroom apartments (46 units) across 4 blocks ranging from 4-15 storeys in height, with the tallest block (Block A) fronting Mutton Lane in the approximate location of Maple House. Commercial floor space is proposed across 2 no 5/6-storey blocks fronting High Street and Mutton Lane.

11. Two communal residential courtyards incorporating Local Areas for Play for young children are proposed in addition to an area of public open space fronting the High Street.



Soft landscape plan [source link](#)

12. Hertsmere Borough Council (HBC) are in the process of preparing a new Local Plan (ELP), which, it is understood, has reached Regulation 18 stage. The ELP identifies the site as a 'candidate site' for allocation at Regulation 19 stage, ref HPBA SA2, providing a residential-led mixed use development, with an indicative development capacity of 369 dwellings along with a range of compatible and complementary main town centre uses across the ground.
13. The application has been screened under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 by Hertsmere Borough Council who directed that this development is not Environmental Impact Assessment (EIA) development.

Representations

14. The application was made on 20 July 2026 and validated on the 06 August 2026. Notifications were then made, with initial responses (including from the designated authority), by 11 September 2026. Responses were received

from around 14 consultees (including national bodies) and 5 interested parties. These comments have informed the main issues.

15. All comments have been provided and published on the gov.uk website relating to this case. This can be found at this link <https://www.gov.uk/guidance/section-62a-planning-application-s62a20260159-maple-house-nos-8-16-even-30-32-high-street-and-nos-1-7-princes-parade-potters-bar-en6-5ba>. The application, and the associated documents, can also be found by using a search engine.
16. HBC submitted a comprehensive response letter which followed the referral to HBC planning committee on 03 September 2026 confirming that the Local Planning Authority objects to the development. A copy of the committee report has been provided.

Development Plan

17. The development plan consists of the Hertsmere Local Plan Development Plan Document Core Strategy (2013) (LP) and the Site Allocations and Development Management Policies Plan (2016) (DMP). Of particular note are LP Policies SP1, SP2, CS1, CS2, CS3, CS4, CS7, CS12, CS14, CS15, CS16, CS17, CS18, CS20, CS21, CS22, CS24, CS25, CS26, CS27, CS28 and DMP Policies SADM3, SADM8, SADM10, SADM11, SADM12, SADM13, SADM14, SADM15, SADM16, SADM17, SADM19, SADM20, SADM21, SADM29, SADM30, SADM34, SADM37, SADM38, SADM39, SADM40, SADM42, SADM44, SADM49.
18. National policy and guidance are contained within the National Planning Policy Framework (the Framework) and associated national Planning Practice Guidance (the Guidance).
19. Legislation in the form of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, is also relevant given the proximity to nearby listed buildings.

Main issues

20. The following are the main issues to be considered in respect of the application:
- The principle of the development
 - The effect of the development on the character and appearance of the area
 - The effect of the development on heritage assets
 - Whether the development makes adequate provision for affordable housing and contributions towards infrastructure
 - Whether the development would provide an acceptable standard of living accommodation for future occupiers
 - The effect of the development on the living conditions of the occupiers of neighbouring properties
 - The effect of the development on the highway network including whether the proposal includes adequate support for active travel

- Flood risk and drainage
- The benefits of the proposal and the overall planning balance

Principle of the development

21. The site is located within a settlement in which Framework policy S4 directs that development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
22. HBC raises no objection to the principle of the re-development of this site to a mixed-use residential-led scheme with Class E uses and states that this is reflected in the site's draft allocation in the ELP. However, concerns are raised regarding whether the proposal meets the draft allocation's aspirations regarding the creation of new and improved transport infrastructure including walking routes and cycle ways, as well as public realm and environmental enhancements, including new public open space and planting and whether the development integrates with the wider townscape.

