

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 27 May 2021 at 7.30 pm at Watersmeet Theatre, High Street, Rickmansworth

Members of the Planning Committee:-

Councillors:

Steve Drury (Chair)
Alex Hayward
Chris Lloyd
Sara Bedford
Keith Martin

Raj Khiroya (Vice-Chair)
Debbie Morris
David Raw
Alison Scarth
Ruth Clark

*Joanne Wagstaffe, Chief Executive
Wednesday, 19 May 2021*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public will be entitled to register and identify which application(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak must do so by notifying the Committee team by e-mail (CommitteeTeam@threerivers.gov.uk) 48 hours before the meeting. The first 2 people to register on any application (one for and one against) will be sent details on the requirements for attending the meeting. Registering 48 hours before the meeting will allow the Committee Team time to prepare the speaker sheet in advance of the meeting.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Due to Coronavirus restrictions the Council are restricted on the number of people who can attend the meetings in person. To secure one of the limited places as an observer, please contact the Committee Team by email at CommitteeTeam@threerivers.gov.uk 48 hours in advance of the meeting taking place. Places will be allocated on a first come first served basis.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The Planning Committee meeting will not be broadcast/livestreamed.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 5
- 18)

To confirm as a correct record the Minutes of the Planning Committee meeting held on 22 April 2021.

3. NOTICE OF ANY OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest.

Where a member of this Planning Committee is also a member of a Parish Council they are entitled to take part in any debate at this Committee on an application within that Parish area provided that the Councillor

- has an open mind about the application
- is not bound by the views of the Parish Planning Committee and
- can deal with the application fairly and on its merits at Committee

PLANNING APPLICATIONS

The following applications (agenda items 5 to 13) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual reports.

- 5. 20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works at KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JJ** (Pages 19 - 118)
- 6. 21/0317/RSP- Part Retrospective: Demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works at 4 ARTICHOKE DELL, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EQ** (Pages 119 - 132)
- 7. 21/0417/RSP - Part retrospective: Extension to existing patio and** (Pages

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| | additional landscaping works to rear garden at 173 ABBOTS ROAD, ABBOTS LANGLEY, WD5 0BN | 133 -
140) |
| 8. | 21/0514/ADV: Advertisement Consent: Installation of 1 non-illuminated totem sign; 3 non-illuminated fascia signs to western elevation and non-illuminated fascia signs to southern elevation at TRAVIS PERKINS, CHURCH WHARF, CHURCH STREET, RICKMANSWORTH | (Pages
141 -
150) |
| 9. | 21/0542/FUL - Demolition of existing buildings and manege and construction of detached bungalow with associated parking, hardstanding and soft landscaping at PETHERICK PASTURES, BUCKS HILL, SARRATT, WD4 9AE | (Pages
151 -
184) |
| 10. | 21/0571/FUL - Single-storey rear extension and associated internal alterations and alterations to existing outbuilding to be used as office at 4 SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SN | (Pages
185 -
194) |
| 11. | 21/0642/FUL - Demolition of existing dwelling and construction of replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear at 45 GALLOWS HILL, ABBOTS LANGLEY, WD4 8PG | (Pages
195 -
206) |
| 12. | 21/0826/FUL- Single storey side and rear extensions, conversion of garage, alterations to fenestration including bay window and front porch at 18 FOLLETT DRIVE, ABBOTS LANGLEY WD5 0LP | (Pages
207 -
214) |
| 13. | 21/0850/PIP - Permission in Principle: Change of use to residential and construction of two single storey houses with associated residential curtilages at CHRISTMAS TREE FARM, DEADMANS ASH LANE, SARRATT, HERTFORDSHIRE | (Pages
215 -
224) |

14. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

15. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph X of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

16. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

Background Papers (used when compiling the above reports but they do not form part of the agenda)

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

General Enquiries: Please contact the Committee Team at committeeteam@threerivers.gov.uk

PLANNING COMMITTEE

MINUTES

For a virtual/remote meeting held on Thursday 22 April from 7.30pm to 10.35pm

Councillors present:

Councillors:-

Chris Lloyd (Chair)
Raj Khiroya (Vice-Chair)
Sara Bedford
Steve Drury
Peter Getkahn
Keith Martin

Marilyn Butler
Stephen King
Debbie Morris
David Raw
Alison Scarth

Also in attendance: Councillors Margaret Hofman, Dominic Sokalski, Phil Williams, Croxley Green Parish Councillor Chris Mitchell and Batchworth Community Councillor Diane Barber

Officers: Adam Ralton, Scott Volker, Kimberley Rowley, Claire Wilson, Lauren Edwards, Freya Clewley, Matt Roberts, Sarah Haythorpe and Sherrie Ralton

PC 113/20 APOLOGIES FOR ABSENCE

None received.

PC 114/20 MINUTES

The Minutes of the virtual/remote Planning Committee meeting held on 18 March were confirmed as a correct record by the Committee and would be signed by the Chair of the meeting.

PC 115/20 NOTICE OF OTHER BUSINESS

There was no notice of any other business. Councillor Chris Lloyd read out the following statement to the Committee:

“The Agenda for this Planning Committee tonight was published on Tuesday 13 April, which assured the agenda was available for five clear working days before the meeting tonight. You will be aware that following the death of His Royal Highness The Duke of Edinburgh the Country went into a period of mourning for eight days which ended at 23.59 on 17 April. [Guidance](#) was published by the Cabinet Office following the death of His Royal Highness the Duke of Edinburgh, which provided details on the period of mourning for public services and which stated that all public services and any services involved in the government response to Covid 19 would continue as usual throughout the mourning period. Members of the public would be able to access this information and services online as necessary. The Committee and Legal Team undertook to establish whether the period of mourning for His Royal Highness The Duke of Edinburgh affected the computation of days for Council meeting purposes. Whether the period of

mourning leaves us with the five clear days required before the meeting tonight or whether as a result of these days could be deemed excluded from the calculation of days under Section 243 of the Local Government Act 1974. In order to ensure that Committee can determine these applications on the agenda tonight and following the notification to this Chief Executive as required under Rule 30(3) of the Council Constitution and as Chair of the Committee at this meeting I have agreed to take the agenda items of business as urgent under this Rule within the terms Section 100b(4) of the Local Government Act 1972. This is to ensure we comply with both the Act and guidance.”

PC 116/20 DECLARATIONS OF INTEREST

Councillor Chris Lloyd read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillor’s. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account of information provided on the night. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to any view.”

Councillor Chris Lloyd advised that the Liberal Democrat Councillors declared a non-pecuniary interest in Item 9. Members of the Committee were not personal friends of the Councillor who was acting as an agent on the application and did not feel there was any conflict of interest.

PC117/20 20/2737/FUL- Erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping at Land Adjacent to 62-84 & 99-121 SYCAMORE ROAD, CROXLEY GREEN, WD3 3TF

The Planning Officer gave the following update:
Following the publication of the reports, 9 further comments had been received on the application. All the comments confirm that the objections previously raised were upheld notwithstanding the amendments that were made to the scheme and the pre-consultation that was carried out. A comment was received that afternoon from the Canal and River Trust, who were a consultee on the application. They did not have any objections to the application but they had requested a number of conditions. Some of the conditions had already been suggested within the Officer report at section 8, however, there were 2 further conditions suggested which the Officer felt should also be incorporated: To remove Permitted Development Rights for Class A and F of schedule 2 part 1 of the general Permitted Development Order for the terraced dwellings to the south of the proposed development and for the submission of further details in relation to surface water drainage. A plan had been received from the Agent for the Application which showed detailed tracking diagrams to demonstrate that an emergency vehicle could enter and turn within the site if required.

Councillor Keith Martin advised of his long association with the site, from 1962 until the end of 2020 and that the amenity space had been allocated for the recreational purposes of the residents of the flats.

Councillor Peter Getkahn made the following points: The original application noted that the area had amenity space for those flats since 1960s, the park was not so easy to get to. The parking allocation had been noted as being lower but it was not clear where additional parking mentioned was located. There were flooding issues every year.

Councillor Sara Bedford put forward the following reasons for refusal of the application: The development would be detrimental to the visual amenity, setting and character of the area, contrary to the 1960s character of the area, as defined in Character Area 5 of the Croxley Neighbourhood Plan, and was therefore contrary to the Croxley Neighbourhood Plan, a material planning consideration. For the same reasons it would be contrary to the current Three Rivers Local Plan. A technical reason would be required for refusal based on the consequent lack of affordable housing which would result by refusing the application. The reason for refusal 2, as on the previous refusal, of it being adjacent to the Green Belt, had changed since that application came forward and may not stand up. It was hoped that the Case Officer would be able to explain whether that would be a valid material consideration in this situation.

Councillor Debbie Morris raised the following points: The ground that was upheld at the last refusal of the loss of open space for social and recreational use and had been identified by the previous Inspector. Officers had said that as it was 15 years ago its weight was not of the same substance but Councillor Morris said that did not destroy the validity of the reason for refusal. Plot 8 had a significant shortfall in amenity space which went against the assertion that this was to be a site that retained some sense of openness. Separation distances to neighbours to the east, north and west were said to be between 24 and 27 metres. Generally separation distances were 28 metres plus. 20 metres between the flats and the houses was not much. This was potentially an over-development that would cause harm to the existing street scene and the area.

The Planning Officer pointed out that as the site was not in the current designation of Green Belt they would not be able to take those policies into consideration.

The Chair queried the reason for refusal 2, that stated the proposed development was adjacent to Metropolitan Green Belt. The Planning Officer confirmed that was correct the Green Belt lay to the south of the site and began somewhere on the Grand Union Canal.

Councillor David Raw asked whether the policies that Croxley Green Parish Council said would be contravened at paragraph 4.1.1 were still valid.

Councillor Peter Getkahn said although this was not in the Green Belt it would be visible from the Green Belt.

Councillor Keith Martin said these were once cress beds which was why there was flooding.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke against the application.

Ward Councillor Dominic Sokalski said the three main reasons for the application to be rejected were as follows:

- The site plans were misleading with the number of flats being understated. The flats with odd numbers 93 to 121 whilst those with even numbers were 62 to 96, a total of 33 properties and 50 residents.

- Loss of residential amenity space used for communal and recreational purposes. It would be contrary to Policy DM1
- The site contributed to the open and semi rural character of that part of Sycamore Road. The proposed development did not reflect the local context or conserve or enhance the character, amenities or quality of the area or protect existing residential amenities in contravention of Policy CP 12 design and development and DM1.

Ward Councillor Margaret Hofman said there was already a shortage of parking spaces in front of the flats. The proposed access to the development would result in the loss of parking spaces. The site was adjacent to the Green corridor either side of the canal and River Gade which provided a wildlife habitat. The destruction of the trees would have a detrimental impact. Localised flooding had become an issue due to a blocked drainage ditch. This site was not included in those under consideration in the new Local Plan. Previous applications had been rejected.

The Planning Officer said that planning policy was currently silent on sites that were adjacent to the Green Belt so that could not be taken into consideration. Having heard suggestions leaning toward the development by reason of its design and layout having detrimental harm to visual amenity, setting and character of the area, the Planning Officer said that if Members were minded to refuse the application they would have to determine that the benefits of the scheme were significantly and demonstrably outweighed by the harm identified.

Croxley Green Parish Councillor Chris Mitchell said Croxley Green PC objected to the application. The communal garden open space was a necessary condition for the granting of permission in the 1960s. It was designed as part of the open space and had been maintained by residents. Planning applications were refused in 2005 due to loss of open space. The ditch took water from Croxley Danes school. The Parish Councillor requested that the Committee refuse the application.

Councillor Debbie Morris added a reason for refusal related to plot 8, shortfall in the amenity space which was justified by the presence of the extensive opportunity of amenity in the immediate locality. Cassiobury Park, was a mile away, not in the immediate locality and the canal and towpath were not suitable for children to play. Paragraph 7.6.4 showed potential overlooking.

Councillor Sara Bedford said the loss of amenity space would be unlikely to stand up at appeal.

Councillor Sara Bedford moved, seconded by Councillor Alison Scarth, refusal of the application.

On being put to the Committee refusal of the application was declared CARRIED by the Chair the voting being 10 For, 1 Against and 0 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE REFUSED (overturn of the recommendation) for the following reasons:

1) The proposed development by reason of its design and layout would be detrimental to the visual amenities, spacing, setting and general open character of the area, harming the 1960's character of the area and locality. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018), and NPPF.

2) In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

PC 118/20 21/0237/FUL - Part single storey, part two storey rear extension, front porch and alterations to the front elevation comprising a new bay window at 36 GONVILLE AVENUE, CROXLEY GREEN, WD3 3BY

There was no Officer update.

Croxley Green Parish Councillor Chris Mitchell said they objected to the front part of the application as it was out of keeping with the character of the area. Their view was that the porch, dormer and bay window on the front did not comply with the Neighbourhood Plan CA3 as it changed the character of the property and affected the adjoining houses.

Officers confirmed they did consider the Neighbourhood Plan. Gonville Avenue was made up of dwellings of different styles, some of which had first floor dormer windows. A number of porches had been constructed of the same size and style as this application so it was considered that it would not result in harm in that respect.

Councillor Alison Scarth moved, seconded by Councillor Sara Bedford, the recommendation set out in the report for approval.

On being put to the Committee the motion for approval was declared CARRIED by the Chair the voting being 10 For, 0 Against and 1 Abstention.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives set out in the Officer report.

PC 119/20 21/0244/FUL - Erection of garden outbuilding and shed at ROWAN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, WD3 3JY

An Officer left the meeting.

There was no Officer update.

The Chair confirmed that 9 people had been consulted with no responses.

Councillor David Raw raised concerns about sound if this was to be used for telephone calls and whether sound deadening would be used in the proposed structure. The Case Officer advised that the building fabric would provide sufficient insulation in terms of noise impact and would be quieter than people in the garden. Condition 5 had been added that it would only be used by the occupiers of the house for ancillary purposes.

Councillor Peter Getkahn moved, seconded by Councillor Sara Bedford, the recommendation set out in the report for approval.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives set out in the Officer report.

PC120/20 21/0249/FUL: Two-storey rear extension, part single-storey part first-floor side extensions, front porch, rear dormer windows and alterations to fenestration at 30 SOUTH APPROACH, MOOR PARK, HA6 2ET

The Planning Officer gave the following update:

Amended plans were received during the course of the current application. The amendments included: A reduction in height of the eil height of the first floor windows, such that they would remain unaltered as indicated on the proposed elevations. Reduction in size of two of the rear dormer windows from three casement windows to two, two casement windows. The removal of two flank roof lights facing towards either neighbour.

Batchworth Community Council had confirmed with officers that they had no comment to make with respect of the current application.

Moor Park 1958 had raised objections to the amended drawings. They acknowledged the slight reduction in the size of the rear dormers, however, they considered that the two outer dormer windows remained overly cramped and out of balance. Moor Park 1958 stated that they still consider that the submitted application entirely engulfs the existing dwelling and was tantamount to the effective material loss of this pre 1958 dwelling in the Moor Park Conservation Area. The objections raised in their second letter were similar to those already raised and officers had no further comment to make. The points were covered in the Offices report. In addition Condition 7 had been referenced in error, the wording next to condition 7 related to condition 6. Condition 7 was to be deleted.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules members of the public spoke against and for the application.

Councillor Debbie Morris said residents in Moor Park bought into a conservation area and were subject to conservation area appraisal, regulations and guidelines. Three of the external walls would be lost in extensions although the front would remain. The Councillor could not support the scheme.

Councillor Marilyn Butler asked the distance between the house and the neighbours. The Planning Officer advised that the distance to the boundary with number 28 was approximately 4.2 metres, so opening up space to the boundary. With number 32 the distance to the boundary would be 1.5 metres and complied with the 80% guidance which was all within the in the Moor Park Conservation Area Appraisal. They felt it would be an enhancement to the area. The key features were being retained.

Councillor Debbie Morris brought attention to condition 6 which removed Permitted Development Rights in relation to class D erection of a porch and asked for provision that the design of the door would be put forward to Planning Officers for approval prior to its installation.

The Planning Officer said the front door was similar to what was there but referred to Condition 5 which asked for details of the front door and windows to be submitted to Officers prior to building work so this would be looked at with the Conservation Officer. Condition 6 removed Permitted Development Rights for a porch so if the applicant wished to erect one in the future they would have to apply for planning permission.

Councillor Peter Getkahn moved, seconded by Councillor Raj Khiroya, the recommendation set out in the report.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being 5 For, 2 Against and 4 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives set out in the Officer report. Recommended Conditions C6 and C7 to be merged to form one single condition.

P121/20 21/0258/FUL - Demolition of existing garage and gym and construction of single storey outbuilding consisting of store, gym and garage to side and rear of dwelling at 8 SEABROOK ROAD, KINGS LANGLEY, WD4 8NU

The Planning Officer gave the following update:

The design and access statement had been circulated to the Planning Committee in advance of the meeting. The Statement had been omitted from the full submission, but clarified that the existing buildings were not fit for purpose and that a potential Permitted Development fall back right exists as well as the fact that the new outbuildings would be more sustainable.

Councillor Sara Bedford asked whether the submission of the Design and Access Statement made any difference to the analysis or recommendation. The Officer confirmed that this did not alter the view. The fall back position was highlighted in the report and for context the fall back was a material consideration. The plans submitted were less harmful than the permitted development scheme which would mean the fall back was a betterment than what was currently proposed. Notwithstanding this, it was acknowledged that the home owner had the ability to erect class E outbuildings; however, under class E there is an incidental test. This required a reasonable test based on the proposed uses of an outbuilding, meaning just because Class E granted outbuildings, it was not a given right that it would meet the incidental test.. As such, without a lawful development certificate being submitted the weight that could be given to any fall back position that may come forward was given limited weight. Ultimately the scheme currently being assessed was considered by Officers to be more harmful than whatever fall back may exist.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke for the application.

The Planning Officer pointed out that class E gave the right to build outbuildings but not a blanket right to build a sizeable outbuilding. The key test would be whether what was proposed was incidental and that could not be considered without the full facts in front of them. No Certificate of Lawfulness had been granted from the Council which if there was, the weight given to the fall back position would therefore be greater than what was currently given in respect of the application.

Councillor Sara Bedford said the comments made by the Officer under the Very Special Circumstances headline and comments on the fall back position and the need to apply for a certificate was the compelling point on this. The Councillor was moving towards the Officer recommendation as it was felt this was too big in an open Green Belt setting. Another smaller building could be built that would remove the issue of the not fit for purpose falling down nature of the current buildings but the Councillor was not sure that would overcome the fact that this building would

be bigger, taller and more visible from the North looking towards it and also from Toms Lane and the houses in Seabrook and Hilltop Road.

Councillor Sara Bedford moved, seconded by Councillor Keith Martin, the recommendation for refusal in the report.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being 9 For, 0 Against, 2 Abstentions.

RESOLVED:

That PLANNING PERMISSION BE REFUSED in line with the reasons for refusal set out in the Officer Report.

PC122/20 21/0260/FUL: Conversion of garage to habitable accommodation, single storey front extension, part single, part two storey rear extension and insertion of two sun tunnels to front roofslope at 5 GROVE FARM PARK, NORTHWOOD, HA6 2BQ

The Planning Officer gave the following update:

Amended plans had been since publication of the report which amended the external finish of the extension to remove the clad element and show that it would be completely finished in brick to match the existing dwelling. Condition 3 as currently stated requires the extensions to be erected as per the approved plan, but to ensure that the extension is erected in matching materials Condition 3 would be updated to state this specifically.

Batchworth Community Councillor Diane Barber raised the following points of objection: In Batchworth Council's opinion with reference to CP12 the planning results in an over development. It was TRDC policy that three parking spaces be provided for a four bedroom house, this plan would reduce the parking spaces to two. If the plan was approved TRDC would be guilty of non-compliance with their own Policy. The LDD DM13 states that off street parking had to have safe and adequate means of access, the critical matter of parking and the corner position had been raised by neighbours. The boundary was unidentifiable as the grass verge and footpath had been paved over by a former owner to allow extra vehicle parking. An earlier approved plan stated that the grass strip and footpath should be reinstated to comply with the deeds of the estate but this was not done. The report stated now that the loss of the verge and footpath was historic and could not be remedied by TRDC. Due to the increase of hard surfaces on plot frontages there was an increase of flooding and the development should be subject to a drainage survey.

The Planning Officer referred to an application approved in 2019 that was very similar to the application currently proposed, the difference was the garage conversion and although tight, Planning Officers felt there would be room for 3 parking spaces to be provided. If Members took a different view Officers felt a shortfall in this location would be acceptable. They did not feel they could adequately demonstrate harm. With regard the plot boundary, Officers took that with good faith. With regard to the previous owner paving over part of the verge, that was a historic situation and the reference to the Deeds would not be a matter for Planning. In terms of over development, the rear extensions were in compliance with Appendix 2 of the Development Management Policy document. There was sufficient amenity space for a dwelling of this size. Plans had been amended during the course of the application to set back the front extension so it came no further forward than the bay so Officers were of the view that this was acceptable and they did have to have regard to the fall back position which is that they had approved applications for extensions with the exception of the garage

conversion. A drainage survey would not be reasonable to request on this type of application.

Councillor Steve Drury pointed out that to access the 3rd parking space they would have to mount the kerb.

Councillor Debbie Morris requested that Permitted Development Rights should be removed.

The Planning Officers were of the opinion that it was doable to access the 3rd car parking space and they did not feel it was appropriate to ask the applicant to apply for a larger drop kerb. Members could remove class A and class E if that was felt appropriate. The first floor rear extension was half a metre in depth bigger but very similar to an application that had previously been approved.

The Planning Officer said Members may want to remove Classes A, B, D and E.

The Chair confirmed that Members were happy to move the recommendation with the amendment removing Classes A, B, D and E.

Councillor Raj Khiroya moved, seconded by Councillor Debbie Morris, that Planning Permission be Granted together with the amendment .

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being 10 For 0 Against and 1 Abstention

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives set out in the Officer report with the following additions:

Amendment to Condition C2 to make reference to the amended plans, and amendment to Condition C3 to require materials to match existing.

Additional Condition to remove Permitted Development rights for development under Classes A, B, D and E of the 2015 General Permitted Development Order.

PC123/20 21/0317/RSP- Part retrospective: Demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works at 4 ARTICHOKE DELL, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EQ

There was no Officer update.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules a member of the public spoke for the application.

County Councillor Phil Williams was disappointed with the lack of empathy and support that the Council had shown to a disabled veteran. The conservation area would be enhanced with the removal of a 1970s extension and a sympathetic extension with new brick work. All the other buildings had porches so wondered why this application did not allow a porch.

The meeting was paused briefly as Councillor Sara Bedford had lost connection. It was agreed to continue as Councillor Sara Bedford was unable to re-join the meeting.

Councillor Keith Martin had attended several armed forces events and said the Council should be doing more to find a way to support a veteran who had suffered due to his service.

Councillor Raj Khiroya said these were exceptional circumstances. There were 3 categories of harm, substantial, less than substantial and no harm. Was this being used against someone who had given their life for the country. The applicant's needs had to be taken into account. The application was for parking and a porch.

The Planning Officer said these were difficult applications to assess. Case Officers worked closely with the Applicant and had enabled them to get a planning permission. In respect of this application there was a judgement whereby they had come to a decision in respect of the front side extension that was unacceptable and that was supported by the Conservation Officer. The personal circumstances were fully acknowledged but the decision was dictated by Policy and where they had identified less than substantial harm the NPPF made it clear that public benefits would need to outweigh the harm. If Members felt there was no harm they could grant permission if they felt it was acceptable to the Conservation Area. Alternatively if they felt the extension was required to assist the individual, these may amount to very special circumstances that were of such significant weight then Members could override it, but Officers were of a different opinion in that respect.

Councillor Sara Bedford re-joined the meeting.

The Chair suggested a site visit may be possible.

Councillor Debbie Morris had been moved by the comments by the Applicant but a decision could not be made on sentiment and Planning Officers were not to be criticised for making a recommendation on Planning Policy.

Councillor Raj Khiroya said he supported the Officers but it was Members who had to make a decision.

Councillor Debbie Morris proposed, seconded by Councillor David Raw, for a site visit to take place.

Councillor Peter Getkahn pointed out that the Committee had not been aware that a site visit was possible, and asked for the member of the public to have an opportunity to speak again when the item returned to Committee. The Chair would take this on board if appointed Chair for the next Planning Committee.

Councillor Steve Drury proposed an amendment to defer the application for a site visit and for it to return to the May Committee Meeting.

Councillor Sara Bedford was unable to vote on this item having missed part of the debate.

On being put to the Committee the motion to defer the application for a site visit was declared CARRIED by the Chair of the meeting the voting being 8 For, 1 against 1 abstention

RESOLVED:

That the application be DEFERRED for a site visit

Councillor David Raw lost connection to the meeting 21.57.

Area) of planning permission 15/1210/FUL to alter operating hours and external use of frontage and rear garden area at SWILLET HOUSE, 52 HERONSGATE ROAD, CHORLEYWOOD, WD3 5BB

The Planning Officer gave the following update: Since publication of the Report Officers had been made aware that following the latest relaxation of the Government restrictions on 12 April, the restaurant re-opened and the outside areas were in use over the weekend. Furthermore a gazebo / marquee had been erected in the rear garden area to provide cover for diners. Whilst the gazebo did not form part of the planning application it was unlikely to require planning permission as it did not comprise development. Nevertheless, the gazebo / marquee was clearly integral to the use of the rear outdoor area and therefore if Members were minded to vary the relevant conditions to allow outdoor seating the conditions should be amended to ensure the gazebo / marquee would be removed at the end of the temporary permission. Within paragraphs 7.2.8 and 7.4.1 there were a couple of typos in relation to the hours of use of the external areas where it stated Wednesdays and Saturdays but should state Wednesday to Saturday.

Councillor David Raw re-joined the meeting and would be able to speak but not to vote.

In accordance with the Council's Planning Committee virtual meeting protocol which sits alongside the Council Procedure Rules members of the public spoke for and against the application.

Councillor Marilyn Butler advised that there were houses either side of the site and the 90 degree turn of the road meant that the cottages would also hear the noise from the outside seating. They had no parking so a lot of the parking went down Bullsland Lane which was inhospitable and a massive issue in the area. The addition of 24 covers in the openair at the back would cause extra noise, particularly staying open until 5pm on a Sunday. The extra covers would mean a lot of extra people and parking.

Councillor Debbie Morris said the application was late in the day as indoor dining was due to resume on 17 May. To allow the restaurant to have outdoor dining for 6 months would double the capacity, put extra pressure on parking, and the noise and disturbance generated by outdoor dining on neighbours had been described as being like a party five day a week. The balance was in favour with refusal.

Councillor Sara Bedford asked if the application was due to Covid regulations, previous losses due to Covid or an attempt to have outside dining contrary to refusal in 2015?

The Planning Officer advised that details submitted by the applicant were limited but following discussions found to be due to the hospitality sector being able to only operate outdoors and although it may be late in the day they had said this was in order to survive as a business. If Councillors did not agree with the 6 month time frame they could consider an alternative. This application to use the external areas was down to Covid.

Councillor Sara Bedford wanted to know how many covers were available inside the building only. The Planning Officer advised there were 56, so 30 additional covers outside. The Councillor said this was an increase of more than 50%. The Councillor asked if Members were in mind to give permission for a couple of months and to shorten the hours in the evening and not at all on a Sunday. 11pm on a work night would be too late. The Councillor could not support the application as it was. The Planning Officer advised that the application originally requested to use the external areas Wednesday through to Saturday until 10pm. Officers

considered this to be too late so shortened this until 9pm. Doors to the restaurant would be closed by 10pm

Councillor Peter Getkahn asked whether the 56 covers inside had been calculated with the social distancing rules in place. The Officer advised that the 56 covers would not be used for the next month so it would be just the 30 covers, 6 at the front and 24 to the rear.

Councillor Marilyn Butler moved, seconded by Councillor Debbie Morris, that Planning Permission be Refused.

Councillor Marilyn Butler said refusal would be due to overcapacity of the site and car parking problems.

Councillor Peter Getkahn queried why the plan was to have no use of the indoor restaurant until June despite being allowed to use it from May. The Planning Officer said that from 17 May when indoor dining was due to resume social distancing measure would need to be taken so all 56 covers were unlikely to be feasible.

Councillor Sara Bedford said almost all the reasons for refusal on the 2017 application still held and struggled to see how this would fit in with the residential nature of the area. They could not agree an application without the detail to justify it.

The Planning Officer read out the previous refusal, which was that the proposed extension to opening hours and the use of external areas would result in additional, prolonged noise, disturbance, traffic and nuisance and would result in unacceptable detrimental impact to the residential amenity of the adjoining and surrounding occupiers. The development therefore would be contrary to Policies CP1, CP10 and CP12 of the Core Strategy and CP9 of the Development Management Policies.

Councillor Raj Khiroya proposed to reduce the consent to 3 months and reduce the hours to close at 9pm.

Councillor David Raw felt 3 months would be too long.

Councillor Debbie Morris said there would be a return to indoor dining during 2 of the months.

The Chair said there had been no seconder for Councillor Raj Khiroya's proposal so it would not stand.

On being put to the Committee the motion for refusal of the Application was declared CARRIED by the Chair of the meeting the voting being 7 For, 0 Against and 3 Abstentions

RESOLVED:

That planning permission be REFUSED for the following reason:

The proposed extension to opening hours and use of the external area would result in additional and prolonged noise, disturbance, traffic and nuisance and would result in unacceptable detrimental impact to the residential amenity of the adjoining and surrounding occupiers. The development would therefore be contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

The Chair was advised that it was 10.30pm but made a decision to finish the final 2 items.

PC 125/20 21/0417/RSP – Part retrospective: Extension to existing patio and additional landscaping works to rear garden at 173 ABBOTS ROAD, ABBOTS LANGLEY, WD5 0BN

Councillor Sara Bedford moved, seconded by Councillor Chris Lloyd for a site visit to take place when possible.

The speakers would be automatically registered to speak at the May Planning Committee Meeting and the item would be higher the list up on the Agenda.

On being put to the Committee the motion to defer the application for a site visit was declared CARRIED by the Chair of the meeting the voting being 10 for, 0 Against and 1 Absention.

RESOLVED:

That the application be DEFERRED for a site visit.

PC 126/20 21/0477/FUL - Single storey rear extension at 6 WHITFIELD WAY, MILL END, RICKMANSWORTH, WD3 8QS

There was no Officer update.

Councillor Sara Bedford moved, seconded by Councillor Raj Khiroya, that Planning Permission be Granted.

On being put to the Committee the motion was declared CARRIED by the Chair of the meeting the voting being unanimous

RESOLVED:

That PLANING PERMISSION BE GRANTED subject to the conditions and informatives set out in the officer report.

The Chair thanked the Officers for and Members of the Committee for finishing the items.

Councillor Sara Bedford thanked the Chair for chairing the meeting throughout the year and the Officers for their work during the year.

CHAIR

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PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

5. **20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works at KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JJ**
(DCES)

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 28.05.2021 (Agreed Extension)

Case Officer: Claire Westwood

Recommendation: That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION BE GRANTED, subject to the conditions set out at section 8.1 and subject to the completion of a S106 Agreement.

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee due to the level of local interest and by Croxley Green Parish Council whose comments are set out in full at section 4.1.1 below.

Update 27.05.2021:

The application was considered by Members at the Planning Committee Meeting on 25.02.2021. At that meeting the application was deferred to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.

An independent review was carried out by Markides Associates. A copy of the report has been circulated to Members of the Planning Committee and was also placed online with the application documents.

The report concludes that it was not unreasonable of the Highway Authority to accept that the provision of a 4.8m carriageway and 2m footway (with localised reductions where land constraints require) on Little Green Lane is adequate to serve the proposed development. The proposed development would not be expected to result in severe adverse impact on road network capacity.

In response to Member and public concerns regarding the development amended plans were submitted in April. In summary the amendments are;

- Increased hedge retention at main site entrance, plot 2 adjusted to accommodate this.
- Increased hedge retention to southern cul-de-sac fronting The Green through rotation of plots 153 and 160 to face onto cul-de-sac and footpath adjusted to run along the inside of the hedge.
- Plot 26 set further from boundary to provide increased separation distance to No. 5 Little Green Lane in response to concerns that plot 26 would be overbearing to this neighbour.

Following receipt of the amended plans a 14 day re-consultation was undertaken as set out at 4.2.5 below.

The text below this point (titled Update 25.05.2021) is taken from the February committee report. However the development description and analysis below this have been updated where appropriate to reflect the above amendments. The following paragraphs have been materially updated/amended since the February Committee Report (7.6.15; 7.7.7; 7.7.9; 7.10.21-23; 7.13.5; and 7.16).

Update 25.02.2021:

A preliminary report was considered by Members at the reconvened Planning Committee Meeting on 17 December 2020. The report below has been updated, with the proposals discussed in full, however, the table below provides a summary of the main points raised at the Planning Committee meeting on 17 December and a short response. This is not an exhaustive list, and as noted above, the analysis below has been updated.

MATTER RAISED	RESPONSE
Concerns regarding principle of residential development.	The principle of residential development has been established through the site allocation process. The site is allocated with an indicative capacity of 140-180 dwellings. It is noted that the site allocation refers to a larger area including the existing farm which does not form part of the site, however, the number of dwellings proposed (160) sits within the middle of the indicative capacity. Discussed at 7.2 below.
Concerns regarding overdevelopment.	The development would result in a density of approximately 27 dwellings per hectare. As noted above, the site allocation identifies a slightly larger area and has an indicative capacity of 140-180 dwellings which would equate to a density of approximately 24 dwellings per hectare if 180 dwellings were delivered. The proposal would therefore accord generally with the dwelling capacity for the site and is not considered to represent an overdevelopment of the site. It is also noted that the development would provide policy compliant levels of amenity space, open space and car parking which is further indicative that the scheme does not represent overdevelopment.
Concerns regarding access from Little Green Lane.	<p>As discussed at section 7.10 below, HCC as Highways Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network and raise no objection on highways grounds subject to conditions.</p> <p>The existing road can accommodate farm traffic and other large vehicles associated with the existing use. The proposal includes widening the carriageway on Little Green Lane (between its junction with Baldwins Lane and the application site) to 4.8 metres in addition to the provision of a 2 metre wide footway on the east side of the Lane. These works are fully within the extent of the highway boundary and would not encroach onto The Green. The Highway Authority consider that the carriageway would be of appropriate width to accommodate vehicular traffic.</p>

<p>Impact on parking for properties in Dugdales fronting Little Green Lane.</p>	<p>Occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would not be prevented from parking outside their properties.</p> <p>A swept path analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane outside these properties has been provided. The details submitted are considered acceptable by the Highway Authority who does not identify any requirement for parking restrictions along Little Green Lane. This means that occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would continue to be able to park outside their properties and that this would not restrict access to the application site (or beyond) including for refuse and emergency vehicles.</p>
<p>Query if it is appropriate to connect with existing public footpath to the east.</p>	<p>HCC as Highway Authority are supportive of the proposal to connect the propose development to the existing public right of way to the east of the site. This would be in accordance with Policies within the Core Strategy which seek to ensure connectivity and also with Policy H03 of the Neighbourhood Plan which advises that all new development should connect into the existing networks and improve their connectivity.</p> <p>An Informative is requested by HCC as the public right of way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works and the condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials should be made good by the applicant to the satisfaction of the Highway Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.</p>
<p>Further details regarding parking requested, including accessible spaces and cycle parking.</p>	<p>The proposed development would provide a policy compliant level of car parking and would exceed the number of assigned spaces required by policy. The spaces proposed would comply with emerging guidance in relation to their size. The allocation and management of car parking spaces, including accessible spaces would be secured via a Parking Management Plan. A policy compliant level of secure cycle storage would also be provided and the development would accord with the emerging policy in respect of the provision of EVCPs.</p>
<p>Query regarding level of Electric Vehicle Charging Points (EVCPs).</p>	<p>TRDC current adopted policy does not require EVCP, however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for all residential development to be active provision and the remaining 80% of spaces to be passive. The application proposes active charging points for 20% of spaces with the remaining 80% passive, enabling future conversion. Very limited weight can be attached to the emerging</p>

	policy, however, the proposal accords with the intentions of that policy.
Query re quality of accommodation (reference to space standards)	There are no space standards for new dwellings specified within the Local Plan, however, the internal room configurations proposed would comply with Building Regulations and would also comply, and often significantly exceed, the Nationally Described Space Standards (NDSS), to ensure adequate room areas with space for furniture and storage requirements. Please refer to section 7.8 below.
Concerns regarding location of attenuation pond. Is it appropriate in the Green Belt? Impact on walkers and residents of Croxley.	<p>As set out at section 7.3 below, the attenuation pond is considered an appropriate form of development within the Green Belt as it would maintain openness and would not conflict with the purposes of including land within the Green Belt.</p> <p>The attenuation pond would be located on private land and would not obstruct any public right of access. The attenuation pond and ecological enhancements would be visible, but visibility does not automatically amount to harm and this aspect of the proposal is considered acceptable for the reasons discussed in the report.</p>
Concerns regarding sustainability of development, particularly in the context of the Climate Emergency declared by TRDC.	The application originally proposed a 7.70% reduction in carbon dioxide emissions over Building Regulations Part L (2013) which exceeded the current policy requirement of 5%. However, following the consideration of a preliminary report at the Planning Committee in December 2020, the applicant has provided an amended Energy Statement. It is now proposed to include Air Source Heat Pumps (ASHP) to all houses regardless of tenure and electric only heating to the flatted blocks. Adding these technologies to the proposed scheme in addition to the fabric first approach (the built envelope seeking to be as efficient as possible) improves the performance of the dwellings to deliver a 29.6% carbon saving when assessed against Building Regulations Part L 2013. This would significantly exceed the current policy requirement and supports the Council's commitment to the Climate Emergency.
Impact on trees.	In total 15 trees and hedgerows are proposed to be removed, however, all Category A trees would be retained. A detailed landscaping scheme has been submitted with the application which includes the proposed planting of 178 new indigenous trees and hedgerows. The Landscape Officer raises no objections on tree or landscape grounds subject to conditions.
Impact on ecology.	The Ecological Impact Assessment Report suggests a number of mitigation measures to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved.

	Hertfordshire Ecology raise no objection to the proposal on ecology grounds subject to conditions (discussed in section 7.14 below).
Is the housing mix appropriate?	The housing mix was discussed with the Housing Officer prior to submission and they raise no objections, commenting that it is encouraging to see a good mix of family sized accommodation. The application also proposes a policy compliant level of affordable housing which would be provided on site. Discussed at 7.4 below.

1 Relevant Planning History

- 1.1 20/1314/EIA - EIA screening request: 160 dwellings set within open space and a sustainable drainage system. Determined 17.07.2020.

2 Description of Application Site

- 2.1 The application site is located to the north of the village of Croxley Green. It has an area of approximately 7.5 hectares and is relatively flat and consists of fields forming part of Killingdown Farm. The application site wraps around three sides of the original complex of farm buildings and is surrounded by established trees and hedgerows. There are also a number of trees within the site, some of which are protected. The site also includes an area of land to the north, separated from the main site by Little Green Lane.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the application site) is Grade II Listed. The main part of the site is an allocated housing site (H10), although the allocation includes the complex of farm buildings which do not form part of the application site. The site was removed from the Green Belt when it was allocated. The area of land to the north of Little Green Lane does not form part of the site allocation area and is within the Green Belt.
- 2.3 The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west of the application site there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent
- 2.4 The closest local amenities to the site are located on Baldwins Lane to the south comprising a local parade of 8 units including a convenience store, green grocer, news agents and chemist. They are located approximately 0.3 miles (7 minute walk) from the main site entrance.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of existing buildings to enable the residential development of the site comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works.
- 3.2 The existing farm buildings proposed to be demolished are located to the immediate east and south of Killingdown Farm and the retained complex of farm buildings.

