

# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 20 April 2023 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Steve Drury (Chair)  
Sara Bedford  
Ruth Clark  
Philip Hearn  
Lisa Hudson  
Raj Khuroya

Matthew Bedford (Vice-Chair)  
Stephen King  
Chris Lloyd  
David Raw  
Stephanie Singer

*Joanne Wagstaffe, Chief Executive  
11 April 2023*

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 are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

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

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

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 but a recording of the meeting will be available after the meeting.

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

To confirm as a correct record the minutes of the Planning Committee meeting held on 23 March 2023 and the Reconvened Planning Committee meeting held on 30 March 2023.

**3. 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

**4. 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.

**5. 22/1875/OUT - OUTLINE APPLICATION: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO PROVIDE 29 RESIDENTIAL FLATS (USE CLASS C3) (LANDSCAPING AS A RESERVED MATTER) AT KNOLL OAK, SANDY LANE, NORTHWOOD, HA6 3EZ**

(Pages 9  
- 66)

**Recommendation:**

That subject to no new material considerations being raised and the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice and the completion of a Section 106 Agreement securing an affordable housing review mechanism, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA (or appointed consultant).

or;

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice, that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reason:

R1: In the absence of further infiltration testing the Local Planning Authority is not satisfied that an acceptable sustainable drainage

strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

6. **22/2025/FUL: CONSTRUCTION OF MIXED USE SCHEME COMPRISING 244 SQM OF RETAIL SPACE (CLASS E(A), 36 FLATS (16 X ONE BED, 20 X TWO BED), ASSOCIATED ACCESS, CAR PARKING, BIN AND CYCLE STORAGE AND LANDSCAPING AT ALPINE PRESS, STATION ROAD, KINGS LANGLEY, HERTS, WD4 8LF** (Pages 67 - 112)

**Recommendation:**

That Planning Permission be granted subject to the completion of a S106 Agreement relating to the provision of a commuted payment to secure affordable housing and a late stage review mechanism

7. **23/0191/FUL - VARIATION OF CONDITION 2 (WHICH REQUIRES THE CONSTRUCTION OF A SOLID RENDERED WALL TO BE ERECTED TO THE FIRST FLOOR REAR BALCONY) OF PLANNING PERMISSION 22/1120/RSP AT 44 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE, WD3 1LJ** (Pages 113 - 124)

**Recommendation:**

That Condition 1 and 2 of planning permission 22/1120/RSP are varied and Planning Permission be granted.

8. **23/0248/FUL - DEMOLITION OF DETACHED GARAGE, STORE AND CONSERVATORY; ERECTION OF SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION AT 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ** (Pages 125 - 132)

**Recommendation:**

That Planning Permission be Granted

9. **23/0304/RSP – PART RETROSPECTIVE: ERECTION OF FRONT PORCH AND ALTERATIONS TO EXTERNAL MATERIALS INCLUDING RENDER AT 32 BEACON WAY, RICKMANSWORTH, HERTFORDSHIRE, WD3 7PE.** (Pages 133 - 138)

**Recommendation:**

That Planning Permission be Granted.

10. **23/0356/RSP – RETROSPECTIVE: CONVERSION OF TWO DWELLINGS INTO ONE WITH ASSOCIATED INTERNAL WORKS, ERECTION OF REPLACEMENT FRONT PORCH AND DEMOLITION OF EXISTING GARAGE AT 162 AND 164 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BA.** (Pages 139 - 156)

**Recommendation:**

That authority is delegated to the Head of Regulatory Services to Refuse Planning Permission following the expiry of the consultation period, subject to no further material comments being received before the expiry of the consultation period.

11. **23/0381/RSP - PART RETROSPECTIVE: LOFT CONVERSION INCORPORATING HIP TO GABLE EXTENSION; FRONT AND REAR DORMER WINDOWS; FRONT ROOFLIGHT AND FLANK WINDOW AT 133 FRANKLAND ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3AS** (Pages 157 - 166)

**Recommendation:**

That Part Retrospective Planning Permission be Granted

12. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**

13. **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 paragraphs 1 to 7 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.)

**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](mailto:committeeteam@threerivers.gov.uk)**

## PLANNING COMMITTEE – 20 APRIL 2023

### PART I - DELEGATED

5. **22/1875/OUT – Outline application: Demolition of existing buildings and redevelopment to provide 29 residential flats (Use Class C3) (Landscaping as a reserved matter) at KNOLL OAK, SANDY LANE, NORTHWOOD, HA6 3EZ**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 31.01.2023  
Extension of time agreed: 31.05.2023

Ward: Moor Park and Eastbury  
Case Officer: Matthew Roberts

#### Recommendation:

That subject to no new material considerations being raised and the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice and the completion of a Section 106 Agreement securing an affordable housing review mechanism, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA (or appointed consultant).

Or;

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice, that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reason:

- R1: In the absence of further infiltration testing the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Reason for consideration by the Committee: Called in by Batchworth Community Council for the reasons as set out at paragraph 4.1.1 below.

#### **1 Relevant planning history of the application site**

- 1.1 8/393/76: Erection of porta-cabin for office use, timber storage sheds, two lavatory buildings - Refused.
- 1.2 W/3261/70: Dwelling - Refused.
- 1.3 8/196/81: Erection of first floor rear extension and double garage - Approved.
- 1.4 8/375/84: Swimming pool enclosure and double garage to front - Approved.
- 1.5 8/414/85: Proposed detached swimming pool enclosure, double garage and dormers in roof space - Approved.
- 1.6 8/602/87: First floor side and two storey front extensions, to create self-contained flats and erection of detached garage - Approved.
- 1.7 8/454/88: Single storey side extension to form conservatory - Approved.

- 1.8 8/23/92: Erection of new front porch - Approved.
- 1.9 97/0743: Two storey front side and rear extension - Approved.
- 1.10 21/2018/OUT: Outline Application: Demolition of existing buildings and redevelopment to provide a four storey building comprising of 29 residential units (Landscaping as a reserved matter). Withdrawn on 12.05.2022.

**Relevant planning history at adjacent site, Cedar House:**

- 1.11 20/2314/OUT: Outline Application: Construction of twenty flats (Appearance, Landscaping and Scale reserved). Refused, for the following reasons:

*R1: The proposed development would fail to provide sufficient on-site parking spaces to meet demands arising from the proposed development including the provision for on-site visitor parking given the parking constraints on Sandy Lane. The failure to provide adequate off street parking is likely to result in unacceptable pressure for parking on nearby residential roads to the detriment of the visual amenity of the area. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

*R2: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. The development has therefore not demonstrated that it would not increase flood risk to the site and within the locality. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

*R3: The Local Planning Authority objects to the layout of the development in respect of the extent and siting of the parking area and the location of refuse and recycling storage areas. The parking area fails to provide suitable opportunity for replacement planting and the accessibility of the refuse area for large waste collection vehicles is insufficient and unacceptable. The development therefore fails to comply with Policies CP1, CP9 and CP10 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

**2 Description of Application Site**

- 2.1 The application site contains a large vacant detached dwelling positioned within a substantial plot, known as Knoll Oak located on the eastern side of Sandy Lane in Northwood. The local area is characterised by woodland known as Oxhey Woods which acts as a physical barrier between Northwood and surrounding urban settlements such as South Oxhey.
- 2.2 Within the locality there is a collection of detached residential properties, mainly to the north and south of The Woods which is located to the south of the application site. The surrounding residential properties have been built on relatively large plots heavily enclosed by woodland. Immediately opposite the site is Northwood Headquarters, a large complex of buildings of different designs and sizes.
- 2.3 The application dwelling is one of the largest residential properties within the immediate area given that it has been significantly extended over time. It is located at the end of the row with no houses to the north due to the existence of Oxhey Woods. The site has been left in a state of disrepair with glimpses of the dwellinghouse achievable from Sandy Lane and from the immediate adjacent neighbouring properties.

- 2.4 The dwellinghouse as exists contains various gabled roofs, dormer windows and the remnants of a former swimming pool enclosure and garage. When considering the dwelling's current state, it is not fit for occupation and large parts of the house have been subjected to vandalism and a relatively recent fire has substantially damaged the swimming pool building.
- 2.5 Due to the wooded nature of the area the application site is well enclosed with dense vegetation to all boundaries. Various trees also exist within the plot. The site is covered by an area Tree Preservation Order (TPO800).
- 2.6 The access into the application site is shared with Cedar House to the south via a gravel entrance with gates serving both individual properties, set back approximately 15m from the highway boundary. A wooded highway boundary exists between the physical pavement on Sandy Lane and the front boundary of the application site.
- 2.7 The northern part of the application site is located within the Metropolitan Green Belt while 700m to the south is the Frithwood Conservation Area.

### **3 Description of Proposed Development**

- 3.1 This application seeks outline planning permission for the demolition of the existing buildings and the redevelopment of the site to provide 29 residential units.
- 3.2 Access, appearance, layout and scale are matters which are to be addressed via this outline application with landscaping to be reserved at any future reserved matters stage.
- 3.3 Following the removal of the existing dilapidated building and associated extensions and outbuildings a new flatted development would be built, comprised of a single part three, part four storey building plus a basement to accommodate services and 54 parking spaces.
- 3.4 The existing vehicular access with Cedar House is to be altered with priority given to the application site (referred to as Option 2 on the submitted plans). A new metal electric controlled gate (vehicular and pedestrian) would be erected on the front boundary of Knoll Oak, measuring 1.8m in height. To provide the required visibility splay lines a number of trees within the highway verge would be removed. Upon entering the site a shared surface would be laid forming an external car park, enclosed by a retaining wall close to the southern boundary with Cedar House. The shared surface would enable access to 8 parking spaces including a disabled space, bike stands, a waste collection zone, access to communal gardens ("woodland walk") and basement parking.
- 3.5 The proposed design of the building is a contemporary interpretation of the principles of the classical order via the use of pre-cast concrete columns in porphyry stone, porphyry stone cladding with brickwork to the recessed elevations, coupled with dark bronze windows and doors.
- 3.6 The building would have a staggered footprint with a maximum depth of 50m (west to east) and a maximum width of 30m (north to south), set in a minimum of 10.4m from the western boundary with Sandy Lane (approximately 20m to the highway pavement edge), a setback distance ranging from 13.8m to 26m to the southern boundary with Cedar House, approximately 14m from the eastern boundary and approximately 18.7m at its minimum from the northern boundary. The western elevation of building (fronting Sandy lane) would have a height of 12.3m from the adjacent ground level, measuring 27m in width. Due to the rise in land levels across the site the building would, excluding the western elevation, appear as a three storey building with the eastern elevation having a height of 9.3m.
- 3.7 The 29 flats would each with their own private terrace/balcony. At ground level there would be 6 residential units, a reception area, residents lounge, bike store and bin store. All other

floors would provide residential flats. In total there would be 12 x 1 bed flats (61-77sqm); 6 x 2 bed flats (77-135sqm); 9 x 3 bed flats (95-141sqm) and 2 x 4 bed flats (152-171sqm).

- 3.8 The basement level would comprise of 54 spaces (14 of which are currently assigned as disabled spaces). Externally, 8 spaces will be provided. A total of 62 parking spaces would be provided across the site.
- 3.9 Within the site there would be a path which provides complete connectivity around the building and enables access to a play area and various communal parks (landscaping to be agreed at the reserved matters stage).
- 3.10 Whilst landscaping details are to be agreed at any reserved matter stage, details have been provided with the application given there is a degree of overlap with the layout of the building. Whilst only indicative at this stage, 33 individual trees and 11 groups of trees are to be removed. The submitted landscape strategy states that a significant number of new trees (in excess of 50), woodland edge wildflower and hedging will be introduced across the site (excludes those required to be re-planted within the highway wooded verge) with all boundaries strengthened. Details regarding number and type of specie are to be agreed at the reserved matter stage.
- 3.11 The key differences between the previous withdrawn scheme 21/2018/OUT and the current proposal are as follows:
- A reduction in the internal floor heights of the building
  - Previous scheme height was 12.7m at its maximum (now 12.3m)
  - Changes to design to some corner sections of the building (external terraces rather than forming flats)
  - Change in external appearance from white stone to porphyry stone (dark red)
  - Greater landscaping across the site and regard to impact from basement excavation on adjacent protected trees.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Batchworth Community Council: [Objection, call in]**

*Following the submission of a revised application, the previous one having been withdrawn following negative feedback and comments from local residents, Batchworth Community Council (BCC), strongly object to this revised Outline Application and we would ask that this application is called-in for decision by the Planning Committee unless the officers are minded to refuse it.*

*As all parties are aware there is considerable history associated in respect of site and we detailed our previous views and comments 2021 linked to Application 21/2018/OUT. BCC submitted are now setting out below our objections to the current application based upon the information and documentation attached to this application at the current time.*

*BCC objections are as follows and are submitted the following comments:*

- 1. The views and comments of the adjoining residents & neighbours are extensive and should be seriously considered and ensure that any development does not intrude onto the existing quiet, private environment that they live and purchased their properties expecting to maintain.*
- 2. Whilst we note that landscaping is to be a reserve matter would raise the following:*



- a) *It should be noted that approx. 42% of this site sits in Green Belt and part of that is woodland that needs protecting.*
  - b) *The trees and hedgerows within the site form part of a green corridor and foraging habitat for protected species which is a key link between areas of Priority Habitat Inventory - Deciduous Woodland. The site, therefore, should be recognised for its importance and its clearance for development could have an adverse impact on the biodiversity within the site.*
  - c) *The site is within ancient/natural woodland, and the application continues to lack detailed information about how the safety of the protected trees on the site is to be secured. In due course it is essential that a detailed landscape plan is prepared and provided to protect the environment with assurance that the envelope as well as key elements inside the site are protected and will remain as part of any landscape plan.*
  - d) *Furthermore, "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)" should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The Community Council finds no evidence that any exceptional reason or compensation strategy exists.*
3. *BCC notes and agrees with the comments from Herts Highway, so we have not repeated them but wish to ensure they are accounted for. We would however state that the refuse arrangement needs careful attention and detailing.*
  4. *BCC is concerned that the proposed scale and density of the development is significantly too large and will affect the local area and neighbours. Similar issues arose with other applications close by and remain unresolved for many of the same reasons. This is a classic situation of the over development of the site in question.*
  5. *The increased traffic this development will create due to its size and the number of vehicles that will be on site will create traffic problems at the entrance and egress of the site, which is a renowned safety spot locally, particularly being located opposite the entrance to the Northwood Base and close to the Junction with the Woods. We are now looking at 60+ vehicles servicing the site, an increase from c. 4-6 without even considering delivery vans, taxi's, maintenance and cleaning operators etc.*
  6. *BCC is of the opinion that consideration is given to access and egressing the site at separate points.*
  7. *In addition to the point above, the trees and vegetation that should be retained will need to be removed to ensure safe car movement to and from the site.*
  8. *The Community Council is concerned that the overflow of vehicles will be parking on adjacent residential streets. A lack of off-street parking provision for visitors would have a serious detrimental impact on the surrounding residential roads and the amenity of neighbouring residents in an area where street parking is already an issue.*
  9. *The extent of the overdevelopment of the site will result in the property overlooking neighbouring properties and therefore have a detrimental impact on the amenity space of neighbouring residents.*
  10. *At the time of our feedback & comments the Environmental Agency has yet to report and whilst BCC is not an expert, we are of the opinion that the applicant has not sufficiently addressed concerns regarding drainage and surface water which could have an adverse impact to flood risk on the surrounding area. Further issues are raised by Thames Waters which need addressing. BCC wish to reserve the right to*

*comment further upon receipt of the Environmental Agency which is very important feedback for this proposal / application.*

11. *Once again some of the elements in the Design & Access Report carefully pulls information from other parties to support the application and does not always take the original purpose in the context it was created.*
12. *Whilst all parties acknowledge that design and architecture is a personal viewpoint and not a planning issue, we strongly believe that on a site that is 40% green belt, surrounded by an extensive woodland setting & environment that the design of the elevations should take that as its lead and sit better within the site and its immediate neighbours. This proposal does not get close to those criteria.*
13. *The proximity of the development to Oxhey Cottage, Hilltop Cottage & Frog Place (and others houses) alongside the proposed height is an intrusion that requires this application to be significantly amended.*
14. *Whilst premature to some extent at this stage, BCC would request that no development, construction (including preparation works) or other operation shall commence on site whatsoever until a detailed Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. With the site's location on a busy road, close to a signification junction and opposite the Northwood Base this is a critical document and step in the process / project. This Construction & Demolition Method Statement should include how all aspects of the construction will be undertaken, the working hours (no weekend working with the residential homes that surround it), the delivery process of materials to avoid clashing with key travel times and the parking of all construction vehicles throughout the works period on site.*

*Previously BCC reviewed the revised drawings that were provided as part of the previous application in some detail. At that time BCC still had at that time had significant reservations and all of these remained. In respect of this application (not significantly differing from the last) we are of the opinion that until the basic concept design, site configuration, access & egress, scale & bulk, landscaping, potential flooding issues and protection of the existing woodland / green belt and major aspects can be agreed upon the smaller detail can be placed to parked for further consultation and consultation at that stage. BCC would at the stage add and provide comment for all parties to consider.*

*Finally, we repeat that would ask that this application is called in for decision by the Planning Committee unless Planning Officers are minded to refuse.*

4.1.2 Hertfordshire County Council Highway Authority: [No objection, subject to conditions and informative]

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

1. Service and Delivery Management Plan

*No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*

- *full service and delivery management plan including access for any delivery, service and visitor vehicles that do not have FOB access for the vehicular entrance gates.*

*Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

## 2. Highway Improvements- Offsite

### *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 numbers 2007881-001 D and 20-103 B have been submitted to and approved in writing by the Local Planning Authority.*

### *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).*

## 3. Provision of Internal Access Roads, Parking & Servicing Areas

*Prior to the first occupation of the development hereby permitted the proposed internal access road, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans 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).*

## 4. 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 plans. 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).*

## 5. Construction Management

*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. Any traffic management requirements*
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- d. Siting and details of wheel washing facilities;*
- e. Cleaning of site entrances, site tracks and the adjacent public highway;*
- f. Timing of construction activities to avoid school pick up/drop off times;*
- g. Provision of sufficient on-site parking prior to commencement of construction activities;*
- h. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.*

*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).*

*Assessment:*

*The proposal comprises of the demolition of the existing buildings and construction of 29 residential dwellings (use class C3) and associated works at Knoll Oak, Sandy Lane, Northwood. Sandy Lane is designated as a classified A main distributor road, subject to a speed limit of 40mph and is highway maintainable at public expense. There is an existing pedestrian highway footway fronting the property on the east side of Sandy Lane*

*A Transport Statement (TS) and Road Safety Audit – Stage 1 (RSA) have been submitted as part of the application.*

*Vehicle Access*

*The site has an existing vehicle access from Sandy Lane made up of a vehicle crossover (dropped kerb) and providing access to the existing and neighbouring property. The proposals utilize the existing access point rather than propose a new access point from Sandy Lane which is in accordance with LTP4 Policy 5f, which states that HCC as HA will “Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals”.*

*The proposed site layout is shown on submitted drawing no. 20-103 and includes an amendment to the existing access through the provision of a 6m kerbed entrance (shared with the adjacent property). HCC as Highway Authority (HA) considers that the 4.8m wide access driveway is acceptable for a development of this size and would enable two vehicles travelling in opposing directions to safely pass one another and is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Two site access options for the access area to the application and the adjacent property have been submitted as part of the application. Following review of the overall proposals and submitted details, the site access option 2 (as shown on submitted drawing number 2007881-002 D) is the preferred option.*

*The proposals includes vehicular entrance gates set back 15m from the edge of the carriageway on Sandy Lane, which would be a sufficient distance to enable a vehicle to stand clear of the highway whilst the gates are being opened and/or closed. Whilst it has been stated by the applicant that “all residents and regular visitors e.g. post and refuse collection, would have FOBs to open the automatic vehicle gates”, further details would need to be provided as to how other users e.g. delivery drivers, visitors, would be able to gain access to the site. Vehicles would not be permitted to reverse out onto Sandy Lane, which is a classified A road with a high volume of traffic and the highway area outside the gates has to be designed to function as a turning area. Further details have therefore been requested in respect of this.*

*Vehicular visibility splays from the proposed access point of 2.4m by 59m (to the north) and 2.4m by 55m (to the south) along Sandy Lane are illustrated on submitted drawing numbers 2007880-01 and 2007881-002. The general approach of calculating the necessary visibility splays (based on recorded 85th percentile speeds to determine the required stopping site in either direction along Sandy Lane) is considered to be acceptable and in accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. Some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The tree officer at HCC Highways has confirmed there would not be any specific issues with the removal of any vegetation within the splay area and any vegetation within the area is of low quality. Depending on the size of any trees that may need to be removed, a payment of £550 per tree to HCC as Highway Authority would be necessary to cover the cost of planting and*

*maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss.*

#### Section 278 Highway Works

*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 highway land including:*

- Amendments to the existing access including priority arrangements and 6m kerb radii on either side;*
- 2m wide footway on the north side of the rearranged access;*
- Tactile paving and pedestrian dropped kerbs on either side of the bellmouth access;*
- Any necessary surfacing of the vehicular access area;*
- Removal or cutting back of any highway vegetation to provide the necessary levels of vegetation on the north side of the access along Sandy Lane.*

*Please see the above conditions and informatives for more information into the provision of the off-site 278 highway works. A RSA has been carried out and submitted as part of the full planning application. This RSA and RSA designers response would also need to be submitted and provided as part of the Section 278 Agreement application.*

#### Refuse, Service and Emergency Vehicle Access

*An updated swept path analysis has been submitted as part of the amended application to illustrate that a refuse vehicle would be able to utilise the internal access road. The swept paths illustrate that a refuse vehicle would be able to access the site, turn around and egress to the highway in forward gear, the arrangements of which are considered to be acceptable by HCC as Highway Authority. The collection method and arrangements would need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management including the details submitted in relation to the functioning of the vehicular entrance gates that state that “all residents and regular visitors e.g. post and refuse collection, would have FOBs to open the automatic vehicle gates”. Due to the size of the building / number of dwellings, as part of the highway authority’s assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).*

#### Vehicle Parking

*The proposal includes the provision of 62 car parking spaces (54 underground and 8 ground level). The level of parking broadly in accordance with levels as outlined in Three Rivers District Council (TRDC)’s parking standards and there would not be an objection to the level by HCC as Highway Authority.*

*The updated / amended plans state that 20% of the total number of car parking spaces would be provided with electric charging points. HCC as Highway Authority would be supportive of this to ensure that the proposals are in accordance with LTP4, Policy 5h, which states that “Ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”.*

*TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the proposed levels and type of parking on-site.*

*The layout and dimensions of the car parking spaces as shown on submitted drawing numbers 20-110, 20-115 and 2007881-003 (car park swept path) and are considered to be acceptable by HCC as HA and in accordance with MfS. It is considered that cars would be able to use the allocated car parking areas, turn around and egress the site in forward gear, which would be necessary.*

### Trip Generation & Distribution

A trip generation assessment for the proposed use has been included as part of the TS, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority.

The number of vehicular trips associated with the proposed use are estimated to be 8 two-way vehicle movements in the AM peak and 9 two-way vehicle movements in the PM peak. Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would be considered to be acceptable and not a reason to recommend refusal from a highways perspective

### Sustainable Travel & Accessibility

There is an existing footway on the east side of Sandy Lane (the side of the development) and therefore there is potential to travel on foot from the site to South Oxhey and Northwood. The proposals includes a 2m wide pedestrian footway into the entrance to the site. HCC as Highway Authority would be supportive of these to provide good and suitable pedestrian access to and around the site in accordance with Hertfordshire's Local Transport Plan (LTP4) and NPPF and ensure that the proposals maximise pedestrian accessibility and permeability.

The nearest bus stops are located on Sandy Lane fronting the site (one on each side of the carriageway) and approximately 80 to 100m from the existing vehicular access point. Further investigation following the pre-app meeting has confirmed that these bus stops are not served by any frequent services open to the general public. Therefore it was considered that it would not be reasonable to request improvements to these bus stops as part of the full application.

The nearest other bus stops are located approximately 200 to 250m from the site on The Wood and are served by services 8, R16 and R17, which provide services to surrounding towns, nearby railway stations and Mount Vernon Hospital. The bus stops are within the normal recommended accessibility of 400m to a bus stop and therefore there is potential for bus services to provide a convenient and easy sustainable travel option for any future residents.

The proposals include the provision of an internal storage area for 30 cycles in addition to 8 visitor cycle spaces outside. HCC as Highway Authority would be supportive of these provisions to promote and encourage cycling as a form of travel to and from the site. HCC as Highway Authority would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

TRDC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.

### Drainage / SUDs

The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to any drainage strategy or SUDs at: [FRMconsultations@hertfordshire.gov.uk](mailto:FRMconsultations@hertfordshire.gov.uk)

### Conclusion

The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at

*the access to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.*

4.1.3 HCC – Herts Fire and Rescue Service: [No objection]

*This matter was referred to HFRS re matters of access for a Fire Appliance, from the plans submitted it appears that the access meets the requirements stated in the guidance. An appliance should be able to enter and exit the site in a forward gear without reversing more than 20m.*

*For single family dwelling houses, block of flats or maisonettes there should be vehicle access for a pumping appliance to within 45 m of all points within the dwelling house measured on a route suitable for laying hose. ADB 11.2*

*Where sprinklers in accordance with BS 9251:2014 or BS EN 12845 are fitted throughout a house or block of flats: BS9991 50.1.2*

- a) the distance between the fire appliance and any point within the house (houses having no floor more than 4.5 m above ground level) may be up to 90 m;*
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75 m (in houses or flats having one floor more than 4.5 m above ground level)*

4.1.4 HCC Water Officer: [No objection, subject to condition]

*This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in the event of an emergency.*

4.1.5 Lead Local Flood Authority (LLFA): [No comments submitted from LLFA, guidance provided via external consultant]:

Conclusions/Observations:

*In accordance with Hertfordshire LLFA requirements for outline planning stage: "Evidence of ground conditions / underlying geology and permeability including BRE Digest 365 infiltration tests (or Falling Head tests for deepbore infiltration)" should be provided.*

*Whilst infiltration potential has not been confirmed, a very low discharge rate is proposed to sewer. However, this appears to be a foul sewer only and surface water discharge to a foul sewer will not be acceptable. The LPA requires pre-application correspondence with Thames Water to confirm acceptability of discharge to sewer.*

*A 1 l/s discharge rate will need to consider potential enhanced blockage risk and potentially extended drain down times for the tank and any impacts on the management of consecutive storm events.*

*Please confirm that proposed connection levels into sewer can facilitate gravity discharge.*

*Note the potential impact of groundwater on the attenuation tank will need to be demonstrated at full planning.*

*An indicative drainage layout has been provided that is suitable for outline planning subject to Thames Water acceptance. We note that Hertfordshire LLFA will require a: "Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 year rainfall return period)".*

*We note the FRA identifies that “responsibility for the enacting of this SuDS Maintenance and Management Plan will be the responsibility of the property owner”. SuDS will need to be managed and maintained for the lifetime of development including climate change.*

**Officer comment:** On 7<sup>th</sup> March 2023 the drainage consultant were sent an amended Flood Risk Assessment and Surface Water Drainage Strategy which seeks to deal with the above points. Their comments will be verbally updated if received in advance of the Committee.

4.1.6 Environment Agency: [No objection]

*We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in our Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.*

*The submitted Desk Study has identified the proposed basement depth (3 metres) may be below the level of groundwater (identified nearby to be between 5.7 and 1.7 metres). As the site is situated in a vulnerable groundwater area within Source Protection Zone 3 these proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.*

*Where land contamination may be an issue for a prospective development, we encourage developers to employ specialist consultants/contractors working under the National Quality Mark Scheme.*

*We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken.*

*We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.*

*In order to protect groundwater quality from further deterioration:*

- *No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution (e.g. soakaways act as preferential pathways for contaminants to migrate to groundwater and cause pollution).*
- *Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.*

*The applicant should refer to the following (non-exhaustive) list of sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:*

1. *Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.*
2. *Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.*



3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.

4. Refer to the contaminated land pages on Gov.uk for more information.

5. We expect the site investigations to be carried out in accordance with best practice guidance for site investigations on land affected by contamination e.g. British Standards when investigating potentially contaminated sites and groundwater, and references with these documents and their subsequent updates:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009, BS 6068- 6.11: 2009 Water quality. Sampling. Guidance on sampling of groundwaters (a minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns but more may be required to establish the conceptual site model and groundwater quality. See RTM 2006 and MNA guidance for further details);
- BS ISO 18512:2007 Soil Quality. Guidance on long-term and short-term storage of soil samples;
- BS EN ISO 5667:3- 2018. Water quality. Sampling. Preservation and handling of water samples;
- Use MCERTS accredited methods for testing contaminated soils at the site;
- Guidance on the design and installation of groundwater quality monitoring points Environment Agency 2006 Science Report SC020093 NB. The screen should be located such that at least part of the screen remains within the saturated zone during the period of monitoring, given the likely annual fluctuation in the water table. In layered aquifer systems, the response zone should be of an appropriate length to prevent connection between different aquifer layers within the system.

A Detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report should be prepared by a "Competent Person" e.g. a suitably qualified hydrogeologist. More guidance on this can be found at: <https://sobra.org.uk/accreditation/register-of-sobra-risk-assesors/>.

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment. Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.

- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

Where leaching tests are used it is strongly recommended that BS ISO 18772:2008 is followed as a logical process to aid the selection and justification of appropriate tests based on a conceptual understanding of soil and contaminant properties, likely and worst-case exposure conditions, leaching mechanisms, and study objectives. During the risk assessment one should characterise the leaching behaviour of contaminated soils using an appropriate suite of tests. As a minimum these tests should be:

- Up-flow percolation column test, run to LS 2 - to derive kappa values;
- pH dependence test if pH shifts are realistically predicted with regard to soil properties and exposure scenario;
- LS 2 batch test - to benchmark results of a simple compliance test against the final step of the column test.

Following the DQRA, a Remediation Options Appraisal should be completed to determine the Remediation Strategy, in accordance with the updated guide LCRM.

The verification plan should include proposals for a groundwater monitoring programme to encompass regular monitoring for a period before, during and after ground works e.g. monthly monitoring before, during and for at least the first quarter after completion of ground works, and then quarterly for the remaining 9-month period. The verification report should be undertaken in accordance with our guidance Verification of Remediation of Land Contamination.

We only consider issues relating to controlled waters (groundwater and watercourses). Evaluation of any risks to human health arising from the site should be discussed with the relevant local authority Environmental Health Department.

#### 4.1.7 HCC - Hertfordshire Ecology: [No objection, subject to conditions]

##### Summary of advice

- There is sufficient ecological information to enable determination.
- The recommendations (with the exception for more bat surveys) and enhancements in the ecology reports should be followed.
- Produce a Biodiversity Plan by condition or at Reserved Matters stage, as appropriate.

##### Comments

The application is supported by two ecological reports:

- Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment(PRA) Survey, 06/04/2020 prepared by Arbtech.
- Bat Emergence and Re-entry Surveys, 09//06/2021 by Arbtech

The site comprises a large detached vacant dwellinghouse, which is in a dilapidated state and overgrown with vegetation. The grounds had dense scrub and scattered trees, some of which were felled and cleared in 2021 to leave areas of bare ground.

