Planning Inspectorate

Decision Notice and Statement of Reasons

Site visits made on 13 and 14 October 2026

Hearing held on 14 October 2026

By N Robinson BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 04 November 2026

Application Reference: S62A/2026/0159

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

- The application is made under Section 62A of the Town and Country Planning Act 1990.
- The site is located within the administrative area of Hertsmere Borough Council.
- The application dated 20 July 2026 is made by Chase (Canada) Ltd and was validated on 06 August 2026.
- The development proposed is 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.

Decision

1.) Planning permission is refused for the development described above, for the following reason:

1.) The form, layout and articulation of buildings would fail to establish a cohesive, visually attractive, usable development which responds to and enhances its surroundings, resulting in harm to the character and appearance of the surrounding townscape. The development would therefore conflict with those aims of policy SADM30 of the Site Allocations and Development Management Policies Plan (2016), policy CS22 of the Local Plan Core Strategy Development Plan Document (2013) and policy DP3 of the National Planning Policy Framework.

Statement of Reasons

Procedural matters

2.) The application was made under Section 62A of the Town and Country

Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Hertsmere Borough Council has been designated for major applications since 15 June 2026.

3.) The application has been screened under The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) by Hertsmere Borough Council who directed that the development would not be of a scale or nature likely to give rise to significant adverse effects. Therefore, it was found that an Environmental Impact Assessment was not required. I have been presented with no reason to disagree, and I am satisfied that the requirements of the Regulations have been complied with.

4.) Consultation was undertaken on 17 August 2026 which allowed for responses by 11 September 2026. Responses were received from the parties listed in Appendix 1. A number of interested parties and local residents also submitted responses.

5.) Hertsmere Borough Council submitted an officer report following a planning committee meeting on 03 September 2026. The response sets out the Council's objections to the development.

6.) During the course of the planning application the applicant submitted a written response to the consultation comments, an updated viability analysis and a viability study addendum report. Amended plans for proposed Block A[1] were submitted to rectify a factual inaccuracy. These documents and plans represent a minor alteration to the original scheme.

7.) A Statement of Common Ground in relation to viability was submitted on 09 October 2026.

8.) I carried out an unaccompanied site visit on 13 October 2026 which enabled me to view the site and the surrounding area. A further accompanied inspection of the site was carried out on 14 October 2026.

9.) On 05 October 2026 I published an Issues Report, prepared under the provisions of the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013. This included a description of the development and explored the main issues to be considered in relation to the application. In addition to that report, I set out an agenda for the public hearing. This was held on 14 October 2026 at the DoubleTree by Hilton London Elstree hotel, attended by a representative of the ward councillor, officers of Hertsmere Borough Council, and representatives of the applicant. I accepted additional documents at the hearing, and I requested further documents, both of

[1] General Arrangement – Typical Lower Floor PB-AFK-XX-01-DR-A-20004 P06 General Arrangement – Typical Upper Floor PB-AFK-XX-XX-DR-A-20007 P06,
Block A - GA - Level 01-05 PB-AFK-A-XX-DR-A-20104 P07
Block A - GA - Level 06-14 PB-AFK-A-XX-DR-A-20108 P08
Schedule of Accommodation PB-AFK-XX-XX-SH-A-08000 P15

which are listed in Appendix 2.

10.) During the course of the planning application I received a certified copy of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990, dated 08 October 2026. That UU covers contributions towards Biodiversity Net Gain (BNG) monitoring, residential travel plan monitoring, sustainable travel vouchers and the monitoring of the legal agreement. It sets out the details for the management of public open space and arrangements to enter into a Section 278 agreement for highways works and includes an affordable housing viability review clause. Contributions towards healthcare provision, education, Special Educational Needs and Disabilities (SEND), sustainable travel, waste transfer and waste recycling are covered by blue pencil clauses which allows for any obligations which the Inspector finds do not pass the statutory tests to have no effect.

11.) A CIL compliance statement with reference to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regs) was supplied by Hertfordshire County Council as part of their consultation response to the application. I shall consider whether the obligations in the UU meet the tests set out in the National Planning Policy Framework (the Framework) and satisfy the requirements of the CIL regs in this statement.

12.) I have taken account of all written and oral representations in reaching my decision.

13.) Hertsmere Borough Council are currently preparing a new local plan (the ELP) and I am informed that the Council has voted to publish the Regulation 19 Local Plan for a 6-week period of consultation starting from 08 October 2026, and intends to submit that plan and its key supporting documents to the Planning Inspectorate on or before 31 December 2026. Given the early stage of the process for the ELP, and the level of unknown objections, I have afforded it limited weight.

Main Issues

14.) Having regard to the application, the consultation responses, comments from interested parties, the Council's report and Committee resolution, together with what I saw on site and heard at the hearing, the main issues for this application are:

- The principle of the proposed development;
- The design of the development and its effect on the character and appearance of the area;
- The effect of the development on heritage assets;
- Whether the development proposes an appropriate housing mix (including whether adequate provision for affordable housing is made);
- Whether the development makes adequate 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; and
- The benefits of the proposal and the overall planning balance.