- 3.3 The site will be accessed via Little Green Lane which is proposed to be improved to accommodate the additional traffic movement associated with the development. Little Green Lane is currently a single track road between 3.8m and 4.5m in width and is proposed to be widened to 4.8m and will feature a 2m wide footway on the eastern side running from Baldwins Lane and then north into the development. The western kerb edge closest to The Green remains on its current alignment. The works are proposed within the extent of existing highway land or applicants control and do not encroach onto The Green. Following the submission of amended plans proposing increased hedge retention to southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac, the footpath has been amended at this point to run along the inside of the hedge.
- 3.4 The main vehicle access would be sited to the immediate north of the existing Killingdown Farm and would be the sole vehicular access to the internal road network which would have a north-south and east-west primary road pattern and would serve 151 dwellings. At this point, Little Green Lane would be diverted into the site in recognition of the anticipated predominant flow for vehicles and minimising the potential for vehicles to travel north on Little Green Lane. To the north of this access an individual dwelling (Plot 1) would be accessed directly from Little Green Lane. A further access to the south of the farm complex (north of existing property at No. 12 Dugdales) would serve a small no-through road with 8 dwellings. Whilst there have been no changes to the vehicular access to the cul-de-sac, as noted above, amended plans have been submitted proposing increased hedge retention to the southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac and the re-positioning of the footpath at this point to run along the inside of the hedge. The site layout was also amended earlier during the application to provide a pedestrian link through into the main part of the site from the cul-de-sac.
- 3.5 Pedestrian access would be via Little Green Lane to the west and from the Public Right of Way that runs adjacent to the eastern site boundary, connecting Grove Crescent in the south with Little Green Lane to the north.
- 3.6 The application proposes a total of 160 residential units, of which 72 (45%) would be affordable and 88 (55%) would be for private sale. The proposed housing mix is set out in the table below:

No. Beds	Private		Shared Ownership		Affordable Rent		Total	
1	0	0	5	24%	12	24%	17	11%
2	22	25%	9	43%	21	41%	52	33%
3	41	47%	7	33%	17	33%	65	41%
4+	25	28%	0	0%	1	2%	26	16%
Total	88	100%	21	100%	51	100%	160	100%
Total			S/O 29%		Affordable 71%		100%	
	Private 55%		S/O and Affordable 45%					

- 3.7 The affordable dwellings comprise of 1 and 2 bedroom apartments, mixed with 2, 3 and 4 bedroom dwelling houses. The dwelling houses have been arranged in three clusters across the site with the apartments in three blocks to the south-east of the site.
- 3.8 A full accommodation schedule is set out below:

Market Dwellings				
No. of Units	Description	No. of Bedrooms	Parking Spaces	Garage Spaces
3	Terraced	2	2	0
18	Semi Detached	2	2	0
1	Detached	2	2	0
16	Semi Detached	3	2	0
14	Detached	3	2	0
4	Linked Detached	3	1	1
7	Detached	3	1	1
6	Detached	4	2	1

9	Detached	4	2	1
3	Detached	4	2	2
7	Detached	5	2	2
Total 88			165	46

Affordable Dwellings				
No. of Units	Description	No. of Bedrooms	Parking Spaces	Garage Spaces
5	S/O Flat	1	1	0
6	S/O Flat	2	2	0
3	S/O Terrace	2	2	0
4	S/O Semi Detached	3	2	0
3	S/O Detached	3	2	0
12	Flat	1	1	0
16	Flat	2	2	0
1	Flat	3	2	0
3	Terrace	2	2	0
2	Detached	2	2	0
14	Semi Detached	3	2	0
2	Detached	3	2	0
1	Detached	4	3	0
Total 72			128	0

- 3.9 In total 358 parking spaces are proposed. This is comprised of 165 parking spaces and 46 garages serving the Market Dwellings; 128 private parking spaces serving the Affordable Dwellings; and 19 unassigned spaces.
- 3.10 The development will consist of two-storey dwelling houses (detached, semi-detached and terraced) of varying designs, and three-storey flatted blocks, all set within a landscaped setting. A traditional design is proposed which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings. External materials are to reflect those seen locally, with soft red facing bricks with tonal variations and roofs finished in red or grey roof tiles. Accent materials such as facing render and tile hanging are also proposed.
- 3.11 The 'Plot Reference Schedule' identifies which plots would be of which dwelling design and should be read in conjunction with the proposed site layout plan which identifies the plot numbers. Some examples are provided below:

Plots 30 – 31:

3 bedroom 6 person semi-detached dwellings. Front and rear facing gables to both ends with a maximum height of 7.2 metres. The dwellings would be adjoined via the central element which would be set back from the front building line with garages at ground floor and first floor accommodation above served by front dormer windows. The pair would have a combined width of 16.7 metres and a maximum depth of 11 metres at ground floor, reducing at first floor.

Plots 70-72:

2 bedroom 4 person terrace of 3 dwellings with gable ends to both flanks. Combined width of 14.7 metres, depth of 6.9 metres plus open porches and maximum height of 6.7 metres.

Plots 8, 49, 64, 76, 82, 86 and 150:

3 bedroom 5 person detached dwellings with front porch canopy, front and rear facing gables and feature chimney. Width 5.4 metres, depth 8.1 metres plus canopy porch and height 7 metres.

Plots 5, 29, 36, 154 and 158:

4 bedroom 7 person detached dwelling with pitched roof and two-storey pitched roof forward projection set down from the main ridge with bay window at ground floor. Integral garage. Maximum width 8.2 metres, depth 9.8 metres and height 7 metres.

Plot 160:

5 bedroom 9 person detached dwelling with attached double garage. Dutch hip roof over two-storey element with front projecting gable. Feature porch and chimney. Single storey side element with pitched roof housing double garage. Maximum width 18.7 metres at ground floor (including attached double garage) and 12.4 metres at first floor. Maximum depth of 11.6 metres (including two storey front projection) and height of 9 metres.

Apartment Block 1 (Plots 94-112):

The largest of the three apartment blocks, predominantly three storeys with gabled roofs but including lower elements with catslide roofs and second floor accommodation served by dormer windows. Maximum height of 12 metres, maximum width 41 metres (south elevation) but incorporating stepped elements and maximum depth 20 metres (west elevation).

- 3.12 The dwellings are designed to Building Regulations M4(1) 'Visitable Dwelling' with 45% of the proposed dwellings enhanced to achieve M4(2) 'Accessible and Adaptable Dwelling' standard.
- 3.13 The Tree Survey identified 27 individual trees, 7 groups of trees, 4 areas of trees and 9 hedgerows. The Tree Survey and Report identifies some Category A and B trees. These are all proposed to be retained and incorporated within the landscaping scheme. Field hedges within the site are identified as low quality and are proposed to be removed. The existing orchard is proposed to be relocated within the site. The Leylandii hedge around the farmyard is proposed to be removed. The perimeter hedging and trees are generally proposed to be retained and enhanced where required, with the amended plans proposing additional hedgerow retention at the main site entrance and to the front of the cul-de-sac fronting The Green, through the re-orientation of plots 153 and 160. In total 15 trees and hedgerows are proposed to be removed. A detailed landscaping scheme has been submitted with the application which would include the proposed planting of 178 new indigenous trees and hedgerows. The landscaping scheme has been amended to incorporate the additional hedgerow retention referenced above.
- 3.14 The proposal includes 0.59 hectares of land for open space, comprising formal and informal open space areas and children's play equipment which would be accessible to both residents of the proposed development and wider area. The spaces are located throughout the site to provide a network of green spaces. A Local Equipped Area for Play (LEAP) is proposed centrally and would be within 400m walking distance of all proposed dwellings. The LEAP would provide 400sqm of play space. Smaller 'door-step' play spaces of 100sqm are proposed throughout the site within 100m of all dwellings. A natural play space is proposed to the eastern site boundary, incorporating an existing Oak tree (category A) at its centre.
- 3.15 The northern part of the site (north of Little Green Lane) will provide ecological enhancements and drainage attenuation, with a depression in the ground acting as a dry

pond. The attenuation basin would reflect the natural change in levels with gradients of no more than 1:4.

3.16 The application is accompanied by a number of plans and supporting reports including:

- Planning Statement
- Design and Access Statement
- Landscape Visual Impact Assessment
- Landscape Management Plan
- Energy Statement
- Tree Survey and Report
- Biodiversity Assessment
- Biodiversity Checklist
- Biodiversity Net-Gain Report
- Geo-environmental Assessment
- Light Impact Assessment
- Noise Impact Assessment
- Heritage Statement
- Archaeological Desk Based Assessment
- Flood Risk Assessment and Drainage
- Statement of Community Involvement
- Transport Assessment and Travel Plan
- Archaeological Evaluation Report (submitted during application)

3.17 During the application additional / amended details have been provided, in summary:

- Amended site layout to introduce pedestrian access from southern cul-de-sac into main site (in response to comments from HCC as Highway Authority).
- Archaeological Evaluation Report submitted (in response to HCC Historic Environment Officer).
- Amended / additional drainage details submitted (in response to comments from HCC as Lead Local Flood Authority).
- Amended Sustainability Statement proposing the introduction of Air Source Heat Pumps (ASHPs) and thereby increasing the saving over the 2013 Building Regulations to 29.6% (discussed in the analysis below).
- Increased hedge retention at main site entrance, plot 2 adjusted to accommodate this.
- Increased hedge retention to southern cul-de-sac fronting The Green through rotation of plots 153 and 160 to face onto cul-de-sac and footpath adjusted to run along the inside of the hedge.
- Plot 26 set further from boundary to provide increased separation distance to No. 5 Little Green Lane in response to concerns that plot 26 would be overbearing to this neighbour.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

4.1.1.1 **Initial comments:** Croxley Green Parish Council objects to the above application with concerns over site access, the detrimental effect on the Conservation Area, the proposal not meeting policies CA1 and PR01 of the Croxley Green Neighbourhood Plan, a lack of infrastructure contained in the plans and the further strain on existing resources and further issues around the environment, climate change and sustainability.

Croxley Green Parish Council has studied the many documents provided by the applicant and some of the responses from other consultees.

The site was removed from the Green Belt and included in the site allocations document despite objections from the Parish Council and many residents. The Parish Council continues in the view that it would prefer this site not to be developed, to preserve the rural character of the area, protect the Conservation Area and the setting of the listed buildings.

Nevertheless, the Parish Council accepts that the decision to allocate this site for development was approved by the Inspector and part of the proposed site for development is included in the Local Plan Site Allocations. The part required for environmental mitigation was NOT included in the Local Plan Site Allocations and the Parish Council has reservations about the proposed development on this part of the site, which is adjacent to but outside the Parish Area and is on Green Belt land.

Access

The proposed development of 160 dwellings will create a great deal of additional traffic and we note the correspondence with Hertfordshire County Council about vehicle access.

We believe that the analysis by TPA is deficient in a number of ways.

Firstly, by considering the site as being in a walkable neighbourhood. Whilst people are likely to walk locally for exercise, most of the local facilities in Croxley Green are some distance from the site – for example the underground railway station – and we anticipate that residents are likely to use cars for many of their local trips, for employment, education, shopping and to access medical services. We consider that TPA has significantly underestimated the likely number of vehicles to and from the site, particularly in the peak periods. The consequence is more traffic on Little Green Lane and at the junction with Baldwins Lane, and more vehicles parked within the development site.

We are also concerned that the traffic analysis at the junction seems to treat the staggered junction at Baldwins lane as two separate junctions. It is in fact an offset crossroads and much of the traffic to and from the site is likely to cross Baldwins Lane to the Green. We believe that the trip generation model should be rerun on the basis of a car dependent development and that the capacity of this junction should be analysed with background traffic growth as this can be a tricky junction at the best of times and it will become very difficult with increased traffic from Little Green Lane.

Little Green Lane has no proper sight lines down Baldwins Lane and is dangerous to exit. The large increase in volume of traffic at this junction would be a major traffic hazard. To create a safe junction, it would either require an encroachment onto The Green to widen the road or the installation of traffic lights and neither of those options are acceptable in a Conservation Area.

We also note that there has been no swept vehicle analysis for access to the rest of Little Green Lane, which will be required for service and emergency vehicles, and for farm vehicles to access adjoining farm land along the rest of Little Green Lane. We consider that access to Little Green Lane from the Sarratt Road or at the Lincoln Drive junction is not adequate to meet the needs of the houses at Little Green or the adjacent farmland.

CGPC request that alternative access to the site be made from Grove Crescent to alleviate these concerns.

Environment & Biodiversity

CGPC believe that the development of the Killingdown Farm site will have a detrimental impact on existing wildlife in the area. CGPC request that a Nature Conservation Management Plan must be carried out prior to any works being started to identify impacted wildlife and arrange for relocation of wildlife. The plans also state that the development will result in a net-gain of biodiversity, but we feel this will be too hard to prove and should not

be used as an advantage for the development. We note the proposal to retain some of the trees and hedges within the site and to supplement them by gardens. However we doubt that small semi-urban gardens can compensate for the well-established pastures on the site and consider additional mitigation is needed

Climate Change & Sustainability

The Croxley Green Neighbourhood Plan Aim 5 states that “all new buildings...in the parish should be designed and constructed to the highest standards of energy efficiency and to be carbon neutral”. In 2019 TRDC recognised the climate emergency and committed to making its own operations carbon neutral by 2030, and to helping the district achieve the government target of net zero carbon by 2050. The proposed development falls well short of attempting to meet these aspirations. The outdated energy methods proposed by the developer would be in place for centuries and it will be more costly for future owners of the homes to retrofit sustainable energy sources.

We are very concerned that the developers are proposing a development that is NOT to the highest environmental standards. We accept that the Government has set a minimum standard for new dwellings but we believe that TRDC should seek a much higher standard for this development, as a showcase of what can be achieved in terms of reducing carbon emissions from new buildings, and as a benchmark for the future development we anticipate will be required within the district over the next decade.

Parish councillors have spoken to the developers about achieving a higher standard and the developers have confirmed that they have designed the shell of the buildings to a higher standard. However, they are not planning to install low energy systems (such as heat pumps) or energy capture systems (such as solar panels) and claim that the cost would be prohibitive. We understand from the BRE that the cost of retrofitting such systems (which will be needed to meet the Government’s zero emissions targets) is several times higher than the cost of designing and fitting them in new buildings. This seems a golden opportunity to modify the design of the buildings to accept such systems without modification and offering them as an additional option for forward looking purchasers.

For example, by having an illustrative design for a system that could be fitted immediately and then providing the necessary spaces, cavities and ducting to make installation cheap and straightforward.

We note that no consideration has been given to the need for electric vehicle charging points (which will be required within a few years) or to provision for the storage of bicycles (which are likely to become more popular for local journeys, particularly electric bicycles and bicycles towing attachments for luggage or small children)

Conservation Area & Design

The developer has made little or no distinction between the part within the Conservation Area and the part outside the Conservation Area, with a detrimental impact on the Conservation Area and the setting of the listed buildings. We share the Conservation Officer’s concern about the impact on the Area and the heritage buildings and the findings in the report from Tetric Planning regarding the scale of housing contained within the Conservation Area.

We have concerns that the developer has attempted to increase the capacity of the site by removing part of the site area allocated for development from this proposal (the listed buildings and the farm curtilage) and by placing environmental mitigation measures off site (on adjoining land in the Green Belt).

In our view this leads to an overly dense development of the site with the potential for additional development on the farm building area which includes listed buildings.

For these reasons we feel the development does not meet either Policy CA1 or PR01 of the Croxley Green Neighbourhood Plan.

Infrastructure

The development of the Killingdown Farm site equates to around a 3% increase in both housing stock and population size. CGPC is disappointed that there has been no provision made for healthcare, retail, or recreation space. The area of north Croxley Green suffers from intermittent water shortages, and regular burst water piping, and the development will increase the strain on already stretched resources.

The Green

Any attempt to reduce the size of the Green will be strongly resisted by the Parish Council.

4.1.1.2 Further comments 11.05.2021:

Croxley Green Parish Council again objects to the above application with concerns over site access, the detrimental effect on the Conservation Area, the proposal still not conforming with policies CA1 and PR01 of the Croxley Green Neighbourhood Plan, a lack of infrastructure contained in the plans, the additional strain on existing resources and further issues around the environment, climate change and sustainability.

Croxley Green Parish Council has studied the many documents provided by the applicant, including those not contained at the previous response stage.

The site was removed from the Green Belt and included in the site allocations document despite objections from the Parish Council and many residents. The Parish Council continues in the view that it would prefer this site not to be developed, to preserve the rural character of the area, protect the Conservation Area and the setting of the listed buildings.

Nevertheless, the Parish Council accepts that the decision to allocate this site for development was approved by the Inspector and part of the proposed site for development is included in the Local Plan Site Allocations. The part required for environmental mitigation was NOT included in the Local Plan Site Allocations and the Parish Council has reservations about the proposed development on this part of the site, which is adjacent to but outside the Parish Area and is on Green Belt land.

Access

Despite the comments of the Independent Highway Engineer, CGPC consider that the road junction at Baldwins Lane, based on local knowledge of driving conditions, will prove difficult to negotiate and be dangerous to exit.

Little Green Lane has no proper sight lines down Baldwins Lane and the large increase in volume of traffic at this junction would be a major traffic hazard. To create a safe junction, it would either require an encroachment onto The Green to widen the road or the installation of traffic lights and neither of those options are acceptable in a Conservation Area.

CGPC note that the Highways Engineer's report takes the view that access road can fit within the existing road footprint, but by reducing the width of the footpath. As this access road standard is less than the recommended standard for this size of development, CGPC does not consider this is satisfactory and we object to this issue.

CGPC request that alternative access to the site be made from Grove Crescent to alleviate these concerns in accordance with the plans put forward in the Public Inquiry of 2014.

Climate Change, Sustainability, Environment & Biodiversity

The Croxley Green Neighbourhood Plan Aim 5 states that “all new buildings...in the parish should be designed and constructed to the highest standards of energy efficiency and to be carbon neutral”. In 2019 TRDC recognised the climate emergency and committed to making its own operations carbon neutral by 2030, and to helping the district achieve the government target of net zero carbon by 2050. We do note that the developer will now install air source heat pumps, and this is welcomed, but does not mitigate the remaining objections.

CGPC believe that the development of the Killingdown Farm site will have a detrimental impact on existing wildlife in the area. CGPC request that a Nature Conservation Management Plan must be carried out prior to any works being started to identify impacted wildlife and arrange for relocation of wildlife. The plans also state that the development will result in a net-gain of biodiversity, but we feel this will be too hard to prove and should not be used as an advantage for the development. CGPC note the proposal to retain some of the trees and hedges within the site and to supplement them by gardens. However, we doubt that small semi-urban gardens can compensate for the well-established pastures on the site and consider additional mitigation is needed.

From discussions with the residents in the area, CGPC are still very concerned about the Ancient Hedge facing The Green. Even though the plans indicate that some hedgerow has been left to shield the new houses nearest the Green, the plans still require the removal of significant stretches of ancient hedgerow and run all traffic straight through Croxley’s Conservation Area, resulting in a loss of habitat whilst increasing road and light pollution.

Conservation Area & Design

CGPC share the Conservation Officer’s concern about the impact on the Conservation Area and the heritage buildings as well as the findings in the report from Tetrick Planning regarding the scale of housing contained within the Conservation Area.

CGPC have concerns that the developer has attempted to increase the capacity of the site by removing part of the site area allocated for development from this proposal (the listed buildings and the farm curtilage) and by placing environmental mitigation measures off site (on adjoining land in the Green Belt).

In our view this leads to an overly dense development of the site with the potential for additional development on the farm building area which includes listed buildings. For these reasons we feel the development does not meet either Policy CA1 or PR01 of the Croxley Green Neighbourhood Plan.

Clause 6.4.2 in the Neighbourhood plan states clearly that the proposed development should reflect the character of the adjoining character areas. The developer has made little or no distinction between the part within the Conservation Area and the part outside the Conservation Area, with a detrimental impact on the Conservation Area and the setting of the listed buildings. CGPC strongly support the views put forward in the report by Bridget Sheppard, commissioned by Grant Murray, which can be viewed at https://www3.threerivers.gov.uk/onlineapplications/files/B0B061F011FCAC6D4DC076136F0D5CA1/pdf/20_1881_FULOBJECTION_FROM_HERITAGE_CONSULTANT-620694.pdf .

As stated on the TRDC website, “all applications for planning permission are considered from the conservation point of view and can be refused on conservation grounds alone. This applies to planning applications not only in the conservation area itself but also in the vicinity. Permission or consent should be granted only if a proposal enhances or preserves the character or appearance of the Conservation Area”. CGPC consider that this advice must be adhered to for this development.

Impact on Existing Houses

The setting of the listed buildings at 1-3 Little Green Lane will still suffer substantial damage from over-development and disproportionate/unsympathetic buildings immediately behind them as well as road noise from the proposed access. These factors have not been addressed, let alone rectified.

As the cottages are amongst the few, and oldest, listed buildings that Croxley Green possesses, the sheer scale, height, and proximity of Plot One in particular, dwarfs the cottage from every angle and is present as a dominating factor from both the cottage itself and to passers-by enjoying the pond and its environs.

Infrastructure

The development of the Killingdown Farm site equates to around a 3% increase in both housing stock and population size. CGPC is disappointed that there has been no provision made for healthcare, retail, or recreation space. The area of north Croxley Green suffers from intermittent water shortages, and regular burst water piping, and the development will increase the strain on already stretched resources.

In addition, CGPC still consider that the mix of housing should be improved to better reflect the demand required in Croxley Green as stated in policy HO1 in the Neighbourhood Plan. This would enable the older residents of Croxley Green who want to move out of their family homes into something more appropriate to do so without having to leave Croxley Green.

The Green

Any attempt to reduce the size of the Green will be strongly resisted by the Parish Council.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]

4.1.2.1 Interim Response 08.10.2020 [Further information/amendments requested]

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

The application site is accessed via Little Green Lane from the south, which has a carriageway width of between 3.8m and 4.5m and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting. The access arrangements were discussed as part of pre-application discussions and an on-site meeting with Hertfordshire County Council (HCC) as Highway Authority. The location of the access points and general layout of the site is considered to be acceptable. Nevertheless following assessment of the submitted plans and TA and to ensure that the proposals are acceptable from a highways and transport perspective, HCC as Highway Authority is recommending that further information and amendments are submitted including:

1. Swept path analysis for a 12m long refuse vehicle (in accordance with the truck used by Three Rivers District Council as waste collection authority). This should include at all points where the proposed on-street car parking points within the site are proposed and turning heads within the site. If this is not achievable then a 5.5m wide carriageway within the site would need to be provided with updated swept-paths. Consideration would be required as

to how a refuse or heavy goods vehicle would be able to access Little Green Lane from The Green if vehicles are parked on the highway fronting any of the existing properties. Cars have been observed to park on the highway carriageway on 05/10/2020 and are also visible on Google Streetview. Double yellow lines restricting parking along Little Green Lane may need to be considered if access can not be sufficiently illustrated via a swept path for a refuse vehicle and HGV.

2. Visibility splays of 2.4m by 25m at the main junction points within the site in accordance with Manual for Streets. All visibility splays would need to be permanently available and therefore not within any ownership of adjacent properties.

3. Updated plan indicating areas to be adopted. The Highway Authority would recommend that the areas as indicated green on the plan below are offered to be dedicated as highway and subsequently adopted as maintainable at public expense pursuant to Section 38 of the Highways Act 1980. This would include the carriageway and any footways at these points.



4. Provision of a 2m wide footway on both sides of the proposed carriageways within the site that are recommended to be adopted at highway maintainable at public expense.

5. A Reduction in kerb radii from 10m to 6m at the 'southern' access from Little Green Lane into the short cul-de-sac – this is to reduce the carriageway distance in which pedestrians would need to cross the proposed bellmouth entrance.

6. A more extensive Indicative plan confirming all of the necessary 278 highway works required – these are indicated on drawing numbers SK01 and PL01 (detailed drawings can be secured as part of the formal 278 application process, secured via a condition) including:

- i. 2m wide footway on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- iii. Any necessary lighting along Little Green Lane;
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane;
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;

- vi. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- ix. any public footpath improvements / works required (details TBC through discussion with HCC'S Rights of Way officer) e.g. lighting, signage.

7. Submission of a Stage One Safety Audit (this may be provided as part of the s278 process if unable to be provided at the planning application consultation stage).

HCC as Highway Authority would recommend the submission of the above information in order for a full assessment of the acceptability of the proposals from a highways and transport perspective to be made.

4.1.2.2 Full Response 19.11.2020 [Objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council (HCC) as Highway Authority recommends that permission be refused for the following reason:

- 1) *The proposals do not demonstrate a sufficient level of safe and suitable access for pedestrians to and from the site and therefore the potential to support and promote sustainable forms of travel is limited. The lack of a pedestrian footway on the south side of the proposed access road into the site combined with the lack of a pedestrian access from the proposed "south" cul-de-sac to the remainder of the development limits the accessibility and permeability of the site for pedestrians and does not prioritise access for pedestrians. The proposals are therefore contrary to policy guidelines as outlined in National Planning Policy Framework (NPPF) paragraphs 108 to 110 and Hertfordshire's Local Transport Plan 2018 (LTP4), specifically policy 1: Transport User Hierarchy and Policy 5 – Development Management 5a) 5b) and 5g).*

Without prejudice in the event of the Local Planning Authority being minded to grant planning consent, the Highway Authority would request that any permission granted be subject to the following conditions:

1. Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-12 VS03. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Estate Roads

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section

38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

3. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 E have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These works shall include:

- i. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);*
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;*
- iii. Any necessary lighting along Little Green Lane;*
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to Section 38 highways agreement);*
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;*
- vi. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;*
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.*
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.*
- ix. Improvements to public footpath Croxley Green 013 including acceptable surfacing, lighting, signage and any other necessary works.*

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first use of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Planning Obligations

Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing travelplan@hertfordshire.gov.uk

Highway Informatives

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption

as public highway must be clearly illustrated on a plan. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 or row@hertfordshire.gov.uk for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works. <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

Comments / Analysis

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

A Transport Assessment (TA), Design & Access Statement (DAS) and Framework Travel Plan (TP) have been submitted as part of the application.

1. Access & Highway

The application site is accessed via Little Green Lane, which has a carriageway width of between 3.8m and 4.5m to the south of the site and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

a. Proposed Highway Works

The proposals include widening the carriageway on Little Green Lane to 4.8m in addition to the provision of a 2m wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development, as indicated on drawing numbers 1908-012 PL06E, PL01 and SK1.

A Stage One Road Safety Audit and Designers Response has been submitted as part of the application (following a request from HCC as Highway Authority) for the proposed highways works and access along Little Green Lane. The details submitted also include a swept path-analysis for a 11.5m long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). The details submitted in this respect are considered sufficient and acceptable. HCC as Highway Authority has

considered that there is not an identified highway safety reason to require any parking restrictions along Little Green Lane at this stage although any highway works would be subject to further safety audits carried out as part of the formal S278 agreement process.

HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane (as indicated on drawing no. 1908-012 VS03) are acceptable. Following consideration of all the submitted details and extent of highway boundary plan (copy submitted in Appendix H of the TA), the proposed access arrangements along Little Green Lane to the site are acceptable and in accordance with design guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide (RIH).

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on the highway including:

- i. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- ii. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- iii. Any necessary lighting along Little Green Lane;
- iv. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to Section 38 highways agreement);
- v. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- vi. Any alterations required to the existing entrances into Killingdonn Farm including tactile paving and pedestrian dropped kerbs;
- vii. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides. The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.
- viii. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- ix. Improvements to public footpath Croxley Green 013 including acceptable surfacing, lighting, signage and any other necessary works.

b. Internal Site Road Layout

The general layout of the site (as shown on drawing number 108-PS-010 D) and 4.8m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings. A swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing number 1908-012 SP11), illustrating that a 11.5m long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. Nevertheless the acceptability of this would be dependent on the absence of on-street car parking at any of the required manoeuvrability areas (please also refer to section 2. Parking of this response). The acceptability of any waste collection details would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management. "Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide.....Parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services" RiH, Sec 4, 9.2.

Visibility splays details have been submitted for the internal junctions within the site (following a request from HCC as Highway Authority). The visibility splays of 2.4m by 25m are shown on drawing number 1908-012 VS02 and considered to be acceptable for a 20mph designed road layout and accordance with MfS.

The proposals include direct pedestrian links from the east and south-east of the site to public footpath Croxley Green 013, which the highway authority is supportive of. Nevertheless the currently proposed provision for pedestrians into the site from the west are not acceptable. The proposed site layout requires pedestrians to cross from the south to the north side of the proposed main access road into the site and therefore is contrary to NPPF, para. 110 which states that applications should “give priority first to pedestrian and cycle movements”. In order to be acceptable a 2m wide footway along the full length of the south side of the access road into the site would need to be provided. This would be necessary to ensure that pedestrian accessibility and permeability maximised to ensure that the proposals are in accordance with Hertfordshire Local Transport Plan (LTP4) and NPPF. The submitted pre-application site plan also included a pedestrian link through the proposed “south” cul-de-sac into the site, which HCC as Highway Authority would also be supportive to improve permeability and accessibility.

c. Section 38 Agreement / areas to be dedicated as highway

There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. “On developments with no through route, only the main access road will be considered for adoption” Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. Subsequently there has been provisional agreement on adopting as highway the areas indicated in green and red on the plan below. This would include the carriageway and any footways at the green areas and a footpath/footway link at the red parts. Nevertheless in order to be acceptable, HCC as Highway Authority would recommend that a footway is provided on both sides of these roads indicated by the green lines. It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage this is was unlikely than any of the internal road layout would be adopted as highway. Therefore it is reasonable that an additional footway is provided to improve accessibility and demonstrate a wider benefit to the public.



The plan as shown on the left [above] is indicative and does not constitute an agreed detailed adoption plan. The applicant would need to enter into a Section 38 Agreement with HCC as Highway Authority in relation to the submission and approval of any detailed plans (please see the above highway informative for more information). Furthermore the developer would need to put in place a permanent arrangement for long term maintenance

of any of the roads that are not to be dedicated as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 4.8m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development and the submission of the Fire Safety Strategy for the development, details of the proposal and strategy have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

2. Car Parking

The application refers to the provision of 357 car parking spaces within the site (equalling the level as outlined in the TRDC's parking standards), 21 of which are unassigned on-street. HCC as Highway Authority would not have any specific objection to the proposed level and layout of assigned car parking spaces attached to the proposed dwellings (creating a total number of 336 allocated spaces). Nevertheless the Highway Authority would not support the proposed unassigned on-street parking areas (a total of 21 car parking spaces) nor including them in the total level of parking provision. The unassigned spaces would not be able to be permanently provided nor available without interfering with the safe and free flow of other users of the road nor the manoeuvring of a waste collection vehicle through the site (as indicated on drawing number 1908-012 SP11). "Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide" RiH Sec 4, 9.1, which is not demonstrated in the proposed arrangements.

The Highway Authority would not have a significant objection to a level of 336 car parking spaces although there may be the potential for some localised on-street parking. TRDC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of allocated parking.

HCC as Highway Authority would recommend the provision of an appropriate level of electric vehicle charging provision (at least passive for every dwelling is provided) to promote development in accordance with LTP4 and HCC's Sustainability Strategy.

3. Trip Generation & Distribution

A trip generation and distribution assessment and impact analysis for the proposed use has been included as part of the TA (Sections 5 and 6). The trip generation is based on trip rate information from the TRICS database. The parameters and approach used is considered to be acceptable by HCC as Highway Authority.

Based on this approach, the proposed use is expected to generate 75 two-way vehicle movements in the AM peak and 70 two-way vehicle movements in the PM peak. Following assessment of these details, distribution and the impact analysis, the trip generation and distribution would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.

4. Sustainable Travel & Planning Obligations

The application site is located in the north-west corner of Croxley Green. The nearest bus stops to the site are greater than the normally recommended accessibility criteria of 400m (at 450m from the site and more for many of the proposed dwellings). Croxley Railway Station is located approximately 1.6 km (1mile) from the site and therefore within an easy cycling distance and achievable walking distance. Whilst the public transport options are somewhat limited, this would not be considered to be a significant enough reason to

recommend refusal on its own when taking into consideration that the site is linked to a larger existing urban area and is an allocated housing site.

HCC as Highways Authority would recommend that consideration be made to the fact that some parts of the internal access roads act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate lighting and surfaces would be recommended within the site to reflect this.

A Framework TP has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

OR by emailing
travelplan@hertfordshire.gov.uk

Following a review of the submitted framework TP, the full TP would need to include the following:

- Refer to current HCC Travel Plan Guidance of March 2020 (the framework TP refers to 2014);
- A secondary contact, provided to HCC once a travel plan co-ordinator (TPC) has been appointed;
- A statement from the developer stating that they are committed to implementing the travel plan;
- The time allocated to the TPC role and frequency on site (average time per month);
- The TPC should work alongside other external partners such as bus and rail companies to increase the travel opportunities of the development;
- On-site information point updated every 6 months as a minimum;
- More walking measures required e.g. inclusion of the promotion of Hertfordshire Health Walks;
- More cycling measures required e.g. cycle training;
- More public transport measures required including up to date bus/train timetables, ticket information, costs at the information point (updated every 6 months as minimum);
- High speed broadband required to allow homeworking, and home delivery information should be provided;
- A minimum of £50 per flat and £100 per house in sustainable travel vouchers.
- HCC have a strong preference of using multi-modal traffic counts for monitoring purposes. Any questionnaires should have an agreed response rate with HCC (a minimum of 50%-60%) and if the response rate is not meet then multi-modal traffic counts would be required annually.
- Monitoring should be annual and all monitoring information should be sent to HCC (travelplans@hertfordshire.gov.uk) from first occupation to 5 years post full occupation
- Travel Plan review should be annual – from first occupation to 5 years post full occupation

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

5. Conclusion

HCC as Highway Authority is recommending that the proposals in their current form be refused due to the insufficient prioritising of access for pedestrians into and out of the site,

which is therefore contrary to the NPPF and LTP4. It would be feasible for an additional footway and footpath link to be provided from the proposed footway on the east side of Little Green Lane into the site without the need for pedestrians to cross the main vehicular access into the site. HCC as Highway Authority would be satisfied with the proposals if sufficient amendments are submitted and approved in accordance with the comments provided within this response.

Nevertheless it is unable to recommend the granting of permission for this application in its current form.

4.1.2.3 Further Response 22.12.2020 [No objection subject to conditions]

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers VS02 and VS03. The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Estate Roads

No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

3. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 E have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These works shall include:

- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);*
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;*
- c. Any necessary lighting along Little Green Lane;*
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);*

- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.

The kerb line would need to be widened as there is evidence that vehicles oversail the highway verge at this location.

- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- i. Improvements to public footpath Croxley Green 013 including appropriate surfacing, lighting, signage and any other necessary works.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Electric Vehicle Charging Provision

Prior to the first occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

Planning Obligations

Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplan@hertfordshire.gov.uk

Highway Informatives

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway

Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. For further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works, please see

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or row@hertfordshire.gov.uk

Comments / Analysis

The proposals comprise of the construction of 160 residential dwellings on land at Killingdown Farm, Little Green Lane, Croxley Green. Little Green Lane borders the western and northern boundaries of the site and is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. Public footpath Croxley Green 013 runs adjacent to the eastern and south-eastern boundary of the site. The proposals are on allocated housing site H(10).

A Transport Assessment (TA), Design & Access Statement (DAS) and Framework Travel Plan (TP) have been submitted as part of the application.

1. Access & Highway

The application site is accessed via Little Green Lane, which has a carriageway width of between 3.8m and 4.5m to the south of the site and narrows to approximately 2.8m wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

a. Proposed Highway Works

The proposals include widening the carriageway on Little Green Lane to 4.8m in addition to the provision of a 2m wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development, as indicated on drawing numbers 1908-012 PL06E, PL01 and SK1.

A Stage One Road Safety Audit and Designers Response has been submitted as part of the application (following a request from HCC as Highway Authority) for the proposed highways works and access along Little Green Lane. The details submitted also include a swept path-analysis for a

11.5m long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). The details submitted in this respect are considered sufficient and acceptable. HCC as Highway Authority has considered that there is not an identified highway safety reason to require any parking restrictions along Little Green Lane at this stage although any highway works would be subject to further safety audits carried out as part of the formal S278 agreement process.

HCC as Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane (as indicated on drawing no. VS03) are acceptable. Following consideration of all the submitted details and extent of highway boundary plan (copy submitted in Appendix H of the TA), the proposed access arrangements along Little Green Lane to the site are acceptable and in accordance with design guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide (RIH).

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the approval of the design and implementation of the works that would be needed on the highway including:

- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- c. Any necessary lighting along Little Green Lane;
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);
- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdonn Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.

The kerb line would be recommended to be widened as there is evidence that vehicles oversail the highway verge at this location.

- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.
- i. Improvements to public footpath Croxley Green 013 including appropriate surfacing, lighting, signage and any other necessary works.

b. Internal Site Road Layout

An amended site layout arrangement has been submitted as part of a formal amendment to the planning application and shown on submitted drawing number 108-PS-010 rev.E. The general layout of the site and 4.8m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings. A swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing numbers SP11 and SP12), illustrating that a 11.5m long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. Nevertheless the acceptability of this would be dependent on the absence of on-street car parking at any of the required manoeuvrability areas (please also refer to section 2. Parking of this response). The acceptability of any waste collection details would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

Visibility splays details have been submitted for the internal junctions within the site (following a request from HCC as Highway Authority). The visibility splays of 2.4m by 25m are shown on drawing number 1908-012 VS02. Although the site layout has been subsequently amended, the levels of visibility would remain at an acceptable level and adequate for a 20mph designed road layout in accordance with MfS.

The proposals include direct pedestrian links from the east and south-east of the site to public footpath Croxley Green 013. The amended site layout 108-PS-010 E also includes a pedestrian link through the proposed "south" cul-de-sac into the site, which HCC as Highway Authority is supportive of to provide a convenient route for pedestrians between the common land to the west of the site and to the public footpath to the south-east of the site. This would be necessary to ensure that pedestrian accessibility and permeability is maximised to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan (LTP4) and NPPF.

The amended site layout does not include a 2m wide footway along the south side of the access road into the site, which was previously requested to be provided. However following consideration of the addition of the route for pedestrians (as referred to above); other additional footways within the site and comments from the applicant as to why an additional footway on the south side of the access road is not feasible, HCC as Highway Authority would no longer object to the proposals from a pedestrian access perspective.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 4.8m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development and the submission of the Fire Safety Strategy for the development, details of the proposal and strategy have been passed to Herts Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

c. Section 38 Agreement / areas to be dedicated/adopted as highway

There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. "On developments with no through route, only the main access road will be considered for adoption" Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. There had been discussion on adopting as highway the areas indicated in green and red on the plan below. Nevertheless in order to be acceptable, HCC as Highway Authority also recommended that a footway be provided on both sides of all roads indicated by the green lines, which has not been provided for the reasons as previously discussed.



It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage that it was unlikely that any of the internal road layout would be adopted as highway. The HA would therefore recommend that further discussions are made following any planning decision to discuss and agree on the extent of areas to be adopted as highway to ensure that "any roads or areas that are to be adopted are of significant public utility" RiH, Sec 3 12.2 and would include agreement as to any necessary 20mph speed limit orders.

The plan as shown above is indicative and does not constitute an agreed detailed adoption plan as the site layout has subsequently changed.

The applicant would ultimately need to enter into a Section 38 Agreement with HCC as Highway Authority to ensure that any roads or areas to be dedicated and adopted as highway have been designed and “constructed in accordance with the approved details and in compliance with the specification of works and materials” (please see the above highway informative for more information). The applicant would also need to be aware that the Highway Authority may request commuted sums for any non-standard nature of areas to be adopted as highway e.g. areas of special surfacing (please refer to RiH, Sec. 3, Chapter 2 for more information).

Furthermore the developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not adopted as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities. All private roads would also be required to be “designed and constructed to the same standards that are set out for roads that are to be dedicated as highway” RiH Sec 3., 12.2.

2. Car Parking

The application refers to the provision of 357 car parking spaces within the site (equalling the level as outlined in the TRDC’s parking standards), 21 of which are unassigned on-street. HCC as Highway Authority would not have any specific objection to the proposed level and layout of assigned car parking spaces attached to the proposed dwellings (creating a total number of 336 allocated spaces). Nevertheless the Highway Authority would not support the proposed unassigned on-street parking areas (a total of 21 car parking spaces) nor including them in the total level of parking provision. The unassigned spaces would not be able to be permanently provided nor available without interfering with the safe and free flow of other users of the road nor the manoeuvring of a waste collection vehicle through the site (as indicated on drawing number SP11). “Where unassigned spaces are provided on the carriageway, or on-street parking is likely to occur, the carriageway should be a minimum of 5.5m wide” RiH Sec 4, 9.1, which is not demonstrated in the proposed arrangements. Furthermore “parking provision shall not be located within the visibility splays at junctions and accesses. Parking areas should not obstruct forward visibility requirements, turning areas or inhibit the movement of refuse vehicles, buses or the emergency services” RiH, Sec 4, 9.2. Therefore it would be reasonable for parking restrictions to be provided on any areas required for a refuse vehicle to manoeuvre or turn and within any visibility splay areas (secured via a Permanent Traffic Regulation Order) . TRDC is the parking and planning authority for the district and therefore ultimately would need to be satisfied with the overall level of allocated parking.

HCC as Highway Authority would recommend the provision of an appropriate level of electric vehicle charging provision (at least passive for every dwelling is provided) to promote development in accordance with LTP4 and HCC’s Sustainability Strategy.

3. Trip Generation & Distribution

A trip generation and distribution assessment and impact analysis for the proposed use has been included as part of the TA (Sections 5 and 6). The trip generation is based on trip rate information from the TRICS database. The parameters and approach used is considered to be acceptable by HCC as Highway Authority. Based on this approach, the proposed use is expected to generate 75 two-way vehicle movements in the AM peak and 70 two-way vehicle movements in the PM peak. Following assessment of these details, distribution and the impact analysis, the trip generation and distribution would be considered to be acceptable and not a reason to recommend refusal from a highways perspective.