Character and appearance

23. The submission sets out that the design principles which have informed the submission including the creation of a strong frontage to the prominent corner with height marking the town centre and the creation of permeable pedestrian routes through the site, one of which is marked by the proposed neighbourhood square. The applicant submitted a Townscape and Visual Impact Assessment (TVIA). The TVIA states that the development would be highly visible from the surrounding local area of the town centre and suburban fringe of Potters Bar. The TVIA identifies key positive changes to townscape character and identifies that the development would have a minor/ minor to negligible effect on key townscape and visual receptors.
24. The Council consider that the design of the scheme is inadequate and fails to meaningfully integrate with the retained assets and extant permission to form a cohesive and site strategy. Concerns are raised regarding the delineation of public and private amenity spaces, wayfinding and circulation, the form and scale of the proposed buildings, appearance and materiality, landscaping, servicing and external amenity. The Council states that the greater mass and height of built form would have an adverse impact on the townscape, compounded by the loss of site trees and reduced visual amenity in the street scene. Concerns are also raised regarding the level of visual effects on distant views in the surrounding rural landscape, the extent of tree losses and the absence of tree root radar investigations for T90 and T91.

The effect on heritage assets

25. The site is within the setting of 2 grade II listed buildings- the White Horse Public House (now the Cask and Stillage) and The Lion Public House (now Potty's Diner). The town centre also includes a number of other listed and locally listed buildings, which the main parties indicate would not be affected by the development proposals.

26. The applicant states that the development would result in 'less-than substantial harm' to the White Horse Public House, at the lesser end of the scale. The applicant states that the development will not unduly harm the setting of The Lion Public House or fundamentally affect how this asset is experienced.
27. The Council states that the development would have an overtly dominant and negative influence on the appreciation of the White Horse Public House, representing a considerable change and cumulative harm to its setting and would appear more intensive and conspicuous than the existing buildings, contributing to adverse change within the setting of The Lion Public House. The Council states that the development would harm the significance of these 2 listed buildings through adverse impact on their setting, with the level of harm to the White Horse Public House identified as being 'low' and the level of harm to The Lion Public House identified as 'very low'.
28. Policy HE6 of the Framework requires the effect on the assets and their significance should be weighed against any public benefits arising from the proposal. Given the low/ very low level of harm identified, the applicant suggests that public benefits would significantly outweigh any identified harm.

Provision for affordable housing and infrastructure contributions

29. LP Policy CS4 sets out the requirement for developments to make provision for affordable housing in the borough. The application is liable to provide 35% affordable housing. It states that where scheme viability may be affected, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision.
30. The application does not propose any affordable provision. In support of this a Financial Viability Assessment (FVA) has been submitted which states that the development would result in a deficit of £12.51m in a 100% market housing scenario, with the site being developed on the basis of a reduced return. Accordingly, it is stated that the development cannot viably support any affordable housing contributions. The draft legal agreement includes a claw back mechanism whereby the scheme viability is reviewed at a later date to ascertain whether affordable housing could viably be provided at this stage.
31. In response to this, HBC have commissioned an independent FVA which shows the delivery of scheme without any affordable housing to be viable, generating a surplus of circa £1.72m above the target return.
32. It would be useful if the parties could prepare a Statement of Common Ground in respect of viability, to be submitted no later than **Friday 09 October 2026**. This should include areas of agreement, and also any remaining areas of dispute between the parties
33. A draft legal agreement includes, amongst other things, contributions towards BNG monitoring, residential travel plan monitoring, sustainable travel vouchers and the monitoring of the legal agreement. The Inspector

requests a brief CIL compliance statement in relation to the BNG monitoring and residential travel plan monitoring contributions sought by HBC. This should be submitted no later than **Friday 09 October 2026**.

34. A request for contributions towards education, Special Educational Needs and Disabilities (SEND), sustainable travel, waste transfer and waste recycling has been made by Hertfordshire County Council (HCC) and a CIL Compliance Statement has been prepared in support of this setting out HCC's stance on how the requested contributions align with policies of the development plan. The applicant submits that these contributions are covered by CIL and do not meet the relevant tests. Contributions towards these infrastructure projects are included as blue pencil clauses in the draft legal agreement allowing for any obligations which the Inspector finds do not pass the statutory tests to have no effect and consequently the owner and/or other covenanters shall not have liability for payment or performance of that obligation.
35. The NHS Central East Integrated Care Board requests a contribution towards primary care facilities. The applicant states that this contribution fails to meet the Regulation 122 tests as it is not directly related to the development and insufficient evidence has been provided as to the current plans for the primary care facilities in Potters Bar, including whether a costed scheme for improvements to services exists and the timescales for this to be carried out.