Background

Planning history and background

15.) Prior approval for the change of use of Maple House from Class E (commercial) to 69no. Class C3 dwellinghouses was granted under **25/1763/PD56M**. This approval has not been implemented, and the application proposes the demolition of this building.

16.) Canada Life Place lies outside of the site and is beyond the scope of this application. The building and its access ramp are surrounded by the site on all sides. Prior approval has been granted to convert this building to 74 residential units under prior approval application **25/1764/PD56M** with external alterations to facade and fenestration, removal of rooftop plant enclosure, and associated landscaping works approved under application **26/0764/FUL**.

Reasons

The principle of the proposed development

17.) 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. Maple House comprises 6,570m^2 of class E (office) floorspace and the parades fronting High Street comprise 994m^2 of commercial floor space with 13 residential units to the upper floors. 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'. Potters Bar is identified in the Local Plan Core Strategy Development Plan Document (2013) (CS) settlement hierarchy as a key local town.

18.) 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 1742m^2 of flexible commercial floor space (class E). Four blocks are proposed, resulting in a net increase of 280 residential units comprising a mix of studio, 1 bed, 2 bed and 3 bed units, with commercial floor space proposed to the ground floors across blocks fronting the High Street and Mutton Lane. It is proposed that the existing 2-storey car park and substation be retained.

19.) The development comprises a brownfield, mixed-use residential-led development in a town centre location with good access to facilities and services and public transport. The siting of the development would reflect the spatial strategy in the development plan which seeks to prioritise the efficient use of brownfield land and prioritise development opportunities in existing

built-up areas within settlements, with priority given to locating residential development within the main settlements including Potters Bar.

20.) The proposal would result in a net loss of office floor space. Policy SADM8 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP) covers the change of use to residential use of existing office buildings (or parts of buildings) which exceed 500m^2 floorspace, stating that planning permission will not be permitted unless it can be demonstrated that the premises are no longer suitable for and have been marketed effectively for continued B1(a) use (office use). The Commercial Needs Assessment (Savills, July 2026) states that multiple marketing exercises indicate limited demand for continued standalone office use at the site. I have not been provided with any evidence to the contrary. Accordingly, I am satisfied that the premises have been marketed effectively and that it has been demonstrated that they are no longer suitable for the consented office use. Accordingly, there would be no conflict with those aims of SADMPP policy SADM8.

21.) Drawing together the above, I am satisfied that the development accords with the spatial strategy in the development plan.

Character and Appearance

22.) The site is proposed as draft allocation HPBA5 in the ELP which shows the site redeveloped as a comprehensive mixed-use development including residential units and main town centre, commercial, leisure and cultural uses on the ground floor fronting High Street and Mutton Lane. The Council suggest that the development would fail to meet the draft allocation's design aspirations which include the delivery of a high-quality public realm and amenity space, social and community infrastructure improvements, public realm and environmental enhancements. However, given the early stage of the process for the ELP, this draft allocation carries limited weight.

23.) Nonetheless, both the development plan and the Framework establish the importance of good design to promote high-quality, healthy, inclusive and sustainable places, and the Framework includes national decision-making policies, including policy DP3, which sets out the key principles for well-designed places. Accordingly, whilst the design aspirations in the draft ELP allocation attract limited weight, the requirement for high-quality design which ensures the creation of attractive and usable places remains.

24.) The development proposes 4 blocks comprising 3 block typologies with the retained Canada Life building and its access ramp in the centre of the site and the retained 2-storey car park sited to the rear of block D. Blocks B and D comprise 5/6 storey blocks fronting the High Street, with chamfered corners to the facing parts of the blocks framing the entrance to the proposed Neighbourhood Square, and commercial frontages and associated spill-out spaces introducing activity to this public space. However, whilst anchoring and providing visual interest to the junction at the site's prominent southeastern corner, blocks B and D would be significantly taller than the predominantly 2 and 3 storey development in this part of the High Street. The 2 blocks would be of substantial width, and their articulation, including

alternating brick tones and inset balconies, would fail to adequately break up the bulk and largely monolithic massing of these blocks. Consequently, the development would have an overly dominant presence on this part of the High Street, harmfully altering the character and appearance of this part of the town centre.

25.) The residential entrance to block A would be located on the building's northern elevation away from the site frontage to Mutton Lane and the shared surface route to the west of the site, with limited definition and articulation to denote the building's main entrance. The commercial unit to the eastern elevation of this building would be limited in scale, and the ground floor of the building would be almost entirely dominated by ancillary facilities, failing to create an attractive and inviting entrance to the site. The proposed palette of materials for this block would lack coherency with the remainder of the development and the retained Canada Life building, and the lighter brick colour wouldn't be sufficient to adequately denote the building's purported landmark status or its intended function as a focal point of the development. These factors would combine to result in an incongruous form of development which would fail to integrate with the wider development and the surrounding townscape.