4. Sustainable Travel & Planning Obligations

The application site is located in the north-west corner of Croxley Green. The nearest bus stops to the site are greater than the normally recommended accessibility criteria of 400m (at 450m from the site and more for many of the proposed dwellings). Croxley Railways Station is located approximately 1.6 km (1 mile) from the site and therefore within an easy cycling distance and achievable walking distance. Whilst the public transport options are somewhat limited, this would not be considered to be a significant enough reason to recommend refusal on its own when taking into consideration that the site is linked to a larger existing urban area and is an allocated housing site.

A Framework TP has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application.

Nevertheless a full TP would need to be secured via a Section 106 planning obligation. Developer contributions of £6000 are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed. For further information please see the following link <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplan@hertfordshire.gov.uk

Following a review of the submitted framework TP, the full TP would need to include the following:

- Refer to current HCC Travel Plan Guidance of March 2020 (the framework TP refers to 2014);
- A secondary contact, provided to HCC once a travel plan co-ordinator (TPC) has been appointed;
- A statement from the developer stating that they are committed to implementing the travel plan;
- The time allocated to the TPC role and frequency on site (average time per month);
- The TPC should work alongside other external partners such as bus and rail companies to increase the travel opportunities of the development;
- On-site information point updated every 6 months as a minimum;
- More walking measures required e.g. inclusion of the promotion of Hertfordshire Health Walks;
- More cycling measures required e.g. cycle training;
- More public transport measures required including up to date bus/train timetables, ticket information, costs at the information point (updated every 6 months as minimum);
- High speed broadband required to allow homeworking, and home delivery information should be provided;
- A minimum of £50 per flat and £100 per house in sustainable travel vouchers.
- HCC have a strong preference of using multi-modal traffic counts for monitoring purposes. Any questionnaires should have an agreed response rate with HCC (a minimum of 50%-60%) and if the response rate is not meet then multi-modal traffic counts would be required annually.
- Monitoring should be annual and all monitoring information should be sent to HCC (travelplans@hertfordshire.gov.uk) from first occupation to 5 years post full occupation
- Travel Plan review should be annual – from first occupation to 5 years post full occupation

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transports schemes as outlined in HCC's South-West Herts Growth & Transport Plan would be sought via CIL if appropriate.

5. Conclusion

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The amended site plan is

considered to be provide a suitable level of pedestrian accessibility when compared to the previous layout. Following the granting of any planning permission, the applicant would need to enter into a Section 278 Agreement with HCC as HA to cover the technical approval of the design, construction and implementation of any highway works in addition to entering into a Section 38 Agreement with HCC as HA in relation to any new roads or footpaths being offered to be dedicated as highway. The detailed areas to be dedicated and subsequently adopted as highway are yet to be confirmed and agreed.

HCC therefore has no objections on highway grounds to the granting of the planning application, subject to the inclusion of the above planning conditions and informatives.

4.1.2.4 Further response 27.04.2021 [No objection subject to conditions]

Officer comment: As noted in the Update (Update 27.05.2021) and Development Description (section 3) above, amended plans have been submitted. No alterations to the access arrangements are proposed, however, as a result of increased hedge retention to the southern cul-de-sac fronting The Green through the rotation of plots 153 and 160 to face onto cul-de-sac, the footpath at this point has been amended to run along the inside of the hedge. The Highway Authority were therefore requested to review the amended plans. They confirmed that they had no objections subject to conditions and provided the following comments:

I have reviewed the amended plans (April 2021) and would not have any significant additional comments to those provided by Hertfordshire County Council as Highway Authority on 15/12/2020.

The updated swept path and visibility splay plans are considered to be acceptable. The drawing numbers as referenced previously within the recommended highway planning conditions would need to be updated accordingly to reflect the updated revisions.

Adjusted footway / footpath behind hedge line

HCC as Highway Authority would not have an objection to the adjusted set-back footpath fronting the proposed southern cul-de-sac. The existing hedge line may need to be partly cut back to ensure the necessary visibility splay at this junction is provided and retained (as indicated by the dark blue line on the plan below, drawing no. VS03 rev A).



Furthermore the setback stretch of footway would need to be dedicated and subsequently adopted as highway (pursuant to Section 38 of the Highways Act) to provide an adopted highway pedestrian link between the proposed footway directly to the north and south that

is to be constructed within the existing highway land (pursuant to Section 278 of the Highways Act).

Internal road layout - dedication and adoption as highway

I would draw attention to the following comments copied from the Highway Authority's response dated 15/12/2020 in relation to the areas proposed to be dedicated / adopted as highway within the site:

1.c. Section 38 Agreement / areas to be dedicated/adopted as highway

There has been discussion as part of the planning application consultation as to which areas are proposed to be dedicated and subsequently adopted as highway pursuant to Section 38 of the Highways Act 1980. "On developments with no through route, only the main access road will be considered for adoption" Roads in Hertfordshire, Section 3, 12.3 and any adopted areas would need to provide a utility and benefit to the wider highway network. There had been discussion on adopting as highway the areas indicated in green and red on the plan below. Nevertheless in order to be acceptable, HCC as Highway Authority also recommended that a footway be provided on both sides of all roads indicated by the green lines, which has not been provided for the reasons as previously discussed.



It is acknowledged that a single footway was indicated as acceptable as part of pre-application discussions with HCC as Highway Authority, however it was also confirmed at that stage that it was unlikely that any of the internal road layout would be adopted as highway. The HA would therefore recommend that further discussions are made following any planning decision to discuss and agree on the extent of areas to be adopted as highway to ensure that "any roads or areas that are to be adopted are of significant public utility" RiH, Sec 3 12.2 and would include agreement as to any necessary 20mph speed limit orders. The plan as shown above is indicative and does not constitute an agreed detailed adoption plan as the site layout has subsequently changed.

The applicant would ultimately need to enter into a Section 38 Agreement with HCC as Highway Authority to ensure that any roads or areas to be dedicated and adopted as highway have been designed and "constructed in accordance with the approved details and in compliance with the specification of works and materials" (please see the above highway informative for more information). The applicant would also need to be aware that the Highway Authority may request commuted sums for any non-standard nature of areas to be adopted as highway e.g. areas of special surfacing (please refer to RiH, Sec. 3, Chapter 2 for more information).

Furthermore the developer would need to put in place a permanent arrangement for long term maintenance of any of the roads that are not adopted as highway. At the entrance of each private road, the road name plate would need to indicate that it is a private road to inform purchasers of any potential future maintenance liabilities. All private roads would

also be required to be “designed and constructed to the same standards that are set out for roads that are to be dedicated as highway” RiH Sec 3., 12.2.

The updated *Design and Access Statement* makes reference to the plan below and that all the areas brown are to be offered to be dedicated as highway, which has not been agreed at this stage. I do not consider that this would be a significant planning consideration at this stage as the DAS does state that all internal roads would be built to adoptable standards, which the Highway Authority would be supportive of. This would need to include all footpaths and footpath links to ensure that they are also built to adoptable standards.



4.1.3 HCC Fire Protection: [Advisory comments]

We have examined the drawings and details for the above proposed housing development received from HCC as Highway Authority on 13th November 2020 and have the following comments to make:-

Vehicle Access.

The road widths both within the estate and along Little Green Lane from The Green south direction appear to be adequate and in accordance with table 13.1 of Approved document B volume 1. Access appears to be provided to within 45 metres of the furthest point in each dwelling.

However the Northern approach to this estate along Little Green Lane would be problematic as an alternative approach, if the lane were obstructed by badly parked vehicles from The Green southern approach. Consequently we feel that consideration should be given to either widening of the section of Little Green Lane between The Green and the new entrance to the estate or parking control measures.

Water Supplies. For firefighting.

The following provision for suitable hydrants should be made;

- . The distance between the water supply and the fire appliance should be kept to a minimum.
- . Hydrants should be provided within 90m of an entry point to any building.
- . Not more than 90m apart for residential developments.

- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances; and
 - Not less than 6m from the building or risk so that they remain usable during a fire (generally a water supply capable of providing a minimum of 1500 litres per minute at all times should be provided).
- All hydrants should have signage in accordance with BS 3251.

4.1.4 Herts Ecology: [No objection subject to conditions]

Thank you for consulting Hertfordshire Ecology on the above. I am pleased to see the application is supported by several credible ecological documents prepared by MD Ecology:

- *Ecological Impact Assessment (EIA), dated August 2020 (this document incorporates methods and results from the Preliminary Ecological Appraisal and separate bat, reptile, Great crested newt, and breeding bird surveys);*
- *Ecological Impact Assessment – Confidential Annex: Badgers, dated August 2020;*
- *Biodiversity Net Gain Assessment, dated August 2020*
- *Biodiversity Metric 2.0 Calculation Tool Beta Test (Assessment date 24 July 2020, updated August 2020)*

And also of relevance:

- *Landscape Management and Maintenance Plan (Guarda, 25/08/2020);*
- *Orchard and Additional Trees Drawing number: 7539-D-ECO (Hayden's Arboricultural Consultants, 08/07/2020);*
- *Lighting Impact Assessment (Designs for Lighting, dated July 2020)*

The site is described as agricultural land forming part of Killingdown Farm and comprises, grassland fields (generally with improved grassland but one field is likely species-poor semi-improved grassland), dense scrub, ruderal vegetation, a small orchard, and with hedgerows and trees to its boundaries. The majority of farm buildings and associated hardstanding are outside the red line boundary; however, some timber sheds and open fronted barns within the site boundary are proposed for demolition.

Two site visits were undertaken in June 2019, with specific follow-up surveys for Great crested newts in May 2020; reptiles in September and October 2019 and May 2020; breeding birds between May and July 2020; bats in July and September 2019, and May, June and July 2020; and badgers in September and October 2019. The reports provide adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort.

I am pleased to see consideration has been given to the retention and enhancement of boundary hedgerows; retention of trees where possible; creation of an attenuation feature and associated landscaping applicable for biodiversity enhancements (such as wet and dry wildflower grassland, scrub, orchard and hedgerows); and use of native species planting in the landscaping scheme. Green spaces and linking green ribbons are proposed within the residential area, and three of the open spaces within the residential development will have orchards as replacement for the loss of the existing orchard. Several integrated bat and bird boxes/features will be incorporated within the new buildings, which is welcomed.

The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats. However sufficient offsetting has been proposed (mainly for species-rich grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain. This is demonstrated in the submitted Biodiversity Metric 2.0 spreadsheet and I have no reason to doubt this uplift can be delivered.

The EIA report suggests reasonable mitigation to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved. Specific objectives to be secured are:

- Implementation of the Landscape Management and Maintenance Plan;
- Production and implementation of a CEMP (for biodiversity), as referred to in section 6.13.2 of the EIA report;
- Management measures listed in section 6.3.5 of the EIA report should be followed to reduce the impact from the development on nearby Croxley Green Local Wildlife Site, which without mitigation has been assessed as 'significant'.

Consequently, the mitigation measures (in section 6 of the EIA report, and succinctly summarised in 6.14) should be secured by condition, should consent be granted.

The badger report suggests reasonable mitigation to ensure that badgers are not harmed. These proposals are reasonable and should be followed in their entirety (as referred to in section 6 in the badger report) by condition.

Lighting scheme:

Reference in the lighting report is made to the impact of artificial lighting on bats. Low level lighting with controlled light spill and glare is proposed for the residential area. I am pleased to see the main area proposed for biodiversity offsetting, north of Little Green Lane, will remain unlit.

4.1.5 Herts Property Services: No response received.

4.1.6 Local Plans: [Advisory comments]

The proposal is for the redevelopment of Killingdown Farm to provide up to 160 dwellings. The proposal site is also a housing allocation in the Site Allocations LDD Policy SA1 with the site reference R(d). Policy SA1 states that allocated housing sites will be safeguarded for housing development, which the proposal complies with. Policy SA1 also states that sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. Policy SA1 states an indicative capacity of 140-180 dwellings for the application site. The application proposes 160 dwellings, meeting the indicative capacity in Policy SA1.

The proposal should comply with policies relating to housing mix, density and affordability. Policy CP4 of the Core Strategy states that the Council seeks 45% of all new housing to be affordable housing and therefore the proposal is expected to meet this target. The applicant has met the 45% affordable housing requirement by allocating 72 affordable units, therefore complying with Policy CP4.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the District's range of housing needs, in terms of size and type of dwellings, as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

The proposed housing mix for the development is 17 1-bedroom dwellings (11%), 52 2-bedroom dwellings (33%), 65 3-bedroom dwellings (41%) and 26 4+ bedroom dwellings (16%). This signifies a significant overprovision of 1 and 2 bedroom dwellings and shortfall

in the provision of 4+ bedroom dwellings. Therefore, the proposal is not consistent with Policy CP3 in providing the necessary size of dwellings identified in the SHMA (2016).

However, it is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. If adjustment to the proportions of the housing mix set out in the SHMA (2016) is sought, sufficient information should be provided on how relevant factors have contributed to the mix of housing proposed.

4.1.7 Affinity Water: [No response received]

4.1.8 National Grid: [No objection, informative requested]

National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

4.1.9 Landscape Officer: [No objection]

4.1.9.1 Initial Response 25.11.2020 [Objection]

The application is accompanied by an Arboricultural report, with an Arboricultural Impact Assessment, Method Statement and Tree protection plan, following the BS5837.

The application mentioned trees in Conservation Area, however unfortunately there are not any mentioned to trees covered under TPO. And some of the proposed trees to be removed are covered by TPO 031.

Some of the mentioned trees are in a Conservation Area called Croxley Green CA, those trees are A001, A002, T002, A003, T0024, G003, although some of them are not clear which tree specimen will be removed. In general, those trees are unremarkable specimens, and do not have the requirement to be a TPO trees, and therefore I do not have objections for those one.

However, I have concern in trees covered under a TPO to be removed, which are:

T018-An Ash tree-Related with T1 of TPO 031
A003-3 elm trees and 3 holly trees- related with G6 of TPO 031
A004-An elm tree- Related with G6 of TPO 031
H004- 6 elm trees- Related with G2 of TPO 031

TPO protected trees have not been taken in consideration in this proposed development, and reports.

I have also recommend submit a tree works application for the records.

Although, I do not have objection in the trees located in the Conservation Area, however I have objection in the proposed removal of TPOs trees. And the loss of value which has not been taking in consideration.

4.1.9.2 Further Response 08.12.2020 [No objection]

The application is accompanied by an Arboricultural report, with an Arboricultural Impact Assessment, Method Statement and Tree protection plan, following the BS5837.

There is a tree related with TPO 031 (which is not updated) that will be remove, however the tree is in bad conditions, therefore the removal of this tree is reasonable.

In light of the above, I do not wish to raise any objections to the proposal.

4.1.10 Thames Water: [No objection]

Waste Comments

Thames Water would advise that with regard to FOUL Water sewerage network infrastructure capacity, we would have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority (LLFA). Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. The development should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at a particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <http://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

With regard to water supply, this comes within the area covered by the Affinity Water Company.

4.1.11 Environmental Health: No response received.

4.1.12 Environmental Protection: [No objection]

Advised that no objections.

4.1.13 Heritage Officer: [Objection]

The application is for the demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works.

This application follows pre-application advice on the redevelopment of Killingdown Farm (site ref. H(10)) to provide up to 180 dwellings (19/2307/PREAPP). The concerns raised below mirror those raised at pre-application stage.

Part of the site is located within the Croxley Green Conservation Area. In the centre of the U-shaped site, but outside the red line boundary, is the Grade II listed Killingdown Farmhouse (list entry no: 1100844). To the north-west of the site are a row of Grade II listed cottages at nos.1-3 Little Green (list entry no: 1173675) and beyond these three locally listed buildings; Waterdell House, Little Waterdell House and Coachman's Cottage. To the west of the site are the Grade II listed Croxley House and Well House (list entry nos: 1348223 and 1296183).

The site is allocated for housing development under Policy PRO1.

Despite its allocation, in my view the redevelopment of the site to provide 160 dwellings is fundamentally harmful to the significance of the Croxley Green Conservation Area, Grade II listed Killingdown Farmhouse, and Grade II listed nos.1-3 Little Green. This harm is considered to be 'less than substantial' as per paragraph 196 of the NPPF. This accords with the findings of the applicant's Heritage Statement which also identifies less than substantial harm to these three heritage assets.

The site in its current form contributes positively to the setting of all three heritage assets and contributes in part to the character and appearance of the Conservation Area as an element of the open, green space from which it derives significance. Attributes of the site contribute to the significance of the assets or allow an appreciation of their significance and these attributes will be lost or detracted from by the proposed development.

The loss of the agrarian, undeveloped landscape of the site undermines the open, verdant appearance of the Conservation Area and detracts from its character and its setting. The setting of the listed farmhouse is detrimentally impacted through the loss of open fields which make a positive contribution to its significance and the appreciation of its significance as a once isolated, rural farmstead on the edge of the Green. Similarly, the open fields contribute to the setting of the cottages at nos.1-3 Little Green and their loss is detrimental to the setting of the cottages.

Mitigation through design and landscaping have not diminished the harm caused to the heritage assets, and additional potential mitigation measures suggested at pre-application stage appear not to have been implemented. Efforts have been made to preserve the country lane character of Little Green Lane to the north of the site which is an important aspect of the setting of the Conservation Area, farmhouse and the Little Green Cottages, providing an appreciation of their once rural surroundings. However, the presence of a housing development alongside the lane will inevitably diminish its rural character.

Despite pre-application advice recommending the reconsideration of the proposed houses at the western side of the site, within the Conservation Area and overlooking the Green and Croxley House (Grade II), these have been retained within the scheme. There was an opportunity to better preserve the open landscape of this part of the Conservation Area and the settings of the listed buildings. These proposed dwellings undermine the characteristics of the Conservation Area and the settings of the farmhouse and Little Green Cottages. It was also recommended that the house to the rear of the cottages was reconsidered as it is particularly close to their boundaries. This undermines their isolated position surrounded by a largely undeveloped landscape.

The proposed road junction in front of the listed farmhouse further undermines its setting. Surrounded by a housing development and overlooking a road junction results in a harmful

'suburban' context for the historic farmstead. Lighting, signage and traffic management measures will further erode the setting of the farmhouse.

There is a strong objection to the proposal. It is considered to cause less than substantial harm to the significance of Croxley Green Conservation Area, the Grade II listed Killingdown Farmhouse and the Grade II listed cottages at nos.1-3 Little Green. Paragraph 196 of the NPPF is relevant. Regard should also be given to paragraph 193 which affords great weight to the conservation of heritage assets, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.1.14 HCC Footpath Section: No response received. HCC as Highway Authority have confirmed that consideration of the adjacent public right of way is included in their comments and that they raise no objections to the proposal to connect the development to the existing public right of way. The public right of way should however be kept clear at all points throughout the development.

4.1.15 HCC Waste & Minerals: [No objection subject to condition]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls entirely within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable finite resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Ministry of Housing, Communities and Local Government (MHCLG) sets out in the *National Planning Policy for Waste (October 2014)* the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

The SWMP or Circular Economy statement should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the Borough Council.

4.1.16 Herts Constabulary: [No objection, advisory comments]

I have reviewed this from a crime prevention perspective, I would ask that not only the affordable homes but the entire site is built to the police minimum security standard Secured by Design. I have listed below the majority of physical requirements needed to achieve this.

Physical Security (SBD)

Layout / Boundary:

The site has good surveillance, Gardens will require 1.8m close board fencing.

Communal door sets for flats:

Certificated to BS PAS 24: 2016, or LPS.1175

Access Control to flats:

Audio Visual. Tradespersons release buttons are not permitted under SBD requirements.

Postal delivery for communal dwellings (flats):

Communal post boxes within the communal entrances or through front doors with post office being given access fob.

Individual front entrance doors for houses and flats

Certificated to BS PAS 24:2016

Windows: houses and flats:

Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies:

Dwelling security lighting houses and flats:

Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points. (Dusk to dawn lighting).

Bin stores & Utility store

Secure LPS1175 SR 2 door with fob.

Car Parking:

Car parking is situated at the front of the houses and flats (which is advised by SBD),

Compartmentalisation of Developments incorporating multiple flats.

Larger developments can suffer adversely from anti-social behaviour due to unrestricted access to all floors to curtail this either of the following is advised:

- Controlled lift access, Fire egress stairwells should also be controlled on each floor, from the stairwell into the communal corridors.
- Dedicated door sets on each landing preventing unauthorised access to the corridor from the stairwell and lift

Secured by Design recommends no more than 25 flats should be accessed via either of the access control methods above.

4.1.17 TRDC Property: No response received.

4.1.18 TRDC Housing: [No objection, advisory comments]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

The proposed housing mix is policy compliant and it is encouraging to see that you are proposing a good mix of family sized accommodation as previously discussed. We would support this application as it will provide much needed affordable housing for the district.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

4.1.19 TRDC Leisure Officer: [No objection, advisory comments]

Officers Comments:

- Recommendation for a development of this size is to include leisure facilities or features in the plans for all ages and abilities. These could include landscaped relaxation areas, picnic areas, play areas, trim trail or any other feature that enhances the physical and mental health and wellbeing of the residents.
- The design and materials used should reflect the environment in which they are being constructed. For example, a more urban area would benefit from metal equipment or a mix of wood and metal, whereas a more rural environment would benefit from wooden equipment.
- The use of softwood in any designs is unacceptable – only hardwood would be considered.
- It is expected that the developer proactively speaks to the Design and Crime Officers at Hertfordshire Constabulary to ensure the design considers any issues relating to anti-social behaviour.
- Areas for free play space should also be included within play area designs – this can be designed as an area within the play space, free from equipment, in which children can create their own playful experiences.
- There should be an appropriate mix of equipment in play areas that includes swinging, sliding, rotating, bouncing, climbing and opportunities for play co-operation, developmental, inclusive, sensory, natural imaginative and creative play.
- Tall play equipment should not be included within the immediate proximity of property boundaries – these should be located furthest away.
- Challenging play equipment, which caters for all ages and abilities should be considered and the inclusion of changing land levels is encouraged.
- The Council also expects there to be consideration given to those with a disability. As a minimum, this would include pathways linking equipment, sensory play experiences and inclusive play equipment e.g. basket swing, dish/platform roundabout, double width slide etc. These should be considered to be placed nearest the entrance points and with clear access.
- All play equipment must be fitted with anti-tamper locking nuts.
- Operation signage must be included, with wording to be agreed by the Council for all leisure facilities.
- Any Safety surfacing must be tested on concrete and certification provided. The Council would consider Lawn Grating Mats or Bonded Rubber Mulch.
- The preference for pedestrian gates are: <http://www.easy-gate.co.uk/child-safety-gates-design.html> or equivalent.
- All equipment must comply with RPI guidelines and guarantee certification will be required, including post installation inspections.
- Provision of sustainable active travel to support an active lifestyle, such as being bike friendly.
- Where leisure provision is made by the developers, design advice must be sought from Three Rivers Leisure team which must include DDA compliant access, details of installation, quality details of all materials used, adherence to Registered Play Inspection (RPI) recommendations such as gates and fences etc. and RPI inspection of installed pieces of equipment.
- Please consider vehicle access for maintenance of any leisure and recreational areas.
- A full Risk assessment of any leisure equipment should be considered.
- Provision for the on-going maintenance of any leisure facilities should be detailed, particularly if the developer plans to formally hand over the leisure facility to Three Rivers District Council. This must include DDA compliancy certification, details of installation, quality details of all materials used with the relevant certification, detailed maintenance

guides for each piece of equipment, RPI inspection of installed pieces of equipment, adherence to RPI recommendations such as gates and fences etc.

- Officers would recommend that guidance on encouraging increased physical activity is sought and adhered to, such as Sport England guidance, Public Health Guidance, Playing Pitch Strategies etc.

- Officers would recommend that guidance on leisure facility planning (eg: Play England or Sport England) is sought from the relevant bodies and adhered to.

These comments are given to help the development achieve the aims of Three Rivers District Council's Local and Strategic plans and National Policy Framework sections detailed below:

- Achieving Sustainable Development
- Promoting Healthy Communities
- Health and Wellbeing

Officers would advise the developer that full outdoor leisure facilities must be appropriate to the development size, covering a range of activities, ages and abilities.

Moving towards a more sustainable environment and one which encourages wildlife and bio-diversity is a key aspect to the development of amenity and open spaces. The impact that green areas have on the mental and physical health and wellbeing is widely reported as is the benefits that they have on local wildlife and ecosystems.

Officers are particularly supportive of any proposals to provide landscaped areas, habitats, areas for biodiversity, hedgehog holes and the creation of hibernaculums within the site. Opportunities for educational aspects should also be considered, for example magnifying posts, rubbings posts and an encouragement of the understanding of nature and biodiversity through appropriate interpretation boards. Officers would be keen to work with the developer on this in order to provide an education element for the local community around these features and their importance.

In addition, the developer may consider Incorporating design features for species which are suffering/declining. For example bat bricks, swift boxes and bee blocks all of which can be incorporated during construction.

If there are any queries about leisure facilities design in relation to the proposals, please feel free to contact Three Rivers Landscape and Leisure Development Manager.

4.1.20 HCC Lead Local Flood Authority: [No objection subject to conditions]

4.1.20.1 Initial Response (26.11.2020): [Insufficient information provided]

We understand this application seeks full planning permission, we have assessed the Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00- XX-RP-C-6200, rev: P02, dated: 19.06.2020) and other information submitted in support of this application. However, the information provided to date does not currently provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In order for the Lead Local Flood Authority to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment/ surface water drainage strategy:

1. Clarification of feasible discharge mechanism.
2. Confirmation of drainage strategy.

To address the above points, please see the below comments:

1. We understand following review of the SuDS Statement submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with a detention basin and filter drain. The proposed system consists of a pipe as a primary inlet directly into a 0.3m deep lined detention basin in the dry pond before discharging via a filter strip into the boreholes.

We have concerns regarding the protection of the boreholes within the proposed dry pond with regards to the issue of sediment and silt impacting the functionality of the boreholes. However following review of further correspondence to the LLFA from PEP Civil Structures Ltd (ref: 481819/APR/ar/PPEResponse, dated: 15.10.2020), we understand that the proposed deep borehole soakaway chambers are to be sealed from the lined pond feature above. It is stated that a single lateral from the infiltration will serve the isolated deep borehole soakaway field below and that as a result, all runoff entering the feature must first pass through upstream treatment mechanisms prior to discharging via infiltration. Following this explanation, we would like to see further clarification of how these features will be sealed and connected including cross-sections of the proposed pond with the borehole soakaway field, filter drain and detention basin in order to further our understanding of the proposed scheme.

In addition, we would be looking to see falling head tests completed in the specific locations and depths of the proposed deep bore infiltration features. We understand from the response to the LLFA that falling head testing within the proposed location of the borehole field is currently being carried out.

2. Following any changes made to the drainage strategy in light of the above comments, the applicant will need to update the drainage strategy including all drainage calculations and modelling. If additional storage is needed, we would prefer the provision of above ground storage features as prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

We would expect the submitted drainage strategy to include all calculations and modelling to be updated accordingly. Any updates should include:

- Detailed post development calculations/ modelling in relation to surface water to be carried out for all rainfall events up to and including the 1 in 100 year including +40% allowance for climate change
- Detailed modelled outputs of flood extents and flow paths for a range of return periods up to the 1 in 100 year + climate change event and exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
- Confirmation on the volume of water needing to be attenuated
- Justification of SuDS selection.
- Details of the final management and treatment train and SuDS features

For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx>

Informative to the LPA

Please note if the LPA decides to grant planning permission we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.20.2 Further Response (24.02.2021): [No objection subject to conditions]

Following review of the additional information submitted, we are now in position to recommend to the LPA that we have no objection in principle to the scheme and would recommend planning conditions.

We understand from the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with filter drain and detention basin with reno mattress along with tanked porous paving located in all residential driveways and car park parking spaces.

We note that falling head tests have been completed at the specific location of the proposed deep borehole soakaways and the results have been provided to support the scheme (carried out by Enzygo, ref: CRM.1027.071.GE.L/002/B, dated: 11.11.2020).

We would recommend the following conditions should planning permission be granted:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted and the following mitigation measures:

1. Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing appropriate SuDS measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving.

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.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved in writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system.

Condition 3

No development shall take place until the submission of a surface water management plan for the Construction Phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase.

Condition 4

Upon completion of the drainage works for each site in accordance with the timing / phasing, 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 management and maintenance plan shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance provisions and operational requirements for the installed drainage system.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development.

Informative to the Applicant

The applicant should contact the Environment Agency regarding any environmental permits required for the proposed deep borehole soakways within the drainage design.

4.1.21 HCC Historic Environment: [No objection subject to conditions]

4.1.21.1 Holding Response 15.10.2020 [planning application should not be determined until report received/reviewed]

An archaeological trial trench evaluation of the proposed development site is currently underway, in order that the results may enable an informed decision to be made with reference to the impact of this proposal on the historic environment.

As noted in my e-mail to the Planning Authority dated 25th September, it was agreed that the evaluation should be carried out in time for a report on the results to be available prior to the determination of any application (e-mail dated 29/5/20, from RPS – ‘the trial trenching will be undertaken pre-consent with results available in good time before the application goes to committee / goes for delegated decision’).

We have visited the site today to monitor the archaeological work. There are archaeological features present in most of the trenches (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). The development will therefore have an impact upon heritage assets of archaeological interest.

Whilst it is likely that this office will be able to recommend that provision should be made, via appropriate conditions, to mitigate the impact of the development, the evaluation is not yet completed (several trenches remain unopened) and it remains possible that unexpectedly significant archaeology could be revealed. In addition, a report on its results has yet to be prepared and submitted to the Planning Authority, and to this Office, so we are not yet in a position to provide the Planning Authority with detailed recommendations as to the extent and nature of the archaeological mitigation that will be required.

I therefore recommend that the planning application is not determined until this report has been submitted.

4.1.21.2 Full response 04.12.2020 [No objection subject to conditions]

Thank you for sending me a copy of Oxford Archaeology East’s Archaeological Evaluation Report.

It enables me to provide the Planning Authority with detailed recommendations as to the extent and nature of the archaeological mitigation that will be required with regard to the above proposed development.

As notified in my earlier advice (dated 15/10/20), the ongoing trial trench evaluation had at that point identified archaeological features in most of the trenches that had been opened (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). This activity has now been dated to the Late Bronze Age/Early Iron Age. The subsequent completion of the evaluation – the opening of the remainder of the trenches to the south of the farm buildings - has identified a further area of activity, of possible Roman date. Small amounts of pottery were recovered and all the sherds, bar one (a single sherd of samian ware), are locally made utilitarian coarse ware jars and dishes dating from between the 2nd and 4th century AD. These ditches and pits are potentially part of wider settlement activity in the vicinity of these trenches.

The evaluation at Killingdown Farm has therefore provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

The development will therefore have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are certainly present, the results suggest that they are unlikely to be of such high significance (i.e. of sufficient importance to meet NPPF para. 194 (footnote 63)) and density to impact on the viability of development.

I therefore recommend that the following provisions be made, should you be minded to grant consent:

1. The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, prior to any development taking place. This office is happy to discuss the nature and scope of this evaluation with the applicant or their archaeological agents;
2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
 - a) the preservation of any archaeological remains *in situ*, if warranted, by amendment(s) to the design of the development if this is feasible;
 - b) the appropriate open area archaeological excavation of any remains before any development commences on the site;
 - c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results
4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case *three* appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

Please do not hesitate to contact me should you require any further information or clarification.

4.1.21.3 Full response 19.01.2021 [No objection subject to conditions]

We previously responded to your e-mail dated 24th November 2020, in which you asked for further on the above application, further to the submission by the applicant of the report on the predetermination trial trench evaluation of the site.

I therefore re-iterate the advice provided on 4th December 2020 regarding the above application, with the additional recommendation that further archaeological evaluation via trial trenching of the site should include the area north of Little Green Lane where it appears flood attenuation measures will have an impact, and which has not been evaluated.

As notified in my earlier advice (dated 15/10/20), the ongoing trial trench evaluation had at that point identified archaeological features in most of the trenches that had been opened (mainly pits and postholes containing small quantities of pottery of probable earlier prehistoric date). This activity has now been dated to the Late Bronze Age/Early Iron Age. The subsequent completion of the evaluation – the opening of the remainder of the trenches to the south of the farm buildings - has identified a further area of activity, of possible Roman date. Small amounts of pottery were recovered and all the sherds, bar one (a single sherd of samian ware), are locally made utilitarian coarse ware jars and dishes dating from

between the 2nd and 4th century AD. These ditches and pits are potentially part of wider settlement activity in the vicinity of these trenches.

The evaluation at Killingdown Farm has therefore provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

The development will therefore have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are certainly present, the results suggest that they are unlikely to be of such high significance (i.e. of sufficient importance to meet NPPF para. 194 (footnote 63)) and density to impact on the viability of development.

I therefore recommend that the following provisions be made, should you be minded to grant consent:

1. The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, including the proposed flood attenuation area, prior to any development taking place. This office is happy to discuss the nature and scope of this evaluation with the applicant or their archaeological agents;

2. such appropriate mitigation measures indicated as necessary by the evaluation. These may include:

a) the preservation of any archaeological remains in situ, if warranted, by amendment(s) to the design of the development if this is feasible;

b) the appropriate open area archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

3. the analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results

4. such other provisions as may be necessary to protect the archaeological interest of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 199, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority

in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- 1. The programme and methodology of site investigation and recording*
- 2. The programme and methodology of site investigation and recording as suggested by the evaluation*
- 3. The programme for post investigation assessment*
- 4. Provision to be made for analysis of the site investigation and recording*
- 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation*
- 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.*

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 264 (Initial consultation)
- 4.2.2 No of responses received (initial consultation): 346 (343 objections and 3 support)
- 4.2.3 An electronic petition (submitted via change.org) titled “STOP development of Green Belt and Conservation Areas in Croxley Green” has been received with 1,242 signatures. The PDFs submitted include names, location (not full address) and date and the LPA is therefore unable to ratify the signatures.
- 4.2.4 An electronic petition (submitted via change.org) titled “SAVE LITTLE GREEN LANE: Croxley Green’s Conservation Area under threat” was also received with 1,889 signatures (at 1 April 2021). The LPA is unable to ratify the signatures.
- 4.2.5 Following the receipt of amended plans, a 14 day re-consultation was undertaken and 66 responses (objections) were received.
- 4.2.6 All of the above responses received are summarised at 4.2.8 below.
- 4.2.7 Site Notice: Expired 28.10.20 Press Notice: Expired 23.10.20
- 4.2.8 Summary of Responses:
 - 4.2.8.1 Objections:

Oversized and ill thought out development; Little Green Lane should be preserved as it is at present; Represents part of Croxley’s rural past; Alterations to Little Green Lane will adversely affect its character and the Conservation Area; Damage to The Green; Who will maintain The Green; Keep Croxley ‘green’.

Negative impact on the village; Will lose the essence of what makes Croxley special; Village will become a town; Moved to Croxley due to its rural quality and village feel; Village cannot cope with further population increase; Would become suburb of Watford.

Negative impact on Conservation Area; The area should be conserved; Does not have regard for the setting of the Conservation Area; Density excessive and not in keeping with the Conservation Area; Impact on historic and Listed Buildings; Agree with the comments from the Heritage Officer that the proposal would be contrary to the NPPF in its current form in respect of the conservation and protection of heritage assets; Fails to comply with Conservation Area Appraisal or Neighbourhood Plan; Negative impact of additional traffic on Conservation Area; Conservation Area boundary should be shown on the plans; Dilutes character of area; Hills website commits itself to a range of issues including safeguarding the Conservation Area, however, the proposal fails to do this; Loss of hedges that contribute to Conservation Area; The Conservation Area Appraisal references the significance of hedges; Properties on the Green are screened by hedges, whereas the proposals would not be, specifically plots 153 and 155 (visualisations provided); Alternative access possible that would have less impact; Would harm views into and out of the Conservation Area; Prevailing architecture of the area has been overlooked; Loss of historic hedges within the Conservation Area; Link provided to You Tube video regarding concerns in relation to development and hedgerow loss; Application documents not consistent about how much hedge would be lost; Impact of attenuation pond and associated infrastructure on hedgerows; Would hedgerow loss be permanent.

Conservation and Heritage Report submitted on behalf of objector setting out why they consider the proposal to be in breach of planning statute and policies (full report is available online).

Negative impact on Green Belt, particularly the drainage attenuation works to the north; Little Green Lane provides a clear boundary between Croxley and the Green Belt; Disagree with Planning Statement that asserts that the use of the Green Belt to the north of Little Green Lane would not be inappropriate; The development should be accommodated within the site allocation area only; Unclear why the Farm House area is excluded from the application site when it forms part of the allocation; The attenuation pond should be within the allocated site; Attenuation pond should not be fenced as this would destroy openness.

Loss of farmland and countryside; UK is major importer of food so why are we building on farmland.

Contrary to Planning Policies; Contrary to the NPPF; Contrary to Hedgerow Act; Contrary to restrictive covenants; Contrary to village green status; Covenants include requirement for development to be screened; Contrary to statute.

Conveyance maps show there is a strip of land that is still part of The Green; dispute that land is within highway boundary.

Contrary to Site Allocation document; Not in the Local Plan for development; Brownfield sites should be used to accommodate housing development; Development should be phased with the impact of one phase assessed before moving on; Empty factories and offices could be developed; Piecemeal development; Contrary to plans provided at site allocation stage.

Single vehicular access is insufficient; Has assessment of highway been carried out; Highways safety concerns; Increased traffic; Insufficient parking; Insufficient parking for local shops; Cars parking along Little Green Lane (in front of Dugdales) currently restrict access; Road is not wide enough; No access for refuse vehicles or emergency vehicles; Understood site access would be via Grove Crescent; Right hand turn onto Baldwins Lane is dangerous due to lack of visibility; Concern vehicles will try to go the other way along

Little Green Lane where it is a single track; Existing roads would be unable to cope with additional volume; Little Green Lane would become a 'rat run'; Concern that any widening of Little Green Lane and footpath provision would encroach onto the Village Green which is common land; If parking restrictions are required in Little Green Lane what will it mean for existing residents; Zig zag junction appears to present high risk; Should be no right turn out of site; Proximity to school presents real safety concerns; Impact of commuter parking; Significant increase in traffic particularly during morning and evening peaks and school times; Would create conflict between vehicles and pedestrians; Concerns re safety of cyclists; Little Green Lane will be used as cut through to the school; Would be insufficient space for large vehicles to pass parked cars on Little Green Lane; Disagree with HCC Highways conclusions which should be challenged; Dispute highway boundary plan; TRDC should request that access be via Grove Crescent.

Little Green Lane was considered unsuitable for access when the site was allocated; Reference to report from Bidwells which suggests access should be via Grove Crescent; Highways Authority require 5.5m carriageway to serve development of this size; In public interest to clearly detail any works to the highway; Indicative site plan at allocation stage showed access from Grove Crescent; Little Green Lane being used purely for commercial benefit of applicant.

Comprehensive assessment of the highways position (including additional information submitted) has been undertaken by DW Transportation Limited which identifies significant deficiencies in the information submitted and they do not consider the proposal to be acceptable from a highways perspective.

Proposal is not compliant with Policy CP3 in terms of housing mix; No need for houses in this area; There are other more appropriate areas.

Negative impact on neighbouring amenity; Privacy issues; Overlooking of properties in Grove Crescent and Dugdales; Ashlea (5 Little Green Lane) is incorrectly shown as two plots/dwellings; Would intrude 45 degree line in relation to Ashlea; Plot/Dwelling 26 would be very close to Ashlea; Acknowledge there are no first floor windows facing, however, would be overbearing; Noise and disturbance; Impact of use of retained farm on residential amenity; Visualisations submitted to indicate impact on Ashlea (5 Little Green Lane); Amended plans mean that views from existing Juliette balcony would be lost.

Covid pandemic has highlighted the importance and benefit of access to nature and open space; The countryside here is enjoyed by many people, particularly at the moment while we are trying to walk locally, this would destroy it; Area is of massive importance to Croxley Green public's wellbeing and mental health; Negative impact on health, eg. increased pollution; Negative impact on health of school children given proximity to Little Green School; Noise and light pollution; Pandemic has taught us the value of open space; Threat to the environment and enjoyment of countryside.

Concerns regarding flood risk; Inadequate drainage; Viability of the dry pond in the long term is dependent on maintenance; Without proper maintenance this could result in flooding in the area; Construction of this feature will destroy hedgerows.

Site falls within an identified Sand and Gravel Belt; No details of how these deposits could be utilised are included.

Lack of services and facilities (eg, schools and doctors) to serve increased population; Is there capacity in existing schools; No community facilities proposed; Inadequate transport links; Impact on existing water pressure; Any employment benefit would be short term.