##### Trees

I understand the site is covered by an Area Tree Preservation Order which protects all trees present on site at the date the TPO was served. I am pleased to see mature trees and

*shrubs will be retained where possible; however several on-site self-sown / low quality trees are proposed for removal and this loss should be compensated for. The Landscape Plan shows new replacement and enhancement planting of trees and woodland, and I would like to see this include native species (see below).*

*There is broadleaved woodland adjacent to the site and any overhanging branches and roots should be protected from damage during construction.*

#### Surveys and reports

*Sufficient bat surveys were completed in 2021 and although bats were recorded flying across the site, roosting was not confirmed. Not further surveys are considered necessary, and bats should not be considered a constraint to these proposals. Overall, the ecological reports provide an adequate assessment of the impact of the proposals and are based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the reports suggest reasonable precautionary measures to ensure that legally protected species are not harmed. These recommendations should be followed with the exception for more bat surveys as they have been completed (see below).*

*Several appropriate biodiversity enhancements have been suggested (including bat and bird boxes, and homes and fencing suitable for hedgehogs).*

*With all the above mentioned measures in place I consider the development will achieve net gain for biodiversity. The (outstanding) recommendations in the reports are reasonable and should be followed, namely:*

- *Table 7 of the PEA / PRA report (\*except the need for more bat surveys as they have been completed).*

*And*

- *Table 5 of the Bat Emergence and Re-entry Surveys report*

#### To conclude

*I have no objection to the principle of development. To bring all the biodiversity mitigation, compensation, and enhancements measures together, I advise a Biodiversity Plan is submitted by condition or at the Reserved Matters stage, whichever is most appropriate. The plan should describe the type and location of native species to be introduced and any protected species boxes/features to be installed.*

#### 4.1.8 HCC Minerals and Waste Team: [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. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits partially within the area of the application site.*

*The county council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be*

*determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources.*

*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. This may include excavating the foundations and footings or landscaping works associated with the development.*

*The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the development, 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 resources, however due to the site being previously developed it is unlikely that there are any further resources to be extracted for use on site during development*

#### 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 National Planning Policy for Waste (October 2014) sets out 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.*

*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. A development of this size would require the consideration of minimising waste generated during demolition, construction and its subsequent occupation, encouraging the re-use of*

*unavoidable waste where possible and the use of recycled materials where appropriate. In addition regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables. The County Council, as Waste Planning Authority, would expect commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.*

*As a minimum, a SWMP should include the following:*

*Project and People*

*Identification of the client*

*Identification of the Principle Contractor*

*Identification of the person who drafted the SWMP*

*Location of the site*

*An estimated cost of the project*

*Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991).*

*Estimating Waste*

*A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)*

*Waste management actions for each of the types of waste (i.e will it be re-used, recycled, recovered or disposed of)*

*Space for Later Recordings*

*Space for the recording of actual figures against those that are estimated at the start*

*Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too*

*Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arisings compared to those set out in the initial estimations*

*If a SWMP is not produced at the planning application stage, we would request the following condition be attached to any approved planning permission:*

*Condition: No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts 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 to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).*

*The SWMP 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 cost of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

#### 4.1.9 Environmental Health: [No objection, subject to conditions]

##### Air Quality

*I have reviewed the Air Quality Assessment prepared by NRG Consulting (Report ref. PP1789/KO/AQA/202209-EC).*

*A qualitative assessment of the impacts from construction activities has been carried out. It is considered that the implementation of best practice measures will help reduce and mitigate the impact of the construction activities.*

*Dispersion modelling was undertaken to assess the impact of road traffic emissions. Predicted concentrations at the modelled receptors are below the relevant air quality objectives. No mitigation measures are required.*

*I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures discussed in Table 21 of the Air Quality Assessment.*

##### Land Contamination

*I have reviewed the Desk Study Report prepared by GEA (Report ref. J21127).*

*The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation.*

*An assessment of the potential risks associated with the site is considered necessary.*

*Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.*

*1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

*i) A site investigation scheme, based on the Desk Study Report prepared by GEA (Report ref. J21127), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.*

*ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

*iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

#### 4.1.10 Thames Water: [No objection, informatives suggested]

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](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken.

Please read our guide 'working near our assets' to ensure your workings are 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/Planningyour-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto: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*

*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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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://www.thameswater.co.uk/developers/larger-scaleddevelopments/planningyourdevelopment/working-near-our-pipes>*

*We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.*

*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. 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://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>*

#### *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.*

#### 4.1.11 TRDC – Landscape Officer: [No objection]

*The site is protected by an Area Tree Preservation Order (TPO800) which protects all trees present on the site, at the date the TPO was served. The site is also partially in Metropolitan Green Belt, and borders Oxhey Woods Local Nature Reserve, parts of which are ancient semi-natural woodland. The site on Sandy Lane is typical of residential properties in this location, which are heavily screened by trees and vegetation from the road, and from adjacent properties.*



*The submitted plans indicate that a considerable number of trees would be removed to facilitate the development, however a substantial number of these are self-sown, which appear to have grown up in recent years. A number of other trees scheduled for removal are semi-mature conifers, whose form has been compromised by the growth of neighbouring trees, and are unlikely to make good quality specimens in the future.*

*Due to the derelict and overgrown nature of the site, it would be difficult to retain many of these trees during the demolition of existing structures. Hence, redevelopment of the site, with a comprehensive landscaping scheme would seem to be the best means of securing tree cover on this site over the long term. The outline plans indicate that there would be substantial numbers of new trees and woodland planting to the fringes of the development. A condition should be applied which requires the applicant to provide more detail on the implementation and establishment of remedial landscaping. A compliance condition requiring the applicant to comply with the submitted tree protection method statement during development, should also be applied.*

4.1.12 TRDC - Environmental Protection department: [Informal comments provided]

*Cedar house have their bins collected from the path outside for collection.*

*It would be a better position to empty Cedars house on exiting Knoll Oak in a forward motion.*

4.1.13 TRDC - Housing department: [No comments received. Any comments provided will be verbally updated]

4.1.14 TRDC – Local Plans Section: [Advisory comments provided]

*This outline application seeks approval for demolition of the existing vacant building and construction of 29 dwellings (Use Class C3) with landscaping as a reserved matter. The application site has not been allocated as a housing site in the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites 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 target.*

*The site is located in the settlement of Eastbury, which is a Secondary Centre in the Three Rivers Settlement Hierarchy (Core Strategy, 2011); Policy PSP3 of the Core Strategy states that development in Secondary Centres will focus future development predominantly on sites within the urban area, on previously developed land. The site is mostly comprised of previously developed land in the urban area, although part of the site is located within the Green Belt and is therefore not considered to be urban land. The site therefore partially complies with Policy PSP3. The site is located some distance from services and facilities but is in close proximity to a number 8 bus stop with routes to Mount Vernon Hospital and Abbots Langley (via Watford). Whilst Northwood TfL station is relatively accessible to the site, this is still approximately a 20-25 minute walk away. Nevertheless, the development would result in 29 dwellings which would make a positive contribution towards the District's current housing target of 630 dwellings per year as well as helping to address its shortfall in demonstrating a five year housing land supply. The development would also result in an active use of the site, taking into account that the existing building on site is derelict. It is*

also worth highlighting that the existing building on the site is included on the Brownfield Land Register.

The northern area of the site is located in the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The National Planning Policy Framework (NPPF) (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations. One exception is the partial or complete redevelopment of previously developed sites (i.e. the proposal site), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development (para. 149(g), NPPF). It should therefore be demonstrated that the proposed development would not have a greater impact on the openness of the Green Belt than the area of the existing building which is located in the Green Belt.

Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4+ bed</b>
<b>Market Housing</b>	5%	23%	43%	30%
<b>Affordable Home Ownership</b>	21%	41%	28%	9%
<b>Social/Affordable Rented Housing</b>	40%	27%	31%	2%

The application proposes a total 29 dwellings and the supporting documents submitted alongside the application states that the indicative unit mix comprises of 12 one-bed units (41%), 6 two-bed units (21%), 7 three-bed units (24%) and 4 four-bed units (14%). The planning application document states all proposed units will be market housing only; the proposed proportions for one-bed, three-bed and four-bed (or over) units does not align with the recommended mix outlined above. However, Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors. Where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy states that the Council seeks a provision of 45% of all new housing as affordable housing. At this stage, it is not clear the proposed approach to apportioning the different unit sizes amongst the tenure mixes stated above, however, it is advised that future stages take account of the range of housing needs, in terms of size and type of dwellings as identified in the LHNA (2020). However, Policy CP4 states that in assessing affordable housing requirements, the Council will treat each case on its merits, taking into account site circumstances and financial viability. It is noted that a Viability Assessment has been submitted alongside the application which concludes that affordable housing provision would render the scheme unviable; the submitted information will be assessed by an independent financial advisor and following this, the proposal's conformity with Policy CP4 can be fully considered.

4.1.15 Herts Constabulary Crime Prevention Officer: [Advice provided]

*Unfortunately I cannot find any reference to crime prevention or security for this application, I would ask that the development is built to the Police security standard Secured By Design:*

*Physical Security (SBD)*

*Communal door sets:*

*Certificated to BS PAS 24: 2016, or LPS.1175, I have concerns regarding the entrance to the lobby, from a security and safety perspective there should be two sets of doors before entering the building. This will help prevent tailgating and people hiding in the lobby area, and add an extra layer of security for residents.*

*Access Control to block of flats:*

*Audio Visual access control system. Tradespersons release buttons are not permitted.*

*Postal delivery for communal dwellings (flats):*

*Secure communal post boxes within the communal entrances, (Preferably covered by the CCTV) or each flat will have post delivered to it via a letter plate fitted in each flat's door with the local post office being given an access fob.*

*Individual front entrance doors of flats:*

*Certificated to BS PAS 24:2016*

*Windows: Flats*

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

*Dwelling security lighting (flats):*

*Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points.*

*Bin stores and Waste collection:*

*The access doors to these should be to LPS.1175(min SR2), or BS PAS 24: 2016.*

*Car Parking*

*No bollard lighting in above ground car park (it is not fit for purpose, gets easily damaged and raises the fear of crime). Roller shutters to standard LPS 1175 SR2 or equivalent.*

*CCTV*

*This is not mandatory to achieve the Secured by Design award for this application, however it is preferable.*

*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.*

Officer comment: The ground floor plan has been amended to incorporate two sets of doors before entering the building (vestibule).

4.1.16 Affinity Water: [No objection]

*We have reviewed the development and do not have any comments to make.*

4.1.17 Military of Defence Safeguarding (MOD): [No objection]

*The application site occupies the statutory height, technical and birdstrike safeguarding zones surrounding RAF Northolt and lies approximately 7.4km from the centre of the airfield. After reviewing the application documents, I can confirm that the MOD has no safeguarding objections to this proposal.*

*However, my colleagues in the DIO Town Planning/Land Management Services section will be submitting separate representation on other matters in respect of this application.*

*The MOD must emphasise that the advice provided within this letter is in response to the information detailed in the developer's documents titled Design and Access Statement Rev C dated August 2022, Location Plan Rev A dated 10/11/2022, Landscape Plan, Landscape and Visual Assessment dated status Final dated July 2021. Flood Risk Assessment and Surface Water Drainage REF 221063 dated October 2022, Site layout Plan Rev B dated 24/11/2022, Amended Elevation plan Proposed East Elevation drawing number 20-122 Revision B dated 26/08/2022, Proposed West Elevation Drawing number 20-120 Revision D dated 30/11/2022, Proposed North Elevation Plan Rev C dated 25/11/2022 Proposed South Elevation Plan Rev C dated 25/11/2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.*

4.1.18 Military of Defence - Defence Infrastructure Organisation: [Objection]

*The MOD have been made aware of the proposed outline application 22/1875/OUT which is adjacent to HQ Northwood. On review, the MOD establishment were not included in the neighbour consultations. However, another MOD department DIO Safeguarding had been consulted and replied with a no objection response. Please note DIO Safeguarding only consider applications in relation to the statutory safeguarding consultation zones surrounding RAF Northolt. They do not provide comment on Northwood HQ.*

*The MOD wish to submit an objection to the application as the proposed development impacts safety and security. Irrespective of landscaping / foliage the proposed construction will highly likely allow for direct line of sight onto the Main Entry Point (MEP) at HQ Northwood and potentially into key internal buildings on site. In particular there is, in our view, potential for future residents to overlook the Main Entry Point (MEP). In addition the presence of an additional multi-user access proximate to the Northwood site MEP, on a 40mph section of road, increases risk to all users including the Northwood HQ community.*

*Issue exacerbated during infrastructure developments of Northwood site (eg Single Living Accommodation and NATO projects) due to volume of construction traffic.*

*The MOD seek the LPA to reflect on the NPPF 2021 section 8 para 97 " Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

*b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected by the impact of other proposed development in the area.*

**Officer Comment:** A site meeting with arranged with the MOD on 1 March 2023 who confirmed that their primary issue was overlooking from the higher floors fronting Sandy Lane and the access into Northwood Headquarters. Further discussions followed in respect of possible mitigation and the following comments were submitted:

*"I understand the site have noted the options to enclose balconies and the reserved matter of landscaping and have also reviewed the boundary distances. However, their reservations / objection on grounds of security remains unchanged although they do appreciate the town planning position.*

*Unfortunately, the site cannot provide further detail on specific security arrangements, they can only express in terms of a general concern of overwatch / line of site into the main entry point and establishment from a multioccupancy 4 storey structure.*

*The site therefore wishes the objection to remain, and I take it from that for the determination to be made on that basis."*

4.1.19 **National Grid:** [No objection, informative recommended]

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.*

*If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)*

*Prior to carrying out works, including the construction of access points, please register on [www.linsearchbeforeudig.co.uk](http://www.linsearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.*

**4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 15

4.2.2 No of responses received: 7 objections including from Northwood Residents Association and Eastbury Flood Alleviation Group

4.2.3 Site Notice: Expired 14.12.2022 (Major Application)

4.2.4 Press Notice: Expired: 23.12.2022 (Major Application)

4.2.5 Summary of Responses:

- Compromises the integrity of the woodland and wildlife
- Overdevelopment
- Overbearing
- Poor design
- Not in keeping with rural nature of area
- Set a precedent
- Traffic concerns
- Highway safety issues
- Cause on-street parking
- Cause overlooking and block rural views
- Security risk given proximity to entrance to Northwood HQ
- Refuse vehicles can only enter and exit by swinging over to the wrong side of the road
- Concerns over increase volumes of storm water into road

- Flood Risk Assessment does not acknowledge the existence of persistent flood incidents on Sandy Lane around the site entrance
- Delivery trucks will inevitably block a busy major road

**Officer comment:** The above material planning considerations will be discussed within the following planning analysis sections. However, it should be recognised that the loss of view is not a material planning consideration. Additionally, it should be noted that the refuse vehicle tracking has been amended following consultation with the Council.

## 5 Relevant Planning Policy, Guidance and Legislation

### 5.1 Legislation

- 5.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 5.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 5.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 5.1.4 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.

### 5.2 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 12; Chapter 13; Chapter 14; Chapter 15 & Chapter 16.

### 5.3 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 PSP3, 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, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5.

## 5.4 Other

Frith Wood Conservation Area Appraisal 2008

Affordable Housing Supplementary Planning Document (adopted June 2011)

South West Hertfordshire Local Housing Need Assessment (September 2020)

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

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

Technical Housing Standards – nationally described space standards (March 2015).

## 6 **Reason for Delay**

6.1 Submission of amended plans and obtaining consultation responses.

## 7 **Planning Analysis**

### 7.1 Outline nature of development

7.1.1 The application has been submitted in outline with scale, layout, appearance and access to be considered with landscaping to be reserved for future determination. Should outline planning permission be granted, the reserved matter of landscaping would need to be submitted as a formal application for consideration.

7.1.2 Whilst landscaping is reserved, it is considered that given the positioning of the building the potential impact on protected trees across the site is an important consideration under the assessment of 'layout'.

### 7.2 Principle of development

7.2.1 The application site is located within Eastbury, referred to as a Secondary Centre within the Council's Core Strategy Settlement Hierarchy. Policy PSP3 states that development in Secondary Centres will focus future development predominantly on sites within the urban area, on previously developed land and provide for approximately 24% of the District's housing requirements over the Plan period. Having regard to the definition of previously developed land within the NPPF (2021), parts of the site which are built up are considered to be previously developed. Whilst located within Eastbury, the application site falls on the outer edges of the settlement and therefore is approximately 1 mile from the amenities and transport facilities in Northwood.

7.2.2 It is noted that the application site has been included within the 2021 Regulation 18 consultation, 'Sites for Potential Allocation' relating to the new Local Plan, with an indicative dwelling capacity of 35 units. This would be on the basis that the Green Belt boundary would be revised, i.e. removed in its entirety. Whilst the 2021 Regulation 18 consultation exercise for the preferred allocated sites has now closed, a new consultation on 18 additional sites recently expired. A further consultation is expected later in the autumn. As a result, very limited weight can currently be given to the potential future allocation of the site.

7.2.3 The application site is also on the Brownfield Land Register (2020) which confirms that the site is appropriate for residential development and that development is achievable.

- 7.2.4 The NPPF at paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2.5 In respect of achieving appropriate densities the NPPF at Section 11, paragraph 125, emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 7.2.6 At local level, Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.
- 7.2.7 It is well documented that the Council cannot demonstrate a deliverable supply of housing as required by the NPPF, with the Council's current position at approximately 1.9 year supply of housing. The NPPF at paragraph 11 is clear and states that where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. As a result when engaging paragraph 11(d) of the NPPF it states that planning permission should be granted unless 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 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 fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 7.2.8 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.
- 7.2.9 The development proposes an uplift of 28 dwellings which would significantly weigh in favour of the development having regard to the Council's current housing delivery position.
- 7.2.10 To conclude, the application site is in principle considered acceptable for residential development, although this is subject to an assessment against all other material planning considerations relating to layout, scale, access and appearance.
- 7.3 Impact on Metropolitan Green Belt
- 7.3.1 The application site is partially located within the Metropolitan Green Belt with the northern section of the plot situated within the confines of the Green Belt boundary (approximately 42% of the overall site). From historic plans the land within the Green Belt contained a large swimming pool building and garage which were permitted under planning reference 8/414/85. Additionally, historic plans also show a stable block towards the east of the application site which still exists today and is to remain as part of the proposal.
- 7.3.2 Due to the fact the application site is bounded by dense woodland to the north and residential properties to the other boundaries it is appreciated that any development on site would not conflict with any of the five Green Belt purposes as set out within the NPPF at paragraph 138. That said, the northern parcel of the site (adjacent to the woodland) does still fall within the Green Belt designation and paragraph 136 of the NPPF makes it clear that once established, Green Belt boundaries should only be altered where exceptional



circumstances are fully evidenced and justified, through the preparation or updating of plans, not during the planning application process.

- 7.3.3 Based on the current site circumstances there are single storey buildings and retaining walls which fall within the Green Belt (albeit some extensions have been significantly damaged by a fire) which currently already significantly reduce openness, a key characteristic of Green Belts.
- 7.3.4 At local level Policy CP11 of the Core Strategy 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. Whilst Policy CP11 predated the NPPF (2012), it reflects the wording of both NPPF 2012 and 2021 and thus can be afforded weight as part of the decision making process. In addition to Policy CP11, Policy DM2 of the Development Management Policies LDD follows national policy and thus is considered consistent. Policy DM2 is a part of the statutory Development Plan for Three Rivers, and post-dates the 2012 NPPF (it was adopted following examination in 2013). It was therefore adopted at a time when national planning policy in respect of development in the Green Belt was very similar as it is today (i.e. very limited difference between 2012 NPPF and 2021 NPPF in respect of Green Belt). On this basis, it is considered that weight can be given to DM2 in decision making terms.
- 7.3.5 At national level the NPPF at paragraph 145 emphasises that local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 7.3.6 When considering whether the application proposal would be an appropriate form of development it is necessary to consider whether it falls within any of the exceptions listed at paragraph 149 of the NPPF as set out below:
- 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.
- 7.3.7 It would appear that the exceptions of most relevance would be part (g), the partial or complete redevelopment of previously development land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development and part (b) due to the proposed play area.

- 7.3.8 Paragraph 150 of the NPPF also sets out 'certain other forms of development' which 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. Of most relevance to the submitted application is part (b), engineering operations, given the proposed pedestrian pathways within the Green Belt which aid connectively around the building and play area and part d), the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 7.3.9 Due to a fire at the application site the swimming pool extension to the side of the house within the Green Belt has largely been destroyed; however, existing extensions/buildings do still exist and are approximately 82sqm in area. These buildings project significantly northwards into the Green Belt, set back approximately 11m from the northern boundary. They currently significantly impact openness, albeit at a localised level. It should be noted that the Green Belt boundary is very difficult to identify while on and off site.
- 7.3.10 The development as proposed would confine built form to the Green Belt boundary with the exception of the balconies within the northern elevation at 85sqm in area which would project into the Green Belt. The building would be set back from the northern boundary by 18.5m, thereby significantly enhancing openness to this part of the site. Whilst a retaining wall feature would be built to the north to enclose private amenity areas serving some ground floor flats, it should be noted that retaining walls are not an uncommon feature to this part of the site due to the presence of the swimming pool and patio areas, all of which will be removed and replaced with landscaping. Additionally, the proposed retaining wall would be closely tied to the building, unlike the existing retaining walls which are positioned well within the Green Belt boundary. By pulling the building closer to the Green Belt boundary it is felt that a more defined physical distinction will occur on site with the remaining parcel of Green Belt land being overwhelmingly open in character (excluding the play area which is discussed below). Whilst noting that activity within the Green Belt would increase as a result of the scale of the development, it is not considered that its recreational use would be evidently apparent from outside the site given the wooded nature of the site and the enhancement to the area through a sensitive landscaping proposal. Nevertheless, great weight is attached to the removal of the existing built form well within the Green Belt and the significant benefits which would arise from this even though parts of the new building at four stories would intrude slightly into the Green Belt. It is concluded that the new building would therefore fall within the scope of paragraph 149(g) and therefore would be an exception to inappropriate development within the Green Belt and would not harm openness as a direct result.
- 7.3.11 In terms of the play area it is considered that this would fall within the definition of outdoor recreation and thus would be an appropriate form of development, subject to preserving openness and not conflicting with the purposes of Green Belt. Due to the nature of the play area the structures would be relatively low level (details of which would be secured by condition) and relatively well screened by existing and new soft landscaping to preserve the openness of the Green Belt. There would be no conflict with the purposes of the Green Belt. The play area would therefore fall within the exception set out at paragraph 149(b) of the NPPF and be an appropriate form of development.
- 7.3.12 With regards to the proposed paths within the application site, these would be minor forms of development which would not harm openness and would be largely obscured from outside the site by the wooded verge and surrounding tree coverage. Any use would be confined to residents using it for their enjoyment rather than facilitating any other uses which may have a harmful visual impact. The paths would therefore fall within paragraph 150(b) of the NPPF and constitute appropriate development.
- 7.3.13 The existing stable building towards the eastern part of the site is to be retained and used for ancillary purposes to the development. As a result it is therefore considered to preserve openness and not conflict with the purposes of the Green Belt. It would be appropriate

development within the Green Belt, falling within the scope of paragraph 150(d) of the NPPF.

- 7.3.14 To maintain the openness of the Green Belt it will be important that external lighting details are secured so any lighting within the Green Belt is sympathetic, i.e. lit via low level means or is very limited.
- 7.3.15 In conclusion, it has been found that the development as a whole would not result in a form of inappropriate development and would be acceptable in Green Belt terms, having regard to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD and the NPPF (2021).
- 7.4 Design, impact on the character of the area and upon nearby heritage assets
- 7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.
- 7.4.3 The NPPF at paragraph 130 sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.4.4 In terms of the location of the application site and its local character, it sits immediately opposite the Northwood Headquarters which comprises a substantial cluster of large buildings which are generally at odds with the local built environment, albeit their impact on the local context is mitigated due to the setback nature of the buildings and the fact the site is on a lower land level than Sandy Lane. Notwithstanding the presence of the Northwood Headquarters, the immediate locality is characterised by large detached dwellings, many on subdivided plots within a heavily wooded setting. Due to the wooded nature of the area many of the immediate adjacent houses are only glimpsed meaning there is no active built form streetscene frontage, especially along Sandy Lane when approaching the application site from The Woods. The detached dwellings in the area have some degree of consistency in terms of their appearance and roof forms; however, it cannot be said that there is any real uniformity in terms of their design.
- 7.4.5 Following pre-application discussions it was held by the applicant that the character and appearance of the Northwood Headquarters heavily influences the area and it should not be viewed in isolation. Whilst Officers do not necessarily agree, it is clear that the proposed design approach has little resemblance to other residential buildings in the 'immediate' vicinity and seeks to provide a 'statement' building. Whilst there is an inevitable need to consider the new development against its immediate context, it is not considered that the local area should be so constrained so as to not include developments in and around Watford Road, Eastbury Avenue and many others in a wider context.
- 7.4.6 It goes without question that the development will be different from those residential dwellings close by given its height and contemporary approach to classical architecture. It would be visually unique and substantial in size given its design and height. The proposed

building would predominately be bricked, with its colour to appear similar to the use of Porphyry stone cladding and the use of concrete columns. Further, in terms of its height it would be approximately 2.8m higher than the highest ridge on the existing dwelling (1.6m higher when taken from the highest point on the existing dwelling) and would be of a bulkier design and closer to the highway.

- 7.4.7 The application site is significant in size, larger than the majority, if not all the other residential plots within the locality. The building would have a large footprint; however, the principal elevation of the building would only cover approximately 34% of the plot width, would be stepped in design, would be set back from the front boundary by a minimum of 10m with this increasing to approximately 20m from the highway pavement on Sandy Lane given the large wooded verge which would help to visually absorb and soften the majority of the four storey front elevation of the building from Sandy Lane. Since the previous withdrawn scheme, efforts have sought to mitigate the impact of the most visible part of the building from Sandy Lane, its south western corner as well as its four storey bulk and massing to the front. Whilst the building would still be four storeys in height towards the west and south western corner, the top floor element (third floor) to the northern part of the western elevation and the south western corner have been altered to elevated terraces with open sides. This has ensured that the elevated bulk and massing of the building is reduced at key points. Additionally, greater planting is shown towards the south western corner to supplement the existing highway woodland.
- 7.4.8 It is accepted that in winter months the tree coverage is reduced, especially close to the access. Although the building would be set back from the road as well as the fact that both the western (front) and southern (flank) elevations are stepped to reduce the overall bulk of the building a number of mature trees are proposed to be removed from the wooded verge to assist with visibility splays. Replanting will occur but would be subject to a section 278 agreement with HCC.
- 7.4.9 In light of the above, it is therefore accepted that the building will be visible from Sandy Lane; however, its visibility would be heavily mitigated due to the presence of mature vegetation. When considering the building's set back from the road boundary, its stepped building line, the use of Portphry stone and other similar darker coloured materials, the alterations to the third floor and future planting, these factors will ensure that the overall height of the building and its bulk and massing will not appear so unacceptably prominent, to an extent that would adversely affect the visual amenity of the streetscene. It is noted that the building would still appear as a four storey building, however, due to the lack of any notable streetscene frontage and the relationship with neighbouring properties including substantial intervening screening, a building of this height and design is considered to add a degree of visual interest into the existing streetscene without causing demonstrable harm.
- 7.4.10 As highlighted above the building would have a significant footprint, positioned relatively centrally within the plot with deep flank elevations, extending eastwards towards the heavily vegetated boundaries. The footprint of the new building would be far greater than any other nearby dwelling albeit the application site is also much larger than others adjacent. Given the heavily vegetated nature of the site, the building will not be unduly prominent from neighbouring outlook with the exception of Cedar House; however, it is accepted that views of the building will be possible from the properties towards the rear such as Oxhey Cottage, Frog Place and Samrat Villa but more so from Cedar House to the south. Whilst the building's layout is stepped towards the rear, so as to reduce its bulk and massing, parts of the building which face the side of Cedar House and its rear garden will be within 13-17m of the shared boundary. However, the building would be built into the ground which rises eastwards, meaning that the majority of the southern elevation would appear as a flat roofed three storey building, with the elevations staggered in design. Nevertheless, whilst accepting that the building would not harm the visual amenity of the streetscene, given its sheer scale and un-broken depth, the building from neighbouring vantage points would be

at odds with the sylvan character of the area. As a result, the overall massing and scale of the building would have a harmful impact on the wider area as a whole.

- 7.4.11 It is recognised that the development would provide for flats rather than individual detached houses which is the norm in the immediate locality. However, the very notion of a flatted development is not considered to be out of character with the local area and was not objected to when assessing the development at Cedar House (20/2314/OUT) to the immediate south. The proposed external parking area and shared surface arising from its use would largely be obscured from public view given the wooded highway verge and would be complemented by enhanced soft landscaping to ensure it would have an acceptable impact visually.
- 7.4.12 Policy DM3 of the Development Management Policies document states that applications 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 and 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. Paragraph 199 of the NPPF states 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. In respect of a non-designated heritage assets paragraph 203 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 7.4.13 At a distance of approximately 170m south of the application site is the Frith Wood Conservation Area. Given the distance between the site and the conservation area, it is not considered that the development would harm its setting. There are also a number of non-designated heritage assets and Grade II Listed Buildings (Lodge to Admiralty House, Admiralty House and The Glade) within the local area; however, given the separation distance no harm would arise.
- 7.4.14 Details in relation to external lighting could be secured by condition, as it is noted that external lighting to the building could increase its visual prominence. The comments from the Crime Prevention Officer have been taken on board.
- 7.4.15 In terms of the wider landscape impact Policy DM7 of the Development Management Policies LDD states that the Council will require proposals to make a positive contribution to the surrounding landscape. The application was supported by a Landscape and Visual Assessment which concludes that the development will have a low (negligible) landscape character impact on the Northern Thames Basin. Having regard to the site's location and the surrounding environment it is agreed that there would be no harmful impact.
- 7.4.16 To conclude, whilst of contrasting design to other residential buildings in the immediate vicinity, having regard to the fact that the local area is varied and having some regard to the Northwood Headquarters opposite, materiality and intervening screening, it is considered that the design approach would be acceptable and would not have an unacceptable impact on the visual amenity of the streetscene, with the development adding a degree of vibrancy into this part of Sandy Lane. That said, the building would be sizable in scale, of significant bulk and massing which would be readily visible from a number of neighbouring vantage points. Due to these factors, it is considered that the sheer scale of the development would appear out of character with the sylvan character of the area. As a result the development would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.5 Impact on neighbouring amenity

- 7.5.1 Policy DM1 and Appendix 2 (Design Criteria) of the Development Management Policies LDD states that new development should take into consideration impacts on neighbouring

properties, both within and surrounding the development. Within the Design Criteria there is an expectation that all developments provide acceptable standards of privacy for both new and existing residential buildings and the degree of overlooking and privacy inherent in a development will depend on density, layout, distances and angles between buildings, internal layout, positioning of windows, relative levels and, to some extent, the presence of trees, hedges or other landscape features (although trees and hedges should not be solely relied upon).