26.) The retention of the multi-storey car park would minimise surface parking and reduce the embodied carbon of the development. Nonetheless, this low-rise, utilitarian building would jar with the form and appearance of the remainder of the proposed buildings, resulting in a lack of cohesiveness with the wider development. Measures including the painting of brickwork, the introduction of pergolas and vine planting would fail to satisfactorily integrate this structure with its surroundings. The siting of the car park in relation to Block D would result in a strip of land between the buildings terminating at the rear of the substation. There would be limited surveillance of this area and the layout of this space, including a blind corner and siting of cycle storage, would present opportunities for anti-social behaviour, failing to provide a space which is safe and secure to the detriment of the safety of the users of this space.

27.) The Landscape strategy report (MRG Studio) outlines that the proposed landscape arrangement comprises a 'Northern private communal garden courtyard' to the east of block E (the northern courtyard), a 'Southern private communal garden courtyard' between blocks A, B and Canada Life Place (the southern courtyard) and a Neighbourhood Square to the site frontage on the High Street. A landscaped shared surface route providing a pedestrian/cyclist connection to The Walk (the Northern connection to The Walk), is also included within the development's open space offer. The development proposes the delivery of 400m^2 of play space, provided within the courtyards.

28.) The northern and southern courtyards are proposed as private communal spaces with routes through to encourage sustainable travel by pedestrian residents. However, whilst landscaping is proposed to dissuade public access into more private spaces, there would be a lack of clear delineation of public, private and semi-private spaces in these courtyards, compromising their value for the development's users.

29.) The Neighbourhood Square would be framed by commercial units in blocks B and D. Drawing on my observations on site and the evidence before me, the retained basement access ramp to Canada Life Place would not be an overly dominant or intrusive feature in views from the Neighbourhood Square, nor would it hinder pedestrian and cyclist connectivity to the Northern connection to The Walk. The servicing route connecting the rear of the commercial units on the High Street to the northern connection to The Walk would see a low volume of traffic with vehicular access restricted by bollards, allowing the Neighbourhood Square to primarily function as an area of public realm whilst also facilitating the necessary servicing arrangements to support the commercial units. Nonetheless, the retained substation and car park would present unattractive features which would detract from and lack coherency with this space.

30.) The development would see the removal of 86 trees. Given their siting above the basement to Maple House, the removal of these trees would appear to be necessary to facilitate the redevelopment of the site. Whilst these trees contribute to the town centre's visual amenity, all trees protected by a Tree Preservation Order would be retained and there is no compelling evidence that the tree removal would result in significant townscape impacts. Accordingly, the extent of tree removal is considered to be acceptable.

31.) The Townscape and Visual Impact Assessment (Turley, July 2026) suggests that the proposals would not introduce notable changes to the townscape of the site in terms of the maximum height, overall scale and massing in relation to the surrounding wider townscape context. However, for the reasons set out above, I find that the form, layout and articulation of built form would fail to establish a cohesive, visually attractive, usable development which responds to and enhances its surroundings, resulting in harm to the character and appearance of the surrounding townscape. Conflict therefore arises with those aims of SADMPP policy SADM30 and CS policy CS22 which seek to ensure that development results in a high-quality design.

32.) Conflict also arises with paragraphs 1 and 2 of Framework policy DP3 which state that development proposals should respond to their context and which seeks to ensure the creation of well-designed places with built form which distinguishes between public and private areas, which includes spaces that are safe and secure and which seeks to create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting. Paragraph 3 of Framework policy DP3 states that development proposals should be refused if, without clear justification, they conflict with paragraph 1 of the policy or the relevant aspects and principles in paragraph 2. I return to this in my planning balance.

Heritage assets

33.) The site is within the setting of 2 grade II listed buildings: the White Horse Public House (now known as the Cask and Stillage) and The Lion Public House (now known as Potty's Diner). Statute requires that I pay special

regard to the desirability of preserving a listed building or its setting[2].

34.) The White Horse Public House is an early 18th century building occupying a prominent position on the east side of the High Street opposite the site. It appears to largely derive its significance from its special architectural and historic interest and there is little indication that the building's setting contributes positively to its significance. The setting of the building has been much altered by mid to late 20th century developments, including buildings within the site, resulting in an overtly urban environment and a change to the way in which the building is experienced. The site currently harms the setting of this building and the ability to appreciate its significance.

35.) The application would see the replacement of the existing 2 to 2½ storey buildings fronting the High Street with 5 to 6-storey blocks. The increased height, scale and massing of these blocks would have a dominant presence on the High Street, resulting in a considerable change to the setting of the White Horse Public House, fundamentally impacting how this building is experienced. Nonetheless, noting the altered setting to this building, the harm to the significance of this building through its altered setting is judged to be low and not substantial.

36.) The Lion Public House is a late 18th century building located at a prominent junction to the southeast of the site. Its significance appears to be largely derived from its architectural and historic interest and there is little indication that the building's setting contributes positively to its significance. The building's modern signage and external décor diminish the architectural and historic qualities of the building. This building is experienced against a backdrop of larger modern development, as well as the busy highway intersection, which have altered its setting and the ability to appreciate its significance.

37.) Block B would introduce a substantial built form that would be significantly taller and larger than the existing buildings occupying this part of the site. Consequently, there would be a change to the setting of the Lion Public House. Nonetheless, the setting in which this building is experienced would remain dominated by the busy road junction and the backdrop of other modern development. Accordingly, the harm to the significance of this building through its altered setting is judged to be very low and not substantial.