Negative impact on wildlife; Significant impact on Local Wildlife Site; Inappropriate to secure Nature Conservation Management via condition; Low level of biodiversity Net Gain and

relies on features within private gardens which cannot be controlled; Also relies on successful establishment and long term success of planting; Destroy pond; Loss of number of trees and hedgerows which act as wildlife corridors; No justification as to why more trees and hedgerows cannot be retained; No detailed plans for long term management and maintenance of landscaping provided; Impact on Harrocks Wood, Dell and Merlins Wood not considered.

TRDC has declared a climate emergency and appointed a dedicated Climate Change Officer; Draft Climate Change Strategy refers to promoting sustainability at pre-application stage, but what does this mean?; Need to influence developer to take a proactive approach and build a more sustainable development now to avoid retrofitting the future.

Insufficient consultation; Would set precedent; Batchworth Lock should have been developed for housing not hotel; Need to assess impact of development underway before we build more.

The revised plans are cosmetic at best and do not overcome significant concerns regarding impact on the Conservation Area or the primary issue of access via Little Green Lane; Whilst additional hedge is retained, there would remain clear views of the development, detrimental to the conservation area; Significant harm can be overcome if access was from Grove Crescent; The independent highways report commissioned by TRDC was not independent; No public benefit, private and financial benefit of applicant only; Insufficient time for members of the Committee to consider the application due to limited time since elections.

4.2.8.2 Support:

Would bring welcomed increase in housing and affordable options; Residents forced to move away due to increasing prices; Allow young families to settle; Vacant land perfect for development; Will bring employment; Will create community; Will be crucially needed rented and shared ownership properties; Surrounded by housing so logical place; Homes are needed.

4.2.8.3 Officer comment: Material planning considerations are addressed in the analysis below. In relation to objections regarding the development being contrary to The Hedgerows Act, certain restrictive covenants and other legislation it is important to note that this application relates solely to an application for Planning Permission. The grant of planning permission does not convey any consent required where expressly required by other legislation and does not override restrictive covenants.

With regards to ownership and as set out in the analysis below, the LPA are satisfied from the information available that the works to Little Green Lane do fall within the extent of the highway boundary.

5 Reason for Delay

5.1 Application deferred at Committee meeting on 25.02.2021 to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the NPPF was updated, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due

weight should be given to them, according to their degree of consistency with this Framework.

National Planning Practice Guidance (NPPG).

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 (Site H(10)) is relevant. The comments within the SALDD state;

“Development would need to relate to the conservation area and listed building. The site lies within Source Protection Zone 2. A preliminary risk assessment to determine whether there is contamination of the site and whether further remediation works will need to be undertaken would be required to support planning applications on the site”.

6.3 Other

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Relevant policies include: CA1, HO1, HO2, HO3 and PRO1. It is noted that Policy PR01 relates specifically to the Killingdown Farm Development Site and states that;

“The proposed development should ensure that the scheme on a site previously in the Green Belt preserves or enhances the character or appearance of the Conservation Area and the setting of listed buildings and seeks the retention of natural features”.

The application site is located within Character Area 9 ‘Cophorne Wood, Parrots Dell and Surrounding Fields and Farms’.

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Croxley Green Conservation Area Appraisal (1996).

Hertfordshire's Local Transport Plan 2018 – 2031 (adopted May 2018).

Three Rivers Housing Delivery Test Action Plan (June 2020)

7 Planning Analysis

7.1 EIA Screening

7.1.1 Three Rivers District Council adopted a Screening Opinion in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 on 17 July 2020.

7.1.2 This was based on a proposal for the construction of 160 dwellings set within open space and a sustainable drainage system, at land at Killingdown Farm.

7.1.3 The Council had regard to the information submitted and concluded that an Environmental Impact Assessment is not required for the development.

7.2 Background/Principle of Development

7.2.1 The NPPF (2019) is clear that planning policies and decisions should support development that makes efficient use of land (paragraph 122) whilst taking into account the need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure; the desirability of maintaining an areas character; and the importance of securing well-designed, attractive and healthy places.

7.2.2 The application site is located in Croxley Green, identified as a Key Centre in the Core Strategy (adopted 2011). The site has been allocated as a housing site by the Site Allocations LDD (adopted November 2014) with an indicative capacity of 140-180 dwellings. It is noted that the site allocation refers to a larger area including the existing farm which does not form part of the current application site, however, the number of dwellings proposed (160) sits within the middle of the indicative capacity and would not preclude the farmhouse from coming forward for development at a later date.

7.2.3 The ecological enhancements and drainage attenuation would be sited to the north of Little Green Lane on land within the Green Belt which is outside of the site allocation. There would be no built development (houses, roads, footpaths, lighting etc.) on this land. Green Belt considerations are discussed below.

7.2.4 Policy SA1 of the Site Allocations LDD (adopted November 2014) advises that allocated housing sites will be safeguarded for housing development and the application complies with the policy in this regard. Policy SA1 also states that proposals should have regard to the phasing strategy of the site; the application site is phased for post 2026. In the event of planning permission being granted, the development would be required to commence within a period of 3 years (following the discharge of all relevant conditions) and therefore delivery of the site may commence prior to 2026, however, the delivery would be broadly in accordance with the phasing strategy and the slight premature delivery is not considered to conflict with the overall aims of Policy SA1.

7.2.5 Policy SA1 further states that allocated sites should be developed at an overall capacity which accords generally with the dwelling capacity for the site. In terms of density of dwellings per hectare, the development would result in a density of approximately 27 dwellings per hectare. As noted above, the site allocation identifies a slightly larger area and has an indicative capacity of 140-180 dwellings which would equate to a density of approximately 24 dwellings per hectare if 180 dwellings were delivered. The proposal would

therefore accord generally with the dwelling capacity for the site and is not considered to represent an overdevelopment of the site.

- 7.2.6 It is also noted that the Housing Delivery Test Action Plan (June 2020) advises that until a new Local Plan is in place and given the high demand for new homes and the constrained housing land supply, it is crucial that new developments coming forward make the most efficient use of land.
- 7.2.7 Policy CP3 of the Core Strategy (adopted 2011) states that the density of development should be considered on its merits, taking into account the need to:
- a) *Respect density levels within existing residential areas particularly within areas of special landscape and/or historic value in the District*
 - b) *Promote higher densities in locations that are highly accessible to public transport, services and facilities.*
- 7.2.8 The Spatial Strategy sets out that the main emphasis for future development is to continue to focus development within the existing urban area through development of previously developed land and appropriate infilling within the urban areas of the Principal Town (Rickmansworth) and Key Centres (including Croxley Green) as these have been identified as the most sustainable locations in the District.
- 7.2.9 In light of the above, there is no in principle objection to the development, however, this is subject to consideration against other material planning considerations as set out below.
- 7.3 Green Belt
- 7.3.1 Paragraph 143 of the NPPF (2019) advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.
- 7.3.2 Paragraph 144 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.3.3 Paragraph 146 sets out that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. This includes; '*(b) engineering operations*' and '*(e) material changes in the use of land*'.
- 7.3.4 The five purposes of the Green Belt are set out at paragraph 134 of the NPPF as follows:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns;
 - To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.
- 7.3.5 Policy CP11 of the Core Strategy (adopted October 2011) advises that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and measures to improve environmental quality.
- 7.3.6 The area of land to the north of Little Green Lane does not form part of the site allocation area and is within the Green Belt. The lawful use of the land is for agriculture and therefore the development would include a material change of use. In addition, the drainage

attenuation would be considered an engineering operation. These aspects of the development (material change of use and engineering operation) would not be inappropriate provided that openness is maintained and that the development does not conflict with the purposes of including land within the Green Belt (as set out above).

7.3.7 In relation to openness, the National Planning Practice Guidance (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:

- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
- *The degree of activity likely to be generated, such as traffic generation.*

7.3.8 Drainage attenuation would take the form of a depression in the ground acting as a dry pond. The attenuation basin would reflect the natural change in levels with gradients of no more than 1:4. The low 1 metre high timber post fence would not appear out of context in the landscape and would not affect openness. Whilst part of the field would change in use from agricultural to drainage pond to serve the development, other than the low fencing and depression in the ground there would be very limited visual change and no built development. The ecological enhancements proposed include tree planting and enhancement of existing hedgerows and species rich grassland on the shallow slopes of the basin. With the exception of maintenance as and when required, there would be no increased activity associated with the change of use and provision of attenuation pond which would not form part of the publically accessible open space associated with the application.

7.3.9 With regards to the five purposes of including land within the Green Belt as set out at 7.3.4 above, the development would not conflict with these purposes. Whilst the change of use and attenuation pond would result in the loss of part of an existing agricultural field within the countryside, the nature of the development including ecological enhancements is such that it would safeguard the countryside from encroachment.

7.3.10 The nature of the development (material change of use and engineering operation) is such that the openness of the Green Belt would be maintained and the development would not conflict with the purposes of including land within the Green Belt. The development would therefore be acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

7.4 Housing

7.4.1 Policy CP3 sets out that the Council will require housing proposals to take into account the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. The most recent SHMA (South West Hertfordshire Strategic Housing Market Assessment 2016) was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

7.4.2 With regards to affordable housing (discussed below), TRDCs Housing Officer has identified the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units.

7.4.3 Policy H01 of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) sets out that all new housing proposals should consider the needs of at least one of these local priority groups:

- *The ageing population with specially designed accommodation including residential homes.*
- *The starter market for young singles and couples.*
- *Affordable housing for rent for a range of household sizes.*

All proposed major developments should have at least two dwelling types, of which at least one type should be for families.

7.4.4 The proposed housing mix is indicated in the table below:

No. Beds	Private		Shared Ownership		Affordable Rent		Total	
1	0	0	5	24%	12	24%	17	11%
2	22	25%	9	43%	21	41%	52	33%
3	41	47%	7	33%	17	33%	65	41%
4+	25	28%	0	0%	1	2%	26	16%
Total	88	100%	21	100%	51	100%	160	100%
Total	Private 55%		S/O 29%		Affordable Rent 71%		100%	
			S/O and Affordable 45%					

7.4.5 The proposed housing mix for the development is 17 1-bedroom dwellings (11%), 52 2-bedroom dwellings (33%), 65 3-bedroom dwellings (41%) and 26 4+ bedroom dwellings (16%). This signifies a slight overprovision of 1 and 2 bedroom dwellings and shortfall in the provision of 4+ bedroom dwellings. However, the policy recognises that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors. In this case, the private mix is weighed slightly towards larger units with a reduction in both 1 and 2 bedroom units in recognition of the site being at the edge of the settlement where larger units would not be inappropriate. It is also noted that the Housing Officer has raised no objections to the proposed housing mix and has commented that it is encouraging to see a good mix of family sized accommodation.

7.4.6 The proposed mix is therefore considered acceptable in accordance with Policy CP2 of the Core Strategy (adopted October 2011) and Policy H01 of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018).

7.4.7 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures (70% being social rented and 30% being shared ownership). Major developments are expected to provide affordable housing units on-site. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

7.4.8 The application proposes a total of 160 residential units, of which 72 (45%) would be affordable and 88 (55%) would be for private sale. The proposed housing mix is set out in the table above at 7.4.4.

7.4.9 The affordable housing has been designed to be tenure blind with affordable dwellings comprising of 1 and 2 bedroom apartments, mixed with 2, 3 and 4 bedroom dwelling houses. The dwelling houses have been arranged in three clusters across the site with the apartments in three blocks to the south-east of the site.

7.4.10 No objection is raised with regards to the provision of affordable housing which would accord with Policy CP4 of the Core Strategy (adopted October 2011) and would be secured via condition on any grant of consent.

7.5 Layout, Scale and Massing

7.5.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should:

‘...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.’

7.5.2 The NPPF encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

7.5.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area.

7.5.4 Policy CA1 ‘New Development’ of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that new development should conserve and, wherever possible, enhance the key elements of the character and appearance of the specific Character Area through the careful design and massing of new buildings.

Layout:

7.5.5 In terms of layout, the main site would be accessed (by vehicles) from a single access point leading to the main road running west to east within the site and a further primary route running north to south. A series of secondary roads (cul-de-sacs) would be located off the primary roads. Dwelling houses would front the highway with private rear amenity spaces and clearly defined curtilages. Whilst discussed below in more detail, it is noted that amenity space provision would exceed policy requirements. The layout includes appropriate spacing between dwellings, which is increased within the western part of the site to respond to its siting within the Conservation Area. Green spaces and green links are positioned throughout the development and provide open space and play space and also allow for views through the site.

7.5.6 The layout of the site and the individual units and their associated curtilages is well considered and is acceptable.

Scale & Massing:

7.5.7 In terms of scale and massing, the development will consist of two-storey dwelling houses (detached, semi-detached and terraced) of varying designs, and three-storey flatted blocks, all set within a landscaped setting. A traditional design is proposed which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings.

7.5.8 The density would be slightly lower to the west (within the Conservation Area) and would increase to the east with the three storey flatted blocks sited towards the eastern boundary closest to Grove Crescent which itself includes a number of three storey flatted blocks.

7.5.9 It is considered that the height and mass of the proposed buildings have been carefully considered taking into account their location and the prevailing character of the area and makes the best use of this allocated housing site in accordance with the National Planning Policy Framework, whilst respecting the surrounding context and the development accords with adopted policies in this regard.

Materials:

7.5.10 A materials strategy included within the submitted Design and Access Statement. External materials are to reflect those seen locally, with soft red facing bricks with tonal variations and roofs finished in red or grey roof tiles.

7.5.11 There is no objection to the layout, scale and design which it is considered would be appropriate within this context.

7.6 Heritage Assets

7.6.1 The western part of the site falls within the Croxley Green Conservation Area and there are also a number of statutory Listed and Locally Important buildings in the vicinity. Killingdown Farm (the main farmhouse), Croxley House Nursing Home to the west of the site and the cottages at No's 1-3 Little Green Lane to the north-west are Grade II Listed. Waterdell House, Little Waterdell House and Coachman's Cottage to the north are Locally Listed and there are other Locally Listed buildings within the farm complex (outside of the development area).

7.6.2 Paragraphs 193 and 194 of the NPPF state that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

7.6.3 Paragraph 196 of the NPPF advises that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

7.6.4 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District's Listed Buildings and that "Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment." Policy DM3 advises that development in Conservation Areas should preserve and enhance the special character of the area and development should not affect the setting of an adjacent Conservation Area or views into or out of.

7.6.5 Policy PRO1 'Killingdown Farm Development Site' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that the proposed development

should preserve or enhance the character and appearance of the Conservation Area and the setting of Listed Buildings.

- 7.6.6 The application is accompanied by a Built Heritage Statement. It acknowledges that the introduction of housing within the area of the site located in the Conservation Area, would result in the loss of part of its agricultural character which contributes to its special interest. The significance of the Conservation Area would also be harmed by development within its setting as the site forms part of its rural surroundings and positively contributes to its significance in this respect. However, the Built Heritage Statement considers that the level of harm would not exceed less than substantial and the principle of development within the Conservation Area and its setting has been accepted by the allocation of the site (H10). Additionally, a number of design features have been incorporated into the scheme to reduce the impact on the Conservation Area.
- 7.6.7 The Heritage Statement has been reviewed by the Heritage Officer. Whilst the Heritage Officer acknowledges that the site is allocated for residential development, in their view, the redevelopment of the site would be harmful to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No's 1-3 Little Green Lane).
- 7.6.8 The Heritage Officer considers that the loss of the agrarian, undeveloped landscape of the site undermines the open, verdant appearance of the Conservation Area and detracts from its character and its setting. The proposed alterations to Little Green Lane and loss of part of the existing hedge to facilitate access are also considered to be of detrimental impact to the Conservation Area. They consider that the setting of the listed farmhouse is detrimentally impacted through the loss of open fields which make a positive contribution to its significance and the appreciation of its significance as a once isolated, rural farmstead on the edge of the Green. The proposed road junction to the front of the farmhouse is also considered to be impacted detrimentally. Similarly, they consider that the open fields contribute to the setting of the cottages at No's. 1-3 Little Green and their loss is also detrimental to the setting of the cottages.
- 7.6.9 The Heritage Officer considers the harm to be 'less than substantial' in the context of paragraph 196 of the NPPF. The less than substantial harm would need to be weighed against the public benefits of the proposal and in that regard they acknowledge that the site forms part of an allocated housing site and would contribute to meeting the District's housing needs.
- 7.6.10 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Turning to the three strands identified in the NPPF:

Economic Benefits

- 7.6.11 The development would bring some economic benefits during construction through the creation of jobs, however, it is noted that this would be limited and for a temporary period and is afforded only limited weight in terms of representing public benefit. Future residents would be supporting the local economy which be of long term benefit and is also afforded limited weight.

Social Benefits

- 7.6.12 The NPPF refers to “support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations...” The application site is an allocated housing site and the provision of 160 new homes would contribute to meeting the District’s housing needs. The application includes a range of sizes of homes and would provide 45% affordable housing provision. The LPA cannot currently demonstrate a 5 year housing land supply and there is a significant need for new homes within the District. Similarly, there is a significant need for affordable housing within the District. The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.¹ The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.
- 7.6.13 In terms of public benefits, the contribution of the development, including the provision of affordable housing, to the District’s housing needs is afforded significant weight.
- 7.6.14 The proposed development provides 0.59 Ha of land for open space, comprising formal and informal open space areas and children’s play equipment. The areas of open space would be easily accessible to residents of the proposed development and from the surrounding area. This is afforded limited weight in terms of representing public benefit.

Environmental Benefits

- 7.6.15 The application has been amended to retain additional hedgerow to the main site access and to the front of plots 153 and 160 fronting The Green, with these dwellings now fronting the cul-de-sac, set back behind the retained hedgerow. Only a small section of the existing hedgerow (approximately 10 metres wide) fronting The Green would be lost to facilitate the access (a reduction in hedge loss of approximately 43 metres). Elsewhere around the site, existing boundary hedgerows are proposed to be retained and enhanced. A detailed landscaping scheme has been submitted with the application (updated to include additional hedge retention) which includes the proposed planting of 178 new indigenous trees and hedgerows. The attenuation pond and associated landscaping would bring biodiversity enhancements. The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats, however, sufficient offsetting has been proposed (mainly for species-rich grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain. This measurable net gain in biodiversity is afforded limited weight in terms of representing public benefit.

Public Benefit – Conclusion

- 7.6.16 Whilst it is acknowledged that the proposal would cause less than substantial harm to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No’s 1-3 Little Green Lane), this harm is considered to be outweighed by the public benefits of the significant number of new homes, including affordable homes, that would be created on this allocated housing site.

¹ Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

7.6.17 It is also acknowledged that the design of the scheme has sought to respond to the heritage assets, concentrating the higher density development to the east outside of the Conservation Area and incorporating a traditional design approach which references Arts and Crafts detailing with pitched roofs with hipped, cat-slide features and gables on larger buildings.

Archaeological Implications:

7.6.18 With regards to archaeology, Policy DM3 of the Development Management Policies LDD (adopted July 2013) advises that;

“Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, it must be accompanied by an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation... Where the loss of the whole or a material part of a heritage asset’s significance (archaeological interest) is justified, planning conditions will be included in any permission to ensure that an adequate record is made of the significance of the heritage asset before it is lost. This will be secured through an archaeological written scheme of investigation (WSI) which must include provision for appropriate publication of the evidence”.

7.6.19 The application was accompanied by an Archaeological Desk Based Assessment. The Archaeological Desk Based Assessment suggested that the site has a moderate potential for archaeological finds or features dating to the Post Medieval and Modern periods. The site is considered to have a low potential for archaeological finds or features dating to other periods. The Proposed Development has the potential to damage any archaeological finds or features which may be present on the study site. However, if any archaeological finds or features are identified, they are likely to be of local significance only.

7.6.20 HCC’s Historic Environment Officer has reviewed the Archaeological Desk Based Assessment and noted that an archaeological trial trench evaluation of the proposed development site was underway, in order that the results may enable an informed decision to be made with reference to the impact of this proposal on the historic environment. Whilst they considered it likely that they will be able to recommend that appropriate provision could be made via conditions to mitigate the impact of the development, as the evaluation was not complete it remained possible that unexpectedly significant archaeology could be revealed.

7.6.21 Following completion of the investigations, an Archaeological Evaluation Report was submitted and has been reviewed by HCC’s Historic Environment Officer. In summary, they note that the evaluation at Killingdown Farm has provided evidence for Late Bronze Age/Early Iron Age and Romano-British activity on the site. Moreover, the features containing Late Bronze Age/Early Iron Age pottery are the first identified in the area to be dated to the later prehistoric period, and those to the south of the farm are the first confirmed evidence of Romano-British activity in the vicinity.

7.6.22 The Historic Environment Officer therefore concludes that the development will have an impact upon heritage assets of archaeological interest. However, while archaeological remains (heritage assets) are present, the results suggest that they are unlikely to be of such high significance and density to impact on the viability of development and they therefore raise no objection to the development subject to condition which would require:

- The further, targeted, archaeological evaluation via trial trenching, of the proposed development area, prior to any development taking place.
- Such appropriate mitigation measures indicated as necessary by the evaluation. These may include:
 - the preservation of any archaeological remains *in situ*, if warranted, by amendment(s) to the design of the development if this is feasible;

- the appropriate open area archaeological excavation of any remains before any development commences on the site;
- the archaeological monitoring and recording of the ground works of the development, including foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);
- The analysis of the results of the archaeological work with provisions for the subsequent production of a report and an archive and if appropriate, a publication of these results.
- Such other provisions as may be necessary to protect the archaeological interest of the site.

7.6.23 These recommendations are considered to be both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal.

7.7 Impact on Residential Amenity of Neighbouring Occupiers

7.7.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.

7.7.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. The distance should be greater between buildings in excess of 2 storeys.

7.7.3 No's 1-3 Little Green Lane are located to the north-west of the site. Plot 1 would be located to the south of these properties, although it is noted that an area of land approximately 6 metres wide and outside of the application site would separate the flank boundary of Plot 1 from the rear boundaries of No's 1-3 Little Green Lane. The dwelling on Plot 1 would be orientated facing west with its northern flank elevation facing towards these neighbouring properties. The dwelling (Plot 1) would be a two-storey detached dwelling with 'L' shaped footprint. It would have a Dutch hipped roof to both flanks with a gabled front projection set down slightly from the main ridge. It would have a maximum height of approximately 9 metres. The dwelling would be sited a minimum of 4 metres from the flank boundary with a separation distance of approximately 28 metres to the rear of No's 1-3 Little Green Lane. The relative siting, orientations and separation distance is such that it is not considered that the dwelling on Plot 1 would result in demonstrable harm to the residential amenities of occupiers of No's 1-3 Little Green Lane through either overshadowing or loss of light. One first floor flank window is proposed, this is a secondary bedroom window and it is considered appropriate to require this to be obscure glazed and top opening only in the interests of privacy.

7.7.4 The application site wraps around the eastern and southern boundaries of No. 5 Little Green Lane. The submitted plans indicate that this (No. 5 Little Green Lane) is two properties, however, it is a single detached dwelling with large garden to its western flank and rear. The levels slope up slightly to the rear of No. 5 and there is mature vegetation on the boundary providing a good degree of screen. The eastern boundary is a low hedgerow with clear views over into the application site. There are habitable windows in the eastern flank elevation including a first floor Juliet balcony.

7.7.5 Plot 5 would contain a two-storey detached dwelling that would be sited to the south-west of No. 5 Little Green Lane. It would adjoin the rear garden of this neighbour but would not directly back onto the dwelling house. It would be sited approximately 17 metres from the shared boundary and approximately 38 metres from the dwelling at the closest point. The relative siting of the dwellings and the separation distance is such that it is not considered

that the dwelling on Plot 5 would result in demonstrable harm through overshadowing or loss of light. Similarly, given the separation distances and that there would not be a direct back to back relationship, it is not considered that an unacceptable level of overlooking would be facilitated.

7.7.6 Plot 10 would contain a two-storey semi-detached dwelling house and would be sited to the south of No. 5 Little Green Lane. The dwelling on Plot 5 would face east with its northern flank elevation adjoining the shared boundary, set off the boundary by approximately 6.7 metres with a separation of approximately 29.6 metres to the rear of No. 5 Little Green Lane. The separation distance is such that it is not considered that the proposed dwelling on Plot 10 would result in demonstrable harm through overshadowing or loss of light. A single narrow first floor flank window is proposed and would serve a bathroom. There is a good degree of vegetation providing screening, however, it is acknowledged that this cannot be relied upon and it is considered appropriate to require this to be obscure glazed and top opening only in the interests of privacy.

7.7.7 Plot 26 would be sited to the east of No. 5 Little Green Lane. The existing boundary to the east of No. 5 Little Green Lane is a hedge which is not of significant height and allows for clear views over into the application site. The proposed development would clearly change the outlook for occupiers of No. 5 Little Green Lane, however, it is recognised that there is no right to a view in planning terms. That said, it is necessary to consider whether the proposed development would be acceptable when considering aspects such as overshadowing, loss of light and overlooking. Plot 26 would contain a two-storey detached dwelling with 'L' shaped footprint and a detached double garage. The garage would be sited to the north and would face east into the development site. It would be single storey with a pitched roof and sited approximately 9.8 metres from the boundary with No. 5 Little Green Lane (increased from 3 metres). This neighbouring dwelling is sited approximately 2.5 metres off the shared boundary. Given the spacing, single storey nature and hipped roof design sloping away from the shared boundary, it is not considered that the garage would appear overbearing or result in loss of light to this neighbour. Similarly, overlooking would not be facilitated. The dwelling (Plot 26) would be sited with its front elevation facing north towards the garage and its flank elevation facing west towards No. 5 Little Green Lane. The dwelling would be sited approximately 11.5 metres off the shared boundary (increased from 7 metres), approximately 14 metres from the neighbouring dwelling (increased from 9.5 metres). As a result of the amendments to increase the spacing to the boundary with No. 5 Little Green Lane, the space between the proposed dwelling and garage has been reduced to approximately 0.5 metres, however, it would remain a detached structure. It is noted that the neighbour has raised significant concerns regarding the impact on their amenity and has referred to the 45 degree line guidance set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). This guidance indicates that development should not intrude a 45 degree line taken from a point on the joint boundary level with the rear wall of the neighbouring property. Proposed Dwelling 26 would be sited with its flank elevation facing No. 5 Little Green Lane and as such the 45 degree line guidance is not directly applicable. However, as amended it is noted that the proposed dwelling (Plot 26) would not intrude a 45 degree line taken from a point on the joint boundary level with the rear wall of the single storey projection at No. 5 Little Green Lane. It is also important to note that Appendix 2 advises that the principle is dependent on spacing and relative positions of properties and that consideration should also be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties. In this case, in addition to the development not intruding a 45 degree line if applied, there would be spacing of approximately 14 metres (increased from 9.5 metres) between the dwellings such that it is not considered that the proposed dwelling would result in an overbearing impact or loss of light. There is an existing Juliet balcony to the flank of No. 5 Little Green Lane. As noted above, there is no right to a view in planning terms but it is noted that a degree of spacing (approximately 0.5 metres) would be retained between the proposed single storey garage and dwelling on Plot 26 which would allow for some views, and the increased spacing to the boundary would further assist

in reducing any sense of enclosure. No first floor flank windows are proposed facing No. 5 Little Green Lane and a condition on any grant of consent would restrict the addition of further windows without consent.

- 7.7.8 There are other properties to the north and west, including Waterdell House and Little Waterdell House and Croxley House (Nursing Home). These do not immediately adjoin the application site and it is not considered that the proposal would result in demonstrable harm through overshadowing, loss of light, overbearing impact or overlooking. It is acknowledged that there would be increased activity, however, vehicle access would be from Baldwins Lane/Little Green Lane to the south and it is not the residential use of this allocated site would result in demonstrable harm to the residential amenity of neighbouring occupiers. The farmhouse at Killingdown Farm is centrally located within the area excluded from the application site, with farm buildings around its perimeter and would not be immediately adjacent to the boundary of any proposed dwelling such that the amenity of its occupiers would not be adversely affected.
- 7.7.9 Plot 160 would adjoin the boundary with the existing dwelling at 12 Dugdales to the south. The dwelling on Plot 160 would be a two-storey detached dwelling, the siting of which has been amended so that it would front the cul-de-sac, with an attached single storey double garage to its eastern flank. The two-storey rear element of the dwelling would be set approximately 13 metres from the boundary with No. 12 Dugdales. Given the spacing, it is not considered to result in demonstrable harm through overshadowing or loss of light or overlooking.
- 7.7.10 The dwellings on Plots 156 – 159 (4 dwellings) would back onto the rear garden boundaries of properties at 7, 8 and 8a Dugdales. The proposed dwellings are all two-storey dwellings of varying design. Dwellings 157 and 159 would include attached single storey double garages. Dwelling 156 would include a detached garage set forward of the dwelling. Dwelling 158 would be sited approximately 15 metres from the shared boundary and approximately 28 metres from the rear of No. 8a Dugdales. Dwelling 157 would be sited approximately 16 metres from the boundary and approximately 30 metres from the rear of No. 7 Dugdales. Given the back to back relationship and intervening distance between the existing and proposed dwellings it is not considered that overshadowing or loss of light, as experienced by occupiers of No's 7, 8 and 8a Dugdales, would occur. The proposed dwellings would include openings at ground and first floor level facing towards the shared rear boundary, however, the separation distances between these two storey dwellings would be a minimum of 28 metres which would accord with guidance set out within Appendix 2 of the Development Management Policies LDD (adopted July 2013) and are considered acceptable in the interests of privacy.
- 7.7.11 Plots 134 – 137 containing two pairs of two-storey semi-detached dwellings would back onto the rear gardens of No's. 4 and 5 Grove Crescent, also two-storey semi-detached dwellings. These existing dwellings are positioned around the end of a cul-de-sac such that they do not have a direct back-to-back relationship with the proposed development. The proposed dwellings would be sited approximately 15 metres off the boundary with a distance of approximately 29 metres to the closest rear corner of both No's. 4 and 5 Grove Crescent. The proposed dwellings would include openings at ground and first floor level in their rear elevations. Given the relative orientations and separation distances, the relationship is considered acceptable and would not result in demonstrable harm through overshadowing, loss of light or overlooking.
- 7.7.12 The three proposed flatted blocks (predominantly three-storeys in height) would be located to the east of the application site. They would be sited with their flank elevations facing towards the eastern boundary. The existing public footpath runs adjacent to this eastern site boundary with existing garages and dwellings on Grove Crescent to the other side. The southernmost of the proposed blocks (Block 3) would be sited approximately 4.5 metres from the footpath boundary at the closest point and approximately 31 metres from the two-storey rear elevation of the dwelling at No. 164 Grove Crescent. The spacing and

favourable siting of the neighbouring properties to the south is such that it is not considered that the Block would be overbearing or result in loss of light. Block 3 would include narrow flank windows at all levels, these would be secondary windows to the rooms they serve and it would be appropriate to require these (with the exception of ground floor openings) to be obscure glazed and top opening only in the interests of privacy.

7.7.13 The proposed central flatted block (Block 2) would be sited with its flank elevation approximately 28 metres from the rear elevation of No. 152-162 Grove Crescent, a three-storey flatted block. Its design includes a catslide roof to the east. The spacing and favourable siting of the neighbouring properties to the south is such that it is not considered that the Block would be overbearing or result in loss of light. It would include ground and first floor flank narrow windows which would be secondary windows to the rooms they serve. It would be appropriate for the first floor flank opening to be obscure glazed and top opening only in the interests of privacy.

7.7.14 The largest and northernmost of the three proposed blocks (Block 1) would be sited a minimum of approximately 12 metres from the boundary at its front south-eastern corner. Its siting is such that it would not directly face towards the existing three-storey flatted blocks on Grove Crescent to the east. Its design includes a set down two-storey element with second floor dormer windows and catslide roof to three-storey element, reducing its bulk towards the east. Given the siting of Block 1 from the boundary and its orientation (not directly facing any neighbour it is not considered that overlooking would be facilitated. Similarly it is not considered that it would result in harm through overshadowing or loss of light.

7.7.15 In summary, subject to conditions regarding obscure glazing and the removal of relevant permitted development rights, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and would accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

7.8 Amenity of Future Occupiers and provision of Amenity Space

7.8.1 In addition to considering the impact on the amenities of existing neighbouring occupiers, it is necessary to consider the impact on the amenities of future occupiers.

7.8.2 The layout involves dwellings fronting the roads with spacing between. Where there are back-to-back relationships eg. between Plots 64-66 and Plots 70-72 and between Plots 77-83 and Plots 88-93 there is separation of approximately 28 metres which accords with the guidance set out within Appendix 2 of the Development Management Policies LDD (adopted July 2013). It is considered that the layout would ensure that the relationship between buildings within the site would be acceptable in the interests of the amenities of future occupiers.

7.8.3 Whilst there are no space standards specified within the Local Plan, it is noted that internal room configurations have been designed to both meet Building Regulations and comply with and usually significantly exceed the National Described Space Standards (NDSS), to ensure adequate room areas with space for furniture and storage requirements.

7.8.4 The table below highlights the above, showing that all of the proposed dwellings (market and affordable) are above the NDSS and in many cases, are significantly exceeded.

Unit Type	NDSS Standard (sqm)	Average Market Dwelling	% Increase over NDSS standard	Average Affordable Dwelling	% Increase over NDSS standard
1 bed 1 storey	50			50.97	102%
2 bed 1 storey	70			70.85	101%
2 bed 2 storey	79	80.5	102%	80.9	102%

3 bed 2 storey (5 person)	93	99.7	107%	98.4	106%
3 bed 2 storey (6 person)	102	140.1	137%		
4 bed 2 storey (6 person)	106			110.4	104%
4 bed 2 storey (7 person)	115	148.3	129%		
4 bed 2 storey (8 person)	124	172.9	139%		
5 bed 2 storey50	128	201.2	157%		

7.8.5 100% of the proposed dwellings are designed to building regulations M4(1) which means that they are visitable for disabled residents, with 45% of the proposed dwellings being enhanced to achieve the M4(2) Accessible and Adaptable Dwellings standard. As all dwellings exceed the NDSS, this also allows flexibility with regard to the layout of furniture within rooms to assist with accessibility if required.

Amenity Space

7.8.6 Amenity space requirements are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). For dwelling houses, the following amount of amenity space should be attained as either individual gardens or in part, as space forming settings for the buildings.

- 1 bed dwelling – 42 square metres
- 2 bed dwelling – 63 square metres
- 3 bed dwelling – 84 square metres
- 4 bed dwelling – 105 square metres
- Additional bedrooms – 21 square metres each

7.8.7 For flats 21 square metres is required for 1 bedroom flats with an additional 10 square metres for each additional bedroom. Communal space for flats should be screened from the highway and from passers by.

7.8.8 All dwelling houses would benefit from private rear gardens which would exceed adopted standards with communal amenity space for the flats. This is in addition to public space discussed at 7.12 below.

7.8.9 In summary, the development would be acceptable in relation to impact on future occupiers, including in relation to the provision of amenity space which would exceed standards. The compliance with NDSS is also noted. The development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

7.9 Noise Impact

7.9.1 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.9.2 The application is accompanied by a Noise Impact Assessment prepared by Cass Allen Architectural and Environmental Acousticians which assesses the suitability of the site for the proposed development with regard to noise.

- 7.9.3 An assessment of the farm noise was carried out in accordance with BS4142. This assessment indicated that mitigation would be required to ensure that future residents will not be adversely impacted by the commercial noise. The report recommends that the installation of 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm will minimise farm noise emissions as far as reasonably practicable.
- 7.9.4 Details of boundary treatments would be required via condition on any grant of consent and it would be appropriate for such condition to include a specific requirement for 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm. Subject to such condition, the development is considered acceptable in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).
- 7.10 Highways, Access and Servicing
- 7.10.1 Paragraph 109 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111 of the NPPF).
- 7.10.3 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.10.4 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
 - j) It is appropriate in scale to the existing infrastructure...*
 - k) It is integrated with the wider network of transport routes...*
 - l) It makes adequate provision for all users...*
 - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
 - n) The impact of the proposal on transport has been fully assessed...*
 - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.10.5 Policy H03 'Connections to existing footpaths and cycle ways in new developments' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) states that all new development should connect into the existing networks and improve their connectivity.
- 7.10.6 The application is accompanied by a Transport Assessment and Travel Plan. Following an initial interim response from the Highway Authority, additional information has been submitted during the course of the application. This includes slight amendments to the site layout in order to provide pedestrian connectivity from the southern cul-de-sac into the main part of the site.
- 7.10.7 The Highway Authority have been consulted on the application and note that the application site is accessed via Little Green Lane, which has a carriageway width of between 3.8 metres and 4.5 metres to the south of the site and narrows to approximately 2.8 metres wide to the north of the site. The stretch of the lane running adjacent to the north side of the site is an

unmade track in poor condition. There are no existing footways along Little Green Lane nor any street lighting.

- 7.10.8 The proposals include widening the carriageway on Little Green Lane (between its junction with Baldwins Lane and the application site) to 4.8 metres in addition to the provision of a 2 metre wide footway on the east side of the Lane running from Baldwins Lane and then north into the development. Where additional hedgerow is retained to the front of the cul-de-sac the footway at this point would continue behind the hedge. The western kerb edge closest to The Green remains on its current alignment and it is important to note that these widening works, including the provision of a footpath to the eastern side, are wholly within the extent of the highway boundary or applicants control and would not encroach onto The Green.
- 7.10.9 There are two proposed new vehicle accesses from Little Green lane, one providing access to a small cul-de-sac south of the farm buildings and another north of the farm buildings providing access to the majority of the housing development.
- 7.10.10 It is noted that a number of concerns have been raised regarding the principal of access from Little Green Lane and there is reference to the Croxley Green Neighbourhood Plan which states at paragraph 6.4.3; *“Evidence presented during the preparation of the TRDC Site Allocations included an indicative site plan submitted by the land owner which included site access to the major portion of the site through the garage courts off Grove Crescent. If feasible this proposal could resolve the traffic issues by minimising the use of Little Green Lane for access to the site”*. Whilst these comments are noted, the current application proposes access from Little Green Lane and this is therefore what is assessed as part of this application. The Neighbourhood Plan does not preclude access from Little Green Lane if it is demonstrated that this is acceptable on highways and other grounds.
- 7.10.11 There is also reference in the objection comments to a requirement for a 5.5 metre wide carriageway to serve the development given its size (over 100 dwellings). However, in this case, the Highway Authority have raised no objection to the proposed 4.8 metre wide carriageway along Little Green Lane, which they consider to be sufficient. A Stage One Safety Audit and Designers Response has been submitted. These include a swept path analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane (cars parked outside existing dwellings on Dugdales). The details submitted are considered acceptable by the Highway Authority in this regard. The Highway Authority does not identify any requirement for parking restrictions along Little Green Lane. This means that occupiers of the 4 existing dwellings on Dugdales which front Little Green Lane would continue to be able to park outside their properties and that this would not restrict access to the application site (or beyond) including for refuse and emergency vehicles.
- 7.10.12 The Highway Authority considers that the levels of available vehicular to vehicular visibility at the proposed vehicle accesses onto Little Green Lane is acceptable and the proposed access arrangements along Little Green Lane to the site are acceptable.
- 7.10.13 A Section 278 Agreement with HCC as Highway Authority would be required in relation to the approval of the design and implementation of works that would be needed on the highway.
- 7.10.14 With regards to the internal road layout within the site, 4.8 metre wide carriageways are considered acceptable. A swept path analysis has been submitted and demonstrates that an 11.5 metre long refuse vehicle would be able to access the internal road layout and turn around within the site in order to exit onto Little Green Lane in forward gear. The Highway Authority does note that the acceptability of this would be dependent on the absence of parked vehicles at particular points. TRDC Environmental Protection Officers have confirmed that the layout would not raise any issues regarding access for refuse/re-cycling vehicles.