- 7.5.2 The Design Criteria sets out that in the interests of privacy and to prevent overlooking distances between buildings should be at least 28m between the faces of single or two storey buildings backing onto each other, with this distance greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another. The Design Criteria also states that where rear garden length alone is relied on to provide privacy the minimum length should be 14m.
- 7.5.3 Due to the location of the application site, the most immediate residential properties of note are Cedar House to the south, Frog Place and Hilltop Cottage to the east / south east and Samrat Villa, 3 Oxhey Ridge Close to the north east.
- 7.5.4 The proposed building would sit alongside Cedar House with the eastern elevation facing towards Frog Place, albeit the latter would be separated by a narrow strip of the rear garden belonging to Oxhey Cottage. Whilst the building would not back onto Samrat Villa, 3 Oxhey Ridge Close, it would still be visible.
- 7.5.5 Cedar House faces away from the application site, in a south westerly direction meaning the majority of the proposed building towards the front would be angled away from the boundary. The proposed building would be set in from the boundary by a minimum of 13m rising to 26m with mature trees masking large parts. As highlighted above, the new building would be visible given its scale from within the driveway of Cedar House; although, given the relationship, positioning to the north and the significant intervening mature tree screen the proposed building would not result in any demonstrable harm in terms of loss of light or outlook. Due to the topography of the application site with the land naturally rising towards the rear, the proposed building will appear more akin to a three storey flat roofed building when positioned alongside Cedar House and when viewed at the rear with the southern elevation stepped in design. Within the rear garden of Cedar House there is an outbuilding located close to the boundary with the application site. Without the strengthening of the tree cover the new building would be readily visible from the rear garden albeit its impact would be mitigated by the presence of the outbuilding and tree cover. Whilst the building would be set in from the boundary at this point by a minimum of 13m, given the boundaries splayed nature, the majority of the building would actually be set back far more significantly which reduces its visual prominence and impact.
- 7.5.6 Whilst it is acknowledged that some of the proposed flats would face directly south, towards Cedar House and therefore heightening the perceived sense of overlooking, it is considered on balance that there would not be any significant loss of amenity due to the presence of mature vegetation coupled with the separation distances, exceeding those required by the Design Criteria (14m). It is also noted that the refused flatted scheme at Cedar House had a similar layout with flats facing towards the application site at a distance of 14m. This was not a reason for refusal under application 20/2314/OUT. Towards the rear, the building would be set in from the adjacent boundary with the very rear garden of Oxhey Cottage by a minimum of 13m. Due to the existing protected tree cover it is considered that this distance would be acceptable to prevent any unacceptable overlooking issues, with the main part of this neighbouring garden well screened and set significantly away from the development site.
- 7.5.7 A distance of approximately 43m would exist between the three storey north eastern elevation of the proposed building and the rear of Frog Place and approximately 55m to Hilltop Cottage which is further to the south. In addition to the significant separation

distances there would be extensive tree cover which would assist in preventing the building from appearing overbearing and creating unacceptable overlooking issues. To the north east there would be a separation of distance of approximately 57m between the proposed north eastern corner of the building and the rear of Samrat Villa, 3 Oxhey Ridge Close. As a result, the proposed building would be well in excess of the separation distances as set out within the design criteria.

- 7.5.8 To the west and north there are no residential properties so no overlooking issues would arise, albeit the impact on Northwood Headquarters is considered at section 7.7 of this report.
- 7.5.9 Whilst the proposed building covers a substantial footprint, it is not considered that the development would result in any unacceptable levels of overlooking given its layout, relationship with neighbouring properties and the presence of a mature vegetated screen along the site boundaries which are to remain in situ, are protected and are to be strengthened. The submitted Daylight and Sunlight report which reference BRE guidance (i.e. useful tests) also confirms that no loss of light or overshadowing to all above mentioned neighbouring properties would arise.
- 7.5.10 The development would increase on-site activity given the number of units with the frontage area also comprising 8 parking spaces. Communal paths are also proposed with amenity spaces provided within the site. Due to the protected tree screening on the boundaries the increase in on-site activity would not be readily evident or result in any unacceptable noise and disturbance which would conflict with Policy DM9 of the Development Management Policies LDD.
- 7.5.11 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts to neighbouring properties and the locality more generally.
- 7.5.12 To summarise, the development proposal is considered, on balance, not to have a detrimental impact on the privacy levels of Cedar House or any other neighbouring property. The development therefore complies with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD.

## 7.6 Impact on highway safety, parking and refuse collection

- 7.6.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### *Access and trip generation*

- 7.6.2 The application site is currently accessed by a shared access with Cedar House with separate gates serving each property, set back from Sandy Lane by approximately 15m. Sandy Lane is a Classified A main distributor road with speed limit of 40mph and is a highway maintainable at public expense.
- 7.6.3 The proposal put forward two access options, both of which went through a Road Safety Audit – Stage 1 process. The Highway Authority have confirmed that Option 2 is preferred. This option would alter the shared access, giving priority to the application site. To enable acceptable vehicular visibility splays some vegetation and trees within the existing highway

land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The Highway Authority have confirmed that they have no issues with the removal of the vegetation; however, depending on the size of the tree to be removed, the Highway Authority would require replacement trees, the cost of which would be borne from the applicant and be subject to a section 278 Agreement which falls outside of the remit of this application.

- 7.6.4 Electric vehicular gates are proposed, set back 15m from the road edge ensuring vehicles could safely wait clear of passing traffic. The gates would be FOB operated which would be given to residents and regular visitors. However, further details would be required in respect of how other users such as delivery drivers, visitors would gain access to the site as vehicles must avoid reserving out onto Sandy Lane. Further details would be secured by condition.
- 7.6.5 In terms of trip generation, the submitted information contained within the Transport Statement has been considered acceptable by the Highway Authority. Given the existing use of the site, it is inevitable that far greater vehicular movements would occur. From the submitted details it is anticipated that the number of trips associated with the proposed use are estimated to be 8 two-way vehicle movements in the AM peak (08:00 to 09:00) and 9 two-way vehicle movements in the PM peak (17:00-18:00). The Highway Authority are content that the development would not be unacceptable and are unable to substantiate a reason for refusal on this aspect.
- 7.6.6 It is noted that immediately outside the application site, the highway floods during high rainfall. Following discussions with the Highway Authority they have confirmed that the access works linked to the development would ultimately require a section 278 agreement and any subsequent safety audits carried out as part of that process should identify if there is an ongoing flooding issue. If identified, this would be rectified during the section 278 process. Notwithstanding this, the Highway Authority are aware of the existing issue.
- 7.6.7 It is also essential that the new access is built out prior to construction works given the current condition/layout of the access and its poor visibility. A pre-commencement condition would be imposed to that effect for highway safety purposes.

#### *Sustainable travel and accessibility*

- 7.6.8 The proposed site is served by an existing lit footway and a pedestrian access is proposed. It is sited close to bus stops on Watford Road/Sandy Lane Way and The Woods, all of which are within recommended accessibility limits of 400m. The proposal includes an internal storage area for up to 30 cycles along with further external storage. Appropriate signage, surfaces and lighting would be required due to the shared use of the frontage.
- 7.6.9 Whilst close to bus routes, the services are not regular and thus given the location of the site there would be significant reliance on trips by car.

#### *Parking*

- 7.6.10 With regards to parking, the site will provide 62 spaces across the site (54 within the basement and 8 external spaces). Out of the 62 spaces, 15 spaces are designated as disabled and 20% will provide for electric vehicles.
- 7.6.11 Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District and states that in areas of high accessibility and good service provision a reduction in the levels of parking for residential development may be appropriate. Whilst there is good access to bus stops which serve the No.8 bus route which would connect the site to immediate settlements such as Northwood and South Oxhey where local amenities and train stations are located, it is considered that the majority of occupiers would rely on vehicles as their primary mode of travel given the distances to



such amenities. As such given that the site is located on the edge of Northwood it is not considered that it falls within an area of high accessibility.

7.6.12 The table set out below clarifies the parking standard requirements as set out within Appendix 5 and applies them to the proposed development.

Flat type	Parking standard requirement (Appendix 5)		No of flats	Parking requirement of the development	
	Total spaces	Assigned space		Total spaces	Assigned space
1 bed	1.75	1	12	21	12
2 bed	2	1	6	12	6
3 bed	2.25	2	9	20.25	18
4 bed	3	3	2	6	6
<b>Total</b>				<b>59.25</b>	<b>42</b>

Table 1: Parking standards when applied against parking requirements of the development

7.6.13 As the above table shows there will be a total requirement to provide for 60 (rounded upwards from 59.25) spaces across the development including 42 assigned spaces. The development will provide a total of 62 spaces and therefore will slightly exceed the total requirement.

7.6.14 Concern has been raised that given the total number of flats that there will be an overflow of vehicles parking on adjacent residential streets which would lead to a detrimental impact on the surrounding residential roads and the amenity of neighbouring residents.

7.6.15 In response, it is evident that the total number of assigned spaces would accord with and provide in excess of the parking requirements. A Parking Management Plan would be secured by condition in the event of an approval to ensure that the number of parking spaces allocated to each flat is consistent with the parking standards (i.e. 3 assigned spaces for a 4 bed flat), as well as allocating visitor and disabled spaces. In terms of visitor spaces, there would be 17 spaces which could be provided. It is considered that this number would be acceptable to avoid overflow vehicles being parked on adjacent residential roads such as The Woods.

7.6.16 The Parking Management Plan would also set out the required number of disabled spaces, which, when applied to Appendix 5 states that for residential development 1 space per 4 spaces is required (where there are more than 10 spaces). When applied to the development proposed, 16 spaces (rounded from 15.5) are required. This accords with the details submitted and would be secured via the management plan.

7.6.17 With regard to cycle parking Appendix 5 states that for flats there is a requirement for 1 space per 2 units. A bike store with a capacity of 30 bikes is to be provided at ground level, along with external bike racks. The development would therefore comply with the cycle parking standards. Details would be secured by condition in the event of an approval to ensure they are provided for future occupants.

#### *Waste Management*

7.6.18 In terms of waste management, Policy DM10 states 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.

7.6.19 The application has been supported by amended tracking details which confirm that access via a TRDC refuse vehicle is achievable and can leave the site in forward gear. An appointed management company will move the refuse from the ground floor to the waste

storage area adjacent to the vehicular entrance in order to be collected. Details relating to this arrangement will be secured by condition in the event of an approval.

### *Construction Management*

- 7.6.20 Due to the nature of the works, including demolition, significant excavation and construction and the location of the site with access from a busy 40mph road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway.

### *Section 278 Highway Works*

- 7.6.21 In order to make the development acceptable in planning terms a number of works would be required within the extent of the highway, maintainable at public expense. These would include:

- Amendments to the existing access including priority arrangements and 6m kerb radii on either side
- 2m wide footway on the north side of the rearranged access;
- Tactile paving and pedestrian dropped kerbs on either side of the bellmouth access;
- Any necessary surfacing of the vehicular access area;
- Removal or cutting back of any highway vegetation to provide the necessary levels of vegetation on the north side of the access along Sandy Lane.

- 7.6.22 The above would all be subject to a section 278 Agreement with the County Council, subject to the decision to grant planning permission. As part of the above agreement, the flooding issue within the road would also be looked at.

## 7.7 Impact on national security

- 7.7.1 The NPPF at paragraph 97 states that planning decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

- 7.7.2 The application site is located opposite Northwood Headquarters (NHQ). The Military of Defence (MOD) object to the development citing their general concern of overwatch / line of site into the main entry point from a multioccupancy 4 storey structure. During the application process discussions were held on site and attempts were made to mitigate the concerns raised. It was confirmed that NHQ were unable to provide further details on specific security arrangements which may have a material impact on the proposal.

- 7.7.3 Whilst the concerns are fully acknowledged and Officers recognise the sensitivities around NHQ, there are a number of material planning considerations which ensure that the concerns are adequately addressed. The distances between the forward most western elevation of the building and NHQ site are more than the separation distances set out within Appendix 2 which states that “as an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other. Distances should be greater between buildings in excess of two storeys.” Whilst this guidance relates to residential scenarios it can be used in this instance as a guide. The proposed building is approximately 30m from the front of the NHQ site (front boundary line), approximately 45m from the site’s gated entrance and therefore substantially away from any buildings within NHQ, thus well in excess of the guidance. In addition due to the layout of the NHQ, the majority of the buildings are located a substantial distance from the site entrance, on a lower land level and are screened by on-site trees. The views from the forward most four storey elevation would also be restricted by the existing line of mature evergreen trees which are to be retained along with the mature woodland trees found within the highway verge.
- 7.7.4 The views from the recessed front western elevation would, in part, be restricted by the forward most elevation meaning that primary outlook from this four storey aspect would be across the site, highway verge, Sandy Lane and the pond within the site boundary of NHQ. The distance from this elevation to the pond is approximately 38/40m.
- 7.7.5 To further mitigate the concerns raised, it was agreed that privacy screens can be added to the external balcony areas to restrict external views from a standing position. This would require the erection of a 1.8m high privacy screen to the balconies within the western elevation. Further flank privacy screens would also be erected to the flanks of elevated balconies within the northern and southern elevations. These details are to be secured by planning condition in the event of an approval.
- 7.7.6 Further conditions would ensure the protection of the on-site trees shown to be retained; although it should be noted that they are all protected in any event via the TPO and greater on-site planting will take place.
- 7.7.7 It is recognised that the development would increase the number of occupants on site and the level of activity would also increase. However, there is no evidence to suggest that the increase activity on site would have an adverse impact on the security operations of NHQ, which, was noted to be significantly fenced and had CCTV cameras in place immediately opposite the application site and along Sandy Lane.
- 7.7.8 Whilst the objection raised by NHQ is noted, due to the site circumstances and distances involved with adequate mitigated planned, it is not considered that the development would adversely affect the NHQ operations, especially as no specific security arrangements have been raised. As a result, it is considered that the development would accord with paragraph 97 of the NPPF (2021).

7.8 Housing mix

- 7.8.1 Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. The Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment and subsequent updates.
- 7.8.2 The Local Housing Needs Assessment (LNHA) was finalised in 2020 and is the most recent update to the SHMA which sets out the following market housing mix for developments.

	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4+ bed</b>
Market Housing	5%	23%	43%	30%

7.8.3 Based on the type of accommodation provided, the development will provide 12 x 1 bed flats (41%), 6 x 2 bed flats (21%), 9 x 3 bed flats (31%) and 2 x 4 bed flats (7%). Whilst the scheme does provide a similar amount of 2 and 3 bed flats, the development as a whole does not comply fully with the above mix. Nevertheless, it is noted that the scheme does provide a good range of flat sizes and bedroom types. 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. No justification for the proposed mix has been provided, however, given the scale of development, it is not considered that the lack of variety in the housing mix would weigh against the proposal and justify a reason for refusal.

## 7.9 Affordable Housing

7.9.1 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, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable. Following the Written Ministerial Statement in May 2021 which set out the Government's plan for delivery of First Homes, the tenure mix for affordable housing under Policy CP4 has altered to 25% First Homes, 70% social rented, and 5% intermediate. However, given that significant pre-application discussions had occurred before 28 December 2021, there is no requirement for the applicant to consider First Homes. As such, the level of affordable housing on site should be 70% social rented and 30% intermediate.

7.9.2 The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

7.9.3 The proposed delivery of 29 flats would result in a policy requirement of 13 affordable units.

7.9.4 No affordable housing is proposed as part of this application on viability grounds. The Core Strategy sets out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability. Where non-viability is cited as the reason for a development proposal not complying with the affordable housing requirements, applicants for planning permission must support this reason with financial evidence to be submitted alongside the planning application.

7.9.5 A viability assessment was submitted with the application indicating that it would not be viable for the development to contribute to the provision of affordable housing. This has been independently assessed with the review concurring that no affordable housing provision would be viable, concluding that the policy complaint scheme results in a negative residual land value of -£3,982,409. When an appraisal was carried out with 100% open market units, this also resulted in a negative land value of -£1,611,564. The introduction of a benchmark land value would only serve to make the scheme more unviable. As such there would not be a requirement for the development to make provision for affordable housing in accordance with the provisions of Core Strategy Policy CP4.

7.9.6 On the basis of the above, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonable related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure a mechanism, subject to the particulars.

## 7.10 Living conditions of future occupants

- 7.10.1 Policy CP12 of the Core Strategy states that development must protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.10.2 All flats would be served by a good level of light reception with the majority having dual aspects. Those that do not have dual aspects have acceptable levels of north facing fenestration.
- 7.10.3 In terms of room sizes local policy is silent; however, the nationally described space standards can be used as a guide and the flats would be compliant. Every flat would also have their own private amenity space / terrace with significant communal grounds.
- 7.10.4 To safeguard privacy levels, obscure screens would be required between certain gardens/terraces to avoid inter-overlooking between flats.
- 7.10.5 In respect of outlook, the majority of views from the units will be constrained to within the application site given the mature vegetated boundaries; however, due to the layout of the amended building it is not considered that trees would restrict light reception into the flats to an unacceptable degree.
- 7.11 Amenity space provision / open space
- 7.11.1 Appendix 2 of the Development Management Policies LDD states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, contribute to formal spaces/settings for groups of buildings or existing mature trees.
- 7.11.2 In respect of communal space for flats Appendix 2 states that it should be well screened from highways and casual passers-by. Purely visual amenity space should be prominent and may well include mature trees and key areas of planting and serves as a visual asset to the development without necessarily being heavily used by the occupants of the flats.
- 7.11.3 The indicative standards as set out within the Design Criteria are as follows:
- 1 bed flat: 21 square metres
  - Additional bedrooms: 10 square metres each (space can be allocated specifically to each flat or communally)
- 7.11.4 On the basis that there are 12 x 1 bed flat (252sqm); 6 x 2 bed flats (186sqm), 9 x 3 bed flats (369sqm) and 2 x 4 bed flats (102sqm) there should be a total amenity space requirement of 909sqm. The communal space surrounding the building will provide in excess of 1,800sqm. In addition, each flat would have their own private amenity area or terrace. As a result the development would far exceed the indicative amenity levels as set out at Appendix 2.
- 7.11.5 Policy DM11 Open Space, Sport and Recreation Facilities and Children's Play Space of the Development Management Policies LDD states that new residential developments of 25 or more dwellings should make provision on site for open space and play space. The Open Space, Amenity and Children's Playspace SPD emphasizes that for large development the Council expects all provision for open space to be made on site with the layout and construction the responsibility of the developer with the costs of maintenance provided over a 30 year period. The SPD makes clear that the open space can be either public or private and include parks, gardens, woodland, outdoor sport pitches, children's play space, amenity green space and allotments.
- 7.11.6 A play area is proposed to the north of the building and would have an area of 100sqm. This is considered acceptable and complies with the SPD. The structures / play equipment within the play area, surfacing and enclosure are all to be secured by condition.

- 7.11.7 It should be noted that further provision towards infrastructure would be secured via the CIL payment.
- 7.12 Impact on trees / landscaping
- 7.12.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 7.12.2 The application site is protected by an Area Tree Preservation Order (TPO800) which protects all trees present on the site.
- 7.12.3 Whilst landscaping is a reserved matter, the layout of the building is such that it would require the removal of 33 individual trees and 11 groups of trees.
- 7.12.4 Of the trees to be removed 1 tree, a Chinese Thuja (labelled as "41") and 3 groups of trees (5 within G1 located within the highway verge; 4 within G4 located on the western boundary & 3 within G16 located to the rear of the existing house) fall under category B which are of moderate quality and capable of making a significant contribution to the area. The rest of the trees to be removed fall within category C or U and thus should not be seen as a constraint to development.
- 7.12.5 It is accepted that any redevelopment of the site would require the removal of a number of trees, with many groups of trees self-sown arising from the vacant use of the site and its lack of maintenance. Whilst it is regrettable that category B trees are to be removed, it is not considered that their removal would have a detrimental impact on the wider landscape amenity value. Any re-development would require the removal of G1 to enable acceptable visibility splay lines and these would be subject to replacements with Hertfordshire County Council who own the land via the section 278 Agreement. The removal of G4 and the Chinese Thuja is to facilitate the development with the latter located towards the rear of the site whereby its amenity value is reduced.
- 7.12.6 The redevelopment of the site will ensure greater on-site management of existing trees which have been neglected and the ability to plant significantly more trees across the development. Whilst landscaping is reserved, the details submitted indicate that a comprehensive landscape scheme is achievable. These factors are considered to outweigh the loss of the trees and make the development acceptable having regard to Policy DM6.
- 7.12.7 The proposed external parking area and paths around the building would also encroach into the root protection areas of many trees, although it is considered that this could be adequately mitigated through sympathetic construction techniques.
- 7.12.8 Details pertaining to tree protection through erection of fencing and ground protection have been submitted and are considered acceptable. In order to ensure that they remain in place throughout construction a site supervision condition has also been attached to the recommendation.
- 7.12.9 In light of the above and lack of objection from the Landscape Officer, subject to conditions, it is considered that the development complies with Policy DM6 of the Development Management Policies LDD.
- 7.13 Flooding and Drainage
- 7.13.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 7.13.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD 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).
- 7.13.3 The application site lies within Flood Zone 1 and is at a low risk of surface water flooding. However, Officers note from site visits that the area immediately in front of the access regularly floods, appearing to stem from a lack of storm drainage capacity within Sandy Lane. The Highway Authority have confirmed that this is currently being investigated and would in any event be checked upon any section 278 agreement as part of the safety audit.
- 7.13.4 A Flood Risk Assessment and Surface Water Drainage Strategy was submitted with the application.
- 7.13.5 With regards to surface water management, the proposal seeks to provide a combination of SuDS infiltration systems, such as permeable paving, rainwater harvesting and swale and modular soakaways. In terms of foul water, it would connect into the public foul water sewer in Sandy Lane with a limited runoff rate of 1l/s (as agreed by Thames Water).
- 7.13.6 Throughout the process the drainage strategy has been reviewed. During recent infiltration tests it concluded that there was potential for infiltration drainage; however, further sensitivity testing to demonstrate the robustness of the system is required. These tests are being conducted and will be subject to a further review.
- 7.13.7 In the event that the further tests conclude that the surface water management on site is robust, it would be subject to a condition that it should be undertaken in accordance with the drainage strategy. A maintenance and management condition would also be required to ensure it remains operational throughout the lifetime of the development.
- 7.14 Contaminated Land:
- 7.14.1 Paragraph 183 of the NPPF states that planning decisions ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 7.14.2 Policy CP9 of the Core Strategy states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:
- i) There will no threat to the health of future users or occupiers of the site or neighbouring land; and
  - ii) There will be no adverse impact on the quality of local groundwater or surface water quality
- 7.15 As part of the application a Preliminary Risk Assessment was submitted and identified a number of plausible contaminant linages that require further investigation, albeit on a low risk basis. Nevertheless, several pre-commencement conditions which have been suggested by Environmental Health have been attached to the recommendation.
- 7.16 Wildlife & Biodiversity

- 7.16.1 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.
- 7.16.2 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 document. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.16.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal and Bat Survey. The application site lies adjacent to an area of deciduous woodland and is nearby Oxhey Woods, a Local Nature Reserve. The appraisal acknowledged that the dilapidated building has a high habitat value for supporting roosting bats and also recognised that the development would not have a detrimental impact on biodiversity, subject to the introduction of bird boxes / site clearance works to be carried out under a precautionary method of working with hedgehog houses installed to the site boundaries away from the pathways and parking area. The Bat report concluded that a mitigation licence will not be required to the proposed works to be lawfully undertaken after a number of surveys. Nevertheless, it is recommended that 2 bat boxes should be installed within the walls or attached externally and the incorporation of wildlife friendly planting (subject to landscaping which is a reserved matter).
- 7.16.4 The above is all secured by conditions to ensure that the site will provide a net gain for biodiversity.
- 7.17 Sustainability
- 7.17.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 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.
- 7.17.2 The application has not been supported by an Energy Statement which confirms what type of design measures will be incorporated into the build to meet the policy standard. The submitted information states that the scheme aims to reduce the energy demand of the building as far as possible through both passive and active measures such as using high specification building fabric and thermal insulation, installing energy-efficient lighting, using a Building Management System to monitor the buildings electrical equipment and installing photovoltaic panels on the roof. The measures will need to be tested and therefore a pre-commencement condition has been recommended to ensure the requirements of Policy DM4 can be met and implemented during the build process.
- 7.18 Planning Balance / titled balance
- 7.18.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)). On the basis that the Council can only demonstrate a 1.9 year housing land supply, it must apply a presumption



in favour of sustainable development, although noting that the local planning policies referred to carry significant weight. The tilted balance is therefore engaged.

- 7.18.2 From the assessment of the application it has been found that the development would result in harm to the sylvan character of the area given its scale and the fact it would be out of character with the area, conflicting with Policy CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD. Additionally at the time of writing the report the drainage consultant required further information and thus the drainage strategy has not been agreed. If the drainage consultant/LLFA was to maintain their current stance planning permission could be refused as there is a clear reason for refusing the development as per para 11(d)(i) of the NPPF.
- 7.18.3 Nevertheless, if the drainage consultant/LLFA were not to object following additional information, it is considered that the development would still breach the development plan for the reason expressed above and therefore an assessment is required as to whether the adverse impacts identified would be significantly and demonstrably outweighed by the benefits of the scheme.
- 7.18.4 The application site is located on the edge of Eastbury (Northwood) and thus is not positioned within a highly sustainable location in respect of local amenities and public transport with limited bus options. Nevertheless, it does fall within a built-up residential area.
- 7.18.5 The proposed development would boost the supply of housing where there is currently a very significant deficit and would bring back into life a derelict property which has been acknowledged as being a deliverable site, falling on the Brownfield land register and a site potentially to be allocated in the future with a greater indicate capacity of dwellings. It would also be a substantial development, creating new jobs during the construction phase and future occupiers would support local economies. Further, the development will provide enhancements for biodiversity across the site, improvements to the highway access including the access for Cedar House and ensure better management of a significant number of protected trees across the development site.
- 7.18.6 The combination of all the above, especially the Council's current housing land supply position and the ability to redeveloped a deliverable site on largely previously development land, carries significant weight in favour of the development.

## 7.19 Conclusion

- 7.19.1 To summarise, whilst noting strong local objection against the development on various grounds, it is accepted that harm would arise to the character and appearance of the area. However, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and thus outline planning permission should be granted with matters relating to landscaping reserved.

## 8 **Recommendation**

- 8.1 That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice and the completion of a Section 106 Agreement (securing an affordable housing review mechanism), that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA (or appointed consultant):

### C1 Submission of Reserved Matters:

Details of the landscaping (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. The future landscaping details shall have specific regard to the submitted Illustrative Landscape Masterplan.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act.

C2 Time Limit for Reserved Matter:

An application for approval of the reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall commence before the expiration of three years from the date of approval of the last of the reserved matters to be approved.

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.

C3 In accordance with Approved Plans:

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

Arbtech AIA 01 Rev A  
Arbtech TPP 01 Rev A  
20-001 Rev A (Existing Location Plan)  
20-002 Rev A (Existing Block Plan)  
20-003 Rev A (Existing Site Layout Plan)  
20-101 Rev A (Proposed Location Plan)  
20-102 Rev A (Proposed Block Plan)  
20-103 Rev B (Proposed Site Layout Plan)  
20-110 Rev B (Proposed Ground Floor Plan)  
20-111 Rev A (Proposed First Floor Plan)  
20-112 Rev A (Proposed Second Floor Plan)  
20-113 Rev A (Proposed Third Floor Plan)  
20-115 Rev A (Proposed Basement Plan)  
20-120 Rev D (Proposed West Elevation)  
20-121 Rev C (Proposed South Elevation)  
20-122 Rev B (Proposed East Elevation)  
20-123 Rev C (Proposed North Elevation)  
20-130 Rev B (Proposed Section A-A)  
20-131 (Proposed Section B-B)  
92-001 Rev A (Proposed Entrance Gate)  
2007881-002 Rev D (Access – Option 2)

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

C4 Dwelling limit:

The total number of residential units provided within the scheme shall not exceed 29.

Reason: For the avoidance of doubt, in the interests of planning, and to ensure the development remains within the scope and parameters of the submitted and reviewed Affordable Housing Viability Appraisal assumptions to accord with Policies CP1 and CP4 of the Core Strategy (adopted October 2011).

C5 Highway Improvements - Offsite

Notwithstanding the details indicated on the submitted drawings no on-site works shall commence whatsoever (including demolition) until a detailed scheme for the necessary offsite highway improvement works as indicated on drawing numbers 2007881-002 Rev D and 20-103 Rev B have been submitted to and approved in writing by the Local Planning Authority.

The offsite highway improvement works as agreed shall be completed in accordance with the approved details prior to the commencement of the development hereby permitted on site.

Reason: This is a pre-commencement condition to ensure that the new access is in situ during the construction phase in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C6 Provision of Visibility Splays

Prior to the commencement of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plans. 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 CP10 of the Core Strategy (adopted October 2011).

C7 Tree Protection:

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 Drawing Number Arbtech TPP 01 forming part of the submitted Arboricultural Method Statement, dated 8 October 2022 prepared by arbtech.

The protective measures, including fencing, shall be undertaken in full accordance with Drawing Number Arbtech TPP 01 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).

C8 Site supervision

Prior to the commencement of the development, a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.

Reason: This condition is a pre commencement condition to ensure that continued monitoring takes place 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).

C9 Biodiversity Management Plan:

Prior to the commencement of the development, a Biodiversity Management Plan shall be prepared, detailing how biodiversity mitigation, compensation and enhancements across the site will be incorporated within the development scheme, as set out within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, dated 06/04/2020. The plan shall describe the type and location of native species to be introduced and any boxes/features to be installed. The plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved plan.

Reason: To demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C10 Service and Delivery Management Plan:

The development hereby permitted shall not commence until a full Service and Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- Access for any delivery, service and visitor vehicles that do not have FOB access for the vehicular entrance gates.

The Service and Delivery Management Plan shall be undertaken in accordance with the approved details.

Reason: This condition is a pre-commencement condition to ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C11 Construction Management Plan

The development hereby permitted shall not commence until a Construction Management Plan (CMP) 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 CMP. The CMP 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 on-site car parking, loading / unloading and turning areas);
- e) Siting and details of wheel washing facilities at the entrance with Sandy Lane;
- f) Cleaning of site entrances, shared access with Cedar House and the adjacent public highway;
- g) Timing of construction activities (including delivery times and removal of waste);
- h) measures to control the emission of dust and dirt during construction
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This condition is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM9 and DM10 of the Development Management Policies LDD (adopted July 2013).

C12 Site Waste Management Plan:

The development hereby permitted shall not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts 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 to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

C13 Site Levels:

No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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 Energy Statement:

The development shall not be occupied until an Energy Statement demonstrating that the development will produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) has been submitted and approved by the Local Planning Authority. The measures detailed within the agreed Energy Statement shall be incorporated into the approved development prior to the first occupation of the development.

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.