38.) The harm to the significance of both buildings through their altered setting would be low/very low but nevertheless of considerable importance and weight. Under such circumstances to reach an overall conclusion on this issue it is necessary to consider the balance in policy HE6 of the Framework, which advises that this harm should be weighed against the public benefits of the proposal. I return to this in my planning balance.

[2] Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Housing mix

Market housing

39.) The development proposes 33% studio/ 1 bed units, 51% 2-bed units and 16% 3-bed units. This represents an overprovision of 1 and 2 bed units compared to the identified housing need set out in the Local Housing Needs Assessment Update 2025 – Final Report (2026) (LHNA Update) which identifies that in the market housing sector, the largest share of homes likely to be required is 3 bed properties (43%) with similar proportions of 2 and 4-bed homes (24% and 29% respectively) and limited modelled demand for 1-bed homes.

40.) Nonetheless, the LHNA update notes that these estimates reflect likely needs at a borough-wide level. The development comprises a high-density town centre flatted development which would likely be more attractive to smaller households. Accordingly, I am satisfied that the overprovision of smaller units would be appropriate to the site location and characteristics and the development form. Therefore, whilst differing from the identified housing need, in these particular circumstances the market housing mix is considered to be appropriate to the site.

41.) Concerns raised regarding the potential proliferation of Houses in Multiple Occupation (HMOs) and the potential for associated anti-social behaviour are noted. However, there is no suggestion that the units, the largest of which would have 3 bedrooms, are intended to be used as HMOs.

Affordable housing

42.) The application is liable to provide 35% affordable housing under the requirements of CS policy CS4. This policy states that where scheme viability may be affected, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision. A Viability Assessment is a process of identifying whether a development is viable, by determining whether the value generated is more than the costs of developing it. This includes consideration of Gross Development Value (GDV), construction costs, Existing Use Value (EUV), landowner premium and developer return.

43.) The PPG[3] advises that a viability assessment should be presented in a way that allows clear interpretation and interrogation of it. It should evidence inputs used and explain any differences from the inputs and assumptions used in the viability assessment that formed the basis of the development plan. It goes on to state that the decision maker should consider whether the assessment and its conclusions are objective, reasonable and realistic.

44.) The application does not propose any affordable housing provision. The applicant's Financial Viability Assessment (Turner Morum, July 2026) (TMFVA) states that the development would result in a deficit of £ 14.1m in a 100% market housing scenario with the site being developed on the basis of a

[3] Paragraph: 009 Reference ID: 10-009-20251216

reduced return. This was then updated to a £12.51m viability deficit in the viability analysis update of 25 September 2026 to reflect a reduction in Section 106 contributions. The Council's Financial Viability Assessment (Aspinall Verdi, October 2026) (AVFVA) calculates that the delivery of the scheme without any affordable housing is viable, generating a surplus of circa £1.72m above the target return.

45.) The TMFVA applies an assumed non-residential rent of £20 ft^2 which it is stated is appropriate given the nature of the location, the likely future occupiers and current market conditions. However, there is limited evidence before me regarding how that figure has been arrived at, or evidence that these factors dictate that this rental level is appropriate to the site and development proposed. The AVFVA evidences that a non-residential rent of £25 ft^2, calculated based on achieved and asking rents for retail spaces across Hertfordshire and the areas surrounding the site, would be appropriate to the development. Based on the evidence before me I tend to agree with the Council that the non-residential rent levels in the TMFVA are too low. An increase in non-residential rent to £25 ft^2 would increase the development's value by circa £1m.

46.) The AVFVA's yield guide evidence[4] indicates that a non-residential 7.5% yield would be at the lower end of the range of non-residential yields. Accordingly, based on the evidence before me, and all that I heard in the hearing regarding the risk associated with smaller commercial units, there is no compelling evidence that the non-residential yield of 7.5% referenced in the TMFVA is overly optimistic for the location.

47.) I have been presented with limited compelling evidence that the development would achieve the target market residential revenue if it did not include car parking. Therefore, I am satisfied that the value of the car parking is reflected in the overall market residential revenue. It follows therefore that the car park revenue included in the AVFVA is a 'double count' which should be omitted from the scheme's development value.

48.) The TMFVA's profit of 20% of GDV is within the industry standard of an acceptable return to developers as identified by the PPG of 15-20% of GDV. I have been presented with no compelling reason to find that this is excessive. The evidence base referenced in the AVFVA in support of a suggested lower return comprises the 2012 Economic Viability Assessment and the 2026 draft Whole Plan Viability Assessment. However, the 2012 assessment is of considerable age, and the 2026 assessment is in draft form and currently under consultation, reducing the weight to be afforded to these documents.

49.) Whilst omitted in both appraisals, both parties agree that the inclusion of an EUV premium is justified and this approach is consistent with the PPG which advocates the inclusion of an EUV premium reflecting the minimum return at which it is considered reasonable landowner would be willing to sell their land. The applicant suggests that an EUV premium would amount to approximately £2.5m-£5m and I have been presented with no compelling

[4] As set out at table 4.7 of the AVFVA

evidence to the contrary. Clearly the inclusion of an EUV premium would result in a further impact on development viability.