- 7.10.15 It is proposed to provide direct pedestrian links from the site to the existing public footpath to the east (Croxley Green 013) which is supported by the Highway Authority. The Highway Authority raised initial concerns regarding lack of pedestrian access from the west of the site, however, the amended site plan includes a pedestrian access from the southern cul-de-sac into the wider site. The Highway Authority is supportive of this to provide a convenient route for pedestrians between the common land to the west of the site and to the public footpath to the east of the site and is considered necessary to ensure that pedestrian accessibility and permeability is maximised.
- 7.10.16 Discussions have been ongoing between the applicant and the Highway Authority regarding the level of adoption. An indicative plan has been provided, however, the Highway Authority note that the applicant would need to enter into a Section 38 Agreement with HCC in relation to the submission and approval of any detailed plans. Details of the management and maintenance of any roads not to be adopted would also be required.
- 7.10.17 A trip generation assessment has been submitted and is based on information from the TRICS database. The Highway Authority considers the parameters and approach used to be acceptable. The assessment indicates that the development is expected to generate 75 two-way vehicle movements in the AM peak and 70 in the PM peak. This is considered acceptable from a highways perspective.
- 7.10.18 A Framework Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application, however, a full TP would need to be secured via a Section 106 planning obligation with a contribution of £6000 sought towards supporting the implementation, processing and monitoring of a full travel plan
- 7.10.19 In the event that planning permission was granted, the Highway Authority have indicated that a number of conditions would be requested regarding:
- Provision of Visibility Splays.
 - Estate Roads – details of future management and maintenance.
 - Offsite Highway Improvements – design approval and implementation/construction.
 - Provision of Internal Access Road, Parking and Servicing Area.
 - Construction Management Plan.
- 7.10.20 HCC as Highways Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network. Therefore, the Highway Authority has no objections on highway grounds to the application, subject to the inclusion of the stated planning conditions and informatives and the completion of a Section 106 Agreement to secure a contribution of £6000 towards supporting the implementation, processing and monitoring of a full travel plan. The development is considered acceptable in this regard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).
- 7.10.21 The application was deferred by Members at the Planning Committee Meeting on 25.02.2021 to enable the Local Planning Authority to seek the opinion of an independent Highways Consultant in respect of the suitability of the access from Little Green Lane.
- 7.10.22 The consultant has undertaken a review and this supports the views of HCC as Highway Authority and concludes that:
- Vehicle swept paths for an 11.5m refuse vehicle passing a parked car on a 4.8m wide carriageway at the southern end of Little Green Lane were produced and shown to work;

- A footway was shown to be provided on the eastern side of Little Green Lane, with a minimum width of 1.63m, although a site visit indicates that this may reduce down to 1.45m in one area;
- The relevant design standards allow for flexibility in the selection of carriageway and footway widths and those proposed fall within the range covered by those standards and are above the absolute minimum dimension in the Hertfordshire Highway Design Guide;
- The proposed highway works are to be provided within highway land. Based on the submitted drawings and a site visit the highway works appear to be deliverable either within the public highway or in land controlled by the applicant;
- The site is accessible by sustainable modes of transport and has a number of local facilities within walking distance; and
- The proposed development would not be expected to result in a severe adverse impact on road network capacity.

7.10.23 As such, officers remain of the view that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway network and the development is considered acceptable in this regard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

7.11 Parking

7.11.1 Parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). The requirements are 1.75 spaces (1 assigned) for 1 bedroom dwellings; 2 spaces (1 assigned) for 2 bedroom dwellings; 2.25 spaces (2 assigned) for 3 bedroom dwellings; and 3 spaces (3 assigned spaces within curtilage) for dwellings with 4 or more dwellings. Reference to dwellings includes all dwellings, ie. both houses and flats.

7.11.2 The application proposes 17 x 1 bedroom dwellings; 52 x 2 bedroom dwellings; 65 x 3 bedroom dwellings and 26 x 4+bedroom dwellings, the parking requirements for which are indicated below:

$$17 \times 1.75 = 29.75 \text{ (17 assigned)}$$

$$52 \times 2 = 104 \text{ (52 assigned)}$$

$$65 \times 2.25 = 146.25 \text{ (130 assigned)}$$

$$26 \times 3 = 78 \text{ (78 assigned within the curtilage)}$$

7.11.3 This would result in a total requirement for 358 car parking spaces to serve the development of which 277 should be assigned.

7.11.4 In total 358 parking spaces are proposed of which 339 would be assigned. This is comprised of 165 parking spaces and 46 garages serving the Market Dwellings; 128 private parking spaces serving the Affordable Dwellings; and 19 unassigned spaces. The overall level of parking would comply with the adopted standards and the number of assigned spaces would significantly exceed that required by the policy.

7.11.5 HCC as Highway Authority raise no objection to the level or layout of the assigned spaces. They did raise some concerns regarding the inclusion of the 19 unassigned on-street parking areas in the total provision as they may not be able to be permanently provided. However, they raise no objection to a level of 339 car parking spaces to serve the development and note that TRDC is the parking and planning authority for the District. The level of parking proposed is considered acceptable and in accordance with policy. The allocation and management of parking spaces would be secured via a Parking Management Plan on any grant of consent.

7.11.6 Current guidance requires spaces to be 4.8 metres by 2.4 metres, however, the Planning Statement sets out the parking spaces have been designed in accordance with Hertfordshire County Council's emerging guidance which requires larger spaces of 5 metres

by 2.5 metres. The provision of larger spaces to accommodate modern vehicles is supported.

- 7.11.7 With regards to accessible spaces, Appendix 5 requires 1 space for every dwelling built to mobility standards such as Lifetime Homes. The dwelling houses would all benefit from private driveways which would be of appropriate size. The appropriate number of spaces within the parking forecourts of the flatted blocks would be provided, their allocation and management secured via a Parking Management Plan on any grant of consent.
- 7.11.8 HCC as Highway Authority recommend the provision of an appropriate level of electric vehicle charging provision (EVCP). It is noted that TRDC current adopted policy does not require EVCP, however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for all residential development to be active provision and the remaining 80% of spaces to be passive. The application proposes active charging points for 20% of spaces with the remaining 80% passive, enabling future conversion. Very limited weight can be attached to the emerging policy, however, the proposal accords with the intentions of that policy. Details of the EVCP would be secured via condition as requested by the Highway Authority.
- 7.11.9 With regards to cycle parking, requirements are also set out in Appendix 5 which indicates there should be 1 space per dwelling and for flats the requirement is 1 space per 2 flats. A number of the dwellings benefit from garages which have been designed to be of sufficient size to accommodate bike storage. All dwellings would also benefit from private rear gardens where sheds could be provided to provide additional storage if required. The three flatted blocks all benefit from secure internal cycle storage at ground floor level. In the case of both dwelling houses and flats, the level of cycle parking would accord with Appendix 5.
- 7.11.10 In summary, the proposed development would provide a policy compliant level of car parking and would exceed the number of assigned spaces required by policy. The spaces proposed would comply with emerging guidance in relation to their size. The allocation and management of car parking spaces, including accessible spaces would be secured via a Parking Management Plan. A policy compliant level of secure cycle storage would also be provided and the development would accord with the emerging policy in respect of the provision of EVCPs. The implementation of the Travel Plan (referenced in section 7.10) would promote non-car modes. Subject to a condition requiring the submission of a car parking management strategy to ensure the appropriate allocation and maintenance of spaces, and the implementation of the Travel Plan, it considered that the development is acceptable in this regard in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.12 Public Realm, Open Space and Play Space

- 7.12.1 Policy DM11 of the Development Management Policies LDD states that in order to ensure that new residential developments do not exacerbate deficiencies in open and children's play space developments of 25 or more dwellings or over 0.6ha should make on site provision for open space and play space (10% of site area to be open space and 2% formal equipped play facilities).
- 7.12.2 The proposed development provides 0.59 Ha of land for open space, comprising formal and informal open space areas and children's play equipment. The areas of open space would be easily accessible to residents of the proposed development and from the surrounding area.
- 7.12.3 A Local Equipped Area for Play (LEAP) is proposed centrally and would be within 400m walking distance of all proposed dwellings. The LEAP would provide 400sqm of play space. Smaller 'door-step' play spaces of 100sqm are proposed throughout the site within 100m of

all dwellings. A natural play space is proposed to the eastern site boundary, incorporating an existing Oak tree (category A) at its centre.

7.12.4 The management of the public realm, open space and play space would be secured via condition. Subject to such condition, no objection is raised and the development would accord with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

7.13 Trees and Landscaping

7.13.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:

“i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”.

7.13.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

7.13.3 The application is accompanied by a Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan (prepared in accordance with BS 5837:2012), a Landscape Mater Plan and Hard and Soft Landscaping Plans.

7.13.4 The Tree Survey identified 27 individual trees, 7 groups of trees, 4 areas of trees and 9 hedgerows. In addition to trees which require felling irrespective of development due to their poor condition, it is necessary to fell 4 individual trees (3 x Category C and 1 x Category U), 6 landscape features and sections of a further 6 landscape features in order to deliver the proposed layout. In addition to this, 2 trees and 5 landscape features require minor surgery to permit construction spaces or access.

7.13.5 The Design and Access Statement sets out that the development has been designed in order to retain and enhance the majority of hedgerow that surrounds the site and to retain the category A and B trees. The plans have also been amended during the application to include additional hedgerow retention at the main site entrance and to the front of the cul-de-sac facing The Green. In addition, a comprehensive landscaping plan has been submitted with the application which would include the proposed planting of 178 new indigenous trees and hedgerows. The level of additional planting, and use of indigenous trees and hedgerows is welcomed.

7.13.6 A condition on any grant of consent would require the implementation of the proposed landscaping scheme. A landscape management plan would be required via condition.

7.13.7 Subject to conditions, the development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.14 Ecology

7.14.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.14.2 Paragraph 170 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.14.3 Paragraph 174 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.14.4 Paragraph 175 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
- 7.14.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.
- 7.14.6 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.14.7 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.14.8 The application is accompanied by a number of ecological reports that have been reviewed by Hertfordshire Ecology. Having reviewed the submitted details, Hertfordshire Ecology have raised no objection to the proposal subject to a number of planning conditions.
- 7.14.9 The application site is described as agricultural land forming part of Killingdown Farm and comprises, grassland fields (generally with improved grassland but one field is likely species-poor semi-improved grassland), dense scrub, ruderal vegetation, a small orchard, and with hedgerows and trees to its boundaries. The majority of farm buildings and associated hardstanding are outside the red line boundary; however, some timber sheds and open fronted barns within the site boundary are proposed for demolition.
- 7.14.10 Hertfordshire Ecology consider that the reports provide adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. They welcome the retention and enhancement of boundary hedgerows; retention of trees where possible; creation of an attenuation feature and associated landscaping applicable for biodiversity enhancements (such as wet and dry wildflower grassland, scrub, orchard and hedgerows); and use of native species planting in the landscaping scheme. They also note that green spaces and linking green ribbons are proposed within the residential area, and three of the open spaces within the residential development will have orchards as replacement for the loss of the existing orchard. Several integrated bat and bird boxes/features will also be incorporated within the new buildings, which is welcomed.
- 7.14.11 The development will result in the loss of 6-7ha of grassland, a young orchard covering 0.17ha, and some hedgerow habitats. However, Hertfordshire Ecology have advised that they consider that sufficient offsetting has been proposed (mainly for species-rich

grassland, replacement orchard planting, and planting new hedgerows) to compensate for this loss and achieve measurable biodiversity net gain.

7.14.12 The Ecological Impact Assessment Report suggests a number of mitigation measures to ensure that retention or replacement of important habitats is promoted, that legally protected species are not harmed, and that biodiversity net gain from the development is achieved. Specific objectives to be secured are:

- Implementation of the Landscape Management and Maintenance Plan;
- Production and implementation of a CEMP (for biodiversity), as referred to in section 6.13.2 of the EIA report;
- Management measures listed in section 6.3.5 of the EIA report should be followed to reduce the impact from the development on nearby Croxley Green Local Wildlife Site, which without mitigation has been assessed as 'significant'.

7.14.13 The above would be required to be secured via condition on any grant of consent. Similarly, the mitigation measures set out within the Badger Report would also be required to be secured by condition.

7.14.14 The area to the north of Little Green Lane is proposed to provide ecological enhancements and drainage attenuation, with a depression in the ground acting as a dry pond. This area would be free from any artificial lighting. Low level lighting with controlled light spill and glare is proposed for the residential area, however, further details would be secured via condition.

7.14.15 In summary, subject to conditions/informatives the development would not result in harm to biodiversity and protected species and would accord with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.15 Energy & Sustainability

7.15.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

7.15.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.15.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.15.4 Three Rivers District Council declared a 'Climate Emergency' in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Whilst the

declaration of the Climate Emergency is noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed.

- 7.15.5 The application was accompanied by an Energy Statement prepared by NRG Consulting which set out that the development would achieve a 7.70% reduction in carbon dioxide emissions over Building Regulations Part L (2013) and would therefore exceed the current policy requirement which requires a minimum 5% saving. However, following the consideration of a preliminary report at the Planning Committee in December 2020, the applicant has provided an amended Energy Statement in response to comments raised by both the Committee and Parish Council. It is now proposed to include Air Source Heat Pumps (ASHP) to all houses regardless of tenure and electric only heating to the flatted blocks. Adding these technologies to the proposed scheme in addition to the fabric first approach (the built envelope seeking to be as efficient as possible) improves the performance of the dwellings to deliver a 29.6% carbon saving when assessed against Building Regulations Part L 2013. This would significantly exceed the current policy requirement and supports the Council's commitment to the Climate Emergency. A condition on any grant of consent would require implementation of the amended Energy Statement prior to occupation.
- 7.15.6 The development complies with requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013).
- 7.16 Flood Risk and Drainage
- 7.16.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.16.2 The application was accompanied by a Flood Risk Assessment and Drainage Report. These set out that it is proposed to drain the site via a single SuDS feature (dry pond) located to the north of the site. The submitted details have been reviewed by the Lead Local Flood Authority (LLFA). The LLFA advised that the information provided did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. As such and in order for the LLFA to advise the LPA that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage, additional information was requested by the LLFA.
- 7.16.3 The LLFA have reviewed the additional drainage information submitted and have confirmed that they raise no objection to the development subject to conditions. They note from the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted that the proposed drainage scheme is based on infiltration via deep borehole soakaways located in a dry pond with filter drain and detention basin with reno mattress along with tanked porous paving located in all residential driveways and car park parking spaces. They note that falling head tests have been completed at the specific location of the proposed deep borehole soakaways and the results have been provided to support the scheme.
- 7.16.4 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the application site, and that the development will not result in flooding of adjacent properties or within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

7.17 Refuse and Recycling

7.17.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.17.2 The submitted Transport Statement sets out that a swept path assessment has been undertaken of an 11.22 metre refuse vehicle and this has demonstrated that refuse vehicles will be able to access and egress the site in forward gear with suitable turning heads provided on site.

7.17.3 Following an initial response from HCC as Highway Authority (HCC), additional information has been provided and include a swept path-analysis for an 11.5 metre long refuse vehicle travelling past a parked car on Little Green Lane to the south of the site (drawing no. 1908-012). HCC as Highway Authority have advised that the details submitted in this respect are considered sufficient and acceptable.

7.17.4 With regards to the internal site layout, HCC have advised that a swept path analysis has been submitted as part of the supplemental highways response document dated 22/10/2020 (drawing number 1908-012 SP11), illustrating that an 11.5 metre long refuse vehicle would be able to utilise the internal access road layout, turn around and egress to Little Green Lane in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. TRDC Environmental Protection Officers have confirmed that the layout would not raise any issues regarding access for refuse/re-cycling vehicles.

7.17.5 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

7.17.6 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

7.17.7 With regards to the location of refuse and re-cycling bins, for dwellings these would be per household and stored within the curtilage of the dwelling, with communal refuse/re-cycling storage areas in the three flatted blocks.

7.18 Lighting

- 7.18.1 A Lighting Impact Assessment has been submitted with the application. The report notes that the only roads near the site which have systems of street lighting installed are Dugdales and Grove Crescent. The areas to the north and north-west are largely open fields with a few residential properties. There is an absence of artificial lighting currently.
- 7.18.2 Potentially sensitive receptors include human residential receptors (properties within close proximity of the site), Croxley House Nursing Home and drivers on Little Green Lane due to potential glare from light sources. Ecology impacts are considered separately at 7.14 above.
- 7.18.3 It is recognised that artificial lighting will be required to facilitate both the safe and secure operation of the site during construction and longer term operation. Construction lighting details would be secured via a Construction Management Plan. Lighting for internal roadways and footways will comply with the Highway Authority's specification. Similarly, any lighting on Little Green Lane at the entrance to the development would also need to comply with such specification. In terms of the dwellings, houses will be fitted with an exterior porch light with wall mounted lights on the flatted blocks. These will be designed and directed to provide appropriate light whilst preventing obtrusive light spillage.
- 7.18.4 Subject to securing the appropriate level of detail via condition on any grant of consent, the development would be acceptable in this regard, in terms of both safety, amenity and ecology considerations, in accordance with Policies CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

7.19 Crime

- 7.19.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example, promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.19.2 Policy H02 'Lifetime neighbourhoods and security' of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) states that all new dwellings should be safe and secure for everyone in line with the design principles of 'Secured by Design, New Homes 2014' or any successor document. Gated developments will be discouraged.
- 7.19.3 The submitted planning statement sets out that the scheme has been discussed with the Crime Prevention Design Advisor and their comments have been incorporated into the proposals to help reduce opportunities for crime and anti-social behaviour across the development.

7.20 Planning Obligations

- 7.20.1 Policy CP8 of the Core Strategy states that development should provide, or make adequate contribution towards, infrastructure and services to make a positive contribution to safeguarding or creating sustainable and linked communities, to offset the loss of any infrastructure through compensatory provision and to meet ongoing maintenance costs where appropriate. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015.
- 7.20.2 Policy CP4 of the Core Strategy provides the policy basis to seek to secure a proportion of dwellings to be provided as affordable housing. It seeks an overall provision of 45% which in most cases should be provided on site. It states that '*in assessing affordable housing*

requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability’.

7.20.3 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, and must meet all three of the following CIL Regulation 122 tests if they are to be treated as a reason to grant planning permission:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

7.20.4 Any costs associated with planning obligations should be accounted for in any assessment of scheme viability and impact on the residual funding available for affordable housing is a consideration.

Three Rivers requirements

7.20.5 Policy CP4 of the Core Strategy (adopted October 2011) seeks an overall provision of around 45% of all new housing to be affordable and states that in assessing the affordable housing requirements that each case will be treated on its own merits taking into account site circumstances and financial viability. The proposal includes 72 affordable units which represents 45%, with 51 (71%) Affordable Rented and 21 (29%) Shared Ownership. The provision of this affordable housing would be secured via condition on any grant of consent. The Affordable Rent level would be set at a level which has been determined as being genuinely affordable to those in housing need.

Hertfordshire County Council (HCC)

7.20.6 HCC as Highway Authority are seeking a Travel Plan and developer contributions of £6,000 via a Section 106 Agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed.

7.20.7 Overall it is considered that these contributions are required to mitigate the direct impacts of the development, and therefore meet the statutory tests.

7.20.8 With regards to the provision of fire hydrants, it is considered appropriate in line with TRDC current practice that this be secured by planning condition.

7.20.9 A S106 Agreement to secure the above financial contribution is being progressed.

7.21 Planning Balance

7.21.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 7.21.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a significant contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using local amenities. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site of the proposed housing does not reside within an area of particular importance (i.e. Green Belt, AONB – see footnote 6 of the NPPF). The attenuation pond which would be sited within the Green Belt is not inappropriate development within the Green Belt as it maintains openness and does not conflict with the purposes of including land within the Green Belt.
- 7.21.3 As set out in section 7.6 above, the proposal would cause less than substantial harm to the significance of the Croxley Green Conservation Area and Grade II Listed Buildings (Killingdown Farm and No's 1-3 Little Green Lane), however, this harm is considered to be outweighed by the public benefits of the significant number of new homes, including affordable homes, that would be created on this allocated housing site and would aid the Council's housing supply.
- 7.21.4 In summary it is considered that whilst paragraph 11 of the NPPF is engaged the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits and therefore planning permission should be granted.

8 Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services and that PLANNING PERMISSION BE GRANTED, subject to the following conditions; and subject to the completion of a S106 Agreement:

C1 Time

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

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

108 PS 008 B
108 PS 009 B
108 PS 010 I
108 PS 013 D
108 PS 501 B
108 PS 502 B
108 PS 503 B
108 PS 504 B
108 PS 505 B
108 PS 506 B
108 PS 507 B
108 PS 508 B
108 PS 509 B
108 PS 510 B
108 PS 511 C
108 PS 512 C
108 PS 520 C

108 PS 521 C
108 PS 522 C
108 PS 523 C
108 PS 524 C
108 PS 525 C
108 PS 526 C
108 PS 527 C
108 PS 528 C
108 PS 529 C
108 PS 530 D
108 PS 531 D
108 PS 532 C
108 PS 533 C
108 PS 540 C
108 PS 541 C
108 PS 542 C
108 PS 543 C
108 PS 544 C
108 PS 545 C
108 PS 546 C
108 PS 547 C
108 PS 548 C
108 PS 549 C
108 PS 552 C
108 PS 553 C
108 PS 560 C
108 PS 561 C
108 PS 562 C
108 PS 563 C
108 PS 580 C
108 PS 581 C
108 PS 582 D
108 PS 583 D
108 PS 585 C
108 PS 584 C
108 PS 586 E
108 PS 587 E
108 PS 588 C
108 PS 589 C
108 PS 600 D
108 PS 601 D
108 PS 602 C
108 PS 603 C
108 PS 604 C
108 PS 605 C
108 PS 606 C
108 PS 607 C
108 PS 608 C
108 PS 612 D
108 PS 613 D
108 PS 614 D
108 PS 619
108 PS 620 D
108 PS 621 D
108 PS 622 C
108 PS 623 C
108 PS 640 B

108 PS 641 B
108 PS 642 B
108 PS 643 B
108 PS 644 B
108 PS 645 B
108 PS 646 B
108 PS 647 B
108 PS 648 B
108 PS 649 C
108 PS 650 C
108 PS 660 C
108 PS 661 C
108 PS 662 C
108 PS 663 C
108 PS 664 C
108 PS 665 C
108 PS 680 B
108 PS 681 B
108 PS 700 A
108 PS 701 A
108 PS 702 A
108 PS 703 A
108 PS 704 B
108 PS 705 A
108 PS 706 A
108 PS 800 C
108 PS 801 C
108 PS 802 C
1945-GUA-DR-L-004 Rev 5
1945-GUA-DR-L-005 Rev 6
1945-GUA-DR-L-006 Rev 6
1945-GUA-DR-L-007 Rev 6
1945-GUA-DR-L-008 Rev 5
1945-GUA-DR-L-009 Rev 6
1945-GUA-DR-L-010 Rev 6
1945-GUA-DR-L-011 Rev 7
1945-GUA-DR-L-012 Rev 6
1945-GUA-DR-L-013 Rev 5
1945-GUA-DR-L-014 Rev 7
1945-GUA-DR-L-015 Rev 7

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA1 of the Site Allocations LDD (adopted November 2014), Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and PRO1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and the Croxley Green Conservation Area Appraisal (1996).

C3 Affordable Housing

No development works above ground floor slab level shall take place until a scheme for the provision of the affordable housing to be constructed on the site pursuant to the planning permission (hereinafter referred to as the "Affordable Housing") has been submitted to and approved in writing by the Local Planning Authority (hereinafter referred to as the "Approved Scheme"). The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the five x one-bed, nine x two-bed and seven x three-bed units which shall be constructed on site and be provided as Shared Ownership Dwellings in accordance with the Plot Reference Schedule (DEV27-1b-21.08.2018), proposed site layout (108-PS-010 G), 108-PS-700 A, 108-PS-701 A, 108-PS-703 A and 108-PS-705 A;
- ii. the twelve x one-bed, twenty one x two-bed, seventeen x three-bed and one x four-bed units which shall be constructed on site and be provided as Affordable Rented Dwellings in accordance with the Plot Reference Schedule (DEV27-1b-21.08.2018), proposed site layout (108-PS-010 G), 108-PS-700 A, 108-PS-701 A, 108-PS-703 A and 108-PS-705 A;
- iii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iv. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- v. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing;
- vi. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- vii. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- viii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes and Communities Agency guidance)

The Affordable Housing shall be provided in accordance with the Approved Scheme. The Affordable Housing constructed shall not be used for any other purpose than as Affordable Housing in accordance with that Approved Scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling;
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of the Affordable Housing (hereafter referred to as the 'Affected Affordable Dwelling(s)') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a

conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

(iii) the price for the purchase of the Affected Affordable Dwelling(s) by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling(s) at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.

(iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a pre commencement condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

C4 Construction Management Plan

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C5 Construction Environment Management Plan (CEMP)

No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- i) Risk assessment of potentially damaging construction activities.
- ii) Identification of "biodiversity protection zones".
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv) The location and timings of sensitive works to avoid harm to biodiversity

features.

- v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: This is a pre-commencement condition in the interests of biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Site Waste Management Plan (SWMP)

Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C7 Surface Water Management Plan (Construction Phase)

No development shall take place until the submission of a surface water management plan for the Construction Phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C8 Deep Borehole Soakaways – Further infiltration testing

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 SuDS – Management and Maintenance Plan

Upon completion of the drainage works for each site in accordance with the timing / phasing, 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 management and maintenance plan shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance provisions and operational requirements for the installed drainage system.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C10 Archaeology

A No demolition/development other than enabling works shall take place within the Archaeological Areas identified in hatching on plan ref. JAC25684.03 Rev 2.0 until an Archaeological Written Scheme of Investigation for a further programme of archaeological works has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **(A)** and the provision made for analysis and publication where appropriate.

Reason: This condition is a pre commencement condition to define, in advance of any development commencing, the details of evaluation/mitigation necessary to protect any archaeological remains present within the development site. The significance of heritage assets with archaeological interest can be harmed/destroyed by development. This is in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C11 A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing no. 1908-012 PL06 G have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- a. 2m wide footway (or the maximum achievable width) on the whole of the east side of the carriageway along Little Green Lane (from the junction with The Green running north to the main application site);
- b. Any widening of the carriageway along Little Green Lane required to increase the width of the carriageway to at least 4.8m;
- c. Any necessary lighting along Little Green Lane;
- d. Works to create the main vehicular access into the site ('northern' access) / alterations to the existing route Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement);
- e. New bellmouth entrance providing access to the 'southern' access to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side;
- f. Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs;
- g. Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides.
The kerb line would need to be widened as there is evidence that vehicles oversail the highway verge at this location.
- h. Pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C12 Estate Roads

No construction of roads shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The roads shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C13 Materials

Before any building operations above ground floor slab level hereby permitted are commenced, samples and details of the proposed external materials comprising of:

- External facing brickwork
- External cladding materials
- Windows
- Roof materials
- External rainwater goods

Samples shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the development being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C14 Car Parking Management Plan

A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C15 Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-012 VS03 A (attached to Applicants Response to Highways Comments 1908-012/DE/00 dated 22.10.2020). The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C16 Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted, details of the phased delivery of the proposed internal access roads, on-site car parking and turning areas shall be submitted to the Local Planning Authority. These shall then be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and phasing details and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C17 Electric Vehicle Charging Provision

Prior to the occupation of each dwelling within the development hereby permitted, provision shall be made to each dwelling with garage or driveway to be provided with charging cabling to a dedicated socket fixed to the house or garage, of sufficient capacity to enable as a minimum Mode 3 at 3.7 kW (16A). Flatted accommodation shall incorporate appropriate installation of groundwork ducting for future installation.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C18 Energy Saving Measures

The development shall not be first occupied until the energy saving and renewable energy measures detailed within the approved Energy Statement (PP1584/ES/KF/202007-EC Revision C) are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C19 Boundary Treatments - Details

Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

This shall include 1.8 metre high close boarded timber fencing around all garden plots with direct line of sight to Killingdown Farm as recommended in the submitted Noise Impact Assessment.

The boundary treatment around each plot shall be erected prior to the first occupation of that Dwelling in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C20 Obscure Glazing

Before the first occupation of the relevant building hereby permitted the window(s) listed below shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

In the interests of the privacy of existing occupiers:

- Dwelling 1 (Plot 1) – First floor northern flank window facing No's 1-3 Little Green Lane;
- Dwelling 10 (Plot 10) – First floor northern flank window facing No. 5 Little Green lane;
- Apartment Block 2 – First floor south-eastern flank window facing Grove Crescent;
- Apartment Block 3 – First and second floor south-eastern flank windows facing Grove Crescent.

In the interests of the privacy of future occupiers of the proposed development:

- Dwelling 3 (Plot 3) – First floor western flank window
- Dwelling 5 (Plot 5) – First floor eastern flank window
- Dwelling 8 (Plot 8) – First floor southern flank window
- Dwelling 29 (Plot 29) – First floor southern flank window
- Dwelling 57 (Plot 57) – First floor northern flank window

- Dwelling 49 (Plot 49) – First floor northern flank window
- Dwelling 66 (Plot 66) – First floor western flank window
- Dwelling 88 (Plot 88) – First floor western flank window

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Tree Protection

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as detailed in the 'Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan Rev A dated 16.04.2021' before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 Play Space

The play areas shall be provided in accordance with the details on the approved plan numbers 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-007 Rev 6; 1945-GUA-DR-L-008 Rev 5; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 7; 1945-GUA-DR-L-015 Rev 7 and 1945-GUA-DR-L-014 Rev 7, to co-ordinate with the occupation of the residential development, and shall thereafter be retained, kept open, managed and maintained to the satisfaction of the Local Planning Authority in accordance with the approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06).

Reason: To ensure provision is made for children's play space in accordance with Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C23 Landscaping

Hard and soft landscaping is approved in accordance with the details set out on the following approved plans/schedules:

- 1945-GUA-DR-L-004 Rev 5
- 1945-GUA-DR-L-005 Rev 6
- 1945-GUA-DR-L-006 Rev 6
- 1945-GUA-DR-L-007 Rev 6
- 1945-GUA-DR-L-008 Rev 5
- 1945-GUA-DR-L-009 Rev 6
- 1945-GUA-DR-L-010 Rev 6
- 1945-GUA-DR-L-011 Rev 7
- 1945-GUA-DR-L-012 Rev 6
- 1945-GUA-DR-L-013 Rev 5
- 1945-GUA-DR-L-014 Rev 7

Prior to the first occupation of the development hereby permitted, details of the phased delivery of the proposed hard and soft landscaping shall be submitted to the Local Planning Authority. These shall then be laid out in accordance with the above phasing.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings within that phase of the development or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C24 Landscape Management Plan

The approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06) shall thereafter be carried out as approved.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C25 Ecological Impact Assessment/Badgers

The development hereby permitted shall be carried out in accordance with the recommendations in the approved Ecological Impact Assessments (Report Refs. C140/R5/v4 and C140/R6/v3 dated August 2020).

Reason: To enhance opportunities for wildlife in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C26 Flood Risk Assessment – In accordance with

The development permitted by this planning permission shall be carried out in accordance with the amended Flood Risk Assessment (carried out by PEP Civil & Structures Ltd, ref: 481819-PEP-00-XX-RP-C-6200, rev: P04, dated: 28.01.2021) submitted and the following mitigation measures:

1. Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Implementing appropriate SuDS measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving.

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.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to meet the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C27 Removal of Permitted Development Rights

Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class F - any hard surface

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C28 Retention of Garages

The garages (both those permitted as integral garages and detached garages) serving residential dwellings hereby permitted, shall be retained for the garaging of private cars. No alterations both externally or internally shall be carried out to the garages such as to prevent their use for garaging private cars.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C29 Fire Hydrants

Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C30 External Lighting

No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position,

height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- 11 General Advice: With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 Construction Hours: The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 Positive and Proactive: The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 15 Estate Road Adoption: The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 16 Public Right of Way: The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. For further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works, please see
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or row@hertfordshire.gov.uk
- 17 Affordable Housing Definitions

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

Affordable Housing Provider means a registered provider registered with the Homes England (HE) or other body registered with the HE under the relevant Housing Act or other body approved by the HE to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Market Housing means those dwellings constructed on the site pursuant to the planning permission which shall not be Provided as Affordable Housing.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers. It shall also secure the prioritisation of Shared Ownership Dwellings to persons who are TRDC residents (have resided in the District for 5 years) or who have a local connection (as per the TRDC Housing Allocations Policy).

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the

relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider sold subject to a Shared Ownership Lease

Shared Ownership Lease means a lease substantially in the form approved or published by the HCA whereby:

- (a) the initial share sold to the leaseholder
 - i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and
 - ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property; and
- b) the annual rent:
 - i) does not initially exceed 2.75% (two point seven five per cent) of the full Open Market Value (assessed in accordance with the HCA's Capital Funding Guide) of the Registered Providers retained share of the equity in the relevant Shared Ownership Dwelling
 - ii) is not at a level which is in conflict with any applicable Homes and Communities Agency successor restrictions relating to charges payable by the tenant; and
- c) the tenant:
 - i) pays no more than a Reasonable Service Charge (where applicable) and
 - ii) may in successive tranches purchase the remainder of the equity in the dwelling

- 18 S106 Agreement: The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 19 Informative from LLFA: The applicant should contact the Environment Agency regarding any environmental permits required for the proposed deep borehole soakways within the drainage design.
- 110 Refuse and Recycling: Please contact Three Rivers District Council on 01923 776611 to arrange purchase and delivery of refuse and recycling bins giving at least one months' notice prior to the occupation of the properties. Only bins supplied by Three Rivers District Council will be emptied.
- 111 Definition of 'Enabling Works' pursuant to Condition 10 (Archaeology):
For the purposes of Condition 10, 'Enabling Works' are defined as Ecological and vegetation clearance as per the AIA and Ecology reports and Attenuation pond work,

specifically borehole work for additional drainage investigations as per the Lead Local Flood Authority's condition requirements.

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PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

6. **21/0317/RSP- Part Retrospective: Demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works at 4 ARTICHOKE DELL, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EQ (DCES)**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 19.03.2021

Ward: Chorleywood North and Sarratt
Case Officer: Aaron Roberts

Recommendation: That the application is Refused.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee. The application was called in order to fully address the harm to the Conservation Area and openness of the Green Belt, given the presence of a personal statement.

Update 17.05.2021

The application was considered by Members at the Planning Committee Meeting on 22 April 2021. At that meeting Members agreed to defer the application to enable a site visit to take place.

1 Relevant Planning History

- 1.1 11/1735/FUL – Replacement Windows – Permitted.
- 1.2 20/2101/FUL - Demolition of existing single storey side extension and replacement with proposed two storey side extension - Permitted.
- 1.3 20/2812/FUL- Demolition of existing single storey side extension and replacement with proposed two storey side and single storey front extension, raised terrace and creation of parking area - Withdrawn.

2 Description of Application Site

- 2.1 The application site is situated within Artichoke Dell an isolated cluster of buildings on the western side of Dog Kennel Lane in Chorleywood. The application site is accessed by a gravel pathway which slopes upwards from east to north-west with the dwellings in vicinity sited on different land levels. The application site is in the Metropolitan Green Belt and Chorleywood Common Conservation Area.
- 2.2 The application dwelling is a two storey semi-detached dwelling with a red brick exterior. Yellow bricks are using to provide detailing on the facades including arches and surrounds to the windows, quoin details to the corners of the building, and horizontal bands across the front façade of the application dwelling. The attached neighbouring dwelling replicates these details. The building has a pitched slate roof. The pre-existing property was extended to the side at ground floor level. Above this extension was an area of external terracing. During a recent site visit, it was apparent that a substantial amount of the previously approved two storey side extension (20/2101/FUL) had been constructed.
- 2.3 The attached neighbouring property to the west, No.5 Artichoke Dell, is a two-storey semi-detached dwelling with a similar design as the host dwelling. This neighbouring dwelling has been extended at ground floor level to the side and to the front via a porch.

- 2.4 The neighbouring property to the south, No.3 Artichoke Dell, is a two storey semi-detached dwelling. It is situated perpendicular to the host dwelling. Within the front roofslope, there is a dormer window.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the demolition of an existing ground floor side extension and balcony and its replacement with a double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to the front of the property and associated landscaping works.
- 3.2 The two storey side extension is currently under construction and has been substantially completed. It is located to the eastern flank elevation. It has a depth of approximately 3.5 m and a width of 2.6m. It has the same footprint as the existing ground floor side extension. It has a gabled roof with a maximum height of approximately 6.8m when measured from the front elevation and an eaves height of 5.3m, in line with the eaves of the original dwelling. The extension is set back from the front façade and rear wall, and the ridge is set down from the ridge to the main building. At ground floor level, the two storey side extension would serve a kitchen and at first floor would serve a bedroom. Within the front elevation a window is located at first floor. Windows are not inserted within the rear elevation. Within the side elevation, two windows are located within the ground and first floors respectively. As part of the works, the existing steps leading down to the shed, close to the eastern boundary have been removed and the ground level altered, to accommodate the extension. The two storey side extension is finished in materials to match the existing dwelling.
- 3.3 The proposed single storey side and front extension would adjoin the front of the abovementioned two-storey side extension and would partly adjoin the existing dwelling. It would have a depth of approximately 1.7m and a width of 2.4m. It would have a hipped roof with a maximum height of approximately 3.5m and an eaves height of 2.4m. Within the front and side elevation there would be a window. The ground floor extension would serve a utility room. The proposed side and front extension would be finished in materials to match the existing dwelling.
- 3.4 The proposed front porch canopy would be positioned above the main door of the application dwelling and would project approximately 0.9 metres forward of the principal elevation and would have a total width of 1.8 metres. It would have a pitched roof with a ridge height of 3.1 metres above ground level. The proposed materials or finish of the front porch canopy have not been provided.
- 3.5 A rooflight is proposed within the rear roofslope of the existing building.
- 3.6 To the front of the dwelling, an existing area of grass within the applicant's ownership is to be used for a disabled parking space. The space would be located towards the north-east of the site, between the front patio area which was prior to recent works enclosed by low level boundary treatments and the track to the north. The space would have a depth of approximately 4.8m and a width of 2.4m. The area of grass subject to the parking space will be replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. The western section of grass under the ownership of the applicant will be tapered down by approximately 0.2m, to match the level of the adjoining track. This will provide access to the parking space, which will involve driving over a section of grass and a path.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections with this application on the following grounds and with to CALL IN, unless the Officers are minded to refuse this application

Should the plans change or our Objections have been addressed, please advise the Parish Council so our comments can be amended.

The proposed parking space at the front of the property will alter the character and impact the adjoining properties.

The proposed parking space at the front of the property will cause major issues for the refuse and emergency services using the narrow lane at the front of the properties. The proposed parking space will not allow enough space for a car parking space at the entrance to the property.

The proposed parking space would require a change to the existing levels to facilitate a car parking space and as a consequence, the proposed parking space will alter the character of this part of the Conservation Area and result in less than substantial harm to the character and appearance of this part of the Conservation Area.

The proposed parking space will not meet the required dimensions for parking.

The proposed car parking space would be provided on Common Land'.

Officers Note: The LPA acknowledge the Parish Council's concerns relating to the proposed development allegedly encroaching upon the Common. This will be discussed in more detail within the analysis section.

4.1.2 Conservation Officer: [Objection]

'This application is for the demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works.

This property is located in the Chorleywood Common Conservation Area. This property forms part of three dells including; Appletree Dell, Artichoke Dell and Cherry Tree Dell located within the Common. The area appraisal states: The three Dells which are set within the Common are considered to form an integral part of the Common.

As noted in previous heritage advice pertaining to a similar scheme for this property there is no in principle objection to the demolition of the existing side extension. The proposed side extension would be a subservient and sympathetic addition to the property. The proposed canopy of the principal entrance would also raise no objection.

However, I would be unable to support the single storey front extension. Front extension to properties within conservation areas are generally unacceptable and the proposed front extension detracts from the appearance of the property thus detracting from the character and appearance of the Conservation Area. I recommend that fenestration pattern of the flank elevation is simplified to just two centrally placed windows above one another within the gable end with matching proportions to those of the front elevation.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF paragraph the level of harm is considered to be 'less than substantial' as per paragraph 196. Additionally, 'great weight' should be afforded to the conservation of heritage assets as per 193 of the NPPF.

If the front single storey extension was omitted from any future application and the windows amended in accordance with the above recommendation, there is potential for an acceptable scheme'.

4.1.3 Footpath Section: [No comments received]

4.1.4 Hertfordshire Ecology: [No Objections, subject to informatives]

'I am not aware of any habitat or species data for this site, which includes a semi-detached two storey dwelling with single storey side extension, and front and side garden. There are records of bats and great crested newts in the area.

Local Nature Reserve / Local Wildlife Site

The property is adjacent to Chorleywood Common, which is a statutory Local Nature Reserve (LNR), and non-statutory Local Wildlife Site (LWS), as well as registered common land. In fact, the red line boundary includes part of Chorleywood Common (is this correct, i.e. is this owned by the applicant?). There should not be any irrecoverable physical damage to the grassland of this LNR / LWS and I recommend the following Condition (or Informative if more appropriate) is added to any consent granted:

All works (including vehicle movements, materials and waste), must be kept within the curtilage of the proposed development site or on existing hardstanding as far as is practicable, to avoid unnecessary detrimental physical impact to Chorleywood Common Local Nature Reserve / Local Wildlife Site.

Great crested newts

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 100m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

Great crested newts are known to breed in ponds on Chorleywood Common. I do not anticipate any adverse effects from these proposals on great crested newts; however to avoid an offence being committed, I advise a precautionary approach Informative is added to any consent granted:

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for Great Crested Newts to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately, and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England

Bats

The property looks to be in well-sealed condition and on this occasion, I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, as bats are known to be in the area, I advise a precautionary approach Informative is added to any permission granted.

If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed'.