C15 Land Contamination:

The development hereby permitted shall not commence (excluding demolition works) until a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

i) A site investigation scheme, based on the Desk Study Report prepared by GEA (Report ref. J21127), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining

land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**C16 Verification Report:**

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**C17 Reporting of Unexpected Contamination:**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

**C18 Arboricultural Method Statement:**

The development hereby permitted shall be undertaken in accordance with the Arboricultural Method Statement dated 8 October 2022 prepared by arbtech.

Reason: To prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area 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).

C19 Fire Hydrants

Before above ground works commence, a scheme for the provision of 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).

C20 External Materials

Before above ground works commence, samples and details of the types, colour and finish of all external materials and hard surfacing across the site, shall be submitted to and approved in writing by the local planning authority prior to their first use on site. Development shall be carried out in accordance with the approved details/ samples.

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).

C21 Provision of Internal Access Roads, Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted, the proposed internal access road, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for the residents and visitors to the site.

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).

C22 Privacy Screens

Prior to the first occupation of the development hereby permitted, details of the privacy screens to the front of the terraces within the western elevation (fronting Sandy Lane) and the flanks of the terraces within the northern and southern elevations (serving Unit 23 and 25) as well as those erected between the terraces / gardens within the northern elevation shall be submitted to and approved by the Local Planning Authority. The privacy screens shall be erected at a height of 1.7m from the surface of the terrace and be installed prior to the first occupation of the development and be permanently retained thereafter.

Reason: To protect future occupants privacy levels in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C23 Play equipment:

Prior to the first occupation of the development hereby permitted, details of the play equipment, hard surfacing, enclosures and management and maintenance plans are submitted to and approved by the Local Planning Authority.

The play area as shown on the submitted plans attached hereto has been laid out in accordance with agreed details, including its ongoing maintenance, and that area shall not thereafter be used for any purpose other than as a play area.

Reason: To ensure that acceptable on-site provision is provided in accordance with Policy DM11 of the Development Management Policies LDD (adopted July 2013).

**C24 Parking Management Plan:**

Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details and evidence as to the allocation of parking spaces to the occupants of the dwellings, visitors and the number of disabled parking spaces. The agreed details shall be adhered to thereafter.

Reason: To ensure acceptable allocation of on-site parking including visitors 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).

**C25 Cycle Store (internal and external)**

Prior to the first occupation of the development hereby permitted, design details of cycle parking/storage (both internally and externally) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the first occupation of the development and permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel 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).

**C26 Boundary treatments:**

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. The boundary treatment shall be erected prior to 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 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**C27 Waste and Recycling Management Plan**

Prior to the first occupation of the development hereby permitted, a scheme for the storage and collection of domestic waste shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include siting, size and appearance of the waste collection zone and how waste is to be managed on site.



The development hereby permitted shall not be occupied until the approved scheme (including management plan) has been implemented and these facilities should be retained and managed in perpetuity thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

**C28 Management and maintenance plan for the SuDS:**

Upon completion of the drainage, a Maintenance and Management Plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

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

Reason: To ensure the drainage strategy can be maintained throughout the lifetime of the development in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

**C29 External Lighting:**

No other external lighting shall be installed on the site or affixed to the building(s) on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (unless its erection would require express planning permission). The submitted lighting details shall be installed in accordance with the approved details before the first use commences.

Reason: In the interests of visual amenity, biodiversity and to preserve the openness of the Green Belt to meet the requirements of Policies CP1, CP11, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

**C30 Nesting birds:**

No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**C31 Use of ancillary building:**

The existing stable building labelled as BOH on drawing number 20-103 Rev B shall be used for ancillary purposes in connection with the residential use of the site and shall not at any time be used for habitable purposes or as a separate residential dwelling.

Reason: To avoid inappropriate development within the Green Belt and in order to preserve the openness of the Green Belt in accordance with Policy CP11 of the Core

## 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](mailto: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](http://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 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.
- 13 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- 14 Highways:

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> .

15 Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

16 Thames Water:

Waste Comments

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. 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 would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at 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 <https://www.gov.uk/government/publications/groundwaterprotection-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. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### 17 Affinity Water

##### Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

##### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### 18 Environment Agency

##### Discharges affecting groundwater – offence under Environmental Permitting Regulations

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an environmental permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.

##### Direct inputs into groundwater

The Environment Agency must take all necessary measures to:

- Prevent the input of any hazardous substance to groundwater;
- Limit the input of non-hazardous pollutants to groundwater so as to ensure that such inputs do not cause pollution of groundwater.

The Environment Agency will only agree to the direct input of non-hazardous pollutants into groundwater if all of the following apply:

- It will not result in pollution of groundwater;
- There are clear and overriding reasons why the discharge cannot reasonably be made indirectly;

- There is adequate evidence to show that the increased pollution risk from direct inputs will be mitigated.

Please refer to our Groundwater Protection webpages for further information.

#### Water Resources

Increased water efficiency for all new developments potentially enables more growth with the same water resources. Developers can highlight positive corporate social responsibility messages and the use of technology to help sell their homes. For the homeowner lower water usage also reduces water and energy bills.

We endorse the use of water efficiency measures especially in new developments. Use of technology that ensures efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Therefore, water efficient technology, fixtures and fittings should be considered as part of new developments.

All new residential developments are required to achieve a water consumption limit of a maximum of 125 litres per person per day as set out within the Building Regulations &c. (Amendment) Regulations 2015.

However, we recommend that in areas of serious water stress (as identified in our report Water stressed areas - final classification) a higher standard of a maximum of 110 litres per person per day is applied. This standard or higher may already be a requirement of the local planning authority.

- 19 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. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.
- 110 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

**Or:**

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA) or an alternative appointed consultant providing specialist professional advice, that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reason:

- R1: In the absence of further infiltration testing the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

### 8.3 Informative:

- 11 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. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

## PLANNING COMMITTEE - 20 APRIL 2023

### PART I - DELEGATED

- 6. 22/2025/FUL: Construction of mixed use scheme comprising 244 sqm of retail space (Class E(a), 36 flats (16 x one bed, 20 x two bed), associated access, car parking, bin and cycle storage and landscaping at ALPINE PRESS, STATION ROAD, KINGS LANGLEY, HERTS, WD4 8LF**

Parish: Abbots Langley  
Expiry of Statutory Period: 27.02.2023

Ward: Gade Valley  
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted subject to the completion of a S106 Agreement relating to the provision of a commuted payment to secure affordable housing and a late stage review mechanism.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee for the following reason:

*The extant permission is for a four storey building. This new application is for a six storey building, with just 0.6 parking spaces per flat, and so there are a number of issues to examine at committee.*

#### **1 Relevant Planning History**

- 1.1 19/1550/FUL: Demolition of existing building, construction of mixed use scheme comprising 244 sqm of retail space (Class A1), 23 flats (11 x one bed, 12 x two bed), associated access, car parking, bin and cycle storage and landscaping. Permission granted. Permission implemented through the demolition of the existing commercial building.

#### **2 Description of Application Site**

- 2.1 The application site historically consisted of a two storey commercial unit, formally in Class B2/B8 use; which has now been demolished. The site is located on the eastern side of Station Road, Kings Langley and is located within the Kings Langley Employment Area. Station Road consists of a mix of commercial and residential buildings of varied architectural design. The pre-existing commercial building was of two storey appearance with a flat roof form, with a part brick, part aluminium clad external finish. The site is located at an elevated position in relation to the adjacent highway; whilst the buildings opposite the site are located at a lower level. An existing grass verge is located to the front of the building and there is no formal boundary treatment located along the site frontage.
- 2.2 The site is accessed via an existing vehicular crossover to the north of the site, which historically provided access to a car park which sat to the northern and eastern boundaries of the site. The railway adjoins the eastern boundary of the site.
- 2.3 The nearest residential neighbours are known as 1-4 Railway Cottages and these are located to the north of the site. They are set back from the road frontage and sit at an elevated level to the site. They are two storey dwellings, and are traditional in terms of their appearance.
- 2.4 Kings Langley Station is located to the south of the site, consisting of an existing single storey building set at a lower level relative to the application site.

#### **3 Description of Proposed Development**

- 3.1 The applicant is seeking full planning permission for the construction of a mixed use scheme consisting of 244 square metres of retail space (Class E (a)), 36 flats (16 x 1 bed and 20 x 2 bed), associated access, car parking, bin and cycle storage.
- 3.2 It is noted that the previously-existing building has already been demolished and the site is therefore currently vacant. The front elevation of the building would be stepped with the front wall of the commercial element of the development being located a maximum of 5.1m from the adjacent highway, with the front wall of Flat 1 (a ground floor flat) being set back by approximately 1.9m. The building would have a maximum width across the front elevation at ground floor level (distance taken from the flank wall of the undercroft parking area and bin store to the flank wall of Flat 1) of approximately 43.6m. The flank elevation of the bin storage area would be located 11.8m from the boundary with Railway Cottages, and approximately 12m from the recessed flank wall of Flat 1 to the widest part of the southern flank boundary. The building would have a depth of 17.9m from the front wall of Flat 1, to the rear wall of the undercroft parking area (adjacent to car parking space 24).
- 3.3 The proposed building would have a maximum of six stories; with the building having a flat roof form with a maximum height of 19.3m. The building has a stepped appearance such that the fifth and sixth floors are set in from the flanks of the building. The plans indicate that balconies would be incorporated at all levels to the front, rear and flank elevations. At ground floor level, a retail element would be provided and would be accessed via the front elevation of the building. The applicant has specified that this would be for Class E (A) for the display or retail sale of goods other than hot food.
- 3.4 Access to the site would be located to the northern part of the site. The proposals include alterations to the existing access to create a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road. This would provide access to a total of 31 parking space; 25 of which would be allocated to the residential use, and the additional 6 spaces allocated for the commercial use at ground floor level. Some of the parking provision is indicated to be located within the undercroft of the building; which would also incorporate refuse and recycling facilities. The submitted Planning Statement indicates that each unit will have secure cycle storage at one space per unit. The cycle store is located at ground floor level.
- 3.5 A landscaped amenity area would be located to the south of the existing building, with additional areas of landscaping located to the site frontage.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Abbots Langley Parish Council: [Concerns raised]**

Members acknowledge that this extension to the previously approved scheme, provides further much needed reduced bedroom housing on a brownfield site on a site with excellent transport links.

Whilst members have concerns about the increase in height to the amended scheme, the overall design, materials and elevation 'step back' are good design elements, reducing any overbearing nature of the additional height to neighbouring houses and the overall impact of the increased scheme. Members understand the precedent set by previous multi storey development approvals will be material considerations in the determination of this application. Members however, have overall concerns about over development of this junction with built and previously approved schemes. Members feel this junction will become overwhelmed and would encourage the Council to take a proactive approach to road infrastructure in this area given all the applications that have been approved.

#### **4.1.2 Water Officer: Herts Fire and Rescue: [No objection]**



This application will require a condition for the provision and installation of fire hydrants, at no cost to the County Council or Fire and Rescue Services. This is to ensure that there are adequate water supplies available for use in the event of an emergency.

4.1.3 Fire Safety Advisor: Herts Fire and Rescue: [Initial objection, subsequently withdrawn]

As mentioned in my previous email, the requirements required as per ADB B5 were:

- Turning and sweep circles of appliances.
- Sweep and turn circles – appliances
- Access for buildings not fitted with fire mains
- Access for an Aerial ladder platform (ALP).
- Access, approach road and camber gradients.

Regarding the Hydrant installation as requested by the water officer and the comments above would need to be documented in the revised application and plans.

At the current time the application/plans are deemed as NOT suitable.

Officer comment: The applicant has liaised directly with the Fire Safety Advisor, with the applicant noting the following:

*To confirm, our client will be installing a mist sprinkler system across the site. For completeness I attach our previous tracking plan (TK05) of a standard fire tender accessing the perimeter of the building, turning and egressing in forward gear. I also attach swept path analysis of an aerial platform appliance (TK06), which would be required to reverse in from Station Road. Based on the 20m limiting reverse distance, the vehicle would reach the centre of the building's northern frontage as shown.*

In response the Fire Safety Officer has advised:

Hertfordshire Fire and Rescue have no further comments to be made at the planning stage regarding B5 access and water supplies.

The water officer has made a comment regarding "Water Supplies".

ADB B5 covers the widths and sizes of hammerheads and turning circles if required.

Regarding fixed firefighting supplies such as Dry Rising Mains and Sprinklers etc, this would be reviewed during the Building Control Consultation Phase.

4.1.4 Affinity Water: [No objection]

Affinity Water has no comments to make on application 22/2025/FUL.

4.1.5 Hertfordshire County Council – Highway Authority: [Additional information requested].

The site has an existing extended vehicle crossover (VXO) / dropped kerb from Station Road providing access to the site. Station Road is designated as a classified C, secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposals are to use this access point. There would not be any significant objections to the use of this access point, particularly when taking into consideration its previous use. However following consideration of the size and nature of the proposals (with residential and commercial use), HCC as Highway Authority is recommending amendments and further information including:

1. Amended access arrangements to remove the extended dropped kerb and replace with a bellmouth access (with a minimum carriage width of 4.8m, which is acknowledged is

shown in the current internal proposed site layout) and a minimum kerb radii of 6m (a larger radii may be necessary depending on the approval of the necessary swept-path analysis / tracking drawings referred to in point 2 of this response). In addition to pedestrian dropped kerbs and tactile paving on the footway at either side of the bellmouth.

2. Swept path analysis illustrating that the largest anticipated vehicle requiring access to the site can safely use the recommended amended access arrangements (referred to in point 1 of this response), turn around on site and egress to the highway in forward gear. The swept path would need to illustrate that the access can be safely utilised both within the site and moving from and onto the adjacent highway.

For note: the swept paths referred to in the Transport Assessment do not appear to be included as part of the currently submitted document.

3. Details as to where service and delivery vehicles would be able to park on-site. The submitted Transport Assessment (TA) refers to the arrangements for refuse / recycling collection (point 4.28 and 4.29). However there does not appear to any details as to how and where other service and delivery vehicles would utilise the site.

Submission of a Stage One: Road Safety Audit and Designers Response for the necessary highway works as detailed in point 1 of this response.

Conclusion: HCC as Highway Authority is therefore recommending that the amendments and further information are made to the current application in order for a full assessment of the acceptability of the proposals to be made.

Officer Comment: A Transport Assessment (TA), Travel Plan Statement (TP) and subsequent Transport Statement Addendum (TSA) dated January 2023 have been submitted as part of the application. This information has been assessed by Herts Highways and the following comments have been received.

#### Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

##### 1. 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 number 22082/001B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

##### 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).

2. Provision of Visibility Splays – Dimensioned on Approved Plan Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 22082/001B. The splay 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 that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

### 3. 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 area 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).

### 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) and to avoid school pick up/drop off times;
- 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;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

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).

### Highway Informative

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) 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> or by telephoning 0300 1234047.

### Comments / Analysis

The proposal comprises of mixed used development of 244sqm of commercial retail and 36 residential units (16 one-bed; 20 two-bed) on land at The Alpine Press, Station Road, Kings Langley. The site has an existing extended vehicle crossover (VXO) / dropped kerb from Station Road providing access to the site. Station Road is designated as a classified C, secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposals are to use this access point.

A Transport Assessment (TA), Travel Plan Statement (TP) and subsequent Transport Statement Addendum (TSA) dated January 2023 have been submitted as part of the application.

### Access

The proposals include alterations to the existing VXO access to create a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road, the layout of which is shown on submitted drawing number 22082/001 in the TSA. Visibility splays of 2.4m by 43m are shown to be available in either direction from the rearranged access, which is acceptable when taking into consideration the speed limit of the highway. The majority of the visibility splay would be through existing highway land, however any boundary features within the splay area are to be provided and retained at a height of no greater than 600mm, which is acceptable and in accordance with Roads in Hertfordshire; Highway Design Guide and Manual for Streets (MfS). Following consideration of the amended arrangements and details as laid out in the TSA and the Road Safety Audit, Stage 1 and Designers Response (RSA), the access arrangements are considered to be acceptable in this respect.

Pedestrian access is provided by two new pedestrian links from the existing highway footway fronting the site. These links would provide good and suitable pedestrian access to and around the site in accordance with Hertfordshire Local Transport Plan (LTP4) and NPPF and ensure that the proposals maximise pedestrian accessibility and permeability.

### Section 278 Highway Works

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 highway land including:

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway and submit the RSA. Please see the above conditions and informatives.

### Refuse, Service and Emergency Vehicle Access

A swept path analysis (drawing number 22082/TK03) has been submitted as part of the TSA to illustrate that a 8m long box van would be able to access the site, turn around and egress to the highway in forward gear which is acceptable.

The TA (section 4.27) states that “residential waste refuse and recycling collection would take place via the eastern kerb line adjacent to No.’s 1 and 2 Station Road, immediately north of the zig-zag lines of the signalised pedestrian crossing.”, the arrangements of which are considered to be acceptable by HCC as Highway Authority when taking into consideration the location of the proposed bin store. The collection method would need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

Following consideration of the size and nature of the proposed buildings (6 storeys), Hertfordshire Fire and Rescue have been consulted on the proposals to assess the acceptability of the proposals from an emergency access perspective and for any comments, recommendations or objections which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Volume 1 and 2 (and any subsequent updates).

#### Car Parking

The proposal includes the provision of 31 car parking spaces (25 spaces for the residential aspect and 6 for the commercial aspect), which is less than those levels as outlined in TRDC’s standards. HCC as the Highway Authority’s main concern would be any negative effect the proposal would have on the free and safe flow of traffic along the surrounding highways through any resulting on-street parking from the development. However, it is unlikely that any effects would be significant enough to recommend refusal from a highways perspective, particularly when taking into consideration the results of Parking Stress Survey (in the TA) and relatively sustainable location (and therefore potential to encourage alternatives to the use of the private car). Nevertheless TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the overall level and type of parking.

The dimensions and layout of the parking areas is in accordance with Manual for Streets and considered to be acceptable by HCC as Highway Authority. Provision has been made for three active electric vehicle charging points, which is supported by HCC as Highway Authority to promote development in accordance with Hertfordshire’s Local Transport Plan (LTP4) and HCC’s Sustainability Strategy. It would however be recommended that an increased level is provided and demand dictates and also that passive provision is provided for all other spaces.

#### Trip Generation & Distribution

A trip generation assessment for the proposed use has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would not be considered to be a reason to recommend refusal from a highway’s perspective.

#### Sustainable Travel Options

The nearest bus stops to the site are located approximately 60m and 130m from the site, which is within an acceptable walking distance from the site – although the frequency of services from these bus stops are somewhat limited. Additional services are available through bus stops on the A4251 within approximately 700m from the site. Kings Langley Railway Station is located directly adjacent to the site and therefore within an easy walking distance for all to and from the site.

The proposals include the provision of 38 cycle parking spaces, 36 for the residential use within a dedicated store and 2 sheffield stands for the commercial use. HCC as Highway Authority would be supportive of these provisions to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a

shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

A TPS 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 TPS is considered to be generally acceptable for this stage of the application although the TPS would need to be updated to include details of an interim travel plan coordinator for until the travel plan coordinator (TPC) is appointed. A secondary contact to the TPC would also need to be provided.

Full guidance is available at: [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans) or for more guidance contact: [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area B of TRDC's CIL charging areas. Therefore, contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

Conclusion: HCC as Highway Authority considers that the proposal would not have an unreasonable or severe impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works on Station Road. Therefore, HCC has no objections on highway grounds to the granting of planning permission, subject to the inclusion of the above planning conditions and informatives.

Officer comment: Officers clarified whether a condition relating to the Transport Plan Statement should be added and whether a monitoring fee would be required. The following comments were received from Herts Highways:

In respect of the Travel Plan Statement, we would not normally request a monitoring fee for a Travel Plan Statement (only for a full Travel Plan and a development of this size would not need or meet the threshold for a full TP). Therefore I would recommend a condition with similar wording to this to ensure that the TPS is updated and approved accordingly:

*Prior to the first use of the development hereby permitted, an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The updated plan shall include:*

- *details of an interim travel plan co-ordinator for until the travel plan co-ordinator (TPC) is appointed.*
- *a secondary contact to the TPC.*

*Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).*

4.1.6 Lead Local Flood Authority: [No comments submitted from LLFA, guidance provided via external consultant, who following receipt of additional information raises no objection]

First Review: Conclusions/Observations

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?

2. A Safety Factor of 2 has been used for modelling the soakaway which is considered low. Can you substantiate the Safety Factor of 2 for the soakaway as a means of managing runoff for the lifetime of development? Have you undertaken sensitivity testing?
3. Please confirm the purpose of the Depth/Flow Relationship Manhole used in the Micro Drainage model. In accordance with the online controls which indicate zero flow, clarification is required.
4. Please confirm the proposed impermeable area. 0.16 ha of impermeable area is identified in the FRA, but 0.14 ha is used in the Micro Drainage modelling.
5. FSR rainfall has been used in Micro Drainage. Has a check against FEH rainfall intensities been undertaken?
6. Are there any specific water quality requirements for discharging runoff to ground within a principal aquifer? Has there been any consultation with the Environment Agency to confirm acceptance? We note that the site currently drains to soakaway.
7. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Officer comment: Following the receipt of these comments, the applicant submitted further information for assessment and the following comments were received:

Second Review: Conclusions/observations:

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?

The Design Event is the 100 year + climate change event. Any proposed storage measures should demonstrate a half drain down time within 24 hours up to the 1 in 100 year + climate change event. If this is not possible, either additional upstream storage should be explored, or it should be demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). If a 24 hour drain down cannot be achieved, applicant to demonstrate what combination of events the scheme is capable of attenuating. Applicant to confirm.

2. Whilst the applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations, it is up to the applicant to demonstrate how the consequences of failure associated with the higher values (CIRIA published Safety Factors range from 1.5 to 10) should not reasonably be foreseen for the lifetime of the development including climate change. (i.e., damage to building or flooding of roads). Refer to the previous point. We need a Safety Factor based on your response to Comment 1 above.

3. The Applicant has identified that:

*“The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater. We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.*”

*The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary.”*

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

4. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Again, this is subject to design requirements in Comment 1 above. Whilst a maintenance turret has now been included for, the soakaway may need to be repaired and replaced throughout the lifetime of the development including climate change.

Officer comment: Following the receipt of the consultant’s comments, the applicant provided further information and the following comments have been received:

Third Review: The Applicant has provided a robust response to our previous review comments. Whilst we have changed our stance to “Drainage strategy and design of SuDS is suitable for this stage of application”, comment 3 is still open as a comment for the LPA to consider.

1. Applicant has demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). No further comments.
2. Applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations and sensitivity tested a silted soakaway. No further comments.
3. The Applicant has identified that:

*“The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater. We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.*

*The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary.”*

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

Question to the LPA: the applicant has assumed acceptance but has this point been fully addressed?

4. We acknowledge the updates to the maintenance strategy to include for repair and replacement of the soakaway as required. No further comments.

Officer comment: Affinity Water have raised no objection to the development. The EA is not a statutory consultee for this application.

#### 4.1.7 Herts Ecology: [No objection]

I understand site has already been cleared for a previous application. I am not aware of any substantive ecology relating to the site. I am glad to see that native hedging is included in the landscaping scheme however I note the use of Parthenocissus henryana as a climber



along the fence, with the railway. It is important that the correct species is used as both *Parthenocissus quinquefolia* and *Parthenocissus inserta* are listed on SCHEDULE 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. Beyond this, I am not aware of any ecological constraints regarding this proposal which can be determined accordingly.

4.1.8 TRDC Local Plans Team: [No objection]

This application seeks permission for the construction of retail space (Use Class E) and 36 residential dwellings (Use Class C3). The application site was granted planning permission in 2020 for the demolition of existing building and construction of 23 residential dwellings and 244sqm of commercial space (19/1550/FUL).

The site is located in Kings Langley and within the Kings Langley employment area, which is allocated as a mixed use employment site and a housing site in the Site Allocations LDD (adopted 2014) (sites E(e) and H(1) respectively). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. The introduction of a residential use to the site therefore complies with the site's mixed use allocation, raising no objection to Policy SA2. The provision of a retail use within the mixed use site allocation also complies with Policy SA2 in this regard. Therefore, both residential and retail use is acceptable within the broad area of the mixed use allocation, including upon the application site

The Spatial Strategy identifies Kings Langley as a Secondary Centre and states that 'more limited new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres.' The Council has recognised that the application site is classified as previously developed land through its inclusion in the Brownfield Land Register (published 2017). The National Planning Policy Framework's (NPPF, 2021) core planning principle is encouraging the effective use of previously developed land. The proposal therefore complies with the Spatial Strategy and Strategic Objective 2. The site is located in a sustainable urban location, within close proximity to Kings Langley train station.

Policy PSP3 of the Core Strategy states development in Secondary Centres should maintain and enhance employment opportunities through mixed use development in the Kings Langley employment area. The application proposes 224sqm of retail floorspace and indicates the facility will be in operation from Mondays to Sundays. On this basis, the proposed development would contribute towards employment opportunities subsequently complying with Policy PSP3. The Site Allocations LDD states that sites allocated for mixed use (i.e. the proposal site) may include development for employment, residential or community uses to contribute to sustainable communities and reduce the need to travel. It is considered that the small-scale provision of retail floorspace on the site may contribute to the wider sustainability of this location. The proposal would also make a contribution to meeting the current housing target of 633 dwellings per year in Three Rivers.

Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:

	1-bed	2-bed	3-bed	4+ bed
<b>Market Housing</b>	5%	23%	43%	30%
<b>Affordable Home Ownership</b>	21%	41%	28%	9%

<b>Social/Affordable Rented Housing</b>	40%	27%	31%	2%
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The application proposes a total of 36 dwellings with a unit mix comprising of 16 one-beds (44%) and 20 two-beds (56%). The application supporting documents state all dwellings will be market housing. The proposed housing tenure mix does not comply with the LHNA however, Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes
- 70% social rented, and
- 5% intermediate.

The First Homes Policy Position Statement provides more information on the specific requirements for First Homes and is published on the Council's website: <https://www.threerivers.gov.uk/egcl-page/core-strategy>. The application states zero affordable housing provision is proposed on-site instead in-lieu payment contributing towards affordable housing will be provided.

#### 4.1.9 TRDC Environmental Health Officer (Commercial): [No objection]

I have reviewed the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01). The PRA has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that an intrusive investigation be undertaken. Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - i) A site investigation scheme, based on the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any

requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

3. Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 4.1.10 TRDC Environmental Health Officer (Residential): [No objection]

This application is an extension to a previously submitted scheme under planning reference 19/1550/FUL. The proposal seeks to demolish the existing building and construct a mixed-use scheme comprising of retail space, 36 flats and associated access, car parking, bin and cycle storage and landscaping. Having reviewed the Acoustic Design Statement and Vibration Assessment prepared by AIRO (Report No. DLW/7439), the main potential sources of noise disturbance has been identified as from rail and traffic noise. To satisfy the internal noise targets set by ProPG and BS 8233, AIRO have highlighted recommended mitigation methods within Table 8.

To ensure that future residents are not exposed to unreasonable noise disturbance, the recommendations identified within Table 8 should be implemented as a minimum. Whilst it is acceptable to open windows, the proposed design should not rely on purge ventilation and instead use an alternative means of ventilation, such as whole house mechanical

extract ventilation. The proposal does not provide any details of their proposed ventilation scheme.

Therefore, I would ask that these details of the are submitted to and approved by the local planning authority. The reason is to ensure there is suitable and sufficient means of background ventilation without relying on opening windows.

#### 4.1.11 National Grid: [No objection]

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do: To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter.

#### 4.1.12 Thames Water: [No objection]

Waste Comments: 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.

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. Management of surface water from new developments should follow guidance

under sections 167 & 168 in the National Planning Policy Framework. 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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto: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.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed online via [www.thameswater.co.uk](http://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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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.

#### 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.

#### 4.1.13 TRDC Environmental Protection: [No objection]

No objection to submitted arrangements.

#### 4.1.14 Hertfordshire County Council - Growth and Infrastructure: [No objection]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

PLEASE NOTE: Please consult the Hertfordshire Fire and Rescue Service Water Officer directly at [water@hertfordshire.gov.uk](mailto:water@hertfordshire.gov.uk), who may request the provision of fire hydrants through a planning condition.

#### 4.1.15 Kings Langley and District Residents Association: [Objection]

The KL&DRA object to the application as follows:

Out of character with the historic village of Kings Langley:

The addition of a further 13 units over two additional floors is too high and out of character with the rest of our historic village.

The site lies close to some Victorian railway cottages and on the opposite side of Station road are residential houses and a single storey flower shop. At six storeys would substantially overpower and overshadow these other residences

On the back of the new development at the West Herts College site (5 storeys), there is now a creeping precedent for ever taller blocks. If Alpine Press is allowed to be built at 6 storeys, will the next development in the area be 7 storeys high?

The elevation of the site is higher than other buildings nearby as it sits further up the side of the Gade Valley, making it even more imposing.

Inadequate parking provision:

TRDC Policy DM13 (Parking) states the Council's car parking standards for Residential

development: The design should provide a total of 68 residential parking spaces. It provisions 25 spaces, a shortfall of 63% against the policy. There are no spaces for visitors. This is overdevelopment of the site. If the consented scheme were allowed, 25 parking spaces for 23 flats is more acceptable (the KL&DRA Note that the Inspector in the West Herts College appeal stated that 1.1 spaces per flat was acceptable - 0.7 spaces per flat is inadequate)

Summary: The KL&DRA accepts that the village must take on some level of additional housing, particularly on brownfield sites. However, we believe that the site cannot and should not accommodate 36 flats and number six storeys in height. This would be taller than any other building in Kings Langley as well as setting a precedent for further development so a similar size.

We request that this application be refused in favour of the consented scheme of 23 flats

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: 4

4.2.3 Site Notice: Expiry: 19.12.2022                      Press notice: Expiry 31.03.2023

4.2.4 Summary of Responses:

- Addition of a further 13 units over two different additional floors is unacceptable.
- This application has been put forward due to West Herts College site being permitted for five stories. It is important to note that the Inspector noted in his report that 'the site's lower laying location, the proposed buildings set back from the road'- this is not the case for Alpine Press and 5 stories should not be permitted, let along 6 storeys in line with the Inspectors Report
- The design should provide a total of 68 car parking spaces. It provides 5 spaces, a shortfall of 63% against policy. No spaces for visitors.
- This is overdevelopment of the site. We also refer to West Herts College appeal and it stated that 1.1 spaces per flat was acceptable. 0.7 spaces per flat is inadequate.
- The noise level measurements seem to be dated March 2016. Data is 7 years out of date.
- The significant elevation of the building is unacceptable. Totally out of keeping with neighbouring residential buildings and dwellings and Kings Langley Village.
- No buildings within Kings Langley that have 6 stories and a six storey building is one floor higher than the previous buildings on this site;
- Excessive height would dwarf nearby buildings.
- Too many flats, inadequate parking provision, done to maximise profits at the cost of those living in the nearby.
- Development would destroy the character of the village. The original permission would be much more in keeping with the environment.
- I would like to advise that I have been in consultation with Jane Wakelin and the team of Wakelin Associates to discuss the updated proposals and any questions we may have.