50.) The AVFVA calculates the scheme's finance costs as £3,048,974 which the applicant suggests appears to reflect the 'S-Curving' of the assumed build costs whereby the costs are incurred at a lesser extent at the start of the development, peaking in the middle and tailing-off towards the end. The evidence before me, including all that I heard at the hearing, indicates that the build and finance costs would not be accrued in this manner, with a significant amount of the development costs being front loaded, increasing the total compound finance costs. There is nothing before me to indicate that the applicant's assumed finance costs would not accord with the guidance in the PPG.

51.) One area in which there appears to be the greatest discrepancy relates to the site's EUV. The Council's lower EUV primarily results from the exclusion of Canada Life House to reflect that this building falls outside the site. The applicant submits that Canada Life House should be included in the EUV calculation. It is stated that the development would struggle to be delivered without the acquisition of Canada Life House, and that some form of development agreement would be needed to purchase the access/service rights to enable this development to proceed. There is, however, no information before me regarding these agreements or their implications for the site's EUV to give substantial credence to. The development's GDV does not appear to include the value derived from developing Canada Life Place indicating that, whilst this building is included as a cost in the EUV calculation, its value is not reflected in the appraisal. Accordingly, I am unconvinced that the inclusion of Canada Life Place in the site's EUV is consistent with the guidance in the PPG. Thus, I am inclined to agree with the Council that this building should be omitted from the site's EUV calculation.

52.) The AVFVA calculates that the exclusion of Canada Life Place from the EUV would result in a reduction in land value of £6,175,000. The increase in non-residential rent would add further revenue of circa £1m. Factoring in a reduction in Section 106 contributions of £1,411,185 to reflect the contributions in the UU, this would add a total value of circa £8,586,185 to the scheme. The addition of an EUV premium, even at the lower suggested end of the range at £2.5m, would reduce this additional development value to circa £6,086,185. Noting the applicant's calculations that in a 100% market housing scenario the development results in a deficit of £12.51m against the target return, this indicates that, even factoring in the additional revenue and reduction in land value, the development would remain unviable by in excess of £6m.

53.) In light of the above, the proposal would not generate sufficient value to be capable of providing a contribution towards affordable housing and to do so would render the scheme unviable. The UU includes a mechanism for viability review in relation to affordable housing provision which enables surplus profit to be used for affordable housing. I am thus satisfied that no conflict would arise with CS policy CS4.

Conclusions on housing mix

54.) The market housing mix would differ from the housing needs set out in the LHNA Update and the development would fail to make any provision for affordable housing. Nonetheless, I have identified that the site's characteristics justify a departure from the identified market housing need, and that the evidence indicates that the development cannot viably make provision for affordable housing. I therefore find no conflict with the wider aims of the referenced development plan policies which seek to ensure that proposals provide an appropriate mix and size of new homes in terms of housing size, type and tenure in line with local housing need.

Contributions towards infrastructure

55.) The UU seeks to secure a range of planning obligations including contributions towards BNG monitoring, residential travel plan monitoring and sustainable travel vouchers. Requested contributions towards healthcare provision, secondary education, sustainable travel, SEND, waste service transfer station and waste recycling centre are included as 'blue pencil' clauses.

56.) Hertfordshire County Council has submitted a CIL Compliance Document which details how the obligations sought by them are necessary to make the development acceptable in planning terms, are directly related to the proposal and are fairly and reasonably related in scale and kind to the development. It is necessary that I consider these obligations against the 3 tests set out in Regulation 122(2) of the CIL Regs, which state that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

57.) Hertsmere Borough Council's CIL Charging Schedule was adopted on 01 December 2014 and the Hertsmere Infrastructure Funding Statement 2022-23 sets out how the authority intends to use the strategic CIL funds held by the borough council with a list covering broad categories of infrastructure.

58.) The CIL spend priorities include education facilities and there is no suggestion that contributions towards SEND wouldn't also fall under this broader infrastructure category. Similarly, there is no compelling evidence that contributions towards sustainable travel would not fall under the category of 'transport and highways improvements' listed in the CIL spend priorities. CS policy CS21 is clear that, following the introduction of a CIL charging schedule, planning obligations under Section 106 will only be sought in relation to schemes where such contributions would be necessary to mitigate site-specific impacts and are not for items already covered in a CIL charging schedule (my emphasis added). Accordingly, I am satisfied that the mitigation of the development's impacts in relation to education, SEND and sustainable travel are capable of being covered by CIL. These obligations would not therefore be compliant with the CIL regs.

59.) The CIL spend priorities do not reference the waste service transfer station or waste recycling centre. Contributions towards the expansion of Potters Bar Recycling Centre and increasing waste transfer capacity at Waterdale Transfer Station appear to be necessary to ensure adequate provision and availability of recycling and waste transfer provision and thus are necessary to make the development acceptable in planning terms. These contributions are directly related to the development and would be fairly and reasonably related in scale and kind based on the projected number of service users generated. Therefore, these contributions would be compliant with the CIL regs.