Standard of living accommodation

36. The applicant states that the scheme would deliver a high standard of residential quality, with all dwellings benefiting from good levels of natural light and ventilation, a positive outlook, appropriate privacy and a safe and secure environment.
37. The application is supported by a Daylight and Sunlight report, which calculates that 716 of the 762 rooms and 254 of the 293 units would meet the BRE sunlight targets.
38. The Noise Impact Assessment assessed that noise levels at the site are generally dictated by road traffic noise emissions from High Street and Mutton Lane. Accordingly, the site is a high risk in relation to daytime and night-time noise levels. Acceptable internal noise levels will be achievable subject to the specification of suitable glazing and ventilation systems and some bedrooms will need to be designed so that windows can remain closed at night without the rooms overheating.
39. A number of private amenity spaces, including those facing High Street, will exceed the desirable noise levels. The applicant submits that this is typical of sites within such locations. These balcony spaces have been excluded from the calculation of private amenity space to be provided across the scheme.
40. There would be a separation of approximately 14m between facing habitable room windows in blocks A and B, approximately 14m between parts of block B and Canada Life Place and a separation of approximately 17m between the windowed elevations of facing habitable rooms in blocks B and D. There would be limited separation between the openings in the rear elevation of

Block D and the car park. The Council raise concerns regarding noise intrusion and light pollution from vehicle movements on the top deck of the car park.

41. The Council raised concerns that some of the studio apartments in block A did not comply with the Nationally Described Space Standards (NDSS). Amended plans have been submitted, showing these units as 1b1p units which, it is stated, would accord with the requirements of the NDSS.

Living conditions- neighbouring occupiers

42. The Daylight and Sunlight Assessment indicates that the development would result in a significant loss of light to flats at Key Point and a loss of light to units at 19 High Street and 27-29 High Street. The submission references the existing poor design of the Key Point building for residential use, noting that this building is a converted office building. The Council comment that this building is located on a high street in an urban area and experiences some existing impacts.

Highway impacts

43. The development would provide 125 car parking spaces, including 115 standard spaces (provided within the retained 2-storey parking structure), 8 disabled bays, one car club space and one dedicated UKPN parking space for service vehicles maintaining the on-site substation. This level of parking provision represents a maximum of 40% of the required parking provision and HCC are supportive of this approach.
44. The applicant states that the proposals prioritise sustainable and active travel through reduced car parking provision, enhanced pedestrian and cycle infrastructure, and strong connections to public transport and that when considered alongside proposed public realm improvements and the commitment to a Travel Plan, the development will deliver a net benefit to the local transport network. HBC question whether the development goes far enough in encouraging walking and cycling.

Flood risk and drainage

45. The site is located within Flood Zone 1, and has some areas of surface water flood risk, most notably where Maple House is sited and along the basement ramp of Canada Life House. A site-specific flood risk assessment has been submitted with the application. The LLFA is satisfied in principle with the proposed surface water drainage strategy, including the drainage hierarchy, proposed restricted discharge rates and the use of SuDS. The LLFA is satisfied that the development has appropriately considered the relevant sources of flood risk and that an acceptable sustainable surface water drainage strategy can be delivered.
46. I am satisfied that there is sufficient information within the submission to address this issue and accordingly do not envisage there being any substantive questions on this issue during the hearing.

Benefits and planning balance

47. The main parties agree that the development would see a significant net gain in residential units in a highly sustainable location with good public transport links and that the Council cannot demonstrate a 5-year housing land supply. The applicant also references a number of other benefits including: making effective use of suitable brownfield land, improved pedestrian and cyclist connections, the provision of flexible commercial floorspace, creation of long-term jobs and jobs during the construction phase, creation of landscaped publicly accessible space fronting the High Street, long-term economic benefits associated with future occupiers contributing to the local economy and the optimisation of the development potential of the site. The applicant states that these benefits are significant and wide-ranging and should be afforded significant weight collectively. It is stated that the development's adverse effects do not outweigh these benefits.
48. The Council suggests that a number of issues are considered to contribute potentially substantial harm to the planning balance, in particular the effect of the proposal on the character and appearance of the area, the effect on heritage assets and the loss of trees.