- Northern boundary between my property. 1 Railway Cottage, Station Road and the proposed site is currently shown as closed board timber fencing to run the entire length of the property .We have made a request that this whole fence should now be constructed using the following: new concrete upright posts, new/additional concrete gravel boards, ultra heavy duty close board timber fencing, the overall height to be 1.8 metres from my ground level;
- This work would be carried out in a timely manner with security of all properties 1-4 Railway Cottages to be taken into consideration at all times.
- We would like to ask that the selected climber plants for the boundary (acoustic) fence are reviewed for a better option. While we understand they can provide quick growth coverage Hedera helix in particular is fast growing and very destructive in its growth. It has aerial roots which allow it to penetrate any surface it attaches to and causes irreparable damage to concrete, brickwork and wooden fences. We have currently had issues with this particular plant on the site and don't see why it would be sensible to replant this going forward. Especially where the Acoustic boundary fence meets the Northern boundary. We would also like to see if there is an alternative to proposed Pyracantha hedging to be planted on the Northern boundary. Although it is stated that Pruning is necessary to maintain its vigorous growth, we are concerned that this hedging has invasive roots which will search for water to survive and can cause localised subsidence. As there is only a retaining wall on the Alpine press side it has no alternative but to come towards my property.

Officer Comment: The plans have been amended to take into consideration the comments received from the immediate neighbour.

## **5 Reason for Delay**

- 5.1 To allow for issues identified by consultees to be addressed.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

On July 2021 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 2018 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 Legislation**

Planning applications are required to be determined in accordance with the statutory development unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).



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.

### 6.3 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 PSP3, CP1, CP2, CP3, CP4, CP8, 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, DM8, DM9, DM10, DM11, DM13 and Appendices 2, 4 and 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 and site H(1) and E (e) are relevant.

### 6.4 Other

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.

## **7 Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Substantial weight should be given to the value of using suitable brownfield land. The application site is located within Kings Langley, identified by Policy PSP3 of the Core Strategy as being within a Secondary Centre. The policy notes that in such areas, the Council will focus future development predominantly on sites within the urban area, on previously developed land. It sets out that development in Secondary Centres will provide approximately 24% of the District's housing requirements over the plan period. In this case, the Council has recognised the status of the site as previously developed land through its inclusion on the Brownfield Land Register (published 2017). As such, the proposal therefore complies with the Spatial Strategy as well as

paragraph 120 (C) of the NPPF which requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes.

7.1.2 Policy PSP3 of the Core Strategy also states that development 'will maintain and enhance employment opportunities but redistribute some employment floorspace through mixed use development in Kings Langley Employment Area'. The application site is allocated within the Site Allocations LDD as a housing site (H (1)) and as an employment site (E (e)). The allocation E (e) identifies the area as a mixed use allocation. The Site Allocations LDD states that sites allocated for mixed use (i.e. the proposal site) may include development for employment, residential or community uses to contribute to sustainable communities and reduce the need to travel. In this case, the proposed development would contain a small scale retail unit at ground floor level and the provision of 36 flats. The Policy Officer has raised no objection to the form of development proposed, stating that the provision of a small scale retail offering on the site may contribute to the wider sustainability of the location; and that the proposal would make a positive contribution to meeting the current housing target of 633 dwellings per year within Three Rivers.

7.1.3 It is emphasised that a mixed use development for the site including a similar sized retail unit, and 23 residential flats has been previously considered acceptable on the site and that permission has been implemented through the demolition of the pre-existing commercial building. The planning history and extant consent are material planning considerations.

## 7.2 Housing Mix

7.2.1 Policy CP3 of the Core Strategy relates to density and states that in order to meet future housing needs in Three Rivers, the overall housing requirement will need to be provided as a range of housing types and sizes. Policy CP3 advises that housing proposals should take into account the range of housing needs, in terms of size and types of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing is as follows:

1 bed:	5%
2 bed:	23%
3 bed:	43%
4 bed:	30%

7.2.2 The development proposes a net gain of 36 residential units, with the mix consisting of 16, 1 bedroom units (44%) and 20, 2 bedroom units (56%). Consequently, the proposed tenure mix would not be in accordance with the Local Housing Needs Assessment outlined above. However, Policy CP3 does recognise that the proposed housing mix may need to be adjusted for specific schemes to take into account market information, and site specific factors. Where adjustments to the mix are proposed, the onus is on the applicant to provide justification. At the time of the previous application, a departure from the Policy compliant mix was considered to be acceptable with the applicant stating the following in 2019:

*'It is noted that TRDC Housing department have expressed a strong preference for family sized units, however, given the sites location, adjacent to the railway where outside noise levels are in excess of 50Db, family housing is not recommended for this site. This is in line with the guidance given in BS8233 and WHO for External Amenity Spaces..... The proposals set out within this application will therefore be for a mix of one/two person flats and two bed, three person flats.'*

7.2.3 In addition, the applicant has advised the following as part of the current submission:

*The location of this site is between the main railway line to Birmingham and Station Road, with the M25 flyover within audible distance. Whilst the location is exciting in terms of delivering development in a highly sustainable location, thought was given at an early stage*

*as to the nature of that development and in particular what form of residential units would be suitable here given the impact of adjoining uses.*

*Whilst the standard approach would be for a wider mix of residential units, it was considered that both the particular characteristics of the location, and the need to include an element of commercial space in the form of the retail unit in compliance with TRDC policy objectives, made the site more suitable for the 1 and 2 bedroom units finally proposed*

7.2.4 Given the site circumstances it is considered that the above provides reasonable justification for the mix of housing proposed. It is therefore considered that the proposed development would be acceptable with regard to the housing mix offered.

### 7.3 Affordable Housing

7.3.1 Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. Policy CP4 (3) states that the Council will 'in most cases require affordable housing provision to be made on site, but in relation to small sites.....consider the use of commuted payments towards provision of site'. Small sites would generally be considered as those with fewer than ten units. The Affordable Housing SPD clearly sets out that the 'for proposals with a net gain of 10 or more dwellings, on site provision will be required'. On this basis and given the need for affordable housing in the District, the LPA's approach in line with TRDC's Development Plan is for affordable units to be provided on site for major developments such as this.

7.3.2 As a guide the tenure split set out in Policy CP4 is 70% social rented and 30% intermediate. It is noted that on 24th May 2021, the Government published a written ministerial statement to set out the Government's plans for the delivery of First Homes defining the production and changes to planning policy. Following publication of the WMS, Planning Practice Guidance has been updated to reflect the WMS and will form a material consideration in decision making. Three Rivers District Council has also published a position statement in respect of First Homes. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) will be:

25% First Homes  
70% social rented, and  
5% intermediate.

7.3.3 In this case, policy compliant provision would equate to 16 units; 4 of which would be First Homes, 11 would be social rented and 1 would be intermediate.

7.3.4 A Viability Assessment was submitted with the previous application and following its review it was accepted by the LPA that the application could provide 2 x 1 bed affordable rented dwellings whilst remaining viable. However, further evidence was provided from Registered Providers (RP's) who confirmed that they would be unwilling to acquire two affordable units on site as it would be too difficult to manage. This fact is arguably further evidenced by the fact that the Council does not seek affordable housing on site for developments of less than ten units (as the small number of affordable units would not be manageable for RP's). As a result, it was accepted at the time of the previous application that a commuted sum payment would be more appropriate; and a figure of £323,000 was agreed in lieu of on site provision.

7.3.5 The current application also proposes no on site affordable housing and is therefore accompanied by a Viability Assessment. This sets out that 'with an agreed affordable housing in lieu payment of £323,000 for the consented scheme, the revised payment is now £385,469 for the application scheme'. The applicant's Viability Assessment has been assessed by independent consultants who note the following:

*It is our opinion that with an agreed affordable housing in-lieu payment of £323,000 for the consented scheme, the revised payment is now £479,484 (£323,000 + £156,484) for the application scheme.*

7.3.6 The Council's independent consultant has advised that this would equate to the provision of 2 to 3 affordable rented units on site. As with the case of the previous application, it is acknowledged that RP's would be unlikely to want to acquire this small number of units on site. In response to the Viability Statement, the applicant has confirmed their agreement to the additional payment of £156,484 (£479,484 in total) (this would be subject to indexation). The commuted sum payment would be secured via a S106 agreement.

7.3.7 The previous S106 agreement contained a clause relating to a Late Stage Viability Review. The Council's Affordable Housing SPD notes the following at paragraph 6.17:

*In a single phase scheme, requiring a retrospective appraisal of financial performance once completed to assess whether a commuted sum should apply to make up the under provision to a financially neutral level (ie: that the developer's profit remains no less than the appraisal on which the decision to grant planning permission was based).*

7.3.8 It is also considered that this should apply to the current scheme.

7.3.9 In summary, subject to a S106 agreement to secure the agreed commuted sum payment and late stage review mechanism, the development is considered acceptable and in accordance with Policy CP4 of the Core Strategy (adopted October 2011).

#### 7.4 Impact on Character and Street Scene

7.4.1 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'.

7.4.2 In terms of new residential development, Policy DM1 of the DMLDD 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 be 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.)

7.4.3 It is noted that the 2019 consent, previously permitted a four storey flat roofed building with a ground floor retail element located to one side of the building. This permission has been implemented via the demolition of the pre-existing building and is therefore a material

planning consideration. The current application still proposes a mixed use development, however, a six storey building flat roofed buildings is now proposed.

- 7.4.4 In accordance with the above requirements, the proposed development would not result in a tandem form of development with the proposed building fronting Station Road. In terms of siting, the proposed building would have a stepped front elevation, and would sit forward of the neighbouring dwellings known as Railway Cottages. However, the existing building line is already staggered and consequently, it is not considered that the development would appear incongruous in this regard. Furthermore, the stepped design of the front elevation would also minimise the prominence of the building from Station Road, by breaking up the massing of the building when viewed directly from the site frontage.
- 7.4.5 The plans do indicate that the proposed building would be located in closer proximity to the boundary with Railway Cottage than the pre-existing commercial building. Appendix 2 of the Development Management Policies LDD advises that development at first floor level and above should be set in from the boundary by a minimum distance of 1.2m to prevent a terracing effect, although this distance should be increased in lower density areas. In this case, the proposed building would be set in from the boundary with Railway Cottages by approximately 11.8m. The proposed building would be located a minimum distance of 3.2m from the southern flank boundary when taken from the flank wall of Flat 1. However, this distance would increase to 12m from the recessed flank wall of Flat 1 to the widest part of the southern flank. It is therefore considered that spaciousness around the building would be retained and consequently, no objections are raised in this regard. In terms of height, the proposed building would be a maximum of six stories and concerns have been raised by residents as to the impact of the proposed building on the character and appearance of the area. Neighbours have raised concern that the building would be unduly prominent and would be out of character with development in the vicinity, including within Kings Langley village. In terms of context, Station Road does consist of a mix of residential and commercial buildings of varied architectural design and scale. Located immediately adjacent to the site are two storey residential dwellings with pitched roof forms which are traditional in terms of appearance. Located on the opposite side of the road to Alpine Press and on nearby Home Park Link Road are a number of commercial buildings; these generally have large footprints and range from two to four storeys in terms of height. Although it is noted that planning permission has been granted on appeal (and is under construction) for the provision of a five storey residential building at West Herts Collage, located on Home Park Mill Link Road in close proximity to the application site. In addition, some of the nearby buildings contain large expanses of glazing and appear more contemporary in terms of their appearance. These buildings are located at a lower land level to the application site.
- 7.4.6 It is acknowledged that the building would be higher in comparison to adjacent buildings, particularly given the topography of the land as sloping down towards Home Park Mill Link Road. The building would therefore be more visible when approaching the site from this direction. However, the uppermost floors (floors 5 and 6) would be set back from the front elevation and would be of lesser width than the lower floors, set in from both flanks. This design helps to minimise the overall mass of the built form, providing a degree of articulation as well as minimising the prominence of the upper floors. In addition, the plans indicate a mix of external materials which again adds interest to the building and assists in breaking up the massing of the development. It is also noted that this proposed building would be the first building on this side of the Station Road to be viewed after Kings Langley Station and in many respects, the site lends itself to a more prominent form of development. Whilst it is acknowledged that the building would be higher than others within the vicinity, for the reasons given, it is not considered that this would result in significant harm to justify refusal of the application. In addition, it is noted that the plans include the provision of soft landscaping to the site frontage including the planting of new trees which would further soften the impact of the development.
- 7.4.7 As previously proposed in 2019; the building would have a flat roof form. Given that there are a number of other flat roofed buildings within the vicinity, it is not considered that this

would appear out of character. It is noted that the building would include a large amount of glazing across the front elevation in particular. However, as already noted, given the context of the site, it is considered that this would not be harmful. The plans note that the elevations would be of brick external finish of varied colour. No objection is raised in principle, although a condition shall be added requiring full details of external finishes to be submitted.

7.4.8 In summary, given the site circumstances, the development is considered to be acceptable and would not adversely affect the character and appearance of Station Road or the wider area. The development is considered to be in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.5 Impact on amenity of neighbours

7.5.1 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.

7.5.2 The nearest residential dwellings are located to the north of the site, at Railway Cottages. The plans indicate that the proposed building would be set forward of these residential dwellings. It is also noted that the proposed building would be located in closer proximity to the boundary than the pre-existing building; and would also be of increased height relative to the building previously granted under application 19/1550/FUL. However, the proposed building would be located approximately 11.8m from the boundary with this neighbour with the plans indicating a distance of 14.5m retained between the flank elevation of the proposed building and the flank wall of 1 Railway Cottages. Whilst it is acknowledged that the building is of increased height compared to that previously approved, it is considered that the separation between the buildings and their relative siting (such that the rear of the building would not extend beyond the rear elevations of the neighbouring dwellings) would prevent the proposed development from being unduly overbearing. As such, no objections are raised in this regard.

7.5.3 With regard to overlooking, the plans do indicate the provision of flank glazing facing towards the boundary with Railway Cottages. However, it is not considered that any significant harm would occur given these windows would essentially face towards the flank wall of the neighbouring dwelling and towards the site frontage rather than facing into the private amenity space to the rear of these residential dwellings. However, it is noted that the plans do indicate the provision of balconies across all levels; with the original plans indicating a wrap around terrace at fourth floor level facing towards Railway Cottage. Some concern was raised by officers with regard to this fourth floor terrace to the flank elevation and consequently, the plans have been amended to address this concern. The amended annotations on the plan indicate that this area would be solely accessed for maintenance purposes only and a condition would be added to ensure that this would be the case. As noted, Railway Cottages are set back to the rear of the proposed building and therefore it is not considered that the provision of balconies would result in any significant harm. However, given the height of the building and the number of balconies proposed, it is considered necessary to require details of screens in relation to specific flats sited closest to this neighbour to be submitted via condition for approval.

7.5.4 The balconies facing to the front of the site would not result in any harm given they would have outlook over areas which are already publicly visible. There are also balconies proposed to the flank elevation facing towards Kings Langley Station. However, no harm would occur given that this is not a residential neighbour.

7.5.5 As set out previously, the plans relate to the provision of a mixed use development including a ground floor retail unit. It is not considered that the provision of a retail unit in this location would give rise to any significant noise and disturbance. However, the consent would restrict the hours of operation of the retail unit and restrict delivery hours to ensure that no harm

would occur in this regard. A condition shall also be added requiring details of any extraction/ventilation equipment to be submitted and approved in writing by the Local Planning Authority. This would be to ensure that the use has no impact on future occupiers of the residential flats.

- 7.5.6 The car parking provision is in part located adjacent to the boundary with Railway Cottages, wrapping around and extending to the rear of the site. Whilst there would be vehicular activity along the boundary, it is not considered that significant increased harm would occur relative to the pre-existing situation, where the commercial building had hardstanding and parking provision along this boundary. In addition, the neighbour is set at a higher land level to the site itself which would also minimise any adverse harm.
- 7.5.7 In summary, subject to conditions it is not considered that the proposed development would result in significant adverse harm to neighbouring dwellings. The development is viewed to be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.6 Quality of accommodation for future occupants

- 7.6.1 Policy DM9 of the Development Management Policies LDD relates to contamination and pollution. It states that 'it is important to ensure noise sensitive developments are located away from existing sources of significant noise, and potentially noisy developments are located in areas where noises will not be such an important consideration or where its impact can be minimised. When assessing a proposal for residential development near a source of noise, the Council will have regard to Appendix 4.
- 7.6.2 In this case the site adjoins the existing railway line and the application is accompanied by an Acoustic Design Statement and Vibration Assessment prepared by AIRO. The Environmental Health Officer has advised that the report highlights recommended mitigation measures which are considered appropriate. A condition shall be attached to any consent requiring that these recommendations are followed. In addition, the Environmental Health Officer had advised that whilst it is acceptable for occupants to open windows, the proposed design should not rely on purge ventilation and instead use an alternative means of ventilation shall as a whole house extract ventilation. At present, details of the ventilation scheme have not been submitted and can be attached as a condition of any consent.

#### 7.7 Amenity Space Provision for future occupants

- 7.7.1 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out the requirements for amenity provision as follows:

##### Flats:

One bed -- 21 square metres

Additional bedrooms: - 10 square metres each (space can be allocated specifically to each flat or communally).

- 7.7.2 Based on the above guidance, the following provision would be required for the application site:

16 x 1 bedroom flats: 336 square metres

20 x 2 bedroom flats: 629square metres

Total requirement: 956 square metres

- 7.7.3 The submitted site plan specifies a total communal amenity space of 350 square metres. However, the LPA disagrees with this calculation as the areas classed as amenity space to the site frontage are viewed to be modest areas of landscaping which would contribute to the setting of the building rather than providing useable amenity provision. The usable

communal amenity space to the side of the building is annotated to have an area of 251 square metres and therefore there is a shortfall in communal amenity space. However, it is noted that the majority of the flats (32 out of 36) would benefit from a private external terrace area(s) or balconies. The terraces/balconies would have a cumulative area of 270.5square metres, in addition to the access to a useable communal amenity space to the south of the building. Consequently, it is considered that the provision of amenity space on site would provide an acceptable level of amenity space and no objections are raised in this regard.

## 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 The application has been submitted with a Biodiversity Checklist which sets out that there would be no impact to any protected species. Herts Ecology have been consulted and have advised that they are not aware of any substantive ecology relating to the site. In addition, it is considered positive to see that native hedging is proposed within the landscaping scheme. However, the Ecology Officer notes the use of *Parthenocissus henryana* as a climber along the fence, with the railway and has advised that is important that the correct species is used as both *Parthenocissus quinquefolia* and *Parthenocissus inserta* are listed on Schedule 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. An informative shall be added to any permission advising that this is the case.

## 7.9 Trees and Landscaping

7.9.1 Policy DM6 of the Development Management Policies LDD advises that '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.

7.9.2 There are no protected trees on the site which would be adversely affected by the development. The Landscape Officer has confirmed that no objections are raised in this regard. A landscaping scheme has been submitted which details new planting to be provided around the site, in particular to the frontage. It is considered that soft landscaping to the front of the site would make a contribution to the visual amenities of the streetscene and is welcomed. The Landscape Officer has advised that the submitted scheme is acceptable. In addition, the proposed hardsurfacing materials are viewed to be acceptable, and a condition shall be attached requiring that this is undertaken in accordance with the approved details.

## 7.10 Highways and Access

7.10.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe.



- 7.10.2 With regards to the proposed access, the scheme includes alterations to the existing crossover to create a new simple priority junction with a kerbed bellmouth entrance. Herts Highways have raised no objection to the proposed development, and note that visibility splays of 2.4m x 43m, are shown in both directions. The provision of the new bellmouth access from the site to Station Road would be secured via the Section 278 agreement. There would be two new pedestrian accesses to the site, which the Highways Officer also notes as acceptable.
- 7.10.3 A Swept Path Analysis has been provided and illustrates that an 8m long box van would be able to access the site, turn around and egress to the highway in forward gear which is acceptable. The Transport Statement specifies that that “residential waste refuse and recycling collection would take place via the eastern kerb line adjacent to No.’s 1 and 2 Station Road, immediately north of the zig-zag lines of the signalised pedestrian crossing.” Herts Highways have raised no objection to this arrangement when taking into consideration the location of the proposed bin store. It is also noted that Herts Fire and Rescue have been consulted and following discussions with the applicant have raised no objection to the development at the planning stage.
- 7.10.4 The Highways Officer also notes that a trip generation assessment has been provided as part of the Transport Assessment, the details of which have been based on trip rate information from the TRICS database. The Highways Officer has assessed the submitted details and had advised that the impact on the operation of the surrounding highway network from a trip generation perspective would not be considered to be a reason to recommend refusal from a highways perspective.

## 7.11 Parking

- 7.11.1 Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the requirements for off street car parking. The proposed development would be mixed use consisting of a retail unit at ground floor level, in addition to the provision of 36 flats. As such, the following standards are relevant:

### Commercial:

Retail and small food shops up to 500 sqm gross floor area: 1 space per 30 square metres.

### Residential:

1 Bedroom: 1.75 spaces per dwelling (1 assigned space)

2 Bedroom: 2 spaces per dwelling (1 assigned)

- 7.11.2 The proposed commercial space would have an area of 244 square metres (although this would include some ancillary areas including toilets, office etc). Based on the requirements of Appendix 5, this would generate a requirement for 8 off street car parking spaces. However, Appendix 5 of the Development Management policies LDD does set out for non-residential development, the car parking standards can be adjusted depending on the particular zone a site is located. In this case, the site is located within Zone 3 which would require 50-75% of the indicative demand based standard, thus generating a requirement for between 4-6 spaces when applying the reduction. The plans indicate that there would be a total of 6 spaces allocated for the proposed commercial use which would fall at the upper end of this range. As such, it is therefore considered that the provision of 6 spaces for the commercial aspect of the development would be acceptable. Furthermore, it is noted that the provision of 6 spaces for a similar sized commercial unit was accepted under application 19/1550/FUL. The future management of these spaces can be dealt with via a car parking management plan to be added as a condition of this consent which would be expected to include details of how these spaces would be kept clear only for users of the commercial unit. The Addendum submitted for the Transport Statement details that a delivery van would be able to park to the rear of the building adjacent to the commercial service entrance. The Highways Officer has raised no objection, however, a condition

requiring a full servicing and delivery plan for the commercial use should be added to the consent.

7.11.3 With regard to cycle parking, Appendix 5 of the Development Management Policies LDD advises that for small food shops up to 500 square metres, there should be 1 short term space per 150sqm gross floor area plus 1 long term space per 10 maximum staff on site at any one time. The proposed development would therefore require two cycle spaces. It is anticipated that a unit of this scale would have less than ten staff on site at anytime thus resulting in the requirement for one space. The plans indicate that there would be two cycle spaces which would be located to the front of the unit, thus resulting in a shortfall of one cycle space. It is not considered that a shortfall of one space would result in significant harm to justify refusal.

7.11.4 With regard to the proposed residential aspect of the development; the following provision would be required:

16 x 1 bedroom flats:  $16 \times 1.75 = 28$  spaces (16 assigned spaces)

20 x 2 bedroom flats:  $20 \times 2 = 40$  spaces (20 assigned spaces)

Total requirement: 68 spaces (36 assigned spaces)

7.11.5 In terms of cycle storage, Appendix 5 of the Development Management Policies LDD sets out that there is a requirement for 1 long term space per two flats. The development would therefore require a total of 18 cycle spaces. The plans indicate that there would be provision for 36 cycle spaces, thus exceeding the requirements of Appendix 5.

7.11.6 With regard to off street car parking provision, plans indicate that there would be a total of 25 off street car parking spaces allocated for the residential units which would equate to a ratio of 0.69 spaces per unit. This would therefore result in a shortfall of 43 off street car parking spaces against the total maximum requirement of 68 spaces, or a shortfall of 11 assigned spaces based on the requirement set out above for 36 assigned spaces. It is important to note that the Highways Officer has advised that they do not consider that the shortfall on off street parking would be so significant as to justify a reason for refusal from a highways perspective. The Highways Officer states the following:

*The proposal includes the provision of 31 car parking spaces (25 spaces for the residential aspect and 6 for the commercial aspect), which is less than those levels as outlined in TRDC's standards. HCC as the Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic along the surrounding highways through any resulting on-street parking from the development. However it is unlikely that any effects would be significant enough to recommend refusal from a highways perspective, particularly when taking into consideration the results of Parking Stress Survey (in the TA) and relatively sustainable location (and therefore potential to encourage alternatives to the use of the private car).*

7.11.7 Whilst the standards for residential development may not be adjusted according to zone, Appendix 5 does indicate that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate. In this case, the application site is viewed to be in an area of good accessibility, due to its close proximity to local public transport services. Alpine Press is immediately adjacent to Kings Langley Station which provides connections to Tring, Watford and into London Euston. Bus services are also within walking distance of the site, with services in the locality providing access to Watford, Hemel Hempstead and Aylesbury. In 2021, a planning application relating to the residential development of up to 65 flats in a five storey building at West Herts College, Home Park Mill Link Road was refused by committee on the grounds of character and insufficient off street car parking. This decision was subsequently appealed by the applicant and the appeal was allowed by the Planning Inspectorate who granted planning permission.

In determining this appeal, the Inspector stated the following which is considered relevant to the current application:

*Also, Kings Langley railway station, which is a conveniently short walk from the appeal site, provides regular onward public transport connections to, among other places, Tring, Watford, London Euston and beyond. Bus services in the locality provide further access to Aylesbury, Hemel Hempstead and Watford. Cycle parking provision at the proposed development would encourage non-car modes of travel. The public footpath and pavement network in the locality also provides alternatives for walking for leisure, and to access shops and facilities on Kings Langley High Street. As such, there would be some realistic alternatives to private car use for future residents of the proposed development.*

*Census data indicates that a majority of private flat owners who own a property of between one and three bedrooms in the local area have either one car or none at all. Moreover, the Local Highway Authority have assessed the proposal as acceptable on highways grounds*

*Furthermore, on-street parking restrictions on Home Park Mill Link Road and Station Road are likely to be evident to future residents of the proposed dwellings, and thus contain their expectations of local car parking capacity.*

- 7.11.8 Furthermore, other recent appeal decisions have accepted a shortfall in parking provision in this location. Regard must be had for a recent appeal decision at nearby Shannon House, Station Road for the conversion of an existing office (Class B1) to 74 residential units (Class C3) (PINS Ref APP/P1940/W/20/3252855 LPA Ref: 20/0369/PDR). This scheme required a policy compliant provision of 129.5 car parking spaces, however, proposed only 15 spaces, resulting in a shortfall of 114.5 spaces. In determining the appeal, the Inspector emphasised that the appeal site was located within the Secondary Centre of Kings Langley which the Core Strategy recognises to be well located with regard to accessing adjoining centres and public transport facilities. The following comments of the Inspector are considered relevant to the current application:

*'In particular, the appeal site lies within 160 metres of Kings Langley Train Station and there are bus stops in close proximity on Station Road which collectively provide frequent transport links locally and further afield.*

*The scheme would also result in the provision of 80 cycle spaces, which is in excess of that required under Appendix 5 of the Development Management Policies Plan (1 space per 2 units, which equates to 37 cycle spaces). Furthermore, the appeal site is in reasonable walking distance of shops and facilities on the High Street.*

*The appeal site also falls within a controlled parking zone area where on-road parking is heavily restricted and there is no evidence before me demonstrating significant on-road parking stress in the locality. Although the appellant has offered a unilateral undertaking restricting future occupiers from applying for car-parking permits, there is no evidence before me of demand for these significantly exceeding supply, but even if there were, this is a matter for the local highway authority to administer. I do not therefore consider such a restriction on future occupiers to be necessary.*

*As a consequence of the heavily restricted level of parking facilities available on-site, I am satisfied that there would be limited car movements by future occupiers and visitors to and from the building, and that the development would not therefore be harmful to the surrounding highway network or pedestrian safety.*

*In view of the above, I conclude that despite the substantial shortfall of car-parking spaces, future occupiers would have good access to sustainable modes of transport other than the private car and that the scheme represents an opportunity to promote walking, cycling and public transport as set out in Paragraph 102 of the Framework. The scheme would also*

*comply with Policy CP10 of the Core Strategy which seeks, amongst other things, major development to be located in areas highly accessible by the most sustainable modes of transport*

*I am satisfied that there would be limited impact on the local area in terms of parking stress and that suitable mechanisms exist to prevent unauthorised parking, whether that be on the public highway or in the private car parks of neighbouring commercial buildings and residential apartment complexes. The scheme would therefore comply with Paragraph 109 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe'.*

- 7.11.9 The above appeal decisions are considered to be highly relevant. Shannon House is situated within 115m of the application site (a two minute walk). This appeal was allowed despite a substantial shortfall (114.5 spaces) in off street car parking provision, whereas the current scheme has a shortfall of 43 spaces. In addition, the scheme also provides a total of 36 cycle spaces, thus exceeding the standards in Appendix 5. It is therefore considered that future occupiers of the proposed development would have good access to sustainable modes of transport (train, bus, walking and cycling), other than private vehicles. It is therefore considered that the proposed development represents an opportunity to promote other alternative modes of transport as set out above.
- 7.11.10 The Transport Assessment sets out how the residential and commercial parking areas would be distinguished. It specifies that the car park would include the provision of a barrier separating the bays for users of the shop from the 25 residential spaces. In addition, the Transport Statement notes that there would be 2 disabled bays within the residential allocation and 2 Electric Vehicle Charging points. In addition, there would be 1 disabled bay within the allocation for the commercial use. A condition shall be included as part of the consent to require the submission of a car parking management plan to be submitted which should also deal with the allocation of the residential spaces for the development. The Highways Officer has noted that a Travel Plan Statement has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site. The Highways Officer considers that this is acceptable for this stage of the application. A condition shall be added requiring an updated Travel Plan Statement to be submitted to ensure that sustainable travel options are promoted and maximised. Officers have queried whether a monitoring fee would be applicable. In response, the Highways Officer has advised that they would not generally request a monitoring fee for Travel Plan Statement, only for a Full Travel Plan. A development of this size does not meet the threshold for a full Travel Plan and thus a monitoring fee would not be required.
- 7.11.11 In summary, in light of the site circumstances and recent appeal decisions, it is considered that the site is within a sustainable location and consequently the off street car parking provision proposed is viewed to be acceptable.

## 7.12 Sustainability

- 7.12.1 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.
- 7.12.2 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.

- 7.12.3 An Energy Statement accompanies the planning application and details that the proposed development would achieve a total reduction of 11.71% over Building Regulations, Part L (2013), therefore in excess of the 5% reduction sought by Policy DM4. This will be achieved through the provisions of an efficient building fabric as well as low carbon technology including air source heat pumps for the commercial aspect of the development and domestic hot water heat pumps. Details have not been provided as to the siting of the air source heat pumps and thus this will be required as a condition of any consent.

## 7.13 Contamination

- 7.13.1 Policy DM9 relates to contamination and pollution control and states the following:

The Council will only grant planning permission for development, on or near to former landfill sites or on land which is suspected to be contaminated where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.

- 7.13.2 At the time of the previous planning application, the Environmental Health Officer advised that the site has had a number of potentially contaminative uses historically. The current application is accompanied by a Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01). The Environmental Health Officer notes that this has identified a plausible contaminant linkages that require further investigation which will require further intrusive investigation. Consequently, a number of conditions are considered necessary and shall be added to any consent.