60.) The NHS Central East Integrated Care Board requests a contribution towards primary care facilities, calculated using a formula based on the number of units proposed and the additional patient numbers arising from the development, the additional space required to provide the required number of GPs and the projected build cost. However, whilst it is stated that Parkfield Medical Centre, Highview Medical Centre and Annandale House Surgery will be impacted by the development given their proximity to the site and predominant patterns of access in the area, the contribution request does not provide any details regarding the existing capacity of the surgeries or the infrastructure project the contribution would be spent on. Accordingly, the evidence is not sufficiently robust to confirm that the funding is directly related to the development and is fairly and reasonably related in scale and kind to the development. Therefore, this contribution would not be compliant with the CIL regs.

61.) The UU makes provision for the payment of £13,394 for BNG monitoring. This reflects the Biodiversity Net Gain Supplementary Planning Document (2024) which sets out that the Council will seek a proportionate monitoring and administration fee as part of the application, to be secured through a Section 106 agreement, linked to the size of the application and the type and location of the BNG. Given the scale of the site and the extent of the proposed BNG, I am satisfied that this contribution is necessary and accords with the requirements of the CIL regs.

62.) The UU includes a contribution of £6,000 towards monitoring compliance with the Residential Travel Plan and a contribution of £50 per flat towards the provision of sustainable travel vouchers. These contributions reflect the provisions of Hertfordshire County Council's Guide to Developer Contributions (2024) which establishes the requirement for a monitoring contribution towards travel plan evaluation and towards sustainable travel vouchers to incentivise the uptake of public transport, cycling or walking as appropriate to the development. Accordingly, I am satisfied that these contributions are necessary and accord with the requirements of the CIL regs.

Standard of living accommodation

Privacy

63.) The development would introduce residential uses, and parts of the development would see a separation between facing windows of approximately 14m. However, I am mindful that close relationships between

tall buildings are commonplace in higher density areas such as the application site. The separation between units would not be so limited as to prejudice the living conditions of the occupiers of the affected flats through harmful overlooking.

Daylight and sunlight

64.) The Daylight and Sunlight Report (Waterslade, June 2026) (DSR) calculates that 39 of the units would fail to meet BRE sunlight targets and 18 would fail to meet BRE daylight targets. Nonetheless, the 'Site layout planning for daylight and sunlight- A guide to good practice' (BRE, 2022) states that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design, clarifying that in special circumstances the developer or planning authority may wish to use different target values, for example, in an area with modern high-rise buildings where a higher degree of obstruction may be unavoidable. The site is located in a dense urban environment adjacent to a high-rise building where conditions are already constrained. Adopting the flexible approach advocated by the BRE to account for the site's location, I find that on balance the daylight and sunlight levels within the proposed units would be appropriate to the site.

Noise

65.) The Noise Impact Assessment (Cass Allen, July 2026) states that noise levels at the site are generally dictated by road traffic noise emissions from High Street and Mutton Lane. Therefore, the site is a high risk in relation to daytime and night-time noise levels. Accordingly, the use of acoustically upgraded glazing and ventilation is proposed in order that windows need not be opened to achieve acceptable overnight internal noise levels. There is no suggestion that the mitigation methods proposed would be unsuccessful in achieving an acceptable noise environment within the proposed apartments. Based on the evidence before me, I am satisfied that the implementation of glazing and ventilation which secure an acceptable internal noise environment without rooms overheating could be satisfactorily secured by condition.

Amenity space

66.) 34 of the units would not be provided with any private amenity space and a number of private amenity spaces would exceed the desirable noise levels and thereby are excluded from the site's private amenity space calculations. The draft Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development (2016) (SPD) recommends that 1 bedroom units should provide at least $20m^2$ of amenity space, with a further minimum $10m^2$ for each additional bedroom. The development would fall short of these private amenity space requirements. Nonetheless, the SPD is in draft form, which reduces the weight to be afforded to it. Furthermore, the SPD states that the Council may take a more flexible approach in respect of higher density schemes in town centres, taking into account a number of matters including the suitability of that location for high density development and the proximity to areas of public open space. Noting the public open space in the surrounding area, including Oakmere Park and Parkfield Open Space, and the site's accessibility, the flexible approach advocated in the SPD indicates that

the overall private amenity space provision would not result in harmful living conditions for the development's occupiers and would be acceptable overall.

Relationship with the car park

67.) Openings in the rear elevation of Block D would be approximately 4.25m from the car park. The lower level of the car park is approximately 500mm below adjacent ground level, with the upper parking deck positioned around 2m above ground level. Noting the relatively low volume of traffic which would be using the residents' car park, there is no indication that vehicles accessing and exiting it would cause noise disturbance to the occupiers of the units in Block D, in particular noting that all residential units would be fitted with acoustically upgraded glazing. Given the height of the parapet to the car park there is no indication that vehicles would disturb the occupants of nearby flats through light pollution. Whilst the pergola to the car park would be visible from the units in the rear elevation of Block D, there is no indication that this light-weight structure would compromise the outlook from these units.