4.1.5 Herts and Middlesex Wildlife Trust: [No comments received]

4.1.6 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 3

4.2.3 Site Notice: Expired on 18.03.2021

4.2.4 Press notice: Expired 19.03.2021

4.2.5 Summary of Responses: Three Objections

- Object to the proposal to provide a parking space directly in front of the property
- The boundary line must surely be the fence line and therefore removing topsoil and replacing this with concrete is development on public land
- Adequate parking already takes on the gravel drive less than 4 metres from the property so there is no need for further encroachment onto The Common.
- Would result in loss of Common Land
- It would be impossible to park a vehicle as shown on the plan as no provision has been made to either enter or exit the space.
- To allow this parking space would set a precedent for the adjacent cottages to make similar applications and the existing grass verge would become a concrete road.
- The area for the proposed parking space has not been set aside via the appropriate Common Land procedures as a space for use by vehicles
- Loss of grass would have a detrimental impact upon the visual amenity of this prominent terrace of period properties as viewed from the Common, contrary to National and Local Planning policies, as well as Chorleywood Neighbourhood Plan
- Concerns relating to Certificate B of Application Form not being signed or other relevant documentation to the Parish Council, as well as ownership/ boundary issues with the Common.
- The Friends of Chorleywood Common maintain that the strip of amenity land is Common Land and in the ownership of Chorleywood Parish Council and consequently Certificate A of the application fails. Therefore the application should be refused

Officers Comment: The LPA acknowledge the concerns relating to the proposed development allegedly encroaching upon the Common. This will be discussed in more detail within the analysis section.

5 Reason for Delay

5.1 N/A.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against

another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM6, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Development Plan is also relevant, specifically Policy 2.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Chorleywood Common Conservation Area Appraisal (adopted February 2010).

The Supplementary Planning Guidance No. 3 - Extensions to Dwellings in the Green Belt (March 2004) provides further guidance on extensions to dwellings in the Green Belt

7 Planning Analysis

7.1 Overview

7.1.1 During the application process, concerns have been raised relating to the ‘ownership’ of the piece of land to the north-east of the site, between the front patio and track road to the north, where the proposed car parking space would be located. It has been alleged that the strip of ‘amenity land’ is Common Land and in the ownership of Chorleywood Parish Council.

7.1.2 The LPA have reviewed the Land Registry Plan (HD 60263) and have concluded that the submitted Location and Site Plan is accurate in relation to the extent of ownership. The Land registry plan shows the ‘red line’ to adjoin the track, which would suggest that the

piece of land where a vehicle will park, falls within the ownership of 4 Artichoke Dell and does not form part of the Chorleywood Common.

7.1.3 Whilst the extent of ownership extends to the adjacent track, it does not automatically follow that the land within the single title deed falls within the same planning use or planning unit. Prior to construction works, it appears that the residential planning unit (i.e. dwelling and associated garden) was bounded to the north by metal railings, consistent with the attached neighbouring property. The land beyond the metal railings is open in character and does not appear to be maintained as regularly if it fell within the residential planning unit of the dwelling. Consequently, it therefore appears that the parcel of land between the railings and the track falls outside of the residential planning unit and thus planning permission would be required to incorporate this land within the residential planning unit.

7.1.4 It is recognised that the submitted plans show a parking space within this parcel of land. However, the resultant works as shown on the submitted 'typical construction detail' on drawing number 2020/261/003E indicate that the area would still be grassed, albeit with some below ground aggregate and geogrids. Consequently, it is not considered that the parking of a vehicle on the enhanced grass (which could potentially appear now) would constitute a material change of use of the land.

7.2 Impact on Metropolitan Green Belt

7.2.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt the NPPF stipulates at paragraph 145 that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.

7.2.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

7.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

7.2.4 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.

7.2.5 Greenbelt Calculations:

Original floor space- 53sqm

Floor space of existing extensions- 6.6sqm

Floor space of proposed extensions- 15.9sqm

Floor space following proposed extension- 68.9sqm

Percentage increase – 30%

- 7.2.6 The proposed extensions would result in an increase of approximately 30% to the original floor space. Therefore, the proposed extensions would be within the guidance figure of 40% that is considered to be acceptable within the Metropolitan Green Belt. It is however important to assess the proposals in terms of their impact upon the openness of the Metropolitan Green Belt.
- 7.2.7 The two storey side extension has the same footprint as the existing ground floor side extension. Given the splayed nature of the eastern boundary, the extension is situated a minimum of 0.9m from the eastern boundary and a maximum of 2.2m. The configuration of the part of Artichoke Dell where the application site is located, is unusual in the sense that the nearby dwellings are clumped together in an 'L' shape. As such views between the adjoining dwellings do not readily contribute to the openness of the landscape. The extension does not project built form to the side, front or rear of the dwelling. Instead the pre-existing footprint is utilised, with the built form built upwards. Although the maximum height of the extension is almost level with the ridge of the main dwelling, it is considered that the roof form is subservient. Additionally, the extension is built towards No.3's front elevation, where there is already the presence of built form, rather than a previously undeveloped piece of land. SPG No.3 states 'extensions at first floor level or above (except for dormer windows) should not significantly extend the width of the original building or in any other way make the building more prominent by virtue of its bulk and/or design.' Taking note of the above, it is not considered that the two storey extension makes the building significantly more prominent within the streetscene. With regards to the proposed single storey front and side extension, which would adjoin the two storey side extension, it is acknowledged that it would project forward of the dwelling and would result in a slight increase in bulk and massing in comparison to the host dwelling. However, given that the extension would be single storey in nature and that the proposed extensions would not exceed the 40% guidance figure for extensions within the Green Belt, the proposal is not considered as inappropriate development. It would have a depth of approximately 1.7m, with the footprint largely contained within an area characterised by hardstanding in the form of a pre-existing front patio. As such, it is not considered that this element of the proposal would detrimentally harm the openness of the Green Belt to such an extent, as to warrant the refusal of planning permission. When viewed together, the extensions would not serve to materially increase the prominence of the development within the landscape or results in any significant material increase in demonstrable harm to the openness of the Green Belt and therefore would not amount to disproportionate additions.
- 7.2.8 The proposed canopy would be open in nature and would not increase the prominence of the building within its setting or impact on the openness of the Metropolitan Green Belt.
- 7.2.9 Paragraph 146 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception is engineering operations.
- 7.2.10 The area of grass to be enhanced to facilitate the parking of a vehicle could be considered as an engineering operation and thus can be considered appropriate development within the Green Belt subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. The area of grass will be upgraded by being replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. According to the submitted plans, the levels would not be altered, with the ATS turf replacing 'like for like' the existing soft landscaping. Given the proposed soft landscaping would be re-enforced natural turf, which would be indistinguishable from the current grass area, it is considered that the works would preserve openness and would not conflict with the purposes of the Green Belt. Whilst there would be a visual impact arising from a parked vehicle, in planning terms there is nothing to stop the applicant currently utilising the grass area.
- 7.2.11 In summary, the proposed extensions, canopy and enhanced area of grass would all

constitute appropriate forms of development. As a direct result there is no harm to openness and the proposed development accords with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

7.3 Design and Impact on Character and Conservation Area

- 7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials. With specific regard to Appendix 2, in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, two storey extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2 metres. With regards to front extensions, applications will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene
- 7.3.3 The site is within the Chorleywood Common Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The host dwelling is situated in "Character Zone E" as set out within the Chorleywood Common Conservation Area Appraisal. The appraisal sets out that the area's key characteristic is its open and rural nature with varying topography with interesting vistas.
- 7.3.4 Policies 1 and 2 of the Chorleywood Neighbourhood Plan are also relevant to this application. Policy 1 states that 'development proposals in conservation areas should preserve or enhance the character or appearance of the conservation area and use materials that are appropriate as defined in the relevant conservation area appraisal document'. Policy 2 states: 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design'.
- 7.3.5 Given the location of the dwelling and the two storey side extension, it is highly visible from the streetscene. The two storey side extension is set in slightly from the front and rear elevations and although the maximum height of the extension is almost level with the ridge of the main dwelling, it is considered that the extension is subservient. It is considered that the extension is an appropriate size for the property and does not result in an unacceptable increase in bulk and massing. Additionally, the gabled roof form and the materials to match maintains the symmetry of the original dwelling. Although part of the extension is not set 1.2m from the boundary due to the splayed eastern boundary, given the dwellings location on a corner plot and the 'L' shape configuration of adjoining properties, it is not considered that the two storey side extension results in a terracing effect. The Conservation Officer recommends that the fenestration pattern of the flank elevation is simplified to just two centrally placed windows above one another within the gable end with matching proportions to those of the front elevation. However, a similar fenestration pattern was permitted under 20/2101/FUL and in any case, it is considered that the proposed fenestration is acceptable.
- 7.3.6 Given its location, the proposed single storey front and side extension would be readily visible from the streetscene. The Conservation Officer stated that they would be unable to support the single storey front and side extension, as the proposed front extension detracts from the appearance of the property, thus detracting from the character and appearance of

the Conservation Area and resulting in 'less than substantial harm' to the Conservation Area. The extension would be readily visible from many vantage points from within the Conservation Area, given that it would project approximately 1.3m beyond the principal elevation of the main dwelling. Although the extension would be single storey and have a hipped roof form, it would have a maximum height of approximately 3.5m, almost level with the eaves of the first floor windows, which would emphasise its incongruous nature. It is considered that the proposed extension would dominate the appearance of the dwelling, especially when viewed in conjunction with the previously approved two storey side extension. The extension would therefore detract from the appearance of the host dwelling, drawing one's eye towards the extension rather than to the original simple, formal and symmetrical cottage style front façade.

- 7.3.7 The proposed front canopy porch would be visible from the street scene and would have a width of 1.8m, depth of 0.9m and height of 3.1m. Given that the proposed canopy porch would not project significantly forward of the host dwelling and there are other examples of canopy porches within Artichoke Dell at No.3 for example, it is not considered that this element would appear excessively prominent nor would it result in harm to the character of street scene or the Conservation Area. The Conservation Officer also raises no objection to this feature. A condition would be added to provide further details of the proposed materials and finish of the front canopy porch.
- 7.3.8 To the front of the dwelling, the area of grass to be upgraded would have a depth of approximately 4.8m and a width of 2.4m. The area of grass where the vehicle would be parked, will be replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. According to the submitted plans, the levels would not be altered, with the ATS turf replacing 'like for like' the existing soft landscaping. Given the proposed soft landscaping would be re-enforced natural turf, which would be indistinguishable from the current grass area, it is not considered that the creation of the car parking space would detrimentally impact the setting of The Common or the wider Conservation Area.
- 7.3.9 As part of the works, a rooflight is proposed within the rear roof slope. Although it is located within the rear roof slope, given the configuration of the dwelling and its positioning on a high land level, there would be views of the rooflight. However, given the minimal scale of the rooflight and that rooflights are present on nearby properties, it is not considered that the rooflight would result in an unduly prominent addition and would be acceptable with regard to its impact on the host dwelling, street scene and wider area including the Chorleywood Common Conservation Area. Additionally, a condition would be added to ensure that the proposed rooflight is a conservation style rooflight, set flush with the adjacent roofing materials and not project above the plane of the roof in which they are located.
- 7.3.10 Given the location, scale and design of the single storey front and side extension, it is considered that the proposal would result in demonstrable harm to the character or appearance of the application dwelling, street scene and Chorleywood Common Conservation Area and the proposal is considered contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). As per paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The material considerations put forward by the applicant are discussed at section 7.8 below.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential

buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

- 7.4.2 The flank elevation of the two storey side extension is set back approximately 1.9m from the front building line of No.3 Artichoke Dell and 1.5m from the flank elevation. Given that the two storey side extension has the same footprint as the pre-existing extension, the built form is not set closer to this neighbouring dwelling. Although the built form is built upwards, given that the extension is set behind the principal elevation of No.3 and set in approximately 1.5m from No.3's flank elevation, it is not considered that the extension results in a dominating or overbearing form of development. There is a first floor window serving the northern flank elevation of No.3, however, given that there is a gap of 1.5m to the side extension, it is not considered it causes a substantial loss of light to this window as to justify the refusal of planning permission. Furthermore, the flank window of No.3 is not the sole window serving the bedroom, given the larger window within the front elevation. Additionally, there are no rear windows, therefore mitigating against any sense of overlooking. Given the location of No.5 Artichoke Dell and the separation distances, it is not considered that the two storey side extension detrimentally impacts the amenity of the occupiers of this dwelling.
- 7.4.3 The proposed single storey side and front extension would not extend beyond the flank elevation of the two storey side extension and as such, would not be closer to No.3 than the two storey side extension. The built form of the two storey side extension would screen single storey front and side extension from No.3 and therefore would not be overbearing or cause a loss of light to this neighbour. Given that the flank elevation of the extension would be set approximately 7.4m from the boundary with the attached neighbour, No.5, it is not considered that the proposed extension would be overbearing or cause a loss of light to this neighbour. Given the direction of the front and side windows, not directly facing a neighbour, it is not considered that the proposed fenestration would give rise to a perceived sense of or actual overlooking.
- 7.4.4 The proposed front canopy porch would project approximately 0.9m forward of the principal elevation of the host dwelling. The attached neighbour No.5 Artichoke Dell shares a uniform front building line with the application dwelling. The canopy porch would be set in from the shared boundary by approximately 3.4m and would be open-sided and therefore, it is not considered that the proposed porch would result in any loss of light to this neighbour.
- 7.4.5 Given the nature of the works, it is not considered that the use of the grass to facilitate a parked vehicle via the laying of re-enforced turf would cause a loss of light or appear visually intrusive to any neighbouring dwelling.
- 7.4.6 Given the location of the rooflight within the roofslope, orientated towards the sky, it is not considered that this would result in actual or a perceived sense of overlooking, as any views would be of the flank of No.3 Artichoke Dell.
- 7.4.7 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.5.2 A two bedroom dwelling should benefit from private amenity space measuring approximately 63sq. metres. The site as existing lacks amenity space. Prior to works

commencing there was a paved area to the front. The submitted site plan also shows an area of patio to the front with an area of approximately 14.5sqm, which would not comply with policy. The site is, however, located adjacent to Chorleywood Common, which provides access to extensive levels of outdoor space. Therefore, it is considered that the proposal is acceptable in this regard, particularly as the number of bedrooms would not be increasing.

7.6 Parking

- 7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document.
- 7.6.2 The number of bedrooms within the dwelling (2) would not change as a result of the development.
- 7.6.3 The dwelling does not currently benefit from a privately assigned space within the application site. According to the applicant, there is an easement with the Chorleywood Parish Council which allows for the parking of at least one motor vehicle on the track directly to the north of the application site. Notwithstanding this, the proposed development would not increase the number of bedrooms and therefore would not further impact upon the existing shortfall or change the existing circumstances.
- 7.6.4 However, the scheme is proposing to upgrade an area of grass to facilitate the ability to park on vehicle within the application site. The area to be upgraded would have a depth of approximately 4.8m and a width of 2.4m, in line with standards. Concerns have been raised by objectors as to how the parking space would be accessed. The western section of grass under the ownership of the applicant will be tapered down by approximately 0.2m, to match the level of the adjoining track, to provide access to the upgraded area of grass to be parked upon. Accessing the area to be upgraded with ATS Netlon Advanced Turf will involve driving over the section of grass to be tapered down and a path. The change in level to the verge is minimal and would not comprise development. If no further works are required to facilitate access, there is no planning controls to stop the applicant parking in his land.

7.7 Wildlife and Biodiversity

- 7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. As part of the application, the Ecology Officer was consulted. They stated that they do not anticipate any adverse effects from these proposals on the common or great crested newts. Additionally they stated that they do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. They did, however recommend a bat related informative be added to any permission as well as stated that all works (including vehicle movements, materials and waste), must be kept within the curtilage of the proposed development site or on existing hardstanding as far as is

practicable, to avoid unnecessary detrimental physical impact to Chorleywood Common Local Nature Reserve / Local Wildlife Site.

7.8 Trees and Landscaping

7.8.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 The pre-existing shrubbery to the north-east of the site, some of which may have fell outside the application site has been removed. Although located within a Conservation Area, it is not considered that this shrubbery positively contributed to the amenity of the Conservation Area and were not individually projected. As such, except from a small section of hedge adjacent to the path leading from the track to the dwelling, the site no longer contains any vegetation and the proposal would be acceptable in this regard.

7.8.3 Planning balance

7.8.4 During the course of the application, a personal statement was submitted, explaining the personal circumstances of the applicant and the requirement for the works.

7.8.5 The planning assessment has concluded that there would be harm to the Conservation Area by virtue of the design and siting of the single storey side and front extension. This harm results in 'less than substantial harm' to the Conservation Area. Whilst the applicant's circumstances are acknowledged they do not amount to a public benefit and thus the harm identified cannot be outweighed.

8 **Recommendation:** That planning permission is REFUSED for the following reason:

R1 The proposed single storey front and side extension by virtue of its siting, scale and design would detract from the appearance of the host dwelling thus harming the character and appearance of Chorleywood Common Conservation Area. The harm would result in less than substantial harm however no public benefits have been identified which would outweigh the harm. The proposed single storey front and side extension would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

Informatives:

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

7. 21/0417/RSP – Part retrospective: Extension to existing patio and additional landscaping works to rear garden at 173 ABBOTS ROAD, ABBOTS LANGLEY, WD5 0BN (DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 24.03.2021

Ward: Abbots Langley And Bedmond
Case Officer: Aaron Roberts

Recommendation: That the application is permitted.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee because land levels changes mean the proposal may affect the privacy of the neighbour.

Update 17.05.2021:

The application was considered by Members at the Planning Committee Meeting on 22 April 2021. At that meeting Members agreed to defer the application to enable a site visit to take place.

1 Relevant Planning and Enforcement History

- 1.1 18/0506/FUL - Proposed two storey rear extension, single storey side and rear extension, front bay, internal alterations and extension to raised patio to the rear - Permitted, partly implemented.
- 1.2 18/0166/COMP - Breach of Conditions 5 & 6 of Planning Permission 18/0506/FUL – Case Closed (breach remedied via the approval of planning application 19/0946/RSP).
- 1.3 19/0946/RSP - Retrospective: Proposed two storey rear extension, single storey side & rear extension, internal alteration, front bay, and raised rear patio - Permitted.

2 Description of Application Site

- 2.1 The application site contains a detached dwelling located along the southern side of Abbots Road. The dwelling is finished in brick to the front and finished in white render to the rear.
- 2.2 The dwelling has a stepped front elevation. The land levels drop from the front to the rear of the site and the dwelling is served by a raised patio to the rear, which is subject to this application. The front amenity space contains a drive that provides provision for three car parking spaces. The host dwelling also contains an attached garage towards the south-western boundary.
- 2.3 The property has been extended via a two storey rear extension and a single storey side and rear extension.
- 2.4 The neighbouring property to the south-west, No.175 is set on a lower ground level and has a similar original rear building line to that of the application dwelling. The main part of the dwelling of No.175 is set in approximately 1m from the common boundary. The neighbouring property to the north-east, No.171 is set on higher ground level and extends deeper than the extension at No.173.

- 2.5 The site contains protected trees, however, some of these have been removed as part of planning permission 18/0506/FUL.
- 2.6 During a site visit it was apparent that works had commenced. This included the planting of hedging along the boundary with No.175 as well as the partial demolition of the existing patio.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for an extension to the existing patio and additional landscaping works to rear garden. The pre-existing patio approved under 19/0946/RSP has been partially demolished. No works have taken place to extend the patio's depth or width in terms of built form, although earth has been moved. Some hedging along the boundary with No.175 has also been planted.
- 3.2 The section of patio directly adjacent to the bi-folding doors of the rear extension (level +2) would measure approximately 1.6m in depth and have a width of 7.1m. Steps would lead down to the next section of patio (level +1). This 'middle section' of the patio has an overall maximum depth of approximately 10.6m, including the proposed composite decking and a maximum width of approximately 7.9m, up to the point adjoining the steps leading down to the lower level of the patio (level +0). The lowest level of patio would have a depth of approximately 13.4m and a maximum width of 5.6m. Given the western boundary's splayed nature, level +0 of the patio would be set off the boundary with No.175 by a minimum of approximately 0.3m and a maximum of 0.7m. The lowest level of patio would be set a maximum of 0.3m higher than the natural land level and would adjoin the natural level of the side alleyway.
- 3.3 Towards the rear of the patio, retaining walls are proposed. The retaining walls serving level +1 of the patio would have a height of 1.7m, approximately 0.45m higher than the patio level. The retaining wall serving level +0 of the patio would have a height of 0.75m, approximately 0.45m higher than the patio level. Between these walls would be steps leading down to the main garden.
- 3.4 Privacy measures have been included within the proposal. These include planting hedging along the boundary with No.175, extending the currently existing cedar slatted fence along the flank of the patio closest to the boundary with No.171, as well as retaining a solid screening along the western flank of level +2 of the patio.
- 3.5 During the course of the application, amendments were made, including:
- Lowered area created with new steps down to be recessed into existing raised patio area
 - Removal of proposed pergola
 - Removal of additional fence screening close to boundary with No.175
 - Addition of hedging adjacent to boundary with No.175

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No Objection]

'No objections'

4.1.2 National Grid: [No comments received]

4.1.3 Landscape Officer: [No comments received. Any comments received will be verbally updated]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 No of responses received: 1 objection.

4.2.3 Site and Press Notice: N/A

4.2.4 Summary of Responses: One Objection

- Works have commenced
- Previously, in 2018, No.175's objection to a larger and higher patio was upheld, due to privacy issues- A compromise with the builder/owner was reached and a smaller patio and privacy screen was erected including greenery planted to break up the size of the screen.
- Previous screening etc has been removed
- A proposal of a new fence 300mm from the existing fence will give a total height of between 3m and 5m from our side which is not favourable. The support wall of the patio will also prevent any maintenance being able to be carried out to our fence.
- The level of peoples feet standing at the end of the proposed patio will almost be as high as the top of our 1.8m fence, will remove all privacy in our garden.
- The sight of this huge fence so close to the boundary will certainly devalue our property, and remove the views of the trees across the valley, part of the attraction of living in Abbots Road.

Officers Comment: Amended plans were submitted during the application process and their acceptability is discussed within the analysis section.

5 Reason for Delay

5.1 N/A.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Design and Impact on Character

7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials.

7.1.3 The raised patio would be to the rear of the property and therefore would not be readily visible from the streetscene. Given the nature of the land levels within the gardens of properties along Abbots Road, raised patios are common within rear gardens in Abbots Road. The proposed patio would be approximately 1.9m deeper and 3.5m wider in total than the existing patio, with much of this at a lower level to the ground floor level of the house. Due to its scale, design and the fact that both neighbouring properties contain a raised patio, it is not considered that the raised patio and associated privacy screens result in any harm to the character of the dwelling or area.

7.1.4 The development therefore does not result in unduly prominent additions and is acceptable with regard to its impact on the host dwelling, street scene and wider area. The development complies with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3 The rear patio extends a total depth of approximately 12.9m from the rear wall of the existing dwelling and due to the drop in land levels and height of the fencing along the boundary with No.175 it could facilitate overlooking into this neighbouring property. It must be noted, however, that there is an existing situation of mutual overlooking between properties along this part of Abbots Road due to the sloping land levels and existing raised patios. In order to resolve the issues relating to potential overlooking, along the south-western boundary with No. 175, Leylandii hedging has been proposed, the full depth of the patio. According to the agent, this will grow to a height of approximately 12-14ft, which will offer comprehensive screening. Overlooking from level +0 will be limited given its height of 0.3m above ground floor level and the proposed hedging. The existing boundary fencing with a height of approximately 2.2m would be retained, therefore, a height distance of approximately 1.9m would be provided to screen persons on the patio level +0. Without the proposed hedging, overlooking from level +1 would be achievable and would not be acceptable in terms of impact to neighbouring amenity without the provision of a screen to protect the amenities of neighbours. As such, a condition would be added to ensure that the hedging is maintained permanently, to act as a privacy screen. Additionally, to prevent overlooking from level +2 into No.175, a solid screen along the western flank of level +2 of the patio has been erected, with a height of 1.8m from the patio level and would be conditioned to be maintained permanently. A condition would be added to ensure that the 1.8m privacy screen is maintained permanently. Given the proposed privacy measures including hedging along the western boundary and solid privacy screen at level +2, it is not considered that the proposed alterations to the patio would lead to a perceived sense of or actual overlooking into No.175. The objection comments refer to the previously proposed additional fencing and its potential impact on outlook. Although the additional fencing has been removed, hedging has been proposed. In planning terms, the loss of a view is not a material planning consideration, however, whilst hedging would be visible it is not considered that it would be so prominent so as to appear overbearing.
- 7.4 The patio would also be extended in depth close to the boundary with the other neighbouring dwelling, No.171. The current existing cedar slatted fence along the flank of the patio closest to the boundary with No.171, would be extended the entire depth of the patio. This would have a height of approximately 2m from level +1 of the patio. Given the vegetation along the eastern boundary and that this neighbour sits at a higher land level, the proposed screening would not detrimentally impact the amenity of this neighbour and would prevent a perceived sense of or actual overlooking.
- 7.4.1 In summary, subject to conditions the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.5 Amenity Space
- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.5.2 The proposed development would not alter the levels of amenity space provided. There is sufficient amenity space provision to accommodate the development and serve the dwelling in accordance with the standards as set out within the Design Criteria of the DMP LDD.

7.6 Parking

7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document.

7.6.2 The number of bedrooms within the dwelling would not change as a result of the development. The dwelling serves four bedrooms. According to Appendix 5 of the DMP LDD a four-bedroom dwelling should have three assigned spaces. The front amenity space provision could accommodate three cars in accordance with the requirements of the DMP LDD.

7.7 Wildlife and Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.8 Trees and Landscaping

7.8.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 The application site is not located within a Conservation Area, however the site contains a number of individually protected trees. Records show that a protected tree was located in close proximity to the rear of the dwelling. However, in the delegated report for 18/0506/FUL, the Case Officer states that although a tree would be removed, it was not a Blue Spruce identified as a TPO tree. As such there is not a protected tree located near the vicinity of the dwelling or patio. It is not known when the protected Blue Spruce was removed. The un-protected tree close to the boundary with No.171 would be retained within the composite decking. Following correspondence with the agent, the decking would be built around the tree, with a gap between the decking and tree. It is not considered that the proposal would not result in any direct harm to any protected trees within the site.

8 **Recommendation:** That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was started and is subject to the following conditions:

C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: DPM.21.173AR.SITE.01, DPM.21.173AR.P01 REV D, DPM.21.173AR.P02, DPM.21.173AR.P03 REV E.

Reason: For the avoidance of doubt and in the proper interests of and in accordance with Policies CP1, CP9, CP10, and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The privacy screen along the western side of level +2 of the rear patio shall be permanently maintained in accordance with drawing numbers DPM.21.173AR.P01 REV D and DPM.21.173AR.P03 REV E

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Within ONE MONTH from the date of this permission, a Landscape Management Plan for the proposed planting adjacent to the boundary with No.175 Abbots Road for the full depth of the rear patio level +0 (as shown on drawing number DPM.21.173AR.P01) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include details as to the initial planting height, number, species type, on-going future maintenance (to ensure the planting does not fall below a height of 1.8m) and replacement planting in the event of damage. The Landscape Management Plan as approved shall be carried out as agreed.

Reason: To ensure that the proposed planting will provide acceptable screening to prevent unacceptable levels of overlooking into 175 Abbots Road, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

- 8. 21/0514/ADV: Advertisement Consent: Installation of 1 non-illuminated totem sign; 3 non-illuminated fascia signs to western elevation and non-illuminated fascia signs to southern elevation at TRAVIS PERKINS, CHURCH WHARF, CHURCH STREET, RICKMANSWORTH (DCES)**

Parish: Batchworth

Ward: Rickmansworth Town

Expiry of Statutory Period: 03 June 2021
(Agreed extension)

Case Officer: Claire Wilson

Recommendation: That Advertisement Consent be Granted.

Reason for consideration by the Committee: This application has been called into Committee by Batchworth Community Council as they consider that it overwhelms the street scene, is inappropriate in the conservation area, the size of the signs is excessive and they should not be illuminated.

1 Relevant Planning History

- 1.1 17/0192/FUL: Demolition of existing buildings and erection of a single storey industrial building to provide builders' merchant (sui generis) including plant and tool hire and outside display and storage (including racking system); erection of a part three, part four storey 92 bed hotel (Class C1); associated alterations to car parking; closure of existing access and construction of new access to roundabout; installation of electricity sub-station; refuse storage area for boaters; and associated landscaping, means of enclosure and associated works. Application permitted. Permission implemented.
- 1.2 21/0513/FUL: Subdivision of existing unit to allow for the provision of three builders merchants unit within the existing unit including external alterations, alterations to car parking provision and associated works. Application permitted.
- 1.3 Varying other applications relating to discharge of conditions for the wider site, and planning consents relating specifically to the adjacent Premier Inn Hotel.

2 Description of Application Site

- 2.1 The application site relates to a detached building which has permission to be used as a builders merchants. This building formed part of a wider scheme permitted under application 17/0192/FUL which granted planning permission for the redevelopment of the site including the provision of a Premier Inn Hotel; along with the Builders' Merchants. These buildings have both been constructed with the hotel occupying the southern side of the site and the host building located to the north.
- 2.2 Vehicular access to the site is from the Batchworth Roundabout; with this access serving both buildings. The River Chess runs to the east and south boundaries of the wider site with the Grand Union Canal and Batchworth Lock to the south of this. To the north of the site are the Ebury Way and St Marys Court, a flatted residential development. The surrounding area consists of a variety of residential and commercial uses. The boundary of the Rickmansworth Town Centre Conservation Area is approximately 40m to the north east of the site to the other side of Church Street and the Batchworth Roundabout.
- 2.3 It is noted that planning permission has recently been granted under reference 21/0513/FUL for the subdivision of the existing building into three separate commercial units. Each of the

units would still be utilised as a Builder's Merchants (Sui Generis) including Tool Station, Benchmarx and City Plumbing

3 Description of Proposed Development

- 3.1 The applicant is seeking advertisement consent for the provision of signage to the western and southern elevation of the host building and the erection of a totem sign to the site frontage.
- 3.2 Three signs are proposed to the western elevation of the building, therefore fronting the roundabout. Each sign would contain one of the company's names which will be occupying the host building: Tool Station, Benchmarx and City Plumbing. As such, the colours of the signage do vary as indicated on the submitted elevations. The plans indicate that each sign would have a width of 5m and a height of 1m and would form a vertical arrangement down the western elevation. The signs would all be non-illuminated.
- 3.3 To the southern elevation of the building, a number of signs are proposed, associated with the respective companies occupying the host building. These are briefly described below:
- 3.4 Benchmarx: This Company would be located to the western side of the host building. Three fascia signs are proposed. The main sign containing the brand name would be located centrally and would have a width of 5m and a height of 1.2m. To either side of this would be two further facias, which would have a width of 4m and a height of 1.2m; these would contain details of the products sold by the company. Above the main customer entrance to the building would be a 'welcome' sign which would have a width of 1.975m and a height of 0.3m. Two smaller signs are proposed at a lower level, one would have a width of 1.2m and a height of 1.2m. The sign immediately adjacent to the entrance doors would have a width of 0.61m and a height of 0.61m and would contain the opening details for customers. The signs would be a mix of white and burgundy in colour and all would be non-illuminated.
- 3.5 City Plumbing: This Company would occupy the central part of the host building. Two fascia signs are proposed above the entrances providing the brand names, these would have a width of 3.95m and a height of 1.8m. A further sign is proposed above the roller shutters and would be a directional sign with a width of 1.2m and a height of 0.5m. This would read 'Goods inwards'. Located on the entrance doors would be two further fascia signs with a width of 2.2m and a height of 0.4m. These would be directional signs and would state 'customer entrance' and 'trade counter'. Two smaller signs are also proposed at a lower level to the side of both entrance doors. These would have a width of 0.42m and a height of 0.65m and would contain the opening hours of the unit. These would be mainly dark blue in colour with white and yellow detailing. They would all be non-illuminated.
- 3.6 Tool Station: This Company would occupy the unit in the eastern side of the host building. Three fascia signs are proposed at a high level. The central sign above the main entrance would state the name of the company and would have a width of 5m and a height of 1.2m. Above the two roller doors, two further fascia signs are proposed, both with the same dimensions as outlined above. These would provide information regarding the unit. Above the entrance doors would be a directional sign stating 'entrance'. This would have a width of 4.5m and would have a height of 0.5m. Adjacent to the entrance would be a smaller sign with a width of 0.5m and a height of 0.55m and this would provide details of the opening times of the unit. The elevations also indicate that 4 smaller A1 poster signs would be sited at a lower level which would be changed regularly. They would be a mix of yellow, red and white, and would all be non-illuminated.
- 3.7 The totem sign would be erected to the west of the building adjacent to the existing access road into the site and would be sited behind the existing fencing. The sign would have a height of 3.5m and a width of 1.8m and a depth of 0.8m. It would be finished in a dark blue colour and would contain each company name as outlined above. It would be non-illuminated.

- 3.8 Amended plans have been received during the course of the application reducing the width of the signs on the western elevation from 10m to 5m and changing their arrangement. In addition, the signs would no longer be illuminated.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: (Objection)

Batchworth Community Council objects to this application as it overwhelms the street scene, is inappropriate in the conservation area, the size of the signs is excessive and they should not be illuminated. We wish for this application to be called in, unless officers are minded to refuse.

Officer Comment: Following receipt of amended plans, Batchworth Community Council were re-consulted and confirmed that they still wished the application to be called in to the Planning Committee as the amendments did not overcome the concerns raised.

4.1.2 Hertfordshire County Council – Highway Authority: (No objection)

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informative's: HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN 4) Projecting signs. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection into or over the public highway. The applicant is advised to contact the County Council Highways via either the website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.

Comments: The application is for the installation of 1 non-illuminated totem sign; 3 internally illuminated fascia signs to western elevation and 8 non-illuminated fascia signs to southern elevations at Travis Perkins , Church Wharf, Church Street, Rickmansworth. This site is part of a larger application spanning a change of operator for the site. This specific application is for advertisement consent concerning this site.

The current site is located on private land that is not part of the highway network.

The applicant is reminded that the standard of luminance should comply with the recommendations as set out in Chapter 8 of the Institution of Lighting Engineers' Technical Report Number 5 –Brightness of Illuminated Advertisements (Third Edition).

No signs will impact the visibility of vehicles entering or exiting the site.

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore has no objections on highway grounds to the application.

4.1.3 Environmental Health: No comments received

4.1.4 National Grid: No comments received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 43 No of responses received: None

4.2.2 Site Notice: Expiry 11.04.2021 Press notice: N.A

4.2.3 Summary of Responses: N.A

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM3, DM6 and DM9.

6.3 Other

Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Advert Regulations

- 7.1.1 Outdoor advertisements are within the scope of the control regime specified by the Secretary of State in the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

This regime enables local planning authorities to control advertisements, when it is justified, in the interests of "amenity" and "public safety".

- 7.1.2 Amenity is not defined in the Regulations, although it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality and the presence of any feature of historic, architectural, cultural or similar interest.

- 7.1.3 Paragraph 132 of the National Planning Policy Framework advises the quality and character of places can suffer when advertisements are poorly sited and designed. It also advises that advertisements should be subject to control only in the interests of amenity and public safety.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core

Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. The boundary of the Rickmansworth Town Centre Conservation Area is approximately 40m to the north east of the site to the other side of Church Street and the Batchworth Roundabout. Policy DM3 of the Development Management Policies LDD states that 'permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views in to or out of that Conservation Area'.

- 7.2.2 It is noted that there would be a number of signs located on the southern elevation of the building which would vary in terms of colour and size. However, given the overall width of the host building and the size of the wider site as a whole, it is not considered that they would have detrimental impact on the appearance of the host dwelling or the wider area. Furthermore, it is emphasised that these would not be illuminated which would further minimise their prominence, particularly when viewed cumulatively.
- 7.2.3 Concerns were raised regarding the signage to the western elevation as indicated on the original plans. These were viewed to be excessively large, with a maximum width across the gable end of approximately 10m. As a result, it was considered that signage would dominate this elevation to an unacceptable degree, appearing as an excessively prominent form of development. It was also considered that their scale would have been further exacerbated by their proposed illumination. In response, amended plans have been received which indicate a reduction in width with the signs having a proposed width of 5m. In addition, their siting would be located in a vertical arrangement on this elevation and would be non-illuminated. Whilst it is acknowledged that the provision of signage would change the appearance of this currently blank elevation, it is not considered that they would be uncharacteristic given the commercial nature of the building. It is therefore viewed that the alterations to the siting of the signage, combined with their reduction in width and the removal of illumination would result in an acceptable form of development which would not negatively impact the visual amenities of the host building or wider locality.
- 7.2.4 The plans also include the provision of a totem sign which would be located to the west of the host building, adjacent to the existing access road into the site. Given the sign would be viewed against the backdrop of the existing building and the adjacent hotel building, it is not considered that it would appear unduly prominent. It would be sited within the site boundaries and thus would be set back from the adjacent highway. Furthermore, the signage would also not be illuminated.
- 7.2.5 It is noted that Batchworth Community Council have objected to the proposed development as they consider that the proposed development overwhelms the streetscene and the Conservation Area. They also consider that the size of the signage would be excessive and they should not be illuminated. In response, it is emphasised that the building is not located within the Conservation Area with the boundary being located approximately 40m to the north east of the site to the other side of Church Street and the Batchworth Roundabout. Given the commercial nature of the building, the size of the site and its relatively urban location on the Batchworth Roundabout, it is not viewed that the signage would result in harm to the setting of the Conservation Area or views into or out of the Conservation Area. Similarly, as previously noted, all of the signage proposed would be non-illuminated.
- 7.2.6 In summary, given the site circumstances and the commercial nature of the host building, it is not considered that the development would result in harm to the visual amenities of the streetscene. It is considered that the development would be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 The proposed signage on the southern elevation of the building would face towards the existing Premier Inn Hotel, and thus would not directly front any nearby residential dwelling. Whilst there would be a range of signage of varied colour and scale, none of the signage would be illuminated and thus would have no impact on the adjacent hotel building. Thus no objection is raised in this regard.
- 7.3.3 The signage on the western elevation would front the roundabout, with the nearest residential neighbours being those located in St Marys Court to the north of the building. Due to the relationship with these neighbours, with this elevation angled away, it is not considered that they would experience any adverse harm. Furthermore, it is noted that the scale of the signage has been reduced and the illumination has also been removed. Likewise, it is not considered that the Totem sign would result in any demonstrable harm to these neighbours. Whilst it would be visible, it is sited away from the boundary with these neighbour and again the signage would not be illuminated.
- 7.3.4 In summary, the proposed development would not result in any harm to the residential amenities of neighbouring occupiers. The development is considered to be acceptable and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013) and Policy CP12 of the Core Strategy (adopted October 2011).

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Biodiversity Checklist and details that there would be no impact on any protected species. Given the nature of the application as providing non-illuminated signage to an existing building, no objection is raised in this regard.

7.5 Trees and Landscaping

- 7.5.1 No significant trees or areas of landscaping would be affected by the proposed development.

7.6 Highways, Access and Parking

- 7.6.1 Policy CP10 of the Core Strategy relates to highways and advises that development need should provide a safe and adequate means of access. The Highways Officer has been consulted and has raised no objection, considering that the proposed development would not have any impact on visibility when entering and exiting the site. Furthermore, since the time of these comments, the application has been amended removing all illumination from the submitted proposals, thus further minimising harm to the adjacent highway. The development is therefore in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

8 Recommendation

That ADVERTISEMENT CONSENT BE GRANTED subject to the following conditions:

- C1
- 1] The period of the validity of this permission is for five years commencing from the date of the decision notice.
 - 2] No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 3] No advertisement shall be sited or displayed so as to;
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - 4] Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - 5] Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - 6] Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity

Reason: To comply with the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

DRG-A-AR-0001-S1-P1 - Location Plan, DRG-A-AR-0002-S1-P1 - Existing Site Plan
Rickmansworth Proposed Site Plan Rev 3.1,

300 Rev 5 – Proposed Elevations

643-040-PP01 Rev C – Toolstation Signage Details,

643-040-PP02 Rev C – Toolstation Signage Details,

Rickmansworth – L23866 Rev 7 – Proposed Signage Details

Reason: For the avoidance of doubt, in the proper interests of planning and visual amenity in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.1 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a

dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to

obtain their permission and requirements before construction works commence. Further information is available via the website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 14 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

- 15 Projecting signs. Notwithstanding the consent issued under the Town and Country Planning Act, a licence issued under the provisions of Section 177 of the Highways Act 1980 is required prior to the erection of any part of the projection into or over the public highway. The applicant is advised to contact the County Council Highways via either the website:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or telephone 0300 1234047 to arrange this.

PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

9. **21/0542/FUL - Demolition of existing buildings and manege and construction of detached bungalow with associated parking, hardstanding and soft landscaping at PETHERICK PASTURES, BUCKS HILL, SARRATT, WD4 9AE (DCES)**

Parish: Sarratt
Expiry of Statutory Period: 11.05.2021
Extension of time: 27.06.2021

Ward: Chorleywood North And Sarratt
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted following the completion of a Section 106 Agreement.

Reason for consideration by the Committee: Called in by Sarratt Parish Council who consider that the development represents inappropriate development in the Green Belt.