## 7.14 Flood Risk and Drainage

- 7.14.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD 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 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development. At the time of the application, the LPA were aware that the LLFA were not providing responses and in light of this, the LPA instructed our own consultant to advise in respect of the appropriateness of the proposed drainage system.

- 7.14.2 A Sustainable Drainage Scheme was submitted with the original application which was not found to be acceptable. Further information has been submitted by the applicant during the course of the application which has been found to be acceptable by the Council's consultants. Subject to conditions, the development is considered acceptable and in accordance with Policy DM8 of the Development Management Policies LDD.

## 7.15 Refuse and Recycling

7.15.1 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

7.15.2 The submitted plans indicate the provision of two separate bin stores; one of which would be for the commercial retail store, and the other for the residential flats. Environmental Protection have been consulted and have raised no objections to the submitted details. It is also noted that a condition shall be added to the consent requiring the submission of a Site Waste Management Plan.

#### 7.16 Impact on the Railway

7.16.1 The application site is located adjacent to Kings Langley Station and the railway line is located in close proximity to the rear boundary of the site. Network Rail have been consulted and require a number of pre-commencement conditions to ensure the safe operation of the railway.

#### 7.17 Tilted Balance

7.17.1 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."

7.17.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing, furthermore, the development would involve an allocated site for housing and would make a contribution to affordable housing. The economic benefits of the scheme includes the provision of a retail store at ground floor level and the ability for the future occupiers to support the local economy by using the amenities within the area. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, AONB – see footnote 6 of the NPPF).

7.17.3 Whilst these benefits are noted, it is considered that the proposed development complies with paragraph 11 of the NPPF, and for the reasons previously outlined within the sections above, the development is considered acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

## 8 Recommendation

8.1 That the decision be delegated to the Head of Regulatory Services and that PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement to secure an affordable housing contribution and mechanism

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:

APSR/22/LP01, APSR/19/EX01, APSR/22/L01 A, APSR/22/L02 A, APSR-22-PL01B, APSR/22/PL02B, PSR/22/PL03A, APSR/22/PL04A, APSR/22/PL05A, APSR/22/PL06A, ASPR/22/PL08A, APSR/22/PL09, APRSR/22/PL10A, APSR/22/PL11B, 22082/001B, LP/TASRKLH/020/C

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy PSP3, CP1, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Polices Policy SA1 and SA2 of the Site Allocations Document (November 2014) and Policies DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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 Prior to the commencement of development, including any demolition, 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).

C5 A. 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 number 22082/001B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

B: Highway Improvements – Offsite (Implementation / Construction)

Prior to the first use/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 Policy CP10 of the Core Strategy (adopted October 2011).

C6 Prior to the first occupation/use of the development hereby permitted the proposed internal access roads, on-site car parking/cycle parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and to ensure that on-site car parking provision is maintained to avoid the standing of vehicles on the adjoining highway to the detriment of safety and the free flow of traffic thereon and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C7 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;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

Reason: This is a pre-commencement condition 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).

- C8 Prior to the first use of the development hereby permitted, an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- a) details of an interim travel plan co-ordinator for until the travel plan co-ordinator (TPC) is appointed.
  - b) a secondary contact to the TPC.

The Travel Plan Statement shall be implemented following its writing approval.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C9 The development permitted by this planning permission shall be carried out in accordance with the approved documents. The surface water drainage system will be based on the submitted Drainage Strategy (M42841-JNP-XX-XX-RP-C-1002 P04) and Planning Response (M42841-JNP-XX-XX-FQ-C-1001) (02.03.2023). The surface water drainage scheme should include;
- 1) 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.
  - 2) Limiting the surface water run off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site.
  - 3) Implementing the appropriate drainage strategy based on lined permeable paving with sub-base and discharge via infiltration using a geocellular soakaway.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C10 No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage system will be based on the submitted Drainage Strategy Drainage Strategy (M42841-JNP-XX-XX-RP-C-1002 P04) and . Planning Response (M42841-JNP-XX-XX-FQ-C-1001) (02.03.2023) The scheme shall also include:

1. Detailed infiltration tests to BRE Digest 365 standard carried out at the location and depth of proposed infiltrating features, with all calculations/modelling based on the results of the tests.
2. The proposed soakaway should be designed to ensure half drain down times.
3. Detailed engineered drawings of all the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
4. Demonstrate an appropriate SuDS management and treatment train.
5. Silt traps for protection for any residual tanked elements.
6. Details of final exceedance routes, including those for an event which exceeds the 1:100 + 40% for climate change rainfall event
7. Management and maintenance plan for the drainage and SuDS features and who will be responsible for the maintenance of the drainage and SuDS features throughout the lifetime of the development. This should take into account who will be responsible for the SuDS features and how access will be managed.

Reason: This is a pre-commencement condition to prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 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 scheme shall include;

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

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to commencement of the development hereby permitted, details of the implementation, maintenance and management of the sustainable drainage scheme be submitted to and approved by the Local Planning Authority. The details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details prior to occupation and shall thereafter be managed and maintained.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to the commencement of development, a method statement and risk assessment. This shall include details of earthworks and excavations to be carried out adjacent to the railway boundary and measures to ensure that the adjacent railway is not adversely affected. The method statement and risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C14 Prior to the commencement of development, details of scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority. The scaffolding works shall thereafter be undertaken only in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C15 Prior to the commencement of any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C16 Prior to the commencement of the development details of how both surface water and foul water drainage shall be disposed of and directed away from the railway shall be submitted to the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to protect the adjacent railway from the risk of flooding, soil slippage and pollution in accordance with Policy CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i. A site investigation scheme, based on the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: This is a pre-commencement condition to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD.

C19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD.

- C20 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved by this condition.

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).

- C21 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. 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 in accordance with Policy CP8 of the Core Strategy (adopted October 2011)

- C22 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, biodiversity and to protect the adjacent railway, in accordance with Policies CP1, CP8, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C23 Prior to the first occupation of the development, details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority (adopted October 2011). The approved vehicle protection measures shall be installed prior to first occupation and maintained as such thereafter.

Reason: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C24 Prior to the first occupation of the development, a ventilation scheme shall be submitted and approved in writing by the Local Planning Authority. The approved ventilation scheme should be maintained thereafter.

In addition, details of the noise attenuation measures, as detailed in the submitted noise report shall be implemented in their entirety. Such works shall be retained thereafter at all times.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C25 Prior to the first occupation of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the Class E(a) use and measures to enclose these and/or attenuate noise arising from their operation shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development and shall be permanently maintained in accordance with the approved details.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C26 Prior to the first occupation of the development, details of opaque flank screens to the proposed balconies to a height of 1.8m shall be submitted and approved in writing by the Local Planning Authority in respect of the following flats:

Flat numbers 2, 9, 17, 25, 31

The screens shall be installed in accordance with the approved details prior to the first occupation of the flats listed above and permanently retained thereafter.

Reason: To protect the residential amenities of adjoining occupiers in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.

- C27 Prior to the first occupation of the site, details of a trespass proof fence adjacent to the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority. The fencing shall thereafter be installed in accordance with the approved details prior to the first occupation of the building and be permanently retained thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011).

- C28 Prior to the first use/occupation of the development, full details of the proposed air source heat pumps including location, appearance and any necessary acoustic mitigation shall be submitted and approved in writing by the Local Planning Authority. The air source heat pumps shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and permanently maintained as such thereafter.

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 and to protect the residential amenities of neighbouring dwellings.

- C29 Prior to the first occupation/use of the development, a parking management plan including 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. The parking management plan shall be carried out in accordance with the approved details:

Reason: To ensure that adequate off-street parking and manoeuvring 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).

- C30 The development shall not be first occupied/brought into use until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated in full 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

- C31 Prior to the commencement of the commercial use hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the commercial use and adequate provision for the storage of delivery vehicles within the site and shall be adhered to at all times.

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 (October 2011).

- C32 The commercial use hereby permitted shall not operate other than between the hours of 7am - 10.30pm on Mondays- Saturdays and 7.30am - 10.30pm on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C33 No machinery or commercial vehicles shall be operated, no process shall be carried out nor any deliveries to the retail unit be taken or dispatched from the site otherwise than between the hours of 8am-8pm Mondays to Saturdays and 8am-8pm on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C34 The premises as shown on APSR/PL03A shall be used as Class E (A) and for no other purpose (including any other purpose in Class E; of Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

- C35 The fourth floor flank terrace facing no.1 Railway Cottages shall only be accessed and used for maintenance purposes as highlighted on APS5/22/PL11B and shall at no time be used as an amenity space.

Reason: To safeguard the residential amenities of the occupiers 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.

- C36 All hard landscaping works required by the approved scheme shall be carried out in accordance with LP/TASRKLH/020 C and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out in accordance with LP/TASRKLH/020 C before the end of the first planting and seeding season following first occupation of any part of the buildings 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. It is required to be a pre commencement condition to in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.



- C37 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).

## 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](mailto: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](http://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 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 development maintains/improves the economic, social and environmental conditions of the District.

- 13 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. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.
- 14 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.
- 15 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> or by telephoning 0300 1234047.

- 16 The applicant is strongly advised to contact Network Rail for further discussions regarding the development prior to any commencement of works on site. This is to ensure that appropriate measures are taken to safeguard the adjacent railway.

- 17 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

- 18 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. 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 he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

- 19 The applicant is advised that s the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to

outside party land should also be picked up via building control, or in some cases a party wall surveyor.

- I10 The applicant is advised that Network Rail land must not be included in the proposal / red line location plan area. Where any works are proposed the applicant is advised to contact: [PropertyServicesNWC@networkrail.co.uk](mailto:PropertyServicesNWC@networkrail.co.uk) in addition to any planning consultation comments to determine if the proposal will impact any Network Rail land ownership rights or any rights of access for the avoidance of doubt.
  
- I11 The applicant is advised to refer to the advice received from Herts Ecology: The use of *Parthenocissus henryana* as a climber along the fence with the railway is noted. It has advised that is important that the correct species is used as both *Parthenocissus quinquefolia* and *Parthenocissus inserta* are listed on SCHEDULE 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. In addition, the applicant is advised that they must seek approval from Network Rail with regard to planting adjacent to their boundary.
  
- I12 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
  
- I13 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. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

## **Appendix 1: Network Rail Consultee Comments**

In addition to the comments below please can you seek the comments of the train operating company for the station. They will provide their own comments.

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which **MUST** be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.

To the council - please forward the attached documents/forms/asset protection contact details to the applicant for actioning. An interface with Network Rail is **REQUIRED** for this proposal – the outside party is advised that Network Rail will need to agree and supervise this proposal.

This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please note that Network Rail may submit further comments on this proposal if required in addition to the comments below.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

### **Measurements to railway tracks and railway boundary**

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

### **Obligations**

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

### **RAMS**

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe

methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

### **Fencing**

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence is REQUIRED to be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

New residents of the development (particularly minors) may not be aware of the risks posed by accessing the railway. It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

A condition to be included in the planning consent as follows:

Prior to occupation of the site the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway; the fencing details to be submitted to the council and Network Rail for agreement.”

Reason: To protect the adjacent railway from unauthorised access

### **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational

railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
- Network Rail land must not be included in the proposal / red line location plan area. Where any works are proposed the applicant is advised to contact: PropertyServicesNWC@networkrail.co.uk in addition to any planning consultation comments to determine if the proposal will impact any Network Rail land ownership rights or any rights of access for the avoidance of doubt.

### **Lighting**

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land.

### **Scaffolding**

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

“Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement.”

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

### **Vibro-Impact Machinery**

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The applicant is reminded that each Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Property Services Team to discuss the impact of the proposal upon our access.



## **Drainage proposals and Network Rail land**

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.
- Consideration of the impacts upon railway drainage of Astro-Turf/plastic lawn replacements, both during construction and any future inclusion of said Astro-turf by residents going forward.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed 'elsewhere', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that

railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution.

**The Council must ensure that suitable arrangements are in place for the maintenance and renewal of all new/amended drainage for the life time of the development, to mitigate risk of flooding to any adjoining land.**

#### **Excavation and Earthworks and Network Rail land:**

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway and its boundary.

### **Boundary treatments**

Any structures on the applicant’s land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

### **3m Gap**

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant’s land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

### **Noise**

The council and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.

The NPPF states, “182. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use), in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Network Rail is aware that residents of developments adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the council via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night-time train running, heavy freight trains, trains run at weekends /bank holidays.

- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
  - Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
  - Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature and may occur at any time of the day or night, during bank holidays and at weekends.
  - Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
  - The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
  - The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
  - Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
  - Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- 
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.
  - Noise and Vibration Assessments should take into account any railway depots, freight depots, light maintenance depots in the area. If a Noise and Vibration Assessment does not take into account any depots in the area then the applicant will be requested to reconsider the findings of the report.
  - Railway land which is owned by Network Rail but which may be deemed to be 'disused' or 'mothballed', may be brought back into use. Any proposals for residential development should include mitigation measures agreed between the developer, their acoustic contractor and the LPA to mitigate against future impacts of noise and vibration, based on the premise that the railway line may be brought back into use.
  - Works may be carried out to electrify railway lines and this could create noise and vibration for the time works are in progress. Electrification works can also result in loss of lineside vegetation to facilitate the erection of stanchions and equipment.

## **Trees**

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

No trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs which shall be planted a minimum distance from the

Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the attached matrix which has been agreed with the Tree Council. This is to prevent long term issues with leaf fall impacting the operational railway.

### **Parking / Hard Standing Areas**

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- hard standing areas
- turning circles
- roads, public highways to facilitate access and egress from developments

Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

Network Rail requests that a condition is included within the planning consent as follows:

“Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.”

Reason: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

### **BAPA (Basic Asset Protection Agreement)**

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal

Link to ASPRO ACE Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://oraclecloud.com)

From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

Once the attached Asset Protection Questionnaire/dev link has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see the link on our website:

Living by the railway - Network Rail

## PLANNING COMMITTEE – 20 APRIL 2023

### PART I - DELEGATED

**7. 23/0191/FUL - Variation of Condition 2 (which requires the construction of a solid rendered wall to be erected to the first floor rear balcony) of planning permission 22/1120/RSP at 44 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE, WD3 1LJ**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 29 March 2023  
Extension of Time: 24 April 2023

Ward: Moor Park and Eastbury  
Case Officer: Clara Loveland

Recommendation: That Condition 1 and 2 of planning permission 22/1120/RSP are varied and Planning Permission be granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council as it is essential that neighbouring privacy is protected.

#### **1 Relevant Planning History**

1.1 22/1829/FUL- Construction of a single storey front extension and three new windows to the side elevation. Application approved.

1.2 22/1119/RSP: Retrospective: Installation of flank rooflights. Application refused:

*The rooflight within the eastern flank roofslope of the two storey gable projection by virtue of its elevated height, flank positioning, clear glazed nature and openable design allows for unacceptable levels of direct and perceived levels of overlooking into No.46 Sandy Lodge Road which adversely affects their privacy levels to the detriment of their enjoyment of the property. The rooflight within the eastern flank roofslope of the two storey gable projection is therefore 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).*

22/0051/REF - Allowed at appeal, subject to condition that the rooflight B1 facing No.42 within the western roofslope is fixed shut and obscurely glazed. (APP/P1940/D/22/3312909). The Inspector considered that the rooflight B2 within the eastern roofslope facing No.46 was acceptable, contrary to the case officer's previous judgement.

1.3 22/0506/FUL: Variation of Condition 2 (Plan Numbers) and 4 (Windows/Doors) of planning permission 19/1345/FUL (Proposed two storey and single storey rear extensions with accommodation within the roof served by front dormer windows and internal alterations, and single storey front infill extension) to insert two rooflights within the roof of two storey rear extension to provide additional natural light and ventilation to the bedroom. Application withdrawn.

1.4 19/1345/FUL: Proposed two storey and single storey rear extensions with accommodation within the roof served by front dormer windows and internal alterations, and single storey front infill extension. Application permitted.

#### **1.5 Relevant Enforcement History:**

1.6 21/0250/COMP Enforcement Enquiry Works not in accordance with 19/1345/FUL - Changes in fenestration and balcony. Case pending, subject to outcome of this application.

#### **2 Description of Application Site**

- 2.1 The application site contains a two-storey extended detached dwelling located on the southern side of Sandy Lodge Road within the Moor Park Conservation Area. The streetscene is characterised by dwellings of varied architectural design located on spacious plots. The dwellings on this side of Sandy Lodge Road are set at an elevated position in relation to the adjacent highway.
- 2.2 The application dwelling is finished in white render and has a pitched roof form which includes dormers to the front and photovoltaic panels to the rear roofslope. To the front elevation there is a two-storey gable ended projection and to the east flank of the dwelling is a single storey side projection which includes an integral garage. To the rear of the dwelling there is a flat roof projection and the rear elevation includes extensive glazing and a first floor central balcony.
- 2.3 To the rear of the dwelling is a large garden which slopes up towards the rear boundary with Moor Park Golf Course. There is a patio adjacent to the rear elevation with the remainder of the site predominantly laid to soft landscaping.
- 2.4 The neighbour at no.42 Sandy Lodge Road to the west of the site is on a similar building line to the application dwelling and has a single storey garage and rear conservatory close to the boundary. The neighbour at no.46 to the east is set slightly forward in comparison the application dwelling.
- 2.5 The application dwelling has been extended several times, evident by its planning history. The application dwelling has also more recently implemented planning permission 19/1345/FUL and works are substantially completed however, works have also been undertaken which fall outside of the approved plans granted under 19/1345/FUL, namely, the first-floor rear balcony and fenestration alterations and planning permission recently sought to remedy this (22/1120/RSP).

### **3 Description of Proposed Development**

- 3.1 This application seeks the variation of Condition 2 of planning permission 22/1120/RSP.
- 3.2 Condition 2 pursuant to planning permission 22/1120/RSP states:

*Notwithstanding the proposed reference to the erection of a obscurely glazed 1.7m privacy screen to the flank of the first floor balcony as shown on drawing number 23219-10 Rev G, within 2 months from the date of this permission a solid rendered wall to match the external appearance of the dwellinghouse shall be erected up to the eaves height of the adjacent gabled roof for the depth of the first floor balcony along the eastern flank. Once erected, the solid wall shall be permanently maintained as such thereafter in terms of appearance, design and height.*

- 3.3 The applicant seeks that the condition is varied, in line with the Officer recommendation pursuant to 22/1120/RSP which read:

*Within ONE MONTH from the date of this decision, details of the obscurity level of the glazed privacy screen shall be submitted to and approved by the Local Planning Authority. Within TWO MONTHS from the date the Local Planning Authority agree the obscurity details the glazed screening shall thereafter be erected in accordance with the approved details and at a height of 1.8m (including retaining wall) from the surface of the first floor rear balcony for the depth of the balcony as shown on approved plan 23219-10-REV G. Once erected, the obscure glazed screening shall be permanently maintained thereafter in terms of its siting, depth, height and obscurity level.*

- 3.4 Additional details have been provided during this application and include plans and elevations (plan number 23219-B-01) confirming that the height of the obscure screen would be 1.8m from the floor of the accessible balcony and would extend across its depth. The privacy screen would be an obscure glass screen with a minimal privacy level 5



(photographic examples have been provided showing the level of obscurity, appended to this report at Appendix 1). The obscure glass would be fixed above the existing rendered wall.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### Batchworth Community Council: [Objection]

*This application follows directly from an approved application 22/1120/RSP, which following our review, Batchworth Community Council (BCC) set out below our comments and objections below.*

*Batchworth Community Council are aware of the extensive background relating to this property, as a result of 6-7 applications in the past 4+ years, plus more before.*

*The current application arises because of unapproved works having been undertaken previously. This, in turn, has resulted in the submission of two “retrospective applications” being applied for in 2022. The second of these was approved, after various objections from neighbours, MP58 & BCC.*

*The significant issue in this instance is the loss of privacy, arising from the unauthorised works. This has led to the outstanding “Enforcement Case (21/0250/COMP)” which was issued specifically because of the works not being in accordance with application 19/1345/FUL and as a result of changes in fenestration and balcony.*

*The submitting of the current application has arisen following Application 22/1120/RSP being approved after it had been “called in”. This resulted to a decision by the TRDC Councillors agreeing that the proposed balcony finish had to be changed from an “Obscured Gazed Privacy Screen” to “a solid rendered wall to match the external appearance of the dwelling house shall be erected up to the eaves height of the adjacent gabled roof for the depth of the first floor balcony along the eastern flank”.*

*This application has purely sought to remove Condition 2 of the decision as detailed above.*

*BCC are of the opinion that this application should be refused, with the previous decision having been made at a TRDC Planning Committee Meeting upheld. With the decision clearly discussed and agreed at a previous TRDC Planning Committee and the decision that was reached by the TRDC Councillors & Officers it is essential that we protect the neighbours privacy. Privacy is a key aspect of all Planning Applications that must be protected.*

*Batchworth Community Council would ask that this application is called in for a decision by the Planning Committee unless the Planning Officers are minded to refuse.*

### **4.2 Moor Park 1958: [Neutral]**

*While we do not consider that a glass screen, with a minimum height of at least 1.8m and fitted with glass of the highest possible level/grade of obscurity should necessarily be refused planning permission, nevertheless we do fully understand and support why the Council considered it appropriate and necessary, in the circumstances of this case, to require a solid, brick/rendered wall as the permanent and long term means of mitigating overlooking, and resultant loss of privacy, to the neighbouring property.*

*We trust the above response, based on what we regard as very relevant and material planning considerations will be taken full cognisance of.*

4.3 National Grid: No response received. Any response received will be verbally updated at Committee.

#### 4.4 **Public/Neighbour Consultation**

4.5 Number consulted: 7

4.6 Number of responses received: 1 objection.

4.7 Site Notice: Posted 14.02.23. Expired 07.03.23.

4.8 Press notice: Published 13.02.23. Expired 10.03.23.

4.9 Summary of Response: Objection.

- Application disingenuous/misinformed misuse of planning documents.
- The balcony was built without permission.
- The addition of the rendered privacy wall is a requirement to preserve privacy where glass balustrade will not suffice.
- The invasion of the balcony is immense, anyone standing on the balcony can view directly into neighbour bedroom, changing room and family living area.
- The glass screen has not been constructed so erecting a brick wall is not complicated.
- Insist that the requirement for privacy is a basic right and should be upheld.

#### 5 **Reason for Delay**

5.1 Committee cycle and additional information sought.

#### 6 **Relevant Planning Policy, Guidance and Legislation**

##### 6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

6.1.4 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.

##### 6.2 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

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.

### 6.3 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, 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, DM9, DM13, Appendix 2, and Appendix 5.

### 6.4 Other

The Moor Park Conservation Area Appraisal (2006).

## 7 **Planning Analysis**

### 7.1 Overview

7.2 This application follows planning permission 22/1120/RSP which was granted at the Council's Planning Committee. Condition 2 was re-worded by Members of the committee.

7.3 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which allows the submission of applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. This is subject to the following:

*(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application. Paragraph 56 of the NPPF sets out that planning condition should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable and reasonable in all other aspects.*

- 7.4 Planning application 22/1120/RSP came forward to assess works which had not previously been approved. This included an accessible first floor rear balcony. In granting the accessible balcony within application 22/1120/RSP Members imposed a condition to install a solid rendered wall to the eaves height of the adjacent gabled roof. This differed from the previous Officer recommendation pursuant to 22/1120/RSP which recommended that the existing solid wall in addition to the propose obscure screening with a total height of 1.8m along the depth of the accessible balcony would not give rise to any overlooking towards either neighbour.
- 7.5 During this application, Officers sought further clarity on the level of obscurity and the applicant's agent has submitted details regarding the level of obscurity of the proposed glass privacy screen attached at Appendix 1. It is proposed the glass would be a minimum level 5 obscure glass screen. Officers consider the proposed minimum level 5 obscure glass privacy screen is sufficient in height, design and depth to prevent any unacceptable overlooking to neighbours. The proposed rewording of Condition 2 is therefore considered necessary to prevent overlooking, relevant, enforceable, and reasonable to the planning permission granted 22/1120/RSP and therefore, in accordance with Paragraph 56 of the NPPF. Thus, no objection is held to the proposed rewording of Condition 2. The applicant has confirmed their agreement to this.
- 7.6 This report assesses only the variation of Condition 2 and does not assess any other elements pertaining to the planning permission which were considered acceptable and are not subject to change.
- 7.7 Impact on Character and Street Scene and Conservation Area
- 7.8 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'.
- 7.9 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.10 The application site is located within Moor Park Conservation Area, therefore, Policy DM3 of the Development Management Policies document 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; uses building materials and finishes that are appropriate to the area; and results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing feature.
- 7.11 The Moor Park Conservation Appraisal (2006) does not give reference to balconies and gives limited reference to privacy and overlooking. However, it does set out that all proposals for development shall be judged on their effect on the character, appearance and special interest of the conservation area as defined in the appraisal.

- 7.12 The proposed rewording of Condition 2 to erect an obscure glass screen instead of a brick wall will not be readily visible from public vantage points and will be of a design and positioning which would fit within the context of the existing glazing within the rear elevation. It should be noted that the dwelling is of a modern design and the use of modern glazing would not result in any further adverse impacts the character and appearance of the host dwelling or conservation area.
- 7.13 Therefore, the variation of Condition 2 would accord with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).
- 7.14 Impact on amenity of neighbours
- 7.15 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.16 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Appendix 2 states that development should not incorporate balconies, or first floor conservatories which overlook neighbour properties to any degree.
- 7.17 Officers retain the views and recommendation as put forward during planning application 22/1120/RSP where the Officer stated:
- 7.18 *"The first floor accessible balcony as existing has a solid white rendered wall at a height of 1.2m. During the course of this application amended plans have been provided which propose an obscure screen with an additional height of 0.6m on top of the solid wall for the full depth of the balcony. The obscure privacy screening in addition to the solid wall would have a height of 1.8m. It is considered that obscure screening with a total height of 1.8m would overcome the concerns raised by this neighbour with regard to overlooking and the perception of this. Furthermore, given the separation distance of the balcony from the boundary line, the additional screening height would not result in a loss of light, nor would it be intrusive on this neighbour. Appendix 2 states that development should not incorporate balconies which overlook neighbour properties to any degree. The proposed additional screening height and level of obscurity would be secured by condition and as such would ensure that the balcony would not give rise to any overlooking towards this neighbour which would accord with the guidance within Appendix 2."*
- 7.19 *"As is the case with neighbour no.42, the rear glass balustrade and the elevated height of the balcony, users of the balcony would have an elevated outlook across the rear of the application site and may have some views across the rear garden of neighbour no.46. However, as a result of the flank obscure screening any views would be some way towards the rear garden of this neighbour. Views would be further limited by virtue of the mature vegetation along the boundary line. It is acknowledged that vegetation cannot be relied upon. Nevertheless, the rear outlook from the balcony is not materially different to the outlook possible from the other first floor rear windows existing within the dwelling. In light of the amended plans to install 1.8m obscure screened, the first floor flank balcony does not give rise to any unacceptable overlooking across to neighbour no.46 to the east."*
- 7.20 *"Whilst neighbour objections are noted, the perception of overlooking would not be justification to refuse this application given that amended plans have been provided with a sufficient obscure screening height and depth which overcomes this concern. This is coupled with the separation distance of the balcony from this neighbour and the relationship between the neighbours. "*

- 7.21 In addition to the previous views held, it should be noted that refused planning application 22/1119/RSP regarding the installation of flank rooflights at 44 Sandy Lodge Road was granted at appeal APP/P1940/D/22/3312909. In paragraph 8 of the appeal, the Inspector stated *“a degree of overlooking is commonplace in residential areas. That said, the properties in Sandy Lodge Road are laid out in large plots amongst significant landscaping, thus giving the area a secluded ambience, where the occupants may reasonably expect to enjoy a significant degree of privacy”*. The Inspector went on to state in paragraph 12 that *“whilst roof light B2 can be seen from No46, and the occupier has raised an objection regarding views from it towards his patio, kitchen, bedroom and changing rooms, given the significant distance involved and intervening features, it has not caused a significant degree of overlooking, nor, in my opinion, a significant perception of overlooking. Having regard to the context of the area, it has not impacted those occupiers’ living conditions to a harmful degree. Although I cannot be certain that landscaping will be retained, given my assessment I see no cogent planning reason why B2 should be fixed shut or obscurely glazed”*.
- 7.22 Given the site circumstances, similarities can be drawn from this appeal and this application. It should be noted that the roof light B2 is at a higher level than the accessible balcony which is located at first floor level. Furthermore, the proposed obscure screen, which would be at a height of 1.8m along the depth of the balcony, would act as an intervening feature between the balcony and No.46. The obscure screen would be of a height, depth and design, which would restrict views across to No.46. Thus, whilst objection comments are noted from this neighbour, there would be no significant degree of overlooking or perception of overlooking from this neighbour once the screen is erected. Moreover, it should be noted that rear accessible balcony is not readily visible from the perception of No.46 due to the boundary screening and distance from this neighbour(as was confirmed during an Officer Site visit within a previous application).
- 7.23 It should be noted that the applicant has provided detail of the level of obscurity for the glass screen, available within Appendix 1. Details (Pilkington report) set out that the obscure glass screen would be “optifload Opal Privacy Level 5”.
- 7.24 The proposal, subject to a condition to secure obscure screening, would not arise in significant harm to adjacent neighbours and would accord with CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013).
- 7.25 Wildlife and Biodiversity
- 7.26 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.
- 7.27 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.
- 7.28 A Biodiversity Checklist was submitted with the application 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.
- 7.29 Trees and Landscaping

7.30 Policy DM6 of the Development Management Policies 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.

7.31 The proposal does not impact any trees.

7.32 Summary

7.33 It should be noted that Conditions 1 and 2 pursuant to 22/1120/RSP would alter because of the recommendation owing to the additional plan which has been provided within this application (23219-B-01 REV A). Condition 2 would be reworded accordingly to secure that a minimum level 5 obscure privacy screen is installed along the depth of the accessible rear balcony.

7.34 Officers consider the variation of these conditions acceptable for the reasons set out above.

## 8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 Those parts of the development hereby permitted which have not been undertaken as of yet shall be carried out in accordance with the following approved plans: Proposed Plans: 23219-06 REV E; 23219-07 REV E; 23219-08 REV E; 23219-09 REV E; 23219-10 REV G; 23219-B-01 REV A. Pre-existing Plans: 23219-01 REV A; 23219-02 REV A; 23219-03 REV A; 23219-04 REV A; 23219-05 REV A; 23219-11 REV A.

Reason: For the avoidance of doubt, in the proper interests of planning and residential amenity and to safeguard the character and appearance of the Moor Park Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C2 Within TWO MONTHS from the date of this permission, an obscure privacy screen at a minimum obscurity level 5 shall be erected in accordance with the approved details and at a height of 1.8m (including retaining wall) from the surface of the first-floor rear balcony for the depth of the balcony as shown on approved plan 23219-10-REV G and 23219-B-01 REV A. Once erected, the minimum level 5 obscure privacy screen shall be permanently maintained thereafter in terms of its siting, depth, height and obscurity level.

Reason: To safeguard the residential amenity of neighbouring occupiers 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 (adopted July 2013).

## 8.2 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](mailto: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](http://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.