Conclusions on the standard of living accommodation

68.) Drawing together the above, I find that on balance the development would provide an acceptable standard of living accommodation for the development's occupiers which would reflect the site's urban, constrained town centre location and relationship with high-rise built form. Accordingly, I find no conflict with CS policy SP1 and SADMPP policy SADM3 which require that flats should provide a good standard of accommodation and internal space and which seek to ensure a safe, accessible and healthy living environment.

Effect on living conditions- neighbouring occupiers

69.) The DSR indicates that the development would result in a loss of light to flats at Key Point, 19 High Street and 27-29 High Street. The loss of light to flats at Key Point would be in excess of the default BRE criteria. These units comprise a residential conversion of a former office block with compromised light levels as a result of design features such as recessed windows, overhanging eaves and obstructing pillars. These units would see a reduction in daylight levels, in particular for windows located in internal corners. Nonetheless, the DSR concludes that overall, the retained daylight levels reaching these units will be consistent with those expected in an urban location. The DSR indicates that overall No 19 would be fully compliant with the BRE guidelines retaining very high daylight amenity whilst all windows at No 27-29 would retain very high daylight amenity. I have not been presented with any reason to conclude otherwise.

70.) Whilst the development would result in some impacts on neighbouring properties in terms of reductions in daylight and sunlight levels, these impacts would be consistent with the site's high density town centre location and would appear to be within tolerable limits. The proposal would thus comply with SADMPP policy SADM30 which requires that development have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.

Highway impacts

71.) The Transport Assessment (Paul Basham, July 2026) states that the forecast traffic generation has been assessed and is not predicted to result in a material increase in vehicle movements on the surrounding highway network. It concludes that existing conditions of the local highway network are not considered to be adversely impacted with regard to road safety or the free flow of traffic and that the development would not result in a material adverse impact on the safety or operation of the surrounding highway network. I have not been presented with any evidence to conclude otherwise.

72.) The level of car parking provision (125 spaces) reflects the discounted approach in the Draft Sustainable Transport & Parking Standards Supplementary Planning Document (2022) (DSTPSSPD) which seeks to promote the use of walking, cycling and public transport in sustainable locations by providing car parking below the maximum levels to reduce reliance on private transport in the most accessible areas. The quantum of cycle parking would accord with the standards in the DSTPSSPD.

73.) The site is located in a highly accessible location in proximity to a range of public transport services and key local amenities. The Northern connection to The Walk would facilitate a direct pedestrian and cyclist link between Mutton Lane and The Walk following a key primary desire line. Vehicular traffic accessing this route would be limited to service vehicles and vehicles accessing the residents' car park with relatively low traffic volumes on this route. Even without enhancements to the parts of this route falling beyond the site, the facilitation of a direct linkage between Mutton Lane and The Walk represents an improvement to the connectivity through the site. This, in combination with the discounted quantum of car parking proposed, would encourage the use of active travel modes, with further support through the provision of cycle parking across the development and the provision of active travel vouchers for occupiers, secured through the UU.

74.) Residential bin stores are proposed at the ground floor of all buildings to provide access for refuse operators directly adjacent to the internal carriageway. The proposal is supported by a Refuse Management Plan which provides details of the overall waste strategy, storage volumes, the location and capacity of the refuse stores, information on refuse vehicle access and future management arrangements. The development makes adequate provision for the storage and collection of waste and recycling.

75.) The development's highway impacts would be acceptable, and the development would provide support for active travel in accordance with SADMPP policies SADM19, SADM38, SADM40 and CS policies CS24, CS25 and CS26 which seek to ensure that development will not harm the safety of any users of the highway network, cause or add significantly to road congestion or unduly harm the flow of vehicles, and which requires that development makes adequate provision for off-street parking and can be accessed by a range of transport modes.

Flood risk and drainage

76.) The application is supported by a Flood Risk Assessment and Drainage Strategy (Building Design Consultants, June 2026) (FRA). The foul water drainage strategy proposes to connect/discharge into the existing sewers in the immediate vicinity of the site and the surface water drainage strategy proposes a combination of SUDS, including attenuation swale, SUDS pipes, bio-retention areas such as rain gardens, permeable paving and tree root cells.

77.) The site is located within Flood Zone 1, with most areas considered as being at a 'very low' susceptibility to surface water flooding. The FRA identifies that the site has some areas of surface water flood risk, including where Maple House is sited and along the basement ramp of Canada Life House. The FRA sets out that these isolated areas occur within topographical depressions, with the potential for flooding in these areas to be either removed as part of the proposals through the raising of levels or managed through the onsite drainage network and SUDS.

78.) The Lead Local Flood Authority is satisfied in principle with the proposed surface water drainage strategy, including the drainage hierarchy, proposed restricted discharge rates and the use of SUDS. I have been presented with no compelling reason to conclude otherwise. I am satisfied that the development has appropriately considered the relevant sources of flood risk and includes an acceptable sustainable surface water drainage strategy. Accordingly, the proposal accords with Chapter 18 of the Framework and SADMPP policies SADM14 and SADMP15 and CS policies SP1 and CS16 which seek to encourage that development is located within areas of lower flood risk and includes sustainable drainage measures.