Other Issues

49. A number of other issues have been raised by interested parties including the pressure on healthcare and local community infrastructure, the potential for the use of the units as Houses in Multiple Occupation and the potential for anti-social behaviour associated with the development's occupiers. Concerns regarding single-aspect apartment layouts and the potential for overheating are raised. The suitability for the use of Swift bricks to be integrated into the walls of the buildings is referenced.

Conditions

50. The Council and some consultees have recommended or suggested conditions if the application is to be permitted. Without prejudice, these will be discussed at the Hearing as appropriate. Any discussion of their merits does not indicate that a decision has been made on the application, but only that the conditions suggested are to be assessed as to whether they are necessary, relevant, enforceable, precise and reasonable.
51. It would aid proceedings if, without prejudice to anyone's position, the Council and Applicant provide a final draft of suggested conditions to the appointed person via the case officer before the Hearing opens. These will be published on the gov.uk website.

Legal agreement

52. The Applicant provided a draft legal agreement under section 106 of the TCPA 1990. It is understood, without prejudice, that the applicant intends to submit a completed unilateral undertaking pursuant to s106. Should this be the case, this should be submitted no later than **Friday 09 October 2026**.

Evidence that all the relevant parties have entered into the agreement, including details of each person's title to the land, should also be provided.

53. The completed legal agreement will be uploaded onto the application website at gov.uk (with GDPR redactions) so that any interested parties are able to view it.

Site Visit

54. The Inspector will undertake an unaccompanied site visit in advance of the scheduled hearing where the site will be viewed from the public realm. Should the Inspector consider that a further access-required site visit would be necessary, the necessary arrangements for this will be made during the hearing.

N Robinson

Inspector



Outline Agenda

Application Reference No: S62A/2026/0159

Hearing to be held on: 14 & 15 October 2026 at 10:00

Hearing Location: Gate Suite, DoubleTree by Hilton London Elstree, Barnet By Pass, Borehamwood, Hertfordshire WD6 5PU

*'5.1.2. In the event that a hearing is required its purpose will be for the Inspector to allow any who wish to make oral representations and for the Inspector to put questions to address any points of fact or outstanding queries they may have. It is not a forum for parties to seek to test the evidence of others through cross-examination or direct questioning.'*¹

1. **Inspector's opening** – including summarising main issues set out in this report.
2. **Oral representations** made by those who have specifically requested to speak at the representation stage.

Approximate time limits for speaking (at discretion of the Inspector):

Speakers	
Members of the public	3 minutes (each)
Councillors	5 minutes (each)
Statutory Consultees	10 minutes (each)
Non-statutory consultees	5 minutes (each)
The Council	15 minutes
The applicant	30 minutes

Note:- Interested parties (for example neighbouring occupiers or local interest groups) may consider that it is a more effective and efficient use of their time to co-ordinate any oral representations.

3. Questions from the Inspector
4. Conditions Session – without prejudice
5. Site visit arrangements.
6. Hearing Closed

¹ <https://www.gov.uk/government/publications/planning-applications-process-section-62a-authorities-in-special-measures/procedural-guidance-for-section-62a-authorities-in-special-measures>

Please note:

1. The appointed person will determine the procedure at the hearing. Please see the [Procedural Guidance](#) produced by the Planning Inspectorate for more information on how the hearing will be conducted.
2. The following are entitled to speak at the hearing:

the applicant, the designated planning authority, any councillor of the designated planning authority for the ward in which the application site (or any part of the application site) is situated, a statutory consultee, the district/county planning authority (where not the designated authority), the parish council and any person who made representations on the application within the representation period and, when making representations, requested to be heard.
3. The appointed person may refuse to permit representations which are considered irrelevant or repetitious.
4. The appointed person may require any person appearing or present at the hearing who, in his/her opinion, is behaving disruptively to leave.
5. The appointed person may proceed with the hearing in the absence of any person entitled to appear at it.
6. The appointed person may adjourn a hearing.