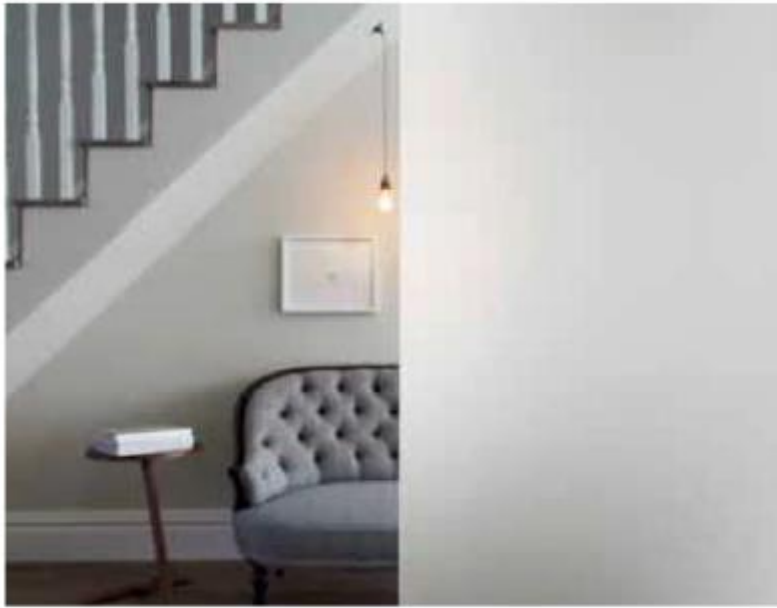
- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, 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.



## Appendix 1 (Obscurity Details)



Pilkington -  
Optifloat Opal (Private)



Pilkington **Optifloat**™ Opal Privacy Level 5

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**PART I - DELEGATED**

**8. 23/0248/FUL – Demolition of detached garage, store and conservatory; erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ**

Parish: Abbots Langley

Ward: Abbots Langley and Bedmond

Expiry of Statutory Period: 27 April 2023

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: TRDC Councillors live within the neighbour consultation area.

**1 Relevant Planning**

- 1.1 19/2078/PDE - Prior Approval: Single storey rear extension (depth 5 metres, maximum height 3.5 metres, maximum eaves height 2.9 metres) – No objection - Not implemented.
- 1.2 19/2377/FUL - Demolish detached garage and store, double storey side extension – Permitted - Not implemented.
- 1.3 20/0394/FUL - Demolition of detached garage and store and erection of single storey rear extension and two storey side extension – Permitted - Not implemented.

**2 Description of Application Site**

- 2.1 The application site has splayed boundaries and is located on the southern side of Kindersley Way. The application dwelling is a two storey semi-detached property built of a brown brick. The application dwelling has an existing garage and store to the western side of the site abutting the boundary with No.100. This structure is adjoined to the main dwelling by a wall which also includes a side access gate.
- 2.2 Land levels slope upwards from west to east along Kindersley Way and also from north to south such that the properties on the southern side are at an elevated position to the highway. In addition No. 100 to the west is at a lower land level.
- 2.3 The neighbour to the west (No.100) is a two storey semi-detached dwelling built of a similar architectural style to the application dwelling. This neighbour has an existing two storey side and single storey rear extension. The rear elevations of this neighbour and the application dwelling are orientated towards each other owing to the splayed boundary and siting on the bend of the road.
- 2.4 The neighbour to the east (No.104) is the adjoining semi-detached dwelling built of a similar architectural style to the application dwelling. This neighbour has an existing two storey side extension and a conservatory to the rear.

**3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the demolition of detached garage, conservatory and store and erection of single storey rear extension and two storey side extension.
- 3.2 Planning permission was granted for the demolition of detached garage and store and erection of single storey rear extension and two storey side extension via 20/0394/FUL. The current application replicates 20/0394/FUL, the time limit for implementation of which expired on the 30 March 2023.

- 3.3 The proposed two storey side extension would have a stepped side elevation. The extension would be in line with the front elevation with a width of 3.9m for a depth of 4m and would step in 0.7m for the remaining depth of 3.3m to project in line with the existing main rear elevation.
- 3.4 A first floor flank window is proposed within the two storey side element and tile hanging to the central element of the gable.
- 3.5 The extension would extend in line with the main eaves and ridge heights. Where the front element is of greater width its ridge would be set down 1m from the main ridge.
- 3.6 The existing garage, conservatory and outbuilding are proposed to be demolished in order to facilitate the proposed development.
- 3.7 The proposed single storey rear extension would have a depth of 5m, set up to the boundary with the adjoining neighbour with a width of 9.1m. This element would have a parapet with a height of 3.6m and a flat roof form with a height of 3.3m.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 National Grid: [No response received]

4.1.2 Abbots Langley Parish Council:

*As this is a neighbouring property to a Parish Councillor, members feel unable to comment.*

### **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 0

4.2.3 Site Notice: Not required

4.2.4 Press notice Not required

## **5 Reason for Delay**

5.1 None.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In 2021 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.

### 6.3 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 DM1, DM6, DM13 and Appendices 2 and 5.

### 6.4 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 Impact on the character and appearance of the host dwelling and the locality

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 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.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in 1.2m from the boundary at first floor level, although in high density areas 1m will be considered.

7.1.3 Planning permission was granted via 20/0394/FUL for the proposed development. There have been no changes in site circumstances or relevant planning policy which would alter the acceptability of the proposed development as set out below.

- 7.1.4 The proposed two storey side extension would have a stepped side elevation and as such would be set in a minimum of 1.2m at the rear and 1.25m at the front owing to the splayed nature of the boundary. This would comply with the guidance set out within Appendix 2 and would ensure sufficient spacing is maintained to prevent a terracing effect.
- 7.1.5 It is acknowledged that owing to the elevated position of the application dwelling relative to the highway, it's siting on the bend in the road, the step in land levels and siting opposite the junction with Manor House Gardens, the extension would be readily visible. However given that it would be set in a minimum of 1.2m, that it would not project beyond the existing front or rear elevations, that the existing single storey structure is proposed to be removed thereby increasing the spacing to the boundary at ground floor level, and that there are a number of other two storey side extension evident within the streetscene it is not considered that the proposed extension would appear unduly prominent or incongruous so as to result in any demonstrable harm to the character or appearance of the streetscene. The design of the proposed extension would appropriately reflect the design of the host dwelling. The stepped relationship between the application dwelling and No. 100 to the west is existing and would be maintained and is a relationship that is replicated elsewhere within the street scene due to the change in land levels. The proposed two storey side extension includes tile hanging to the central gable and a first floor window. Neither of these elements would appear incongruous within the streetscene of Kindersley Way.
- 7.1.6 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached dwellings should not generally exceed a depth of 3.6m. The proposed extension would have a depth of 5m and as such would exceed the guidelines of Appendix 2. However the existing garage and store would be removed which are set up to the boundary with No.100. The proposed extension would be set off the boundary by a minimum of 1.25m and as such would increase spacing to this side of the site. The proposed rear extension would not project as deep as the existing store and would have a flat roof set in from the flank of the two storey element. As such it is not considered that the proposed extension would result in harm in this respect and would increase spacing to the side of the site when compared with the existing situation. It is also noted that a large rear garden of approximately 215sqm would be retained which would exceed amenity space standards which would be required to serve a four bedroom dwelling.
- 7.1.7 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would 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 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 development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Planning permission was granted via 20/0394/FUL for the proposed development. There have been no changes in site circumstances or relevant planning policy which would alter the acceptability of the proposed development as set out below.
- 7.2.3 Appendix 2 indicates that two-storey development should not intrude a 45 degree line taken from a point on the joint boundary level with the ground floor rear wall of the neighbour. Whilst it is noted that the guidance refers to two-storey rear extensions, it is also of assistance when assessing two-storey side extensions.

- 7.2.4 It is acknowledged that the neighbour at No.100 to the west is sited on a lower land level than the application dwelling and as such the extension would be at an elevated position relative to this property. This neighbouring property has been previously extended to the side and rear and it is noted that there are no flank openings. The proposed two-storey side extension would be set in line with the existing front and rear wall of the application dwelling and would not intrude a 45 degree line when taken from a point on the joint boundary level with the rear wall of the neighbouring ground floor rear extension, or when applying a more strict interpretation and taking the 45 degree line from a point on the joint boundary level with the rear wall of the two-storey side extension. Whilst the level changes are noted, given that the proposed extension would be set off the boundary by a minimum of 1.2m, would not intrude a 45 degree line, that the extension would not project forward of the main front or rear elevation and that the existing single storey structure would be removed from the boundary it is not considered that the proposed extension would result in an overbearing impact or unacceptable loss of light to the neighbouring property.
- 7.2.5 Given that the proposed extension would not project beyond the main front or rear elevations it would not be readily apparent to the adjoining neighbour at No.104.
- 7.2.6 The proposed front and rear fenestration is not considered to afford any additional overlooking when compared with the existing situation. A window and door are proposed within the side elevation at ground floor level owing to their siting at ground floor level, set in from the boundary it is not considered that they would result in unacceptable overlooking. The elevated siting of the extension relative to the neighbour at No.100 is noted and whilst a first floor flank window is proposed this would be conditioned to be obscure glazed and top level opening only to prevent unacceptable overlooking.
- 7.2.7 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached dwellings should not generally exceed a depth of 3.6m.
- 7.2.8 The proposed single storey element would have a depth of 5m and as such would exceed the guidelines of Appendix 2. However the neighbour at No.104 has an existing single storey rear extension. The proposed extension would have a depth of 2.5m beyond this neighbour's extension. Given this in addition to its single storey nature and that there is an existing conservatory to the rear of the application site it is not considered that the proposed extension would result in an unacceptable impact on No.104.
- 7.2.9 As part of the proposed development the existing garage and store would be removed which is currently set up to the boundary with No.100. The proposed single storey extension would be set off the boundary by a minimum of 1.25m and would not project as deep as the existing store. The proposed extension would have a single storey flat roof with a height of 3.3m. Whilst No.100 is sited on a lower land level it is considered that the proposed extension would be an improvement to the existing situation and would not result in harm to this neighbour.
- 7.2.10 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore 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).

### 7.3 Highways & Parking

- 7.3.1 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.

7.3.2 Appendix 5 of the DMP LDD outlines that dwellings with four or more bedrooms should provide three on site spaces. The application site can accommodate 3 cars within the existing driveway and as such would comply with the guidelines of Appendix 5 in this respect.

#### 7.4 Rear Garden Amenity Space

7.4.1 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.

7.4.2 Appendix 2 outlines that four bedroom dwellings should provide 105sqm of amenity space. The application site will retain approx. 215sqm of amenity space and therefore would exceed the requirements of Appendix 2 in this respect.

#### 7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies 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 proposed development would not require the removal of any trees nor is considered to result in any harm to others.

#### 7.6 Biodiversity

7.6.1 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.

7.6.2 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 document. 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

### 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: TRDC 001 (Location Plan), 191105/A Rev A, 191107/A Rev A

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of



neighbouring occupiers, 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 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 ensure that the external appearance of the building is satisfactory 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 Before the first occupation of the extension hereby permitted the first floor window in the western side elevation 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 shall be permanently retained in that condition thereafter.

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).

- C5 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 side 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](mailto: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](http://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.

- 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 development 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](http://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).

## PLANNING COMMITTEE – 20 APRIL 2023

### PART I - DELEGATED

**9. 23/0304/RSP – Part Retrospective: Erection of front porch and alterations to external materials including render at 32 BEACON WAY, RICKMANSWORTH, HERTFORDSHIRE, WD3 7PE.**

Parish: Chorleywood Parish Council

Ward: Rickmansworth Town

Expiry of Statutory Period: 27.04.2023

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor is a neighbour of the application site.

#### **1 Relevant Planning History**

1.1 W/276/62 – Extension to garage

1.2 99/01353/FUL – Replacement of flat roof with pitched roof – Permitted 15.06.1999.

1.3 09/1213/FUL – Single storey rear extension, first floor rear extension and front porch – Permitted 01.10.2009.

#### **2 Description of Application Site**

2.1 The application site is rectangular in shape and contains a two storey detached dwelling located on the northern side of Beacon Way, Rickmansworth. Beacon Way is a residential road, characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.

2.2 The dwelling is finished in white render, with tile hanging to the centre of the two storey bay window projection to the front elevation and a dark tiled hipped roof form. There is a carriage driveway to the application site frontage, with space to park at least three vehicles. To the rear, a patio area abuts the rear elevation of the dwelling, leading to an area of lawn and soft landscaping.

2.3 The neighbour to the east, number 30 Beacon Way, is a detached two storey dwelling, constructed close to the shared boundary with the application site. This neighbour is located on the same land level and building line as the host dwelling. The neighbour to the west, number 34 Beacon Way, is a detached bungalow, constructed close to the shared boundary with the application site.

#### **3 Description of Proposed Development**

3.1 The application seeks part retrospective planning permission for the construction of a front porch and alterations to external materials to include render.

3.2 The front porch would have a depth of 1.4m and a width of 2.3m, extending from the main two storey front elevation of the host dwelling. The porch would have a pitched roof form with a maximum height of 3.5m and an eaves height of 2.5m. A door is proposed within the front elevation of the porch. The porch would be finished in render to match the dwelling.

3.3 The proposal also includes the removal of the existing hanging tiles to the bay window projection, and their replacement with render to match the host dwelling.

3.4 During a site visit it was ascertained that the works to construct the porch had commenced.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [No Objection]**

*The Committee had no Objection to this application.*

#### **4.1.2 National Grid: No response received.**

### **4.2 Public/Neighbour Consultation**

#### **4.2.1 Number consulted: 5**

#### **4.2.2 No of responses received: 0**

#### **4.2.3 Site Notice: N/A                      Press notice: N/A**

## **5 Reason for Delay**

### **5.1 None.**

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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.

### **6.2 National Planning Policy Framework and National Planning Practice Guidance**

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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”.

### **6.3 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.

The Chorleywood Neighbourhood Plan Referendum Version (December 2020). Policy 2 is relevant.

#### 6.4 Other

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

### **7 Planning Analysis**

#### 7.1 Impact on Character of Host Dwelling 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'.

7.1.2 Policy 2 of the Chorleywood Neighbourhood Plan outlines that all development should seek to make a positive contribution to the streetscene by way of frontage, building line, scale and design.

7.1.3 The porch would extend from the main two storey front elevation of the host dwelling, and would be relatively small in terms of size and scale. It would not project forward of the existing two storey front projection. It is noted that the streetscene of Beacon Way is varied in terms of porches and front extensions, and given the scale of the porch, it is not considered that the porch would result in any harm to the character or appearance of the host dwelling or streetscene.

7.1.4 The proposal would include the replacement of the hanging tiles to the bay window projection with render to match the existing dwelling. These alterations are small in scale and would not result in any harm to the character or appearance of the host dwelling or streetscene.

7.1.5 In summary, it is considered that the proposal would respect the character and appearance of the host dwelling and streetscene. As such, the development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Plan Referendum Version (December 2020).

#### 7.2 Impact on Amenity of Neighbours

7.2.1 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 development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.2.2 Given the scale and nature of the proposed porch and alterations to external materials, it is not considered that this element would result in any impact on neighbouring amenity.

### 7.3 Amenity Space Provision

- 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 proposed development would not encroach upon the existing amenity space to the rear of the dwelling or increase the number of bedrooms and as such, the proposal is considered to be acceptable in this regard.

### 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. A Biodiversity Checklist has been submitted and indicates that no protected species would be affected by the development.

### 7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies 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. There are four trees along the front boundary of the application site which are subject to TPO119, with other mature trees also afforded a level of protection due to the location of the application site within the Moor Park Conservation Area.
- 7.5.2 The proposed works would not result in any harm to the mature, protected trees within or surrounding the application site and the proposal is acceptable in this regard.

### 7.6 Highways, Access and Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The dwelling would retain a driveway large enough to accommodate at least three cars which would be in accordance with policy for a dwelling of this size.

## 8 **Recommendation**

- 8.1 That Part Retrospective PLANNING PERMISSION BE GRANTED 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 3 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: 32BW-01, 32BW-02, 32BW-03, 32BW-04 and 32BW-00.

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the character and appearance of the Moor Park Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Plan Referendum Version (December 2020).

- 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 ensure that the external appearance of the building is satisfactory 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:**

- 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](mailto: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](http://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.

- 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.
- I3 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 development maintains/improves the economic, social and environmental conditions of the District.



**PART I - DELEGATED**

10. 23/0356/RSP – Retrospective: Conversion of two dwellings into one with associated internal works, erection of replacement front porch and demolition of existing garage at 162 AND 164 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BA.

Parish: Batchworth Community Council

Ward: Rickmansworth Town

Expiry of Statutory Period: 05.05.2023.

Case Officer: Freya Clewley

Recommendation: That authority is delegated to the Head of Regulatory Services to Refuse Planning Permission following the expiry of the consultation period, subject to no further comments being received before the expiry of the consultation period.

Reason for consideration by the Committee: Called in to Committee by three Members of the Planning Committee to discuss the loss of a dwelling.

**1 Relevant Planning and Enforcement History**

- 1.1 W/235/90 – Erection of double garage

- 1.2 11/1663/FUL – Erection of a two storey and part single storey rear extension and dormer window to rear elevation of main roof.

- 1.3 20/0204/COMP – Enforcement Enquiry: Loss of residential unit, unauthorised frontage works (porch and front boundary and pillars) and damage to protected tree – Pending Consideration.

- 1.4 21/0950/RSP – Retrospective: Conversion of two dwellings into one with associated internal works, erection of replacement front porch and front boundary wall and railings – Refused 11.06.2021 for the following reason:

*R1 The proposed development fails to contribute to meeting local housing demand and the objective of building of new homes in the District would be undermined if the stock of existing housing were allowed to be reduced. The development is contrary to Policies PSP1 and CP2 of the Core Strategy (adopted October 2011), Policy SA1 of the Site Allocations Local Development Document (adopted November 2014) and the National Planning Policy Framework.*

Appeal allowed in respect of the front porch, front boundary wall and railings, and dismissed in respect of the conversion of the pre-existing two dwellings into one dwelling (Appeal ref: APP/P1940/W/21/3282090). Decision attached to this report as **Appendix 1**.

**2 Description of Application Site**

- 2.1 The application site contains one dwelling (following the unauthorised conversion of the former pair of semi-detached dwellings), located on the northern side of High Street, Rickmansworth. This part of High Street is characterised by semi-detached and terraced cottages of similar architectural styles and designs, some of which have been extended or altered. The application site is located within Rickmansworth Town Conservation Area.

- 2.2 The host building was originally a pair of semi-detached dwellings with a mixed red brick exterior and buff brick detailing, and a dark tiled pitched roof form. The neighbour to the east, number 160 High Street, is a two storey end of terrace dwelling, set in from the shared boundary with the application site. The neighbour to the west, number 166 High Street, is a two storey semi-detached dwelling, set in from the shared boundary with the application site.

- 2.3 The front door to number 164 High Street has been relocated towards the centre of the front elevation, and a pitched roof open timber porch has been constructed. The garage to the rear has been demolished.

### **3 Description of Proposed Development**

- 3.1 Retrospective planning permission is sought for the conversion of two dwellings into one with associated internal works, erection of replacement porch and demolition of the pre-existing garage. The pre-existing pair of semi-detached dwellings comprised two, two bedroom dwellings. These dwellings have now been converted to a four bedroom dwelling.
- 3.2 The internal walls between the two properties have been removed. The converted dwelling contains a snug, study area, shower room, utility and open plan kitchen/dining/living area at ground floor level, with three bedrooms and two bathrooms at first floor level and a further bedroom, study area and bathroom at second floor level.
- 3.3 The porch has a pitched roof form with a width of 2.1m and a depth of 1.1m. The porch has a maximum height of 3.1m. One of the garages to the rear of the application site has been demolished.
- 3.4 The current application has a similar description to the previously refused application reference 21/0950/RSP. The current application seeks to make a contribution towards affordable housing provision to compensate for the loss of one dwelling. The current application also seeks retrospective planning permission for the demolition of the garage to the rear of the site.

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Batchworth Community Council: [Objection]**

*Batchworth Community Council (BCC) objects to this application due to our understanding that this Retrospective Application and is by enlarge the same as the refused application 21/0950/RSP which was also upheld on appeal and the withdrawn application 22/2284/RSP.*

*It is BCC's opinion that the reasons for the original refusal and subsequent appeal remain the same for this new application.*

*BCC urge TRDC to refuse this application and implement the enforcement process.*

##### **4.1.2 National Grid: No response received.**

##### **4.1.3 Local Plans Section: [No response received, however the comments made under the previously refused application reference 21/0950/RSP are considered by Officers to remain relevant to the current scheme]**

*The application seeks the conversion of two market dwellings (two 2-bed dwellings) into one market dwelling (one 4-bed dwelling). Policy SA1 of the Site Allocations Local Development Document (adopted 2014) states that permission will not be granted for development resulting in a net loss of housing unless conversion to other uses is necessary. The proposal would result in the loss of a residential dwelling as no residential provision is being provided elsewhere, and therefore would not comply with Policy SA1. It should be noted that Three Rivers District Council failed the Housing Delivery Test in 2020 and at present do not have a five year housing land supply to meet its local housing need target of 630 homes per year. This demonstrates a current shortage of land to meet identified*

housing needs and it is considered that the loss of existing dwellings through new development would undermine the benefits of providing new homes to meet identified housing needs.

The National Planning Policy Framework (2019) states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (Paragraph 123). The NPPF goes on to state that local planning authorities should refuse applications which they consider fail to make efficient use of land. In the context of housing density, Policy CP3 of the Core Strategy (2011) states that the density of development will be considered on its merits taking into account the need to promote higher densities in locations that are highly accessible to public transport, services and facilities. The site is located in the Principal Town of Rickmansworth, which is one of the most sustainable settlements in the District. Taking into account the application site's highly sustainable location and the existence of two dwellings on the site, it is considered that the proposal resulting in the loss of an existing dwelling would not make an efficient use of land or optimal use of the site. Given the District's shortage of land to meet housing needs as noted above, the loss of an existing dwelling is not considered to be acceptable.

The South West Hertfordshire Local Housing Needs Assessment (LNHA) (2020) provides an up to date assessment on the housing mix in the District over the period 2020-2036. The table below shows the needs estimated in the LNHA for 1-bed – 4+-bed dwellings in market tenure.

	<u>1-bedroom</u>	<u>2-bedroom</u>	<u>3-bedroom</u>	<u>4+-bedroom</u>
<u>Market Housing</u>	5%	23%	43%	30%

Whilst it is recognised that there is a higher need for 4+-bed dwellings than 2-bed dwellings, the need for 2-bed market dwellings is not insignificant and makes up approximately a quarter of the need in the District. Furthermore, the loss of two 2-bed market dwellings would have implications for this level of need. Whilst the loss would be modest in scale, it is still considered that the retention of the dwellings is important in order to not exacerbate the current level of need for 2-bed market dwellings.

Given this and the overall high local housing need (630 dwellings per year), the proposal is not considered acceptable as it would result in the gross loss of two 2-bed dwellings and the net loss of one dwelling.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 7

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expires: 11.04.2023                      Press notice: Expires: 16.04.2023

## **5 Reason for Delay**

5.1 None.

## **6 Relevant Planning Policy, Guidance and Legislation**

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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.

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area ).

## 6.3 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 PSP1, CP1, CP2, CP4, CP8, 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.

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 is relevant.

## 6.4 Other

The Rickmansworth Town Conservation Area Appraisal (August 1993).

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

## 7 Planning Analysis

### 7.1 Overview

7.1.1 Following a complaint to the Council an enforcement investigation was opened in relation to the conversion of two residential units into one, resulting in the loss of one residential unit, unauthorised frontage works (porch, front boundary and pillars) and damage to a protected tree (ref: 20/0204/COMP). A site inspection was conducted on the 23 October 2020. During the site visit it was observed that works had been undertaken within the frontage, including the erection of a wall and brick pillars along the boundary of No. 162 and a replacement wall along the boundary of No. 164. Ground works had been carried out surrounding the protected tree located within the front boundary. A new entrance doorway and a porch had been erected within the front elevation. Internally, it was observed that works had taken place to combine Nos. 162 and 164 into one single dwellinghouse. Discussions also suggested that there may be some further works to the rear including 'stepping up' the land levels. It is noted that since the previous site visit, the garden has been finished and there are steps up from a patio area abutting the rear elevation of the dwelling, to a higher garden level comprising lawn and soft landscaping.

7.1.2 As a result of the investigation, planning application 21/0950/RSP was submitted to the Local Planning Authority, seeking retrospective planning permission for the works which had taken place. That planning application was refused by the LPA for the reason set out at 1.4 above. That decision was appealed, and the appeal (decision at **Appendix 1**) was allowed in respect of the front porch and boundary treatment. However, the conversion of the pair of semi-detached properties to one dwelling was dismissed. The current application has been submitted in an attempt to formalise the breach of planning control by utilising Section 73A of the Town and Country Planning Act 1990 (as amended) which enables an application to be made to the Local Planning Authority for development carried out before the date of an application. The application proposes to retain the development in situ. The main material change between the refused (and dismissed) proposal and the current application is that the current application includes the offer of an offsite affordable housing contribution to mitigate the loss of the existing dwelling.

### 7.2 Principle of Development

7.2.1 The Core Strategy (adopted 2011) sets out a Spatial Vision which state that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people want and are able to live and work. The priorities for the future are, amongst other things, to improve access to housing and affordable housing for communities across the whole District. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.

7.2.2 Policy PSP1 of the Core Strategy states that development in the Principle Town (Rickmansworth) will provide approximately 15% of the District's housing requirements over the Plan period. The proposal has resulted in the loss of a dwelling and subsequently would have a detrimental effect on the District's ability to meet this requirement and sustaining housing provision in the District.

7.2.3 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District needs to; provide an adequate and continuous supply of housing; provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues.

- 7.2.4 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) states that, in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council’s starting point is to protect existing housing in the District. Policy SA1 states that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided the surrounding residential area is not significantly adversely affected.
- 7.2.5 The objective of national government is to ‘significantly boost the supply of homes’ as stated in paragraph 60 of the National Planning Policy Framework. Sustainable development in itself is also underpinned by a social objective to ensure that a sufficient number of homes can be provided in the future as stated in paragraphs 7 and 8. Whilst the Framework does not make provisions for the loss of individual residential dwellings, it is considered that the Council’s Development Plan has statutory status as the starting point for decision-making as stated in paragraph 12.
- 7.2.6 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2021) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-making “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 Policy CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, “Plans are 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 protect area of 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”.
- 7.2.7 The South West Hertfordshire Local Housing Needs Assessment (LNHA) (2020) provides an up-to-date assessment on the housing mix in the District over the period 2020-2036. The table below shows the needs estimated in the LNHA for 1-bed to 4+bed dwellings in market tenure.

	<b>1-bedroom</b>	<b>2-bedroom</b>	<b>3-bedroom</b>	<b>4+-bedroom</b>
<b>Market Housing</b>	5%	23%	43%	30%

- 7.2.8 Whilst it is recognised that there is a higher need for 4+ bed dwellings than 2-bed dwellings, the need for 2-bed market dwellings is not insignificant and makes up approximately a quarter of the need in the District. Furthermore, the loss of two 2-bed market dwellings would have implications for the level of need. Whilst the loss would be modest in scale, it is still considered that the retention of the dwellings is important in order to not exacerbate the current level of need for 2-bed market dwellings.
- 7.2.9 In dismissing the recent appeal at the application site, the Inspector commented that; *‘I have outlined the policy and supporting text to SALDD Policy SA1 and to my mind there can be no doubt that it seeks to guard against the loss of a house, not a use, and the proposal would lead to a net loss of one house, a point that is accepted by the appellant in his Housing Statement and Planning, Heritage, Design and Access Statement. Accordingly, I conclude that the proposed development would fail to accord with the development plan in respect of the protection afforded to existing housing. Hence, it would conflict with the aims regarding the delivery of housing expressed in SALDD Policy SA1 and CS Policies PSP1 and CP2’.*
- 7.2.10 Paragraph 2.13 of the applicant’s Planning and Heritage Statement, prepared by Bell Cornwell dated November 2022 states; *‘Whilst the application proposal has not resulted in*

*the net gain of one or more dwellings, it has resulted in the loss of an existing residential unit, and indeed, this is the reason for the original planning application being refused and subsequent appeal dismissal. To offset against this loss, the application includes the offer of an offsite affordable housing contribution to the loss of the existing dwelling, thereby resulting in a materially different proposal than that previously seen. As a result, the proposal will result in a net loss of zero housing provision’.*

- 7.2.11 Policy CP4 (Affordable Housing) of the Core Strategy outlines ‘All new development resulting in the **net gain of one or more dwellings** will be expected to contribute to the provision of affordable housing’ (my emphasis). As such, it is not considered that Policy CP4 is applicable to the development as the development would result in a net loss of a dwelling on site and would not result in any net gain. Whilst it is noted that the applicant has offered to make a financial contribution towards offsite affordable housing to compensate the loss of one of the dwellings on site, Policy CP4 does not include provisions to be used as a compensation measure and the Affordable Housing SPD outlines the Commuted Sum Payment Formula and refers to the proposed market housing, with no provisions outlined for the net loss or compensation measures. As such, the LPA are of the view that Policy CP4 of the Core Strategy is not relevant for the reasons outlined above. Notwithstanding this, in the event that Policy CP4 was relevant in this case, the LPA would attach significant weight to the loss of a dwelling and as such, it is not considered that a financial contribution would offset this loss.
- 7.2.12 The exact amount offered by the applicant for the financial contribution has not been specified, and it remains unclear as to how the applicant intends to calculate the contribution owed.
- 7.2.13 It is considered that the conversion of two residential dwellings into one fails to contribute to meeting local housing demand and that there are no mitigating circumstances or justification to overcome the in-principle objection previously raised by the Council’s Local Plans Section, raised by the LPA in its previous decision or raised by the Appeal Inspector in the subsequent appeal. It is considered that the policy objectives set out by national government and the adopted policies of the District, in relation to building new homes, would be undermined by the development should the existing housing stock be diminished. In dismissing the appeal (APP/P1940/W/21/3282090) for the previously refused application reference 21/0950/RSP, the Inspector commented;
- ‘I have considered the Council’s argument that giving weight to the compliance of existing homes with the Building Regulations would set a precedent for similar developments in the District. Whilst each application and appeal must be treated on its individual merits, I am mindful that approval of this proposal could be used in support of other schemes within houses of similar typology or design. This is not therefore a generalised fear of precedent, but a realistic and specific concern due to the likelihood that a significant number of houses with older staircases could be affected. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, the cumulative effect of which would exacerbate the harm that would be caused by the loss of homes in a District with an acute housing supply and delivery deficit.’
- 7.2.14 In summary, it is not considered that the current application, and in particular the offer of an offsite affordable housing contribution, has overcome the previous reason for refusal (application reference 21/0950/RSP) or the subsequent dismissed appeal. It is therefore considered that the proposed development fails to accord with the policies, core principles and overriding objectives of the National Planning Policy Framework (2021), Policies PSP1 and CP2 of the Three Rivers Core Strategy and the Three Rivers Site Allocations LDD.