Other Matters

79.) BNG is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) which sets out an objective for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The proposal would deliver an increase of 17.53% habitat units onsite, resulting in an overall 17.53% net gain in biodiversity. The development would therefore deliver a satisfactory level of BNG which would comply with the statutory requirements of the Environment Act 2021.

80.) The main parties agree that the proposal is chargeable development under The Community Infrastructure Levy (CIL) Regulations 2010 and that if the application had been submitted to them then CIL would have been payable. I have no reason to conclude otherwise.

The Planning Balance

81.) The site is located within a settlement, wherein Framework policy S4 establishes in principle support for development, stating that development proposals 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.

82.) The proposal would be compatible with the spatial strategy and would deliver a net gain of 280 residential units on a brownfield site in a highly sustainable location with good public transport links, making better use of vacant and underutilised land and buildings. The Council has confirmed that, with a 0.98 year housing land supply, it falls far short of being able to demonstrate a 5-year supply of deliverable housing sites and has also failed to meet the housing delivery test by virtue of the recent delivery of housing being substantially below the housing requirement. Factoring in the severity of the shortfall of housing delivery and supply in the district, and the opportunity presented by the proposal to help address this shortfall in a meaningful way, I afford substantial weight to the benefits of housing delivery.

83.) The provision of improved flexible commercial floor space, the creation of employment during the development's construction and operational phases and long-term economic benefits associated with future occupiers contributing to the local economy also attract substantial weight in favour of the proposal.

84.) The delivery of open space and improved pedestrian/ cyclist connections would be of benefit to residents and the wider community, attracting moderate weight in favour of the development.

85.) In line with Framework policy HE6 it is necessary to weigh the low/ very low level of harm to the significance of the 2 designated heritage assets against the public benefits. All the above benefits can be regarded as public ones. Those relating to housing delivery alone are substantial and sufficient to outweigh the harm to significance notwithstanding the considerable importance and weight I have given to that harm. Accordingly, whilst the Framework indicates that any harm to a designated heritage asset will be a matter of considerable importance and weight, there is clear and convincing justification for the harm to these assets as required by Framework policy HE6. Therefore, whilst there would be an adverse effect on the significance and setting of 2 designated heritage assets, there would be overall policy compliance with the Framework. There would also be compliance with SADMPP policy SADM29 which clarifies that planning applications will be considered in accordance with the Framework.

86.) On the other hand, the proposal would fail to deliver a high-quality form of development which ensures the creation of attractive and usable places in a manner which responds to and enhances its surroundings. The development would therefore be in conflict with the key principles for well-designed places set out in Framework policy DP3. Good design is a key aspect of sustainable development, and the resultant harm would have an enduring effect. This is a matter of substantial weight, and I do not consider that the cumulative substantial benefits are sufficient to provide clear justification for the conflict with policy DP3.

87.) Policy S4 outlines the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects.

This includes failure to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. DP3 is one of those policies. Against that background, whilst acknowledging the cumulative benefits of the proposal, these would be substantially outweighed by the adverse effects when assessed against the national decision-making policies in the Framework, and the conflict with Policy DP3 means that planning permission should be refused. It therefore follows that the benefits of the scheme would be substantially outweighed by the harm identified.

Conclusion

88.) The proposal does not accord with the development plan and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, I conclude that planning permission should be refused.

N Robinson

Inspector and Appointed Person

Informatives:

i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.

ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.

iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: https://www.gov.uk/courts-tribunals/planning-court

Appendix 1 - Consultee responses

Active Travel England
Building Safety Regulator
Cadent Gas
Health and Safety Executive
Lead Local Flood Authority
Hertfordshire Constabulary
Hertfordshire County Council
Historic England
National Highways
Natural England
NHS Central East
Thames Water

Appendix 2 – Documents

Documents requested at Hearing:

Hertsmere Borough Council Community Infrastructure Levy (CIL) Charging Schedule 17th September 2014

Hertsmere Borough Council Infrastructure Funding Statement 2021/22

Hertsmere Borough Council Infrastructure Funding Statement 2022/23

Hertsmere Borough Council Infrastructure Funding Statement 2023/24

Documents submitted at the hearing:

Hertsmere Borough Council opening statement

Applicant opening statement

Appendix 3 – Hearing appearances

FOR THE APPLICANT:

Mr Chad Neaves, Development Director, Chase New Homes

Ms Liz Fitzgerald, Managing Director, Barker Parry Town Planning

Ms Lauren Whiteley, Associate, Barker Parry Town Planning

Mr Thomas Hegan, Partner, Turner Morum LLP

Mr Paul Fletcher, Director, Waterslade Ltd

FOR THE DESIGNATED LOCAL PLANNING AUTHORITY:

Ms Georgia O'Brien, Development Management Service & Performance Manager

Mr Lawrence Sherwood: Principal Urban Design Officer

INTERESTED PERSONS:

Councillor Harvey Cohen, on behalf of ward Councillor Lynette Sullivan