1 Relevant Planning History

- 1.1 8/332/92 – Retention of gate and access – Approved
- 1.2 96/0607 – Certificate of lawfulness – Proposed use for provision of new access fencing and closure of existing opening – Allowed
- 1.3 97/0924 – Erection of a horse shelter – Approved
- 1.4 01/00879/FUL – Erection of a block of 7 stables – Approved
- 1.5 03/0479/FUL – Retrospective application: Storage area to rear of stable block – Approved
- 1.6 05/1327/FUL – Change of use of land to stud farm (for breeding horses) – Approved
APP/P1940/A06/2015157 – Appeal against planning conditions imposed – Dismissed
- 1.7 06/0776/FUL – Creation of all-weather surface menage – Withdrawn
- 1.8 06/1984/FUL – Creation of all-weather surface menage – Approved
- 1.9 16/0660/FUL – Change of use to mixed animal care use to include livery; sheep rearing, breeding and sale; dog care and grooming; and chicken care. Extension of existing stables – Withdrawn.
- 1.10 20/2233/FUL – Demolition of existing buildings and manege and erection of a 3 bedroom detached single storey dwelling with associated landscaping – Refused

R1: *The proposed partial redevelopment of the site is considered to have a greater impact on the openness of the Green Belt than the existing development within the site and therefore by definition, results in inappropriate development and also harms the openness of the Green Belt. No very special circumstances have been demonstrated which would outweigh the inappropriateness of the development and the harm to openness. The development would therefore not accord with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

R2: *In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of*

2 Description of Application Site

- 2.1 The application site is located on the western side of Bucks Hill and is “L” shaped incorporating existing buildings, a manege and an area of hard surfacing used for equestrian purposes accessed via Bucks Hill. The immediate area is known as Bucks Hill which is located within a rural area and predominately contains residential dwellings. The application site and the surrounding area is designated Metropolitan Green Belt.
- 2.2 Beyond the north western boundary there is a public footpath (High Spring FP) which runs along the western boundary and through High Spring, a protected woodland. The footpath provides pedestrian access between Bucks Hill and Bottom Lane. Bucks Hill Cottage is situated on the other side of this footpath approximately 40m from the footpath.
- 2.3 Within the application site there is an informal parking area and manege in front of the stables/store buildings. The wider parcel of land within the applicant’s ownership is divided up into three ‘fields’ (by ranch style fencing) and there is additional post and wire fencing within these areas. The boundary to the east is with a horse ‘lane’ which snakes around the northern and eastern edge of the site. To the other side of this is “Hill View”, a dwelling that fronts onto Bucks Hill. The land to the south eastern corner of the site is a separate land holding. All other boundaries are to local roads (Bucks Hill/Bottom Lane).
- 2.4 The application site contains a block of seven stable buildings and barn to the western end, along the northern flank of the application site, which the supporting information details is used for equestrian purposes as a personal livery yard. The buildings within the site are all single storey in design and are a mix of timber and aluminium construction. The site is screened from view from Bucks Hill due to the existing hedgerow and trees which run along the eastern boundary of the application site and parallel with the highway.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the erection of a detached dwelling following demolition and removal of a number of existing buildings to the site and removal of a mobile home and manege.
- 3.2 The new dwelling would be set back from the highway by approximately 32m at its closest point. The dwelling would be rectangular in shape measuring 15.5m in width and 8.5m in depth at its maximum, which includes a gable roof. The dwelling would contain 2 bedrooms. The proposed dwelling would have a footprint of approximately 131sqm on sloping ground from the northeast down to the southwest of the site. The dwelling would have a gable main roof form with a maximum ridge height of approximately 5.2m sloping down to an eaves height of 3.1m (taken from the rear elevation). Glazing is proposed to all elevations of the dwelling.
- 3.3 The proposed two bedroom dwelling has been reduced in width, height and depth from the previous three bedroom dwelling scheme (submitted under planning application reference 20/2233/FUL), which was 21m in width, 9.1m in depth and had a maximum height of 5.8m with a front projection, which has been removed from this proposal.
- 3.4 To the front of the dwelling the existing hard surfaced area would be utilised for parking, with the submitted plans showing that there would three spaces, including a disabled space. A turning space is also proposed which would be constructed of permeable material.
- 3.5 The manege and post and rail fencing will be removed and replaced with tree planting. The mobile home would also be removed along with existing structures comprising of stables, barn and associated outbuildings.

- 3.6 Amended plans were received during the course of the current application, which slightly altered the position of the proposed dwelling to be in accordance with the accompanying arboricultural report, further away from the boundary by 0.3m. The amended plans also include details of the proposed bin store, which is set 25m from the highway and the entrance of the site, adjacent to the proposed dwelling and have confirmed that a further outbuilding, the workshop, will be demolished as part of this scheme.

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: [Objection]

Objection as it represents inappropriate development in the Green Belt with no special circumstances demonstrated to justify a new dwelling. SPC respectfully request that this is called into Committee if the planning officers are minded to approve.

4.1.2 National Grid: [No comments received, any comments received will be verbally updated]

4.1.3 Hertfordshire Highways: [No objection]

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN 4) The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

Comments

The proposal is for the demolition of the existing buildings and manège and construction of detached bungalow with associated parking, hardstanding and soft landscaping at Petherick Pastures, Buck Hill, Kings Langley. Bucks Hill is a 30 mph classified C local distributor route that is maintained at public expense. The site was previously used by equestrians for training. The site sits adjacent a rights of way route (Sarrat Footpath 001) which must not be interfered with during construction. This is a new application in response to the refusal of a similar site layout - proposal ref: 20/2233/FUL. The prior application was consulted on in late 2020 which included a three bedroom dwelling. The new proposal includes a two bedroom dwelling. This proposal is similar to that of the previous proposal for this site regarding its highway accessibility. Therefore, some comments from that of the previous application will be repeated within this document.

Vehicle Access and Parking

The site is proposing that the current access for the site is maintained for use as access for the proposed residential dwelling. The current access enters the highway via Bucks Hill and consists of a small bellmouth junction leading to a large private drive. The access is situated on a 30 mph stretch of highway but is adjacent to a change of speed limit to 40 mph. HCC Highways is pleased to see that some of the foliage adjacent the access is to be removed to allow for greater visibility for vehicles entering and exiting the site. The site allows for vehicles to manoeuvre on site so they can enter and exit the highway in forward gear which is deemed necessary for a rural site such as this. HCC deems the current access's to be adequate for the proposed dwelling owing to the reduced trips between that of the previous use and the proposed use. Parking is a matter for the Local Planning Authority (LPA). However, HCC would comment that the proposed dwelling will have a reduction of 5 vehicles from that of its previous use. The inclusion of a turning heads allows emergency vehicles and refuge vehicles to enter and exit the site in forward gear which is considered to be a great addition to the site - please see drawing 1915 /02.

Refuge & Waste Collection

Provision has been made for on-site bin-refuse stores within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC waste management.

Emergency Vehicle Access

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses.

Conclusion

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway.

4.1.4 Landscape Officer: [Approval, subject to conditions]

The site is within Metropolitan Green Belt, and borders woodland to the North West, which is protected by Tree Preservation Order (TPO316). The woodland is also a Local Wildlife Site (83/009), and a Public Right of Way (footpath 011 Sarratt) runs through the wood approx. 10 metres from the site boundary.

The submitted tree report (Ref: Petherick Pastures, Bucks Hill, Herts) indicates that two poor quality, protected trees would need to be removed to facilitate the development. However, these trees appear to be outside of the site boundary, hence their removal could not be approved through this planning application, without modification of the red line boundary. Alternatively, a separate tree works application to undertake the works could be submitted to the LPA, but it could not guaranteed that approval would be given.

The submitted block plans (Ref: 1915/02) give some indication of the layout of the landscape following development, however, further information will be required on remedial landscaping. In Green belt it would be appropriate to retain substantial areas for soft landscaping, rather than large expanses of hard surfacing. The use of native tree, shrub and planting, appropriate to the character of the local area, should also be required. Landscaping plans should include such details as; materials; numbers, sizes & species of planting; and ground preparation and maintenance.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10

4.2.2 No of responses received: 9

4.2.3 Site Notice: Posted 15.03.2021 - Expired: 07.04.2021

Press Notice: N/A

4.2.4 Summary of Responses: 9 – 8 Objections & 1 Support

- Inappropriate development in the Green Belt, no special circumstances exist
- Harm to openness
- Negative effect on the rural nature of area
- Disproportionate
- Habitat disturbed
- Set precedent

Support comment:

- Strongly support this application

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 On 19 February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2019 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.1.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM4, DM6, DM7, DM10, DM13 and Appendices 2 and 5.

6.3 Other

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Affordable Housing Supplementary Planning Document (adopted June 2011).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)

7 Planning Analysis

7.1 Principle of Residential Development

7.1.1 The National Planning Policy Framework (NPPF) supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In order to promote sustainable development in rural areas the NPPF makes

it clear that housing should be located where it will enhance or maintain the vitality of rural communities. As a result, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.

7.1.2 The application site is not identified as part of the District's housing supply in the Site Allocations LDD (SALDD) (adopted November 2014). Policy CP2 of the Core Strategy (adopted October 2011) stipulates that in assessing applications for development not identified as part of the District's housing supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

7.1.3 The application site is not positioned within a sustainable location, it is outside of the urban areas identified within the Spatial Strategy of the Core Strategy and is a significant distance from larger settlements such as Croxley Green, Kings Langley and local transport services. However, in regard to paragraph 79 of the NPPF, the application site is located near other properties and is close to the main linear development of Bucks Hill such that it cannot be said to fall within an isolated location. Notwithstanding the above, the principle of the redevelopment of the application site would be subject to the development fitting within the immediate rural setting. The impact of the proposed development on the immediate setting and all other material planning considerations are set out in detail below.

7.2 Impact on Metropolitan Green Belt

7.2.1 The application site is located within the Metropolitan Green Belt with the local area characterised by its openness and rural appearance. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the most important attributes of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale; and to help to ensure that development occurs in locations allocated in Development Plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development.

7.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.3 The requirements of the revised NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Policy CP11 of the Core Strategy (adopted October 2011) states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Paragraph 145 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it states that exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings
- d) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces
- e) Limited infilling in villages
- f) Limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites) and;
- g) 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; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

- 7.2.4 Annex 2 of the NPPF defines previously developed land as: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'* The site by virtue of its equestrian use falls within the definition of previously developed land.
- 7.2.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.2.6 The application site currently contains a block of seven stable buildings, a barn, two ancillary buildings and a shelter. The site also comprises a manege, shed and mobile home (not considered to comprise development). The site is privately used for equestrian purposes in connection with a private livery yard. An appeal was previously dismissed in relation to the conditions attached to planning permission 05/1327/FUL and in particular with regards to the temporary period of use of the land and buildings. This proposed commercial use of the site as a stud farm was considered as a material change of use of the land and there was concern about the enhancement and increase to the existing development on the site along with vehicle movements on and off the site, all of which would have had an effect on openness of the Green Belt and amenities of neighbouring occupants.
- 7.2.7 The application scheme would redevelop the application site, which includes the removal of the majority of existing buildings and structures on site with their replacement with a two bedroom detached dwelling. Having regard to the nature of the proposal and the fact the application site falls within previously developed land, it is considered that paragraph 145(g) is relevant, in so far as it relates to the first point, i.e. not having a greater impact on the openness of the Green Belt than the existing development.

- 7.2.8 In order to assess whether there is any greater impact on openness a judgement is required based on a number of matters which include, but are not limited to spatial and visual aspects, volume, floorspace and the degree of activity likely to be generated.
- 7.2.9 Green Belt calculations:
- Existing area covered by buildings excluding manege and mobile home: 533sqm
 - Retained stable footprint: 74sqm
 - Proposed footprint loss within application site: 440sqm
 - Proposed dwelling footprint: 132sqm
 - Overall footprint: Proposed dwelling and stable - 274sqm = 61% reduction
- 7.2.10 It is acknowledged that the development would result in a reduction in footprint. The manege and mobile home are not incorporated into this figure (mobile home does not constitute development). Additionally, in comparison to the previous scheme, the proposed dwelling has been reduced in size by 34sqm from a three bedroom to a two bedroom dwelling. The total existing footprint of built form on site currently amounts to approximately 533sqm, 74sqm would be retained and the total footprint of the proposed built form equates to approximately 132sq. metres, a decrease of 61% compared to the existing. A further outbuilding/workshop is being proposed to be removed. With regards to volume, there is a reduction of approximately 51% across the site, a 20% improvement on the previous scheme. It is acknowledged that this is a significant reduction in built form, which would have a direct positive impact on the openness within the site, although it is recognised that floorspace and volume are just two factors to consider in the overall balance.
- 7.2.11 It is also noted that the proposed new dwelling would have a ridge height of between 4.6m - 5.2m, which would be a reduction of 0.6m in comparison to the previous scheme. Whilst it would be 0.9m higher than the tallest building currently on the site, this would be a further improvement in comparison to the previous scheme by 0.8m. This height would be not be considered significant in comparison to the existing single storey low rise buildings, with the proposed dwelling appearing single storey in nature.
- 7.2.12 The proposed 15.5m width, has been reduced by 5.5m in comparison with the previous scheme and further in comparison to the widest individual outbuilding at 12m, would not be significantly greater than any existing outbuilding on site. Further, the existing built form collectively stretches a total distance of approximately 57.3m into the site, with a distance of 72.5m including the existing workshop. The proposal would drastically reduce the overall spread of built form across the site, reducing the spread to an individual stable block (11.5m) and the proposed dwelling (15.5m) at a maximum spread distance of approximately 38.5m. The proposed dwelling would be located in a similar location to the existing stable block building within the site. Movements to and from the site would not materially increase as a result of the proposed dwelling; however, it will be important to ensure that the use of the stable block is conditioned to be used solely by the occupiers of the new dwelling to prevent unacceptable levels of movements on and off the application site. Whilst it would appear that there would be an increase in the proposed height, by virtue of its design the proposed gabled roof forms would appear in keeping with the existing outbuildings. It is considered that given the reduction in overall footprint and volume of the built form on site, and the proposed dwelling's overall scale, despite a marginal increase height and width, it would not would have a greater impact on openness in the Green Belt when compared with the existing outbuildings it would replace.
- 7.2.13 The existing buildings are relatively inconspicuous on site and from views into the site from Bucks Hill and are considered appropriate forms of development found within the Green Belt. The proposed dwelling would have a timber clad exterior with slate roof to replicate a barn style building providing a rural appearance. Whilst the introduction of a residential dwelling is considered as a more urbanising form of development, the gable roof is considered to be in keeping with the existing buildings and given the reduction of the size

of the proposed dwelling being single storey in nature and the reduction in the amount of glazing proposed to the principle elevation, the proposed scheme is of a rural appearance and would be inconspicuous against the existing tree line.

- 7.2.14 The extent of the curtilage would not appear to spread beyond the existing site boundaries and retains the existing fencing. However, to ensure an appropriate boundary treatment, further details with regard to the design and height of the boundary treatment and associated residential curtilage is considered necessary and a condition would be attached to any permission in the event of an approval. An additional condition would also be attached to any permission requiring further details of all hard and soft landscaping and external lighting. Whilst the very use of the new dwelling would result in domestic paraphernalia, this would be within the defined curtilage which surrounds the building, which has been reduced in comparison to the existing. This therefore would improve the openness of the Green Belt.
- 7.2.15 The existing use of the land is conditioned and restricted to a personal use and not a commercial entity. The proposed development seeks to retain the stable block for the use and enjoyment of the owners/occupiers of the new dwelling. To avoid any mixed use of land, any grant of planning permission would need to tie the use of the stable block to the new dwelling (to be used for purposes ancillary to the dwelling) to avoid any intensification of use of the land which would have a harmful impact on the Green Belt.
- 7.2.16 In light of the above assessment, it is considered that the replacement building would be of a scale and height in keeping with the existing buildings and would reduce the spread of built form given the improvements in respect of volume and floorspace across the site. Further, given the limited extent of the residential curtilage any urbanising features such as domestic paraphernalia would be contained and would not spread across the application site. As such, when balancing the above factors together, it is considered that the proposed redevelopment of the site is not considered to have a greater impact on the openness of the Green Belt and thus would meet the requirement of paragraph 145 (g) of the NPPF. On that basis, the development is considered appropriate development in the Green Belt and therefore automatically would not harm openness. The proposed development would therefore comply with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and the NPPF (2019).

7.3 Impact on Character and Street Scene

- 7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also 'have regard to the local context and conserve or enhance the character, amenities and quality of an area', and should 'conserve and enhance natural and heritage assets'.
- 7.3.2 In terms of new residential development, Policy DM1 of the Development Management Policies document (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of backland, infill or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in
- i) Tandem development
 - ii) Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii) The generation of excessive levels of traffic
 - iv) Loss of residential amenity
 - v) Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

- 7.3.3 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant sections below and it is noted that the proposal would not result in tandem development.
- 7.3.4 Policy DM1 and the Design Guidelines at Appendix 2 of the Development Management Policies document also set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.3.5 The application site is located within a rural location and is well screened by mature trees and significant amounts of vegetation along the north western boundary. Given the site circumstances and proposed location of the dwelling it would be well set back from the highway facing south and be screened to the north by a line of mature woodland trees. It therefore would not be apparent from the existing street scene, whereby dwellings are of a particular architectural design or scale.
- 7.3.6 The proposed dwelling is considered to be in keeping and would not be out of character with the area including in comparison with the existing built form. As previously stated above, there are a number of mature trees and extensive hedging along the north western and eastern boundaries, which does act as some screening; however, these cannot be relied upon to screen the proposed dwelling from the street scene and the adjacent neighbouring dwelling. Should these trees and vegetation be lost or removed the proposed new dwelling would be readily visible. Despite this, the dwelling would be set approximately 32m and bin store at approximately 25m at its closest point from the highway. As such it is not considered that the dwelling would become a prominent feature within the street scene.
- 7.3.7 Policy DM7 requires proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission. It is not considered that the proposal will have any significant or detrimental impact on the character of the area. The proposed building would be sited at the top of a valley in a prominent position within the landscape and would be visible from the other side of the valley and also partly from Bottom Lane. However, subject to the use of appropriate materials/fenestration detailing and the fact that the new dwelling would have a wooded backdrop it would ensure that the proposed development would not have an adverse impact on the landscape character of the area.
- 7.3.8 In summary, it is not considered that the proposed development would result in any significant adverse impact on the character or appearance of the streetscene or area and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and to Policies DM1, DM7 and Appendix 2 of the Development Management Policies.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that development should not result in loss of light to the windows of neighbouring properties not allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.4.2 There are two residential properties that lie adjacent to the site. However, "Hill View" is located to the southeast of the site away from the existing buildings and parking areas. Given the separation distance, it is not considered that the proposed development would result in any detrimental impact on this neighbouring residential dwelling.

- 7.4.3 The adjacent neighbour to the north, Bucks Hill Cottage, is closer to the existing and proposed built form of the site, however, the proposed development would be set back approximately 20m from this property. Furthermore, it is also the case that the Cottage is screened from the site by existing trees and there is both a footpath and a stable block belonging to the Cottage in between. Bucks Hill Cottage fronts onto Bucks Hill and is therefore already subject to traffic noise at all times of the day. Other than the noise, traffic movements would overall decrease given the proposed use. It is not therefore considered that the proposed use will increase disturbance to this adjacent neighbouring property.
- 7.4.4 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies.
- 7.5 Amenity Space Provision for future occupants
- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The Design Criteria at Appendix 2 of the Development Management Policies document (adopted July 2013) provides indicative levels of amenity space for dwellings in relation to the number of bedrooms. For a dwelling containing two bedrooms the indicative level is 63sqm.
- 7.5.2 The application site benefits from amenity space measuring in excess of 250sqm to the southwest of the proposed dwelling. There is also space measuring approximately 67sqm to the northeast of the proposed dwelling. This is well in excess of the indicative levels for a dwelling of this size and is considered sufficient for future occupiers of the dwelling. Parts of the amenity space would comprise a track which would run through the application site. The track would be retained as existing and would take up approximately 140sqm of space.
- 7.6 Affordable Housing
- 7.6.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 7.6.2 The LPA is satisfied that the evidence at Appendix A enables more weight to be attached to the need to comply with Policy CP4 of the Core Strategy. The most up to date evidence confirms that small site contributions make a material contribution to affordable housing within the District. As such, applications will continue to be assessed in accordance with the requirements of the Development Plan and will seek monetary contributions on developments resulting in a net gain of one to nine dwellings unless viability demonstrates otherwise.
- 7.6.3 The proposed development would result in a requirement for a commuted sum of £62,700 towards affordable housing based on a habitable floor-space of 66sqm multiplied by £950 per sqm, which is the required amount in the Rickmansworth and Hinterland Three Rivers' market area.
- 7.6.4 The applicant has agreed to pay the required affordable housing contribution of £62,700. A S106 Agreement has yet to be completed. Subject to the completion of a Section 106 Agreement, the proposed development would comply with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 7.7 Parking & Access
- 7.7.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The proposal would result in a

three bedroom dwelling which the Parking Standards set out should provide two assigned spaces within the curtilage.

- 7.7.2 The proposed dwelling would benefit from a permeable driveway which would be located to the east of the dwelling which is sufficient to provide off-street parking provision for three vehicles which would meet the Parking Standards including a disabled space and is considered acceptable.
- 7.7.3 There is no new or altered vehicular access proposed and the proposal would utilise the existing access. The Highways Officer was consulted on the application and considered that the inter vehicle to vehicle visibility and pedestrian forward visibility from this access aided by the removal of approximately 4m of hedging and inclusion of a turning head would be satisfactory and acceptable for the residential use of the site. The Highways Officer also considered that the traffic generation of vehicles in connection to the residential use of the site would be lower than its current use and would not have a significant or detrimental impact on the local highway network. The new permeable driveway would also allow for vehicles to enter and leave the site in forward gear.
- 7.7.4 The Highways Officer considered the proposal would not have an unreasonable impact on the safety and operation of the nearest highway and therefore raised no objections subject to conditions/informatives.

7.8 Wildlife and Biodiversity

- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 Both Herts Ecology & Herts & Middlesex Wildlife Trust were consulted on the application, however, no response was received from either. A Preliminary Roast Appraisal (Version 1) dated May 2020 was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. It recommends mitigation and enhancement measures that would be subject of a condition to any consent.
- 7.8.4 It is suggested that a precautionary approach to the demolition works is taken and an informative added to any permission granted should bats roosts be found.

7.9 Trees and Landscaping

- 7.9.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.9.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.9.3 The proposed development would not result in the loss of any existing trees located within the application site. However, the submitted tree report indicates that two protected trees would need to be removed to facilitate the development, which are located on the land belonging to the adjacent neighbouring property.

7.9.4 The Landscape Officer was consulted on the application and notes that a separate tree works application to undertake the works to trees outside the site would need to be submitted to the LPA. As such, an informative would be added to any permission granted to obtain separate tree work approval prior to any works taking place. Further, whilst the submitted block plan (Ref: 1915/02) gives some indication of the layout of the landscaping following development, a condition would be attached to any consent requiring the submission of a hard and soft landscaping scheme, tree protection and an arboriculture implications report, to avoid harm to protected trees. A tree report was submitted, which also highlights that the proposed dwelling can be built without damaging the protected trees, however, this would need to be carefully managed and therefore would be subject to a condition.

7.10 Sustainability

7.10.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.2 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.3 No energy statement has been submitted as part of the current application and a condition on any consent would require the submission of an Energy Statement and the implementation of measures to achieve at least a 5% saving of carbon dioxide emissions over Building Regulations Part L (2013) in accordance with Core Strategy Policy CP1 and Policy DM4 of the Development Management Policies document.

7.11 Refuse and Recycling

7.11.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i. The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii. Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii. There would be no obstruction of pedestrian, cyclists or driver site lines.

7.11.2 A bin and recycling area is proposed within the curtilage of the proposed dwelling, specific design details have been provided with regards to the storage of refuse and recycling facilities to serve the new dwelling, which would be in the form of a 1.8m timber enclosure, 3m in width and 2.2m in depth, 25m from the highway. As such the details provided would ensure an adequate provision would be made to serve the new dwelling in accordance with Policy DM10 of the Development Management Policies document.

8 **Recommendation**

That subject to the completion of a Section 106 Agreement, that the application be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1915/01A, 1915/02C & 1915/03B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the openness of the Green Belt and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place whatsoever until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the hereby permitted.

The soft landscaping scheme shall include details regarding the type of trees proposed, their initial planting height and density across the site and how the land will be restored following the removal of structures / buildings including manege and fencing as required per Condition 9. The soft landscaping scheme shall be carried out as approved before the end of the first planting and seeding season following first use or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping are removed, die, become severely damaged or diseased within five years of the completion of

development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This is a pre-commencement condition to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre-commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the new dwelling from being constructed in inappropriate materials in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first occupation of the dwelling hereby permitted, the biodiversity mitigation set out at 'Enhancement Opportunities' of the Preliminary Roost assessment Emergence Survey prepared by Samsara Ecology dated May 2020 have been erected on site. Once erected the mitigation measures shall be permanently retained thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the first occupation of the dwelling hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary

treatment shall be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the openness of the Metropolitan Green Belt and the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the first occupation of dwelling hereby permitted, plans and details of the energy saving measures shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is to ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C9 Prior to the first occupation of the dwelling hereby permitted, all structures (including mobile home), buildings, manège and fencing shown to be removed on drawing number 1915/02C shall be demolished with all resultant materials permanently removed from the site.

Reason: In the interests of the visual amenities of the area, to preserve the character and appearance of the dwellinghouse and to ensure the development is an appropriate form of development in the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2013), Policies DM1, DM2, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place within the residential curtilage of the new dwelling as shown on drawing number 1915/02C.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class E - buildings incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Part 2

Class A - a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site, in the interests of the visual amenities of the site and to preserve the openness of the Green Belt, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C11 The retained stable block (including the stable shown hatched in black on drawing number 1915/02C) shall not be used at any time other than for purposes ancillary to the residential use of the proposed dwelling (shown cross hatched in black on drawing number 1915/02C) and shall not be used as an independent dwelling or for commercial purposes at any time.

Reason: Any such further use would require a full evaluation of the impact upon the rural locality in the Metropolitan Green Belt and the amenities of nearby residential properties in accordance with Policies CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C12 No external lighting shall be installed on the application site or affixed to any buildings on the application site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (for those which do not comprise development in their own right). The lighting shall be installed in accordance with the approved details before the first occupation of the dwelling hereby permitted.

In the interests of maintaining wildlife habitats, visual amenity and openness of the Green Belt to meet the requirements of Policies CP1, CP9, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 The bin store/enclosure shall be built in accordance with drawing number xxx and shall be kept permanently available for the occupiers of the house and permanently maintained thereafter.

Reason: To ensure that satisfactory refuse and recycling provision is maintained for the residents of Petherick Pastures in accordance with DM10 of the Development Management Policies document (adopted July 2013).

8.1 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 The applicant is advised that the proposed development appears to be sited in close proximity to trees protected by Tree Preservation Orders. Prior to undertaking any works in connection with the development subject of this application, you should seek advice from the Tree and Landscape team as to whether a separate tree works application is required in order to ensure that appropriate construction techniques area used to ensure no harm or damage is caused to the trees or their rooting systems from the proposal.
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 17 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly)

the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 18 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

- 19 The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order. Further information on the rights of way network is available via the website. Please contact Rights of Way, Hertfordshire County Council on 0300 123 4047 for further information in relation to the works that are required along the route including any permissions that may be needed to carry out the works.

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx>

- 110 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

**APPENDIX A: Evidence Relating to the Application
of the Affordable Housing Threshold in Core
Strategy Policy CP4: Affordable Housing**

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (The Needs Analysis), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 63 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
- a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
 - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*
- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.

¹ The revised National Planning Policy Framework was updated in February 2019 and retains the policies as stated in Paragraph 1.3 of this document.

- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, all future housing in the district to 2021 would need to be affordable.

- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1 million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further £2.5million to £3.8million² of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2020 226 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 21 have been permitted to lapse which is only 9% of all such schemes.
- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2020, 177 planning applications for residential development involving a net gain of dwellings were determined³ by the Council. Of these, 158 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

³ Includes refused and approved applications. Excludes prior approval developments.

housing supply are therefore both material to overall identified needs and adopted development plan objectives. This is dealt with in more detail below.

- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"

- 2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

"As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy"

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *"whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering*

through small sites towards this.” The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- General House Price Affordability in Three Rivers
- Affordable Housing Supply Requirements in Three Rivers
- Affordable Housing Provision in Three Rivers
- Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings
- The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites
- Relevant Appeal Decisions
- The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁴, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the seventh most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	South Bucks	£370,000.00
3	St Albans	£355,000.00
4	Windsor and Maidenhead	£345,000.00
5	Chiltern	£335,000.00
6	Herstmere	£330,000.00
7	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2019 was £347,000⁵. The lowest quartile house price of £347,000 continues to place Three Rivers as the seventh most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and six local authority areas (see table 2 below). Whilst Three Rivers’ position as the seventh most expensive local authority area remains consistent, the lowest quartile house price has risen by £22,000 from 2016 to 2019.

Number	Local Authority Name	Lowest Quartile House Prices (2019)
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⁴ ONS (2020) Dataset: House price to residence-based earnings ratio Table 6a

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁵ Office for National Statistics (2020) Dataset: House price to residence-based earnings ratio Table 6a

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

1	South Bucks	£410,000
2	Elmbridge	£400,500
3	St Albans	£385,000
4	Chiltern	£370,000
5	Epsom and Ewell	£357,000
6	Windsor and Maidenhead	£355,667
7	Three Rivers	£347,000

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,811.00 in 2019, 13.3 times worsening to 14 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁶). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement at 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2019 to have a deposit of £260,161.00, or (without such a deposit) to earn £99,143.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio⁷ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio was 13.77, the fifth worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and six local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	South Bucks	14.49
2	Hertsmere	14.23
3	Mole Valley	14.18
4	Elmbridge / Chiltern	13.87
5	Three Rivers	13.77

Table 3.

The median quartile house price affordability ratio has worsened since 2016. In 2019, Three Rivers had the third worst affordability ratio in England and Wales (excluding London), with its median quartile house affordability ratio measured at 14.53⁸, as set out in table 4 below. In 2017 and 2018, the median quartile house affordability ratios were 14.31 and 13.75 respectively. Whilst the ratio slightly improved from 2016 to 2018 with a decrease to 13.75, the 14.53 ratio measured in 2019 demonstrates a worsening position over the longer term 2016-2019 period.

Number	Local Authority Name	Median quartile house price affordability ratio ¹ (2019)
1	Isles of Scilly	17.71

⁶ Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 6b*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁷ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

⁸ Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 5c*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

2	Mole Valley	14.87
3	Three Rivers	14.53

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2019 that had risen to 13.99, showing a worsening ratio over the period from 2016 to 2019.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 2.6 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.⁹
- 2.7 The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.
- 2.8 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum.¹⁰ The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

Affordable Housing Provision in Three Rivers

- 2.9 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.10 Since the start of the plan period from 1 April 2001 to 31st March 2020 (the latest date where the most recent completion figures are available), 4,689 gross dwellings were completed. From this, 1,037 were secured as affordable housing, a total of 22.1%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 1,073 or 23% in order to fulfil the 45% affordable housing requirement up to 31 March 2020. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.11 In the latest monitoring period of 2019/20 (financial year), 17 sites¹¹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of five major developments (29%) and 12 minor developments (71%). Only five schemes contributed to affordable housing provision:

⁹ Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

¹⁰ Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

¹¹ Sites with completions in 2019/20

- Four out of the 17 provided viability justification, in line with CP4 policy, for the absence of affordable housing provision.
- Eight of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- Of the five sites which contributed to affordable housing delivery in 2019/20 four were major developments and one was a minor development (17/2628/FUL – Thrive Homes (Registered Provider) scheme). This reflects the pattern of on-site delivery from large schemes, with commuted sums from minor developments (see para. 2.12).

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

2.12 In 2017/2018 (financial year), there were 67 planning applications determined¹² for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past three years.

2.13 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2020 (financial years) some 341 net dwellings were completed which equates to 38 net dwellings per annum and to 20.8% over the 2011-2020 period. 20.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

2.14 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at December 2019) secured a further £2.5million - £3.8million (see footnote 2) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

¹² Includes refused and approved applications. Excludes prior approval developments.

Adopted development plan policy does not impose burdens where they would render schemes unviable

- 2.15 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2020 there were 226 planning permissions granted for minor (net gain) residential developments in the District. Of those only 21 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.16 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 3156661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.17 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.18 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.19 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.20 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

*"...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*¹³

¹³ Paragraph 7, Planning Inspectorate Letter, March 2017.

2.21 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.

2.22 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (16 decisions as at the date of this document) that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019:

"The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."

- APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27th June 2019:

"The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it."

- APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5th August 2019:

"The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary."

- APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1st November 2019:

"The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy."

- APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth,
Decision date 11th October 2019:

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

- APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.
Decision Date 22nd May 2019:

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green
Decision Date 5th May 2019:

Whilst the appeal was allowed the Inspector considered that when “having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”

- APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green
Decision Date 16th August 2019:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”

- APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley
Decision Date 9th March 2020

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”

- APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley
Decision Date 7th May 2020

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

- APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde
Decision Date: 21st October 2020

“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”

Conclusion

- 2.23 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019 and 2020 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2019 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)
<http://www.threerivers.gov.uk/egcl-page/core-strategy>
2. Annual Monitoring Report 2019/2020 (December 2020)
<http://www.threerivers.gov.uk/egcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)
<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>
4. South West Hertfordshire Strategic Housing Market Assessment (January 2016)
<http://www.threerivers.gov.uk/egcl-page/shma-and-economic-study-for-future-review-of-local-plan>
5. Office of National Statistics Housing Data 2002-19
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

December 2020

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PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

10. 21/0571/FUL - Single-storey rear extension and associated internal alterations and alterations to existing outbuilding to be used as office at 4 SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SN (DCES)

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 18 May 2021
Extension agreed to 04 June 2021

Ward: Chorleywood North and Sarratt
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse, due to loss of light to adjoining properties and that the proposed extension extends beyond the building line of the adjoining properties.

1 Relevant Planning History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site is located on the north western side of Solesbridge Lane, Chorleywood. The application dwelling is a two storey end of terrace dwelling with front and rear dormer windows. It is finished in pebbledash render with white painted render to the ground floor rear projection and clay tiles to its roof. It has white upvc casement windows. To the north-eastern part of the application site is an outbuilding which is finished in pebbledash render with a black slate roof. This outbuilding is part of a terrace of outbuildings which run to the rear of the existing terrace at Nos. 4-8 Solesbridge Lane. To the south-western flank elevation of the outbuilding, there is a door and two casement window which is finished in white timber.

2.2 The adjoining neighbour at No.5 to the north-east is a two storey mid terrace property built of the same architectural style and scale to the application dwelling. This neighbour has an existing single storey rear extension. It is set on a similar front building line and land level to the application dwelling. The shared boundary is marked by a brick wall approximately 1.8m high until the boundary is punctuated by the outbuilding of the application site with the shared boundary 2m high close boarded fencing beyond the existing outbuilding.

2.3 The neighbouring dwellings to the south-west at 6-9 Warwick Court are set back in relation to the host dwelling and set on a similar land level. The common boundary is marked by close boarded fencing approximately 2m high.

2.4 The application site is within the Chorleywood Common Conservation Area and is covered by an Article 4 direction which restricts some permitted development rights.

3 Description of Proposed Development

3.1 The application seeks full planning permission for a single storey rear extension, and associated internal alterations and alterations to the existing outbuilding to enable it to be used as a home office.

- 3.2 The existing rear projection (which is approximately 1.5m deep) would be demolished. The proposed rear extension would have a depth of 2.5m and width of 4.8m to be set in line with the south-western flank of the host dwelling and adjoining the flank wall of the rear projection at No. 5 and set up to the shared boundary with No. 5. It would have a mono-pitched roof form with a maximum height of 3.1m and eaves height of 2.4m with parapet walls either side with a maximum height of 3.2m and minimum height of 2.5m. Bi-folding doors finished in black aluminium would be inserted into the rear elevation.
- 3.3 Two rooflights would be inserted into the rear roofslope. The rear extension would be constructed in pebbledash render to both flanks and white painted render within the rear elevation with clay roof tiles to match the host dwelling.
- 3.4 The existing outbuilding is proposed to be used as an office. There would be no change to the existing footprint or built form of the existing outbuilding. The existing two casement window and door within the south-western flank of the outbuilding would be replaced with full height glazed panels and bi-folding doors finished in black aluminium which would provide access to the outbuilding.
- 3.5 During the course of the application, the agent submitted amended plans to label the relationship with the adjoining neighbour at no. 5 Solesbridge Lane, and to label the proposed rooflights as being be low profile Conservation style rooflights.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [No objection in principal]

This application is for a single-storey rear extension and associated internal alterations and alterations to existing outbuilding to be used as office.

The property is located in the Chorleywood Common Conservation Area.

The proposal would not adversely impact the character and appearance of the Conservation Area. Therefore, I would raise no objection. There is a preference for the amount of glazing to be reduced in the outbuilding.

Were permission granted, I request the following condition is attached:

- The rooflights shall be of low-profile conservation type, the specification to be approved by the local planning authority before work starts.

4.1.2 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

The property is located in the Chorleywood Conservation Area.

- Loss of light to adjoining properties

- The proposed extension extends beyond the building line of the adjoining properties.
- The development will be out of keeping with the Conservation Area.
- The development is not compliant with Policies CP12 of the Development Management Policies LDD (adopted July 2013).

4.1.3 National Grid: No response received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: Objections have been received from two neighbouring properties.

4.2.3 Summary of responses:

- Adversely effects the Conservation Area.
- Overdevelopment.
- Too close to the boundary.
- The extension is too high
- Extension would project beyond the existing rear building line of the other 4 cottages in the row and change the look of the row.
- Result in a loss of light to kitchen/dining room and amenity space.
- Works would result in noise and dirt.

4.2.4 Site Notice: Posted 13.04.2021 Expired 30.04.2021

4.2.5 Press notice: Posted 29.03.2021 Expired 24.04.2021

5 Reason for Delay

5.1 Committee Cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

The Chorleywood Common Conservation Area Appraisal (2010) is also relevant to this application.

At a meeting of Full Council on Tuesday 20 October 2020, the Council agreed that the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) should proceed to referendum on 6 May 2021 (as required by Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020). A Decision Statement was subsequently published on 21 October. In accordance with Planning Practice Guidance relating to Neighbourhood Planning, the Chorleywood Neighbourhood Development Plan can now be given significant weight in decision making, so far as the plan is material to the application. Policy 2 is relevant.

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the streetscene

- 7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the 'Design of Development' and states that the Local Authority will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.

- 7.1.2 The application site is located within the Chorleywood Common Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the DMP LDD stipulates that development will only be permitted if it preserves or enhances the character or appearance of the area.
- 7.1.3 The Chorleywood Neighbourhood Plan is now relevant. Policy 2 of the Chorleywood Neighbourhood Plan states:
- 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'*
- 7.1.4 Appendix 2 of the DMP LDD outlines that single storey rear extensions to terraced dwellings should not generally exceed a depth of 3.6m with this distance reduced if the extension would adversely affect adjoining properties or is unduly prominent.
- 7.1.5 The proposal would result in the demolition of the existing rear projection. The proposed single storey rear extension would have a maximum depth of 2.5m measured from the original rear building line and whilst it is acknowledged that it would project beyond the existing rear projections of the row of terraces, at a depth of 2.5m, the proposed rear extension would comply with the guidelines within Appendix 2 and would only project 1.1m deeper than the existing rear projection. It is noted that concerns have been raised by the Parish Council and neighbours regarding the depth of the single storey rear extension given that it would extend beyond the rear of existing rear projections of the row of cottages resulting in harm to the row and wider Conservation Area. It is not considered at this depth of 2.5m given its height, roof form and siting that it would result any demonstrable harm to the character or appearance of the dwelling, row of cottages, street scene or wider Conservation Area. It is noted that there are a number of similar extensions evident within this row of terraced dwellings. Furthermore, the Conservation Officer has raised no objection to this element of the scheme.
- 7.1.6 It is noted that concerns regarding overdevelopment were raised by neighbours. However it is noted that a rear garden of some 43sqm would be retained and at a depth of 2.5m, and it is not considered that the proposed rear extension would appear disproportionate.
- 7.1.7 It is noted that the proposed extension would be constructed of pebbledash render to both flank elevations and painted white render to the rear elevation. As such, it is considered sympathetic to the character and appearance of the host cottage and wider Conservation Area. As such it is not considered that the proposed single storey extension would result in any harm to the character of the host dwelling, streetscene or wider Conservation Area.
- 7.1.8 The glazing within the rear elevation of the proposed extension would not be visible from the street scene, thus it would not appear unduly prominent or result in harm to the character or appearance of the street scene or wider Conservation Area.
- 7.1.9 It is noted that the proposed rooflights are labelled to be low-profile conservation type rooflights and this would be conditioned under any grant of planning permission.
- 7.1.10 The proposal would also include the insertion of glazing within the façade of the existing outbuilding which faces the application site's garden. The proposal would add additional glazing which is contemporary in design and finished in black aluminium. The Conservation Officer states that there is a preference to reduce the amount of glazing. However they do not state this to be an absolute requirement.