### 7.3 Impact on Character of Host Dwelling, Street Scene and Conservation Area

- 7.3.1 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'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that extensions should not have a significant impact on the visual amenities of an area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows, doors and materials.

7.3.2 As the site is located within the Rickmansworth Town Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also 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.

7.3.3 The LPA raised no objections with regards to the impact of the development on the character and appearance of the streetscene and Conservation Area under the previously refused application reference 21/0950/RSP, and the Inspector raised no objections in this regard when dismissing the subsequent appeal, allowing the appeal with regards to the front porch. The demolition of the garage to the rear of the site has not resulted in any harm to the character or appearance of the Conservation Area. The current application does not include any additional alterations to the external appearance of the host dwelling when compared to the previously refused application.

7.3.4 As such, it is not considered that the proposed porch has resulted in demonstrable harm to the character and appearance of the Rickmansworth Town Conservation Area. Therefore, the proposal accords with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Rickmansworth Town Conservation Area Appraisal (August 1993).

#### 7.4 Impact on Amenity of Neighbours

7.4.1 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 development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.

7.4.2 It is not considered that the conversion of the two pre-existing dwellings into one, nor the external alterations, have resulted in any harm to neighbouring residential amenity in terms of loss of light and privacy.

#### 7.5 Parking Provision and Access

7.5.1 Policy CP10 of the Core Strategy (adopted October 2011) 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.

7.5.2 The development has altered the required onsite parking provision. Previously, the two, two bedroom dwellings required 2 spaces (1 assigned), per dwelling, and there was an onsite shortfall of 1 space, although all assigned spaces were provided. The existing dwelling contains four bedrooms. Appendix 5 of the Development Management Policies document outlines that a four or more bedroom dwelling should provide 3 parking spaces. There is on site parking to the rear of the application site which provides parking for three vehicles. As such, the proposal is considered to be acceptable in this regard. Notwithstanding this, although the current proposal is compliant in terms of parking provision, this is not considered to be a benefit that outweighs the harm identified by virtue of the loss of a residential dwelling within a sustainable, town centre location.



## 7.6 Amenity Space Provision

7.6.1 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 suggest indicative levels of amenity/garden space provision.

7.6.2 The site is served by a garden which has also been combined from two separate gardens, to one larger garden. The host dwelling contains 4 bedrooms, and as such, Appendix 2 outlines that 105sqm of amenity space should be retained. Over 77sqm of amenity space has been retained to the rear, and as such, there is an onsite shortfall of 28sqm of amenity space. Whilst this shortfall is noted, it is acknowledged that the application site is located within a Town Centre location, within short walking distance (0.2 miles) to Rickmansworth Aquadrome. As such, it is not considered that the shortfall in amenity space provision is unacceptable in this regard.

## 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.

7.7.2 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. A Biodiversity Checklist has been submitted and indicates that no protected species have been affected by the development.

## 7.8 Trees and Landscaping

7.8.1 Policy DM6 of the Development Management Policies 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 Town and Country Planning Act 1990 is very clear that if any person in contravention of a tree preservation order (which all trees within a Conservation Area are protected) causes or permits the carrying out of any activities that wilfully damages tops or lops a tree in such a manner as to likely to destroy it, this would be an offence.

7.8.3 During the course of the enforcement investigation, it became evident that the roots of the Eucalyptus tree to the application site frontage became exposed and damaged, with extensive amounts of soil mounds and rubble surrounding the tree during construction works. The Landscape Officer previously confirmed as part of these investigations that the actions on site will inevitably lead to the demise of the tree. Owing to the location of the application site within Rickmansworth Town Conservation Area, all trees are protected. Owing to the irreversible damage to the tree that has occurred, suitable replacement planting of a Eucalyptus tree of similar girth would be secured by condition. The requirement to obtain a replacement tree if an alternative decision is reached if this decision was appealed would not prevent the Landscape department from continuing its investigation in respect of any damage that has been caused.

## 7.9 Planning Balance

7.9.1 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". However, this application relates to the loss of a dwelling, which further diminishes the housing supply in the District.

7.9.2 In determining the appeal (APP/P1940/W/21/3282090) relating to the previously refused application reference 21/0950/RSP, the Inspector commented;

'Given the Council's performance in the delivery of new housing and supply of housing land, the legitimate aim of SALDD Policy SA1 to maintain the use of properties as separate dwellings retains its importance. Moreover, the proposed conversion would have material consequences through the net loss of a house in a District with acute housing shortages, the removal of smaller, more affordable, houses from the market and increase in the demand for homes. This would place even greater pressure on the Council to be able to meet the aims of the Framework to boost the supply of housing in its District.

Accordingly, I afford considerable weight to the conflict of the proposal with SALDD Policy SA1 and CS Policies PSP1 and CP2, which also seek to deliver new housing.

The appellant has also referred to CS Policy CP3, for the mix and density of housing. While it too is out of date, it is worded to enable it to refer to the most recent update of the South West Hertfordshire Strategy Housing Market Assessment. This therefore reflects the requirements for housing in the District and there is no evidence before me to dispute it. Furthermore, the most recent Local Housing Needs Assessment (2020) indicates that there is a need for 2, 3 and 4+ bedroom houses, but the greatest need lies in 3-bedroom properties and the proposal would reduce the availability of such properties, and provide one 4-bedroom house. There also appears to be no requirement for housing needs and land availability assessments to determine whether existing housing stock is fit for purpose, safe or accessible, when deriving housing need.

The other consideration which I have outlined above, are primarily benefits of the appeal scheme, and taken together these amount to benefits of no greater than limited weight. In terms of harm, the proposed development would not comply with development plan policy in respect of the loss of existing housing stock within the District and I have afforded considerable weight to the conflict of this harm with the development plan.'

7.9.3 Whilst the LPA acknowledge the benefits of the scheme suggested by the applicant, including improved internal accessibility and compliance with Building Regulations, in addition to the suggested contribution towards affordable housing which could have wider public benefits, the LPA afford very limited weight to these benefits. The benefits outlined would therefore not outweigh the identified harm of the loss of a dwelling. The proposed development is therefore contrary to Policies PSP1 and CP2 of the Core Strategy (adopted October 2011), Policy SA1 of the Site Allocations Local Development Document (adopted November 2014) and the NPPF (2021).

## **Recommendation**

8.1 That authority is delegated to the Head of Regulatory Services to REFUSE Planning Permission for the following reason following the expiry of the consultation period, subject to no further material comments being received:

R1 The development results in the loss of a family dwelling in a town centre location within a District which does not have the homes required to meet the needs of its residents over the plan period. Whilst material considerations have been put forward these do not outweigh the significant harm from the loss of the dwelling and the proposal is therefore contrary to Policies PSP1 and CP2 of the Core Strategy

(adopted October 2011), Policy SA1 of the Site Allocations Local Development Document (adopted November 2014) and the National Planning Policy Framework (2021).

**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 prior to the submission of this application 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.





## Appeal Decision

Site visit made on 10 August 2022

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> August 2022**

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**Appeal Ref: APP/P1940/W/21/3282090**

**162 and 164 High Street, Rickmansworth WD3 1BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Harris against the decision of Three Rivers District Council.
  - The application Ref 21/0950/RSP, dated 11 April 2021, was refused by notice dated 11 June 2021.
  - The development proposed is conversion of two dwellings into one with associated internal works, erection of replacement front porch and front boundary wall and railings.
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### Decision

1. The appeal is dismissed insofar as it related to conversion of two dwellings into one with associated internal works. The appeal is allowed insofar as it related to erection of replacement front porch and front boundary wall and railings and planning permission is granted for erection of replacement front porch and front boundary wall and railings at 162 and 164 High Street, Rickmansworth WD3 1BA in accordance with the terms of the application, Ref 21/0950/RSP, dated 11 April 2021.

### Procedural Matters

2. The application drawings show roller shutters doors with wooden cladding surrounding. These are not included in the description of development found on the Application Form or Decision Notice and are not referred to by the main parties in their evidence. I have therefore limited my assessment of the external works to those referred to in the banner heading.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework) and the main parties have referred to its revised content, which I have had regard to in my decision.

### Main Issues

4. The main issues are:
  - whether the proposed development would accord with the development plan in respect of the protection afforded to existing housing; and
  - benefits of the proposed development.

### Reasons

#### *Development Plan Policies*

5. Policy SA1 of the Local Plan Site Allocations Local Development Document (adopted November 2014) (SALDD) states 'permission will not be granted for

development resulting in a net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided the surrounding residential area is not significantly adversely affected'. Paragraph 4.6 of the supporting text to that policy clarifies that 'in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District'.

6. Policies PSP1 and CP2 of the Local Development Framework Core Strategy (Adopted 17 October 2011) (CS) are also directed to the delivery of housing in the District. In particular, the former suggests development in Rickmansworth will amount to around fifteen percent of the District housing requirement. These policies therefore pull in the same direction as Policy SA1 and the objectives of the Framework to boost the supply of housing.

#### *Protection of Existing Housing*

7. The appeal concerns a pair of semi-detached dwellings that have undergone conversion to one dwelling. The site is situated within a residential part of High Street and the Rickmansworth Town Conservation Area (CA) and there are a mix of semi-detached, terraced, and detached houses nearby.
8. The application drawings and other evidence before me suggest that, prior to the conversion being undertaken, each property contained three rooms capable of forming bedrooms, including the rooms in attic spaces, whilst the resultant dwelling would be of four bedrooms.
9. I have outlined the policy and supporting text to SALDD Policy SA1 and to my mind there can be no doubt that it seeks to guard against the loss of a house, not a use, and the proposal would lead to a net loss of one house, a point that is accepted by the appellant in his *Housing Statement and Planning, Heritage, Design and Access Statement*.
10. Accordingly, I conclude that the proposed development would fail to accord with the development plan in respect of the protection afforded to existing housing. Hence, it would conflict with the aims regarding the delivery of housing expressed in SALDD Policy SA1 and CS Policies PSP1 and CP2.

#### *Benefits of the Proposed Development*

##### Accessibility of Homes and Compliance with the Building Regulations

11. I note that the Council accepts that there would have been limitations to the original staircases in the houses, which includes their gradient and available head height. Moreover, although access within older properties can often be fraught with such challenges, Part K of the Building Regulations only applies to building work to be undertaken to re-site or construct new staircases. As such, the appellant would not have been required to alter the design of the existing staircases as a matter of course. Nevertheless, he has demonstrated that altering the existing stairs would not have been possible in the same format within the confines of the dwellings, without losing existing accommodation.
12. I have also been referred to the National Model Design Code (Part 2 Guidance Notes) (June 2021) with regard to the accessibility of buildings. I note the reference to accessibility in the document, but its introduction sets out that it is possible content for a design code, modelled on the design characteristics set

out in the National Design Guide. It is therefore not directly relevant to the appeal proposal. Nonetheless, the Planning Practice Guidance refers to providing new homes that are accessible and adaptable to meet the needs of occupiers without future alteration.

13. The proposal would enable improved circulation within the property for all occupants. However, there is no substantive evidence before me to demonstrate that No 162 was not habitable before it was purchased by the appellant, that the residential use of either No 162 or 164 would have been likely to cease without the proposal, and that the existence of two smaller dwellings with different internal arrangements would have adversely affected the social cohesion of the Rickmansworth.
14. In addition, I have considered the Council's argument that giving weight to the compliance of existing homes with the Building Regulations would set a precedent for similar developments in the District. Whilst each application and appeal must be treated on its individual merits, I am mindful that approval of this proposal could be used in support of other schemes within houses of similar typology or design. This is not therefore a generalised fear of precedent, but a realistic and specific concern due to the likelihood that a significant number of houses with older staircases could be affected. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, the cumulative effect of which would exacerbate the harm that would be caused by the loss of homes in a District with an acute housing supply and delivery deficit.
15. With cognisance of the above, I afford very limited weight to the arguments advanced regarding accessibility and compliance with the Building Regulations.

#### Availability of Housing and Space Standards for Occupiers

16. I appreciate that the appellant has had difficulty finding a 4-bedroom property to meet the needs of his family that is close to Rickmansworth Town Centre, but there is no substantive evidence before me to suggest that 4-bedroom properties were not available or the reasons they were discounted in favour of the site. Similarly, although local services and facilities, including transport connections, are highly accessible from the appeal site, the proposal would reduce the number of houses situated in such a location. There can also be no doubt that there would be significant differences between the existing and proposed accommodation, particularly compliance with the Nationally Described Space Standards and Council's amenity space standards, but these do not appear to be relevant to existing accommodation.
17. The provision of a dwelling with a higher standard of accommodation, in an accessible location would amount to social and environmental benefits but, for the above reasons, this would be of very limited weight. Although existing accommodation did not appear to meet the needs of the appellant, there is also no substantive evidence before me to demonstrate that Nos 162 and 164 would have been incapable of being occupied as dwellings in the future.
18. I acknowledge that the appellants Housing Statement provides evidence of properties remaining empty for some time in the district, but it does not set out why this is of significance and there is no analysis of the number of bedrooms. I have therefore only afforded this limited weight in my consideration of the

appeal. I also acknowledge that the appellant has provided other properties in Watford, but this is not within the District.

19. The appeal site could technically qualify as a windfall site, that is to say it is not specifically identified in the development plan. However, the supporting text to CS Policy CS2 is clear that windfall sites contribute to housing supply. As the proposal would reduce existing housing stock, it would not contribute to housing supply and would not equate to an efficient use of land as expected by the CS and Framework.

#### Conservation Area

20. The appeal site is situated within a busy part of the CA and prominent within its surroundings. I have therefore had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
21. The door and window to the front of No 164 have been handed so that it lies beneath the window at first floor and the window is positioned where the door stood. As the door to No 162 was situated to its side, this aspect of the proposal does not unbalance the façade of the building or the contribution it makes to the character and appearance of the CA.
22. There is great variety to the design and appearance of enclosures to the street and the porches and other structures outside the front doors of properties in High Street. In light of this, the pitched roof and open form of the proposed timber porch, including its supporting posts, and the wall and railings to the frontage of the site would not harm the appearance of the property or the contribution it makes to the character and appearance of the CA.
23. These aspects of the proposal would therefore preserve the character and appearance of the CA and, thereby, its significance. Hence, they would accord with the design and heritage aims of SALDD Appendix 2 and Policies DM1 and DM3; and CS Policies CP1 and CP12. I note that the Council did not raise concerns in respect of these matters either.
24. I also accept that the development has been constructed to a high standard internally in accordance with development plan policies and the Framework.

#### **Planning Balance**

25. It is clearly evident by the Council's performance in the Housing Delivery Test (HDT) and its 2-year supply of housing land that it does not have the homes required to meet the needs of its residents. The current development plan policies most important for determining the appeal are therefore out-of-date. These are SALDD Policy SA1 and CS Policies PSP1, CP2 and CP3 for housing. In such circumstances, paragraph 11(d)(ii) of the Framework would apply, which requires that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. Given the Council's performance in the delivery of new housing and supply of housing land, the legitimate aim of SALDD Policy SA1 to maintain the use of properties as separate dwellings retains its importance. Moreover, the proposed conversion would have material consequences through the net loss of a house



in a District with acute housing shortages, the removal of smaller, more affordable, houses from the market and increase in the demand for homes. This would place even greater pressure on the Council to be able to meet the aims of the Framework to boost the supply of housing in its District.

27. Accordingly, I afford considerable weight to the conflict of the proposal with SALDD Policy SA1 and CS Policies PSP1 and CP2, which also seek to deliver new housing.
28. The appellant has also referred to CS Policy CP3, for the mix and density of housing. While it too is out of date, it is worded to enable it to refer to the most recent update of the South West Hertfordshire Strategic Housing Market Assessment<sup>1</sup>. This therefore reflects the requirements for housing in the District and there is no evidence before me to dispute it. Furthermore, the most recent Local Housing Needs Assessment (2020) indicates that there is a need for 2, 3 and 4+ bedroom houses, but the greatest need lies in 3-bedroom properties and the proposal would reduce the availability of such properties, and provide one 4-bedroom house. There also appears to be no requirement for housing needs and land availability assessments to determine whether existing housing stock is fit for purpose, safe or accessible, when deriving housing need.
29. The other considerations which I have outlined above, are primarily benefits of the appeal scheme, and taken together these amount to benefits of no greater than limited weight. In terms of harm, the proposed development would not comply with development plan policy in respect of the loss of existing housing stock within the District and I have afforded considerable weight to the conflict of this harm with the development plan.
30. The proposal would not result in harm to the CA and only the door to No 164 was sited to the front, so it may not necessarily be evident that only one dwelling would remain, particularly as the original door to the side serving No 162 would be retained. This would not mitigate the loss of a dwelling. However, the parts of the development comprising the front porch and boundary wall and railings are both physically and functionally severable from the remainder of the proposal. A split decision would therefore be a logical outcome, particularly as access from the front of the site would be retained to the side door of the building which previously formed the entrance to No 162.
31. The adverse impacts of granting permission identified in respect of the net loss of housing would significantly and demonstrably outweigh the stated benefits, when assessed against the policies in the Framework taken as a whole. This does not indicate that the aspect of the proposal concerning the conversion of two dwellings into one should be determined other than in accordance with the development plan.

### **Conditions**

32. The replacement front porch and front boundary wall and railings have already been constructed so it is not necessary for any conditions to be imposed.

### **Conclusion**

33. For the reasons given, I conclude that the appeal should be allowed in so far as it related to erection of replacement front porch and front boundary wall and

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<sup>1</sup> January 2016.

railings and dismissed in so far as it related to the conversion of two dwellings into one. Moreover, the latter would be contrary to the development plan and there are no other considerations which outweigh this finding, including the Framework.

*Paul Thompson*

INSPECTOR

## PLANNING COMMITTEE – 20 APRIL 2023

### PART I - DELEGATED

11. **23/0381/RSP - Part Retrospective: Loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window at 133 FRANKLAND ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3AS**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 28.04.2023

Ward: Dickinsons  
Case Officer: Lilly Varnham

Recommendation: That Part Retrospective Planning Permission be Granted

Reason for consideration by the Committee: The applicant is related to an employee of Three Rivers District Council.

#### **1 Relevant Planning History**

- 1.1 No relevant planning history.

#### **2 Description of Application Site**

- 2.1 The application site contains a two-storey semi-detached dwelling on Frankland Road, Croxley Green. The application dwelling has a dark tiled hipped roof form, with a two storey front gable feature. The exterior finish of the application dwelling consists of a mix of light render and red brick. The dwelling has been previously extended to the rear at ground floor level.
- 2.2 To the front of the application dwelling is an area of hard landscaping with off street parking provision for one vehicle forward of the existing integral garage. There is a small area of soft landscaping within the front garden of the application site, and a street tree sited in front of the dwelling on the public footway which is not protected. To the rear of the dwelling is an amenity garden that is predominantly laid as lawn, with an existing area of raised patio extending from the rear elevation of the dwelling.
- 2.3 The adjoining neighbour at No. 131 Frankland Road sited east of the application dwelling has implemented a hip to gable roof extension, including rear dormer and front rooflights. The neighbour to the west of the application site is No. 135 Frankland Road, this neighbouring dwelling is situated on the corner plot with the junction with Frankland Road and Harvey Road and is angled away from the application dwelling. This neighbour appears to have implemented a two-storey side extension adjacent to the boundary with the application site.
- 2.4 There are a number of hip to gable extensions and front and rear dormers evident within the street scenes of Frankland Road, Frankland Close and Harvey Road.

#### **3 Description of Proposed Development**

- 3.1 The application seeks part retrospective planning permission for a loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window.
- 3.2 The loft conversion would provide an additional bedroom and an en-suite bathroom at second floor level. The proposed loft conversion would include a rear dormer to be built to the rear elevation and a front dormer to be built to the front elevation of the existing dwelling, alongside a hip to gable extension, and the insertion of one rooflight to the front roofslope of the dwelling, and a new window within the flank elevation at second floor level within the gable.

- 3.3 The rear dormer in situ has a depth of approximately 3.9m and an overall width of approximately 4.8m, the dormer window has a flat roof form with an overall height of approximately 2.9m. The rear dormer is set in from the side edges of the roofslope, set down from the main ridge line of the dwelling by approximately 0.6m and up from the existing eaves by approximately 0.4m. A three-casement window is proposed within the rear dormer.
- 3.4 The proposed front dormer is sited within the front roofslope and would be set in from all edges of the existing roofslope and set back from the existing two storey front gabled projection. The proposed front dormer has a depth of approximately 3.3m, and a width of 1.7m. It has a pitched roof form with an overall height of 2.3m. A two-casement window is proposed within the front dormer window.
- 3.5 The dormer cheeks would be finished in vertical tile overhangs to match the original roof tiles and there would be one rooflight inserted into the front roofslope of the dwelling. The hip to gable extension would also be constructed in materials to match the host dwelling and a new obscure glazed window is proposed within the side elevation of the gable serving the second floor bathroom.
- 3.6 The proposal also includes the removal of the chimney stack to the side of the dwelling positioned closest to the front elevation of the dwelling and the raising of the existing chimney stack sited to the side of the dwelling positioned closest to the rear elevation by approximately 1.8m from existing, resulting in this chimney stack sitting approximately 0.6m above the roof of the rear dormer.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Croxley Green Parish Council: Croxley Green Parish Council note that the hip to gable loft extension is contrary to the Neighbourhood Plan policy CA2. CGPC object to the front dormer as it will have a detrimental impact on the street scene.

4.1.2 National Grid: [No Comments Received]

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 6                      No of responses received: 0

4.2.2 Site/Press Notice: [Not Required]

4.2.3 Summary of Responses: [No responses received]

## **5 Reason for Delay**

5.1 No delay.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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.

## **6.2 Planning Policy and Guidance**

### National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### 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.

Croxley Green Neighbourhood Plan (Referendum Version December 2018), Policy CA2 and Appendix B and C are relevant.

### Other

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

## **7 Planning Analysis**

### **7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene**

7.1.1 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 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' and 'conserve and enhance natural and heritage assets'. 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.

7.1.2 Appendix 2 of the Development Management Policies LDD sets out that dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall.

Appendix 2 outlines that front dormers may not always be appropriate in the streetscene. Hip to gable extensions that unbalance a pair are generally resisted.

- 7.1.3 Policy CA2 of the Croxley Green Neighbourhood Plan states that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas through careful control of massing, alignment and height. Extensions that have an overbearing impact or visual effect on the Character Area in which it is located will be resisted. The application site is located in Character Area 4: Watford Road (West), Frankland Road, Harvey Road and Bateman Road, Appendix B of the Croxley Green Neighbourhood Plan identifies Frankland Road/Frankland Close all belonging to the same vintage of mid 1930s development, with the houses in this road are *'more repetitive with limited façade styles.'* Appendix B notes that *'there are several roof conversions using new full gables in place of hip roofs, giving a lop sided and overbearing effect.'* Appendix C of the Croxley Green Neighbourhood Plan outlines that *'roof extension should not involve the raising of the roof ridge, a change from hip roof to gable (other than "sussex hip" or "half hip") or the construction of front dormers which are out of scale with the host building'.*
- 7.1.4 The proposed development seeks to convert the existing loft space of the host dwelling to a fourth bedroom and en-suite bathroom, through the provision of a hip to gable roof extension and front and rear dormer windows, and the insertion of one rooflight to the front roofslope and a new obscure glazed window within the side elevation of the gable at second floor level. There is no proposed increase in ridge height, however, it is noted that the plans indicate that the existing chimney stack has been raised by approximately 1.8m from the existing height, resulting in the rear chimney stack sitting minimally above the existing ridge line of the dwelling, and approximately 0.6m above the height of the flat roof dormer as indicated on the submitted plans. Whilst it is noted that this would be visible within the streetscene, given its siting to the rear and that the overall ridge height of the dwelling is not increasing it is not considered that the increased height of the rear chimney stack would appear overly prominent. There are also examples along the streetscene where similar incremental increases in the heights of the chimney stacks appear to have occurred.
- 7.1.5 It is acknowledged that Appendices B and C of the Croxley Green Neighbourhood Plan note that using new full-face gables in place of hip roofs can give a lop sided and overbearing effect. Similar guidance is provided in Appendix 2 of the Development Management Policies LDD (adopted July 2013). However, in this case the adjoining neighbouring dwelling at No. 131 Frankland Road has implemented a loft conversion including a full hip to gable extension and rear dormer window, such that as existing there is an un-balance between the pair with one hipped and one gabled. The introduction of the gable to the application dwelling would therefore reintroduce symmetry with the adjoining property. It is also noted that a number of properties within the immediate vicinity have implemented hip to gable extensions such that they are a common feature of the street scenes of Frankland Road, Frankland Close and Harvey Road. As such it is not considered that the hip to gable extension would unbalance the pair or appear lop sided, appear prominent or result in demonstrable harm to the host dwelling, pair or wider street scene.
- 7.1.6 The proposed rear dormer would be set in from all edges of the roofslope, set down from the existing ridge line. Whilst it is noted that the rear dormer is a relatively large addition to the rear roofslope, it is acknowledged that there are a number of large dormers situated within Frankland Road and neighbouring roads such that this addition would not appear out of character and is not considered to result in an incongruous or overly prominent form of development in relation to the host dwelling such to justify refusal of planning permission.
- 7.1.7 The proposed front dormer would be readily visible from the streetscene on Frankland Road by virtue of its siting within the front roofslope of the dwelling, however, it would be set in from all edges of the roof slope and set back from the existing two storey front gabled projection such that it would be considered as subordinate. Whilst comments from the parish are noted in relation to the front dormer, there are a number of examples of front dormers within the wider streetscenes notably on properties within Frankland Road,

Frankland Close and Harvey Road, that appear to be of a similar scale and design to the proposed development. In light of this, and given that the front dormer would appear subordinate within the host roofslope, it is not considered that it would result in an incongruous or overly prominent form of development and would be acceptable with regards to its impact on the character of the host dwelling and streetscene.

- 7.1.8 The rooflight within the front roofslope of the dwelling is not considered to result in any demonstrable harm to the character of the host dwelling or wider streetscene given that there are a number of examples of front rooflights within the vicinity of the application site.
- 7.1.9 The proposed development also includes the removal of one chimney stack sited to the side of the application dwelling adjacent to No. 135 Frankland Road positioned closest to the front roofslope of the dwelling. Given that a flank chimney would be retained, the loss of one is not considered to result in demonstrable harm to the character or appearance of the host dwelling such to justify refusal of planning permission.
- 7.1.10 It is not considered that the proposed flank window would result in any demonstrable harm to the character of the host dwelling or wider streetscene.
- 7.1.11 In summary, there are a number of hip to gable extensions and front and rear dormer windows evident within the immediate vicinity of the application site and the proposed hip to gable would reintroduce symmetry with the adjoining neighbour. The development is not considered to result in demonstrable harm to the character or appearance of the host dwelling, pair or street scene and is therefore considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

## 7.2 Impact on amenity of neighbours

- 7.2.1 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' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed loft conversion would not result in any increase to the height of the existing roof of the dwelling. Whilst considered to be relatively large the rear dormer window would be set in from the adjoining neighbour at 131 Frankland Road (an extended neighbour) by approximately 0.46m, and as such is not considered to result in harm through overshadowing or loss of light, this neighbour also appears to have implemented a similar hip to gable roof extension including rear dormer window. There would be one window inserted into the rear elevation of the dormer window, this is not considered to give rise to any unacceptable overlooking over and above that of the existing situation from the first-floor windows.
- 7.2.3 The neighbour to the west at No. 135 Frankland Road is sited on the corner plot at the junction with Harvey Road, this neighbour appears to have implemented a two storey side extension. The neighbouring dwelling is set some 5.4m off the boundary with the application site and its rear garden adjoins the flank boundary with the site. The rear dormer would be set in from the flank boundary of the dwelling, and owing to the separation that would be maintained to the boundary it is not considered that the proposed loft conversion including hip to gable extension which would not project beyond the existing flank wall, would result in any demonstrable harm to the residential amenity of the occupiers of No. 135 Frankland Road. The proposed window within the side elevation of the dwelling at second floor level

would serve the new shower room within the loft conversion, this window is proposed to be obscure glazed. Subject to such a condition there would be no overlooking facilitated.

- 7.2.4 The neighbour sited along the rear boundary of the site is No. 46 Harvey Road, this neighbour is separated from the application dwelling by approximately 20m and as such it is not considered that the proposed development would result in any harm to the residential amenity of the occupiers of this neighbouring dwelling through overshadowing or loss of light. The window within the rear elevation of the dormer is not considered to give rise to any unacceptable overlooking beyond that of the existing first floor windows.
- 7.2.5 The proposed front dormer would be sited within the existing front roofslope of the dwelling, set back from the existing two storey front gabled projection, and would be set in from all planes of the roofslope. A two-casement window is proposed within the front elevation of the dormer window, this would predominantly overlook the application site frontage and highway and as such is not considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.2.6 The insertion of the rooflight into the front roofslope would primarily overlook the application site frontage and adjacent highway and is not considered to give rise to unacceptable levels of overlooking to any neighbour given that the proposed rooflight would not project significantly beyond the plane of the existing roofslope.
- 7.2.7 As such it is not considered that the proposed loft conversion, including hip to gable roof extension, front and rear dormer window, and front rooflight would result in any adverse impacts on the residential amenity of the occupiers of any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Rear Garden Amenity Space Provision

- 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.
- 7.3.2 The application dwelling currently has three bedrooms at first floor level, the proposed development would increase the number of bedrooms within the dwelling by one, resulting in a four-bedroom dwelling across the first and second floor. Appendix 2 of the DMP LDD outlines that the indicate levels of rear amenity space for a four-bedroom dwelling is 105sqm, the application site would retain approximately 111sqm of rear amenity space which is considered to be sufficient for the dwelling in accordance with the above guidelines. The proposal is therefore considered acceptable in this regard.

### 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 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.



7.4.3 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.

#### 7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies 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.

7.6 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.

#### 7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.7.2 The application dwelling currently has three bedrooms at first floor level and Appendix 5 requires a 3 bedroom property to have 2.25 car parking spaces (2 assigned). The proposed development would increase the number of bedrooms within the dwelling by one, resulting in a four-bedroom dwelling across the first and second floor. Appendix 5 of the DMP LDD outlines that a four or more-bedroom dwelling would require 3 assigned spaces within the dwelling's curtilage. The application site has an existing driveway with off street parking provision for 1 vehicle. There is an existing integral garage, although internal dimensions of this are noted such that it is likely it is unable to accommodate a modern vehicle, as such the existing shortfall would increase from 1 space to 2. However, whilst the shortfall of 2 spaces is noted it is also noted that the proposed development does not encroach onto the area currently utilised for off street parking, and it is noted that there is scope within the application site frontage to accommodate an additional space in the future should this be required. In addition to this, there are no on street parking restrictions along this part of Frankland Road. The application site is also within walking distance to a number of local shops and amenities and local transport links. The proposal is therefore considered acceptable in this regard.

### **8 Recommendation**

8.1 That PART-RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development started and is subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 210505.

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), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

C2 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) and Policy CA2 and Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

- C3 Before the first occupation of the building/extension hereby permitted the window in the side elevation of the hip to gable extension; 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.

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).

## 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](mailto: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](http://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.

- I3 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 development maintains/improves the economic, social and environmental conditions of the District.
- L4 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](http://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).

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