Officers do not consider that the presence of glazing to this facade of the existing outbuilding would appear as an incongruous addition within the context of the existing row of outbuildings. Officers do not consider that the proposed black aluminium and glass panels would result in any harm to the character and appearance of the host dwelling as there would be limited visibility of this alteration and it would not result in any adverse harm to the wider streetscene or wider Conservation Area. .

- 7.1.11 The proposed development would therefore not result in any harm to the visual amenities of the streetscene or character and appearance of the Chorleywood Common Conservation Area, in accordance with Policies CP1 and CP12 and Policies DM1, DM3 and Appendix 2 of the DMP LDD.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

- 7.2.2 Appendix 2 of the DMP LDD outlines that single storey rear extensions to terraced dwellings should not generally exceed a depth of 3.6m.

- 7.2.3 The adjoining dwelling at No. 5 is set on a similar land level and front building line in relation to the application dwelling. It is noted that concerns have been raised by neighbours that the extension would project beyond the existing rear projection of this row of cottages, and with the depth of the extension and its proximity to the boundary. Whilst the proposal would project beyond the existing rear projections of the neighbouring properties in the row, it would have a depth of 2.5m which would comply with the guidelines within Appendix 2 and would project beyond the existing rear projection of the neighbour at no. 5 by approximately 1.1m. Given its depth, it is not considered that the proposed rear extension would result in any demonstrable harm to No. 5 in terms of loss of light or appearing unduly overbearing. Whilst the rear extension would adjoin the flank wall of the rear projection at No. 5 and would be set up to the shared boundary with No. 5, it would have a mono-pitched roof form with parapet walls either side with a maximum height of 3.2m and minimum height of 2.5m. The parapet wall would be higher than the 1.8m high wall which forms the common boundary however given the minimal depth increase and the height, the extension with parapet wall is not considered to result in any demonstrable harm to the visual amenities of this neighbour. It is noted that the proposed extension would replace the existing rear projection. Whilst 1.1m deeper than the existing rear projection it is not considered that the proposed extension would cause any adverse impact through appearing overbearing or causing loss of light. It is noted that the neighbour at no. 5 has a small rear amenity space however given the site circumstances, it is not considered that the proposed rear extension would not result in demonstrable harm to this neighbour.

- 7.2.4 Adjacent to No's 6-9 Warwick Court, the proposed extension would have a depth of 2.5m which would comply the guidance within Appendix 2. These neighbouring properties are set on a similar land level and set deeper in their plot compared to the host dwelling, with the rear of these neighbours set 1.9m deeper than the proposed rear extension. It is acknowledged that the proposed rear extension would project 1.1m deeper into its plot than the existing rear projection but given that the proposed extension would be set off of the common boundary by 2.9m, with the neighbouring properties set in from the common boundary by 2m, it is not considered that the

proposal would have a detrimental impact on No's 6-9 Warwick Court in terms of loss of light or overbearing impact.

- 7.2.5 The proposed fenestration within the rear elevation of the proposed rear extension would not result in any harm to any adjacent properties or give rise to any unacceptable overlooking given that it would overlook the rear amenity space of the host dwelling and as such is considered acceptable. Furthermore, the proposed rooflights would be set flush against the roofslope and would not result in any adverse harm to any neighbouring properties or result in unacceptable overlooking,
- 7.2.6 It is noted that the proposed fenestration changes within the existing outbuilding would allow some limited additional views towards the rear of the neighbouring properties at No. 6-9 Warwick Court, however it is not considered that these would be harmful when compared with the existing garden layouts and the views would be no different to those experienced from the current use of the rear garden.
- 7.2.7 It is noted that concerns regarding noise were raised by neighbours. However it is noted that the rear extension is residential in nature and the outbuilding would be used as an office which would be ancillary to the residential dwelling and as such the proposal is not considered to result in any adverse noise impact that would have a detrimental impact on any neighbouring properties.
- 7.2.8 In summary, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity, and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD. The existing rear amenity space measures 48sqm. For a property of this size, the standards required 84 sqm of rear amenity space. As such, there is already a shortfall of 36 sqm.
- 7.3.2 The proposal would result in a reduction of 6sqm in rear amenity space, with 42sqm remaining after the implementation of the proposed development. Given the very slight additional reduction, it is considered that this would remain a useable space. Whilst it is acknowledged that the proposed development would result in a shortfall of 40sqm, the rear amenity space would be of comparable size to neighbouring properties in the row and there is already an existing shortfall. Furthermore, it is also noted that the site is within 0.1miles (approximately 3 minutes walk) to Chorleywood Common via lit roads which provides open space for recreational purposes. Having regard to the above, it is not considered that the shortfall in this instance would result in such demonstrable harm so as to justify refusal of planning permission.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.4.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should demonstrate that they seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after the development in accordance with the relevant British Standards.

7.5.2 The application site is located within a Conservation Area and as such all trees are protected. However owing to the nature of the proposed development, it is not considered to result in harm in this respect as there are no trees in close proximity to the proposed development.

7.6 Highways, Access and Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 Owing to the nature of the proposed development there would not be any additional bedrooms or alterations to existing parking provision.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions.

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 20387-101, 20387-102 (Amended 13.05), 20387-301, 20387-302, 20387-0-303, 20387-304, 20387-201, 20387-203, 20387-204, 20397-402 and TRDC001 (Location Plan).

Reason: For the avoidance of doubt, to conserve the character of the Conservation Area and in the proper interests of planning in accordance with policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

- C3 The development hereby approved shall be finished in materials stated within the submitted application form and as shown on drawing nos. 20387-102 (Amended 13.05), 20387-304, 20387-203 and 20387-204.

Reason: To ensure that the external appearance of the outbuilding is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be

restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

11. **21/0642/FUL - Demolition of existing dwelling and construction of replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear at 45 GALLOWS HILL, ABBOTS LANGLEY, WD4 8PG**
(DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 12.05.2021

Ward: Gade Valley
Case Officer: Scott Volker

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The application is brought to Committee as the planning agent is a District Councillor.

1 Relevant Planning History

- 1.1 W/1151/65 – Addition to bungalow and single storey garage - Permitted July 1965 and implemented.
- 1.2 01/00877/FUL - Single storey rear extension – Permitted August 2001 and implemented.
- 1.3 16/2591/FUL - Increase in ridge height to create two storey dwelling with gabled front and rear elevations and accommodation in roofspace served by rooflights, single storey and lower ground floor rear extensions, single storey side extension, front porch, raised patio to rear and extension of vehicular access – Refused June 2016 for the following reason:

R1 The proposed development by virtue of its size, scale, design and proximity to the flank boundary would result in overdevelopment of the dwelling which would result in a dominant, contrived and unduly prominent feature within the street scene to the detriment of the visual amenities of the area. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed increase in ridge height with gable ends would result in an overbearing and dominant form of development to the neighbour at No.47 Gallows Hill and the proposed fenestration and raised terrace would result in actual and perceived overlooking to neighbouring dwellings. The development would therefore be unneighbourly and detrimental to the residential amenity of neighbouring occupiers and would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3 The proposed development would fail to provide a safe and adequate means of access and would adversely affect highway safety and would therefore be contrary to Policy CP10 of the Core Strategy (adopted October 2011).

- 1.4 17/0914/FUL - Increase in ridge height to create two storey dwelling with accommodation in roofspace served by rear dormer and rooflights, single storey and lower ground floor rear extensions, single storey side extension, front porch, raised patio to rear and extension of vehicular access – Permitted June 2017; not implemented.

2 Description of Application Site

- 2.1 The application site is a rectangular plot of approximately 980sq. metres located on the western side of Gallows Hill.

- 2.2 The site comprises a detached bungalow finished in white painted render and with a hipped roof form. The dwelling is set back from the highway by approximately 12 metres with off-street parking for three cars to the frontage. The site levels reduce significantly towards the rear of the site.
- 2.3 The street scene is mixed and consists of varying semi-detached, terrace and detached two-storey dwellings and bungalows. The application dwelling is a detached bungalow which has been previously extended through the erection of a single storey rear extension. Abutting the rear elevation of the application dwelling is a raised decking area which steps down into the private amenity space. The amenity space is enclosed by a mix of close-boarded timber fencing, brick walls and hedging.
- 2.4 The two neighbouring properties either side of the application dwelling are two-storey detached dwellings. 47 Gallows Hill to the north has benefitted from a single storey rear extension and a roof extension involving hip-to-gable end extension and including a rear dormer window. This neighbouring property is set forward of the application dwelling and closer to the highway and as such the rear elevation of the application dwelling is set approximately 4 metres deeper than this neighbour. This neighbour is off-set approximately 3 metres from the shared boundary with the application site.
- 2.5 43 Gallows Hill is located to the south has benefitted from a loft conversion including hip-to-gable extension and rear dormer. This neighbour has not benefitted from any visible extensions to the rear and the application dwelling projects approximately 2 metres deeper than this neighbour. This neighbouring property is off-set from the shared boundary by approximately 2 metres.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing dwelling and construction of a replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear. The replacement dwelling would contain five bedrooms.
- 3.2 The dwelling would be of modern design with flat roof forms and would comprise of multiple blocks of varying external materials including facing brickwork, painted render, zinc cladding, exposed concrete and aluminium framed glazing. The dwelling would have a maximum width of 10.3 metres and a maximum depth of 20.5 metres which includes a 3.2 metres deep front porch and a 2.1 metre deep lower ground level projection. The dwelling would be set in from the east boundary by 1 metre at both ground and first floor level and on the opposite side the dwelling would be built in close proximity to the boundary at ground floor level and 1.1 metres at first floor level. The dwelling would have a height of 8.6 metres.
- 3.3 The main dwelling would be set back approximately 9.7 metres from the highway – the front projection porch would be set back approximately 6.5 metres. The frontage would comprise of a driveway which would accommodate three off-street parking spaces. When viewed from the front the dwelling would appear as a three storey building however the dwelling would include habitable accommodation at lower ground level and due to the changing levels from front to the back of the site the lower land level would be visible and the dwelling would appear as a four storey dwelling when viewed from the rear. Abutting the rear of the dwelling would be a patio area and an outdoor swimming pool.
- 3.4 As you enter the proposed dwelling at ground floor level the building would contain two reception rooms, kitchen and dining area, family room and boot/utility rooms. There is internal access down to the lower ground floor level where a store, cinema room, garden room, shower and W/C are located. The bedrooms would be located on the first and second floor. At second floor level an outdoor terrace/balcony area is proposed to the front.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No comment.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Highway Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Comments:

The proposal is for the demolition of the existing dwelling and construction of replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear at 45 Gallows Hill, Abbots Langley. Gallows Hill is a 30 mph classified C, local distributor route that is maintained at public expense.

Vehicle Parking and Access:

The existing dwelling has two access points either side of the dwelling. The northern access is shared with the neighbouring property, while the southern access is part shared with the other adjacent property owing to the two separate dropped kerbs in use making it part shared. The proposal is stating that these existing dropped kerbs will be maintained and unaltered while the access area will be widened to increase car "site lines". The existing accesses are deemed adequate for the newly proposed dwelling. It is deemed that the hardstanding to the front will be slightly reduced in size. HCC Highways observes that the dropped kerbs will not be altered which is seen as the best option. Parking is a matter for

the Local Planning Authority (LPA). However, HCC Highways would comment that the applicant has stated that 4 cars can park within the site but has only illustrated 3 parked vehicles within drawing 1147 SK 801.

Refuse / Waste Collection:

Provision must be made for an on-site bin-refuse store within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is considered to be acceptable. The collection method must be confirmed as acceptable by TRDC waste management.

Emergency Vehicle Access:

The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses.

Conclusion:

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.

4.1.3 Network Rail: [No comments to make]

If there are no works proposed for within 30m of the railway boundary (including no soakaway works) and if there are no changes to the railway boundary then there are no comments.

Officer comment: The proposed development is not located within 30 metres of the railway boundary.

4.1.4 Thames Water: [Comments Received]

Waste comments:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling 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 and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Swimming Pools:

Where the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 No of responses received: 0 objections, 0 letters of support

4.2.3 Site Notice: Posted 20.03.2021 Expired: 12.04.2021

4.2.4 Summary of Responses: N/A

5 Reason for Delay

5.1 Committee cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 Planning Analysis

7.1 Principle of Demolition

7.1.1 The application site does not lie within a Conservation Area and the existing building is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance must be increased in low density areas.

7.2.3 Policy DM1 and Appendix 2 also set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.2.4 The proposed replacement dwelling would be of an alternative modern architectural design to that normally found within the surrounding area. The dwelling would comprise of block forms of varying sizes comprising of a mix of external material choices. Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.2.5 The street scene of Gallows Hill and the surrounding area is somewhat varied containing a mix of dwelling design and character as highlighted by the existing application dwelling which is a bungalow set within a row of two storey detached and semi-detached dwellings. However, there is an apparent uniformity with dwellings generally having traditional tiled pitched roof forms. The indicative street scene details that the proposed height of the replacement building would result in the dwelling having a height that would be relatively uniform with the ridge heights of the neighbouring properties.

7.2.6 Notwithstanding the acceptability of the height of the replacement dwelling, the proposed width, depth and overall design of the building including the flat roof forms result in a dwelling that has significant bulk and mass. Whilst a dwelling of modern contemporary design in itself is not objected to in this street scene, the depth of the building particularly at first and second floor at 11.4 metres would be significantly deeper than neighbouring properties which have a depth of approximately 6.5-7 metres. In addition, the dwelling would be set in 1 and 1.1 metres from the flank boundaries which would be contrary to the Design Criteria contained at Appendix 2 which requires 1.2 metres and would therefore fail to maintain appropriate spacing between the built form and boundaries. This excessive depth at upper floor levels, the significant bulk and massing from the block design and failure to maintain appropriate spacing to the boundaries is considered to result in overdevelopment of the plot and result in a dominant, excessive and prominent form of development which would have a detrimental impact on the character and appearance of the street scene.

- 7.2.7 When viewed from the rear the proposed dwelling would include a 2 metre single storey rear projection at ground floor level and a lower ground floor level which would project a further 2 metres. Whilst these elements would not be readily visible from public vantage points along Gallows Hill and would therefore not impact on the street scene, these elements coupled with the inclusion of the first and second floor levels and the extent of glazing contained within the rear elevation results in the dwelling having the appearance of a four storey building and emphasises the overdevelopment of the site.
- 7.2.8 The proposed swimming pool and terrace area would be located to the rear of the property and at a lower land level. Thus these elements would not be visible from Gallows Hill so would not impact on the character and appearance of the street scene.
- 7.2.9 The inclusion of a balcony/terrace area at second floor level is also an uncharacteristic feature within the street scene.
- 7.2.10 Whilst some aspects of the proposed development are considered acceptable in themselves, the proposed replacement dwelling would represent significant overdevelopment of the site and an excessive and prominent feature within the street scene and area that would be detrimental to the visual amenity contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that two storey development should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties. Development should not incorporate balconies, or first floor conservatories which overlook neighbouring properties to any degree.
- 7.3.2 In relation to 47 Gallows Hill, while not indicated on the proposed site plan, this neighbour has benefited from a single storey rear extension which does not have any flank glazing and measures approximately 4 metres in depth. The first floor and above of the replacement dwelling would not intrude on a 45 degree splay line from a point of the joint boundary level with the ground floor rear elevation of this neighbour. However, there would be an intrusion of approximately 2.3 metres of a 45 degree splay line taken from a point on the boundary level with the main rear elevation of this neighbour. 47 Gallows Hill is to the north of the application site, and when considering the orientation and the excessive depth and additional bulk and massing of the proposed dwelling, it is considered that the resultant development would become an overbearing, unneighbourly and dominant form of development to the detriment of the residential amenities of this neighbour.
- 7.3.3 With regard to the 43 Gallows Hill, this neighbour has not been previously extended at ground floor level and the application dwelling as existing extends 2 metres deeper than this neighbour. The proposed dwelling at first floor and above would be built roughly in-line with the rear elevation of 43 and as such would not intrude on a 45 degree splay line and therefore would not result in any loss of light to the glazing at ground or first floor level of this neighbouring property. This neighbour does contain flank glazing and a door facing towards the application site, however the window serves a stairwell and the door serves a kitchen which benefits from primary light source from the glazing within the rear elevation. As such it is not considered that the proposed development would cause any harm in terms of loss of light or becoming overbearing to this neighbour.

- 7.3.4 The lower ground level element, would be set within the existing land levels of the application site and underneath the proposed ground floor extension and as such is not considered to have an adverse impact on neighbouring properties through loss of light. However, the roof of this element would be used as a raised patio area. Whilst, the application site and surrounding neighbouring properties have existing raised patios and terraces resulting in a mutual level of overlooking as a result of the land level changes, the patio above the lower ground floor would extend deeper into the application site than the existing patio and significantly increases the facilitation of overlooking into neighbouring properties to an unacceptable degree, particularly given the relationship of the application dwelling with 47 Gallows Hill.
- 7.3.5 The proposal includes a raised balcony at second floor level within the front elevation of the replacement dwelling. The balcony would be set forward of the principal elevations of 43 Gallows Hill Lane and properties beyond. The balcony would overlook the frontages of the site and those neighbouring properties located to the east. Whilst the balcony would not directly look into neighbouring windows it is still considered to be an unneighbourly feature.
- 7.3.6 In conclusion, the proposed development, by virtue of its siting, depth and height would result in an overbearing form of development to the detriment of the residential amenities of occupiers of 47 Gallows Hill and the proposed development would give rise to a significant increase in actual overlooking and the perception of overlooking towards both 43 and 47 Gallows Hill. The proposal would therefore be unneighbourly and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Amenity Space Provision for future occupants
- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.4.2 The proposed replacement dwelling would contain five bedrooms. The Guidelines set out that a five bedroom dwelling should provide 126sq. metres of amenity space. The existing private amenity space measures approximately 690sq. metres, which would be of a sufficient size to serve current and future occupiers of the dwelling.
- 7.5 Wildlife and Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.5.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. However, given the nature of the works an informative on any consent would advise the applicant of what to do should bats be discovered during the course of development.

7.6 Trees and Landscaping

7.6.1 The proposed development would not result in the loss of any trees.

7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out at Appendix 5 of said document.

7.7.2 The proposed development would result in the dwelling containing five bedrooms which the Parking Standards require three off street parking spaces. The frontage of the application site consists of a brick paved driveway which can accommodate three vehicles and therefore would accord with the Parking Standards.

7.7.3 The Highway Officer was consulted on the application and raised no objections on highway grounds to the proposed development. They did however suggest the inclusion of a number of highway informatives.

7.8 Sustainability

7.8.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.8.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.8.4 The application is supported by a Sustainability Statement prepared by Spud Architects Ltd. which states that the proposed development would achieve the 5% savings and thus be compliant with Policy DM4. The statement details various measures which will be implemented into the scheme to achieve the savings such as solar water heating and energy efficient boilers. A condition would be attached to any consent to ensure that the development would be implemented in accordance with the Sustainability Statement.

7.9 Flood Risk and Drainage

7.9.1 Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.

- 7.9.2 The proposal includes a lower ground floor level and an outdoor swimming pool. The application site is not within a flood zone. Thames Water were consulted on the application and commented that the site and surrounding area is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such they raised no objection.
- 7.9.3 With regards to the swimming pool Thames Water requested that conditions are attached to any consent with regard to the emptying of the swimming pool into a public sewer to prevent the risk of flooding or surcharging. Other matters raised by Thames Water will be address by Building Control and fall outside the remit of planning.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason(s):

- R1 The proposed replacement dwelling by virtue of its size, depth, design and siting would represent significant overdevelopment of the site and an excessive and prominent feature within the street scene that would be detrimental to the visual amenity of the area. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed development, by virtue of its siting, depth and height would result in an overbearing form of development to the detriment of the residential amenities of occupiers of 47 Gallows Hill and the proposed development would give rise to a significant increase in actual overlooking and the perception of overlooking towards both 43 and 47 Gallows Hill. The proposal would therefore be unneighbourly and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE - 27 MAY 2021

PART I - DELEGATED

12. 21/0826/FUL- Single storey side and rear extensions, conversion of garage, alterations to fenestration including bay window and front porch at 18 FOLLETT DRIVE, ABBOTS LANGLEY WD5 0LP

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 04 June 2021.

Ward: Abbots Langley and Bedmond
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The agent is an elected Member.

1 Relevant Planning History

- 1.1 21/0827/CLPD: Certificate of Lawfulness Proposed Development: Construction of rear dormer and front rooflights to serve existing loft conversion. Pending consideration.

2 Description of Application Site

- 2.1 The application dwelling is a semi-detached property located on the northern side of Follett Drive, Abbots Langley. Follett Drive is a residential cul-de-sac. The dwellings within the vicinity of the site generally include semi-detached dwellings of a similar architectural style, many of which have been extended and altered.
- 2.2 The dwelling is two storey and has a flat roofed attached garage to the eastern flank. The loft has been converted into habitable accommodation with two rooflights to the rear roofslope. The dwelling is set back from the highway by approximately 8m. To the front of the application site is driveway with provision for two vehicles and an area laid to lawn.
- 2.3 The rear garden comprises of a patio adjacent to the rear elevation of the host dwelling leading to an area laid to lawn. There is a wooden shed located behind the garage.
- 2.4 The adjoining neighbour, 20 Follett Drive, to the west, has a similar front building line and land level to the application dwelling and has implemented a flat roofed single storey rear extension. The neighbouring single storey rear extension forms the common boundary which leads to close boarded fencing approximately 2m high.
- 2.5 The neighbouring dwelling to the east at No. 16 Follett Drive is set forward and on a lower land level in relation to the host dwelling. It has an integral garage located close to the common boundary. It has implemented a part single, part two storey side and rear extension. The common boundary is marked by close boarded fencing and vegetation approximately 1m high.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for single storey side and rear extensions, conversion of garage, alterations to fenestration including bay window and front porch.
- 3.2 The proposed side and rear extension would project from the eastern flank elevation and would have a width of 2.5m to be set up to the common boundary with No. 16 Follett Drive and have a depth of 9.9m (including the existing garage to be converted), extending 5.2m beyond the rear of the existing garage and 3m beyond the existing rear elevation adjacent to the neighbour at No. 20. The rear element would have a width of 8.8m. The proposed side and rear extension would have a pitched roof form with a maximum height of 3.5m and eaves height of 2.4m with parapet wall to the flank with a maximum height of 2.8m. Two

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer as there is no access to the rear of the property without entering the dwelling internally. However, during the course of the application photographs were submitted by the applicant which show clearly the relationship of the host dwelling and neighbouring properties. Other platforms such as Google Maps and Google Street View were also used to aid the Officer's assessment. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'

7.1.2 The existing garage is proposed to be converted and incorporated into the proposed side extension. The garage door would be replaced by a bay window. The bay window would reflect the existing bay window to the opposite side of the frontage, adding symmetry and

would therefore respect the character and appearance of the existing dwelling. The existing flat roof would be replaced by a pitched roof which is considered to enhance the appearance of the development within the street scene.

- 7.1.3 The proposed side and rear extension would have a depth of 3m beyond the original rear building line which would comply with Appendix 2 guidance which indicates that 3.6m is generally the maximum depth considered acceptable. The extension would be located to the rear of the converted garage and as such would not be prominent within the street scene. The pitched roof reflects the style and character of the existing dwelling and the extension would be constructed in materials to match existing. As such the proposed side and rear extensions are not considered to result in harm to the character or appearance of the host dwelling, street scene or area.
- 7.1.4 Appendix 2 outlines that single storey front extensions should not be excessively prominent within the streetscene. The proposed single storey front porch would be set in from the eastern flank by 2.6m, and it would be set in 4.1m from the western flank. Given its single storey nature, the size and scale of the porch and the mixed nature of Follett Drive it is not considered that this element would appear unduly prominent or incongruous within the streetscene.
- 7.1.5 Therefore, subject to the development being carried out in matching materials, it is not considered that the proposed extensions or alterations would result in harm to the character or appearance of the application dwelling, streetscene or wider area and the proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies LDD reflect the above guidance.
- 7.2.2 Appendix 2 of the Development Management Policies LDD advises that single storey side extension will be assessment on their own merits and that generally single storey rear extensions to semi-detached properties can have a maximum depth of 3.6m.
- 7.2.3 The proposed single storey rear extension would have a depth of 3 metres from the original rear wall which would comply with the above guidance. The adjoining neighbour No. 20 has an existing rear extension which projects deeper than the existing rear elevation of the host dwelling and the proposed rear extension would be of comparable depth. As such the proposed rear extension would not result in demonstrable harm to the residential amenities of occupiers of No. 20 through overshadowing or loss of light. The proposed roof is not excessive in height and would not result in any harm to this adjoining neighbour.
- 7.2.4 The proposed side and rear extension would extend up to the boundary with No. 16. Due to the existing garage not extending for the full depth of the dwelling, the proposed extension would extend beyond the rear of the neighbour at No. 16 by 5.2m where this neighbour adjoins the boundary, although the central rear element of the neighbouring property is of greater depth. The planning history for the neighbour indicates that there is a study to the rear of the garage adjacent to the boundary with the application site. Whilst the depth of the extension is noted, given the favourable orientation (the neighbour being to the east) it is not considered that the development would result in such an overbearing impact or loss of light to result in demonstrable harm justifying the refusal of planning permission. The addition of pitched roof to the garage would be adjacent to the neighbouring dwelling so would not affect the amenity of neighbouring occupiers.

- 7.2.5 No flank glazing is proposed within the proposed side element and therefore no overlooking would be facilitated to No. 16 Follett Drive.
- 7.2.6 It is considered that the proposed rooflights within the eastern flank roofslope would not give rise to any unacceptable level of overlooking to No. 16 Follett Drive given their height and profile. Similarly, the proposed rear rooflights would not facilitate overlooking.
- 7.2.7 The proposed converted garage would result in the formation of a bay window to the frontage of the building. The garage conversion would not affect neighbouring amenity. The bay window is of limited projection so would not affect neighbouring amenity.
- 7.2.8 The proposed front porch given its limited scale and siting off both boundaries is such that it would not result in any adverse harm to the neighbouring properties and as such is considered acceptable.
- 7.2.9 In summary, the proposed development would not result in any significant adverse impact on the residential amenity of any neighbouring dwellings and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The existing dwelling has 3 bedrooms and the proposal development would not result in any additional bedrooms. Appendix 2 of the Development Management Policies sets out that a 3 bedroom dwelling should provide 84 sqm of private, usable amenity space. The rear garden which would be retained following the extension would exceed 84 sqm and would exceed the guideline figure and is considered acceptable.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.4.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.4.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should

demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. The standards dictate that a three bedroom property should retain two off street car parking spaces.

7.6.2 The proposal would not result in any additional bedrooms however it would result in the loss of the existing garage which is large enough to park one vehicle and the porch canopy would encroach upon the existing frontage. However, the amended site plan demonstrates that the driveway to the front of the application site would retain space for two cars. The proposal would therefore comply with the requirements of the parking standards. As such, the proposal would comply with the parking standards for a property of this size.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 200A, 101 A and 201B.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13, Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or

without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

- 13. 21/0850/PIP – Permission in Principle: Change of use to residential and construction of two single storey houses with associated residential curtilages at CHRISTMAS TREE FARM, DEADMANS ASH LANE, SARRATT, HERTFORDSHIRE (DCES).**

Parish: Sarratt Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 04.06.2021 (Agreed Extension)

Case Officer: Freya Clewley

Recommendation: That Permission in Principle be Refused.

Reason for consideration by the Committee: A District Councillor is a neighbour of the application site.

1 Relevant Planning History

- 1.1 15/0285/PDA – Prior Notification: Change of use of existing agricultural barn to one self-contained residential dwelling with external works – Refused 07.04.2015. Reason for refusal:

The development is not 'permitted development' under Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as planning permission 8/614/93 removes permitted development rights by restricting the use of the barn for no purpose other than the storage of crops fodder and agricultural machinery.

Consequently, the proposal cannot be determined through the Prior Notification procedure and planning permission is required for the change of use of the agricultural barn to one self-contained residential dwelling.

Appeal allowed 13.02.2016.

- 1.2 15/2543/PDA - Prior Notification: Change of use of existing agricultural building to one self-contained residential dwelling (Class C3) with external works – Permitted 18.02.2016.

2 Description of Application Site

- 2.1 The application site is irregular in shape and includes a previously converted agricultural barn which is now in residential use, and agricultural land located on the northern side of Deadmans Ash Lane, Sarratt. This part of Deadmans Ash Lane is a rural lane characterised by agricultural buildings with some large residential dwellings of varying architectural styles and designs, situated on large spacious plots.

- 2.2 The neighbour to the north, Tobys, is a residential dwelling set in from the shared boundary with the application site. There are ancillary buildings located to the rear of this neighbour. The neighbour to the south, Oak Tree House, is set in approximately 35m from the southern boundary of the application site.

3 Description of Proposed Development

- 3.1 This application seeks Permission in Principle (PIP) for the change of use from agricultural to residential and erection of two dwellings at Christmas Tree Farm, Deadmans Ash Lane.

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: No response received.

4.1.2 National Grid: No response received.

4.1.3 Environment Agency: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Statutory publicity requirements for these applications are for a site notice to be displayed, and information regarding the application to be published on a website maintained by the LPA. The information available online is available continually from the date an application is validated.

4.2.2 Site Notice: Expired: 12.05.2021.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP2, CP3, CP4, CP8, CP10 and CP11.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2 and DM6.

Affordable Housing Supplementary Planning Document (adopted June 2011).

6.3 Other

The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

Planning Practice Guidance (PPG).

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7 **Planning Analysis**

7.1 Permission in Principle - Background

7.1.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP regulations) that provides opportunity for an applicant to apply as to whether permission in principle (PIP) is acceptable for a site, having regard to specific legislative requirements. The NPPG explains (paragraph ref. 58-012-20180615) that the scope of PIP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the PIP stage. Other matters should be considered at the technical details consent stage.

7.1.2 The PIP consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. PIP establishes that a particular scale of housing-led development on a defined site is acceptable. The aim is for a PIP to minimize the upfront and at-risk work of applicants.

7.1.3 Planning practice guidance explains that should PIP be granted, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at that stage such as those relating to protected species.

7.2 Consideration of Location

7.2.1 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. *The location of the proposed development, taking into account the Spatial Strategy,*
- ii. *The sustainability of the development and its contribution to meeting local housing needs,*
- iii. *Infrastructure requirements and the impact on the delivery of allocated housing sites, and*
- iv. *Monitoring information relating to housing supply and the Three Rivers housing targets.*

7.2.2 The application site is located outside of the main settlement boundaries and is not located within any of the Settlement Hierarchies as set out within the Core Strategy. The application

site is not allocated in the development plan and is located in a relatively unsustainable location for transport or local services, albeit close to limited services in Sarratt and close to dwellings in residential use and is not previously developed land. The proposed development is not considered to be isolated as per paragraph 79 of the NPPF.

- 7.2.3 The application site is located within the Green Belt and it is considered that this is a relevant material consideration in assessing the acceptability of the location of the development. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.
- 7.2.4 Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) **limited infilling in villages;**
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) 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; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority
- 7.2.5 Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD relate to development within the Green Belt and reflect the guidance as set out in the NPPF. The application site is within agricultural use, and as such, it not considered to be previously developed land. The application site has historically been granted prior approval for the conversion of an agricultural building to a residential dwelling, thus reaffirming this agricultural use. Therefore, it is considered that the only applicable exception outlined at paragraph 145 of the NPPF is e).
- 7.2.6 As noted above, the NPPF identifies that limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land may not be inappropriate. The Oxford Dictionary defines a village as a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area. It defines a hamlet as a small settlement, generally one smaller than a village, and strictly (in Britain) one without a Church.
- 7.2.7 It is recognised that in the appeal at The Annexe, Quickmoor Lane, Bucks Hill (APP/P1940C/17/3188815) the Inspector noted that... *“While there are a number of houses in the area, including close by, the facilities that help to make a village are extremely limited.*

There is a public house, but even this is a long walk from the appeal site along an unlit lane, with no footpath. I note the appellant and others do walk to the next village where there are facilities including a bus service. The walk does not just use the roads, but the footpath system. While I accept this, part of the walk is narrow, unlit lanes and the distance is not such that this can be considered a reasonable or normal walk and likely to be undertaken on a routine basis by many people". "In my view, this is not a sustainable location for a dwelling and should not be considered as a village."

- 7.2.8 Sarratt is a built up settlement which falls within a village as defined by place shaping Policy PSP4 of the Core Strategy. Sarratt is a distinct settlement and is physically separated from the smaller settlements of Belsize and Chipperfield by open fields and woodland. Whilst the application site is located closer to the core of Sarratt than the above example, the application site is located in a more sparsely developed part of Sarratt, further from the local amenities and connections of the village. With that in mind, the fact that any walking would be along an unlit road, with limited pedestrian paths between settlements given the separation due to the open countryside, there would be reliance on vehicles for travel. It is therefore not accepted that the application site is within a village, albeit closer to the core of Sarratt than the appeal site referred to above.
- 7.2.9 Notwithstanding the above, in terms of the second matter of limited infilling, the NPPF does not define what limited infilling is. Having regard to previous appeal decisions it could be taken as small-scale development which fills a gap in between dwellings. When considering that the site is open and is situated adjacent to proliferation of ancillary buildings, rather than within an existing linear pattern of built form, the development proposed would not be classed as infilling. The proposal would include the construction of two dwellings and as such is considered to be limited and having regard to the size of the plot, it would appear that the two dwellings would comfortably fit within the confines of the site; however, other such considerations highlight that the scale of the dwellings proposed are excessive and not considered as a limited infilling including following the line of built form and given the surrounding fields/countryside surrounding the site. As such, the proposed development would not be considered to constitute infill development and would result in the encroachment of built form closer to the open landscape. This approach in determining 'infill' has also been outlined by the appeal inspector for a decision at Fir Trees, Dawes Lane (APP/P1940/W/17/3181287) who outlined that '*Whilst there is a line of buildings on the site's north-eastern boundary, the other boundaries are largely open. The proposal would not be just filling gaps between existing buildings.*'
- 7.2.10 The PPG states that openness is capable of having both spatial and visual aspects whilst the duration of the development and degree of activity likely to be generated, such a traffic generation are factors to consider.
- 7.2.11 As it stands the application site is open in character and as such has a limited impact on openness, both spatially and visually. However, there are other factors which need to be taken into account such as on-site activity, traffic and noise and disturbance, which collectively do impact openness across the site.
- 7.2.12 No case has been put forward that the proposed development would be located on previously developed land. The site currently consists of open land and is undeveloped. The introduction of two detached dwellings with associated residential curtilages, paraphernalia, access, parking and intensification of use would impact on the openness of the Green Belt in comparison to the open and rural character of the existing site, and would result in an encroachment of built form into the countryside. The application site does not constitute previously developed land. Nevertheless the proposal would also have a greater harm to openness and therefore would not fulfil this exception.
- 7.2.13 Furthermore, it is considered that the introduction of two detached dwellings extending across the plot would, by virtue of the height, design, volume and spread of development,

have a significant adverse impact on the openness of the site when compared with the existing arrangement.

- 7.2.14 There would be an increase in number of trips to and from the site and the proposal would also result in a notable increase in noise and disturbance to neighbouring properties when compared to the existing use given the introduction of residential activities.
- 7.2.15 Paragraph 146 adds that certain other forms of development are not considered to be inappropriate which includes material changes of use in land. The proposal would result in a change of use to residential, which would result in a significant encroachment into the countryside, particularly when considering the siting of the dwelling which would be set back further from the application site frontage. In addition, the associated curtilages, hardstanding and parking and residential paraphernalia would have a greater impact on openness and therefore fails to meet this exception. Therefore the proposal would constitute inappropriate development in the Green Belt and fails to meet any of the exceptions defined within Paragraph 145 or Paragraph 146.
- 7.2.16 The proposed development would therefore constitute inappropriate development and would also result in actual harm to the openness Green Belt. Paragraph 144 of the NPPF states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting front the proposal, is clearly outweighed by other considerations'.
- 7.2.17 No material planning considerations have been advanced by the applicant which would constitute very special circumstances. The LPA has not been able to identify any very special circumstances.
- 7.2.18 In summary, the proposed development would constitute inappropriate development which, by definition, would be harmful to the Green Belt proposal would also result in actual harm to the openness of the Green Belt. The proposed development would therefore fail to preserve the openness of the Green Belt and would be contrary to Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and the NPPF.

7.3 Consideration of Land Use

- 7.3.1 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.
- 7.3.2 Paragraph 110 of the National Planning Policy Framework sets out that developments should 'respond to local character' and Policy CP1 of the Core Strategy requires development to take into account the need to 'protect and enhance our natural, built and historic environments from inappropriate development' and to 'promote buildings and public spaces of a high enduring design quality that respect local distinctiveness'. Policy DM6 states that 'development proposals on sites which contain existing trees will be expected to retain as many trees as possible, particularly those of local amenity or nature conservation value.
- 7.3.3 Given the concerns raised above, in relation to the impact of the proposal on the Green Belt by virtue of the inappropriate nature of the development within the Green Belt which is harmful by definition, and the impact of the development on the openness of the Green Belt, in this particular case the use of the land for housing led development is not considered acceptable.

7.4 Consideration of Amount

- 7.4.1 The proposed development would result in a net gain of two dwellings on the site. The application site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.4.2 With regards to the principle of the construction of two dwellings, given the site layout the proposed plots would have a plot size of approximately 916sqm respectively. This would be comparable to other plot sizes on Deadmans Ash Lane. Although the plots would comprise a greater width and smaller depth in comparison, this would not justify a reason to refuse development in principle.
- 7.4.3 It is therefore considered that the application site could physically accommodate two dwellings and therefore the amount of development would be acceptable in this regard. However, whilst the site would have the ability to accommodate the amount of development, this does not overcome the identified harm to the Green Belt outlined above.
- 7.5 Others Matters
- 7.5.1 Design
- Notwithstanding the above, the scale, layout, appearance of the proposed dwellings including issues of landscaping and the full impact of the character of the area are not under consideration at this stage. This will be determined at the technical details stage.
- 7.5.2 Residential Amenity
- At this stage Officers need to be satisfied at that the site is capable of accommodating the amount of development proposed without having a detrimental impact on neighbour's amenity. Given the siting of the proposed dwellings and the spacing between the proposed dwellings and neighbouring properties, it is considered that the site is capable of accommodating the amount of development proposed without having a detrimental impact on neighbouring amenity.
- 7.5.3 Highways
- The PIP regulations prohibit any form of conditions being imposed to this development. The Highways Officer would be consulted on any subsequent technical details consent application, and any information requested would need to be submitted as part of these subsequent applications.
- 7.5.4 Affordable Housing
- Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4. However, it is noted that the considerations for applications for PIP are limited to location, land use and amount. The matter of affordable housing contributions would therefore fall to be considered at the technical details stage
- 7.6 Tilted Balance

- 7.6.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." The application site is located within the Metropolitan Green Belt and as such relevant policies apply.
- 7.6.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The applicant submits that the proposal would constitute sustainable development with increased use of local services that renewable energy methods would be incorporated into the development and the new residents would add in supporting the local community. In terms of economic benefits, the LPA considers there would be very limited short term benefits as a result of construction activities, and benefits resulting from the expenditure of new residents locally. The proposal would also make limited social benefits in terms of the provision of two new dwellinghouses.
- 7.6.3 However, for the reasons stated above, the development would result in inappropriate development within the Green Belt and actual harm to openness with no very special circumstances existing to outweigh that harm. The proposal therefore fails to accord with Para 145 of the NPPF, and having regard to paragraph 11 of the NPPF, Para 145 provides a clear reason for refusing the development proposed. The net gain of two dwellings would only provide a minor uplift in the number of market houses in the District. The adverse impacts of the proposed development on the Green Belt, would significantly and demonstrably outweigh the very limited benefits of the proposal. Additionally, there is a clear reason in refusing the application given the conflict with an asset of particular important, the Green Belt. As such, paragraph 11 does not take effect.

8 Recommendation

8.1 That PERMISSION IN PRINCIPLE BE REFUSED for the following reason:

R1 The proposed development would fail to comply with any of the exceptions as set out within Paragraphs 145 and 146 of the NPPF (2019) and therefore would be inappropriate by definition. The development would also result in the intensification of the use of the site and the encroachment of substantial built form within the open and rural landscape and would result in significant demonstrable harm to the openness of the site and Green Belt. No very special circumstances exist to outweigh the harm to the Green Belt by virtue of its inappropriateness and harm to openness. On this basis, the location and land use proposed are considered unacceptable, and the proposed development would be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

8.2 **Informatives:**

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority

encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District

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