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# PLANNING COMMITTEE

## NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 14 September 2023 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)  
Ruth Clark  
Matthew Bedford  
Philip Hearn  
David Raw  
Stephen King

Steve Drury (Vice-Chair)  
Chris Lloyd  
Debbie Morris  
Khalid Hussain  
Ian Morris

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*Joanne Wagstaffe, Chief Executive  
Wednesday, 6 September 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.

## PLANNING APPLICATIONS

The following applications (agenda items 5 to 10) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual report.

## BACKGROUND PAPERS

### 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)**

## LIVESTREAMING DETAILS

To watch the meeting live please use the livestream link below

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZDE3ODY5OTEtNmFiOC00YWY2LTlkM2YtNjgxNTZhYjE3ZDk1%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDE3ODY5OTEtNmFiOC00YWY2LTlkM2YtNjgxNTZhYjE3ZDk1%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

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# Public Document Pack Agenda Item 2

## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 17 August 2023 from 7.30 - 8.31 pm**

**Present:** Councillors

Sara Bedford (Chair)  
Steve Drury (Vice Chair)  
Ruth Clark  
Matthew Bedford  
Philip Hearn  
David Raw  
Chris Lloyd  
Khalid Hussain  
Andrea Fraser (In place of Ian Morris)  
Rue Grewal (In place of Debbie Morris)  
Stephen Cox (In place of Stephen King)

**Also in Attendance:**

Three Rivers District Councillor Debbie Morris  
Batchworth Community Councillor Diana Barber  
Croxley Green Parish Councillor Andrew Gallagher

**Officers in Attendance:**

Matthew Roberts  
Adam Ralton  
Anita Hibbs  
Sarah Haythorpe

### **PC24/23 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Ian Morris, Councillor Debbie Morris and Councillor Stephen King. Substitutes being Councillor Andrea Fraser, Councillor Rue Grewal and Councillor Stephen Cox.

### **PC25/23 MINUTES**

The minutes of the Planning Committee meeting held on 22 June were confirmed as a correct record and signed by the Chair of the meeting.

The minutes of the Planning Committee meeting held on 13 July were confirmed as a correct record and signed by the Chair of the meeting.

### **PC26/23 DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the

planning policies of the Council, and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

### **PC27/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

### **PC28/23 23/0747/RSP - RETROSPECTIVE: PART SINGLE, PART TWO STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION, LOFT CONVERSION INCLUDING INCREASE IN RIDGE HEIGHT, REAR DORMER WINDOWS TO THE REAR, ERECTION OF PORCH, ALTERATIONS TO FENESTRATION, RENDER TO EXTERIOR AND ALTERATIONS TO DRIVEWAY AT SANDLEWOOD, 7A WOLSEY ROAD, MOOR PARK, HERTS, HA6 2HN**

Members will be aware that an application was refused by the Committee for the raised patio and proposed privacy screens a few months ago. An enforcement notice has subsequently been served and the Council is in receipt of a planning appeal and enforcement appeal, with the owner appealing ground (a) only, that planning permission should be granted for what has been built.

This application follows a previously approved planning permission permitted in 2021. This application proposes the same form of development except for a number of fenestration changes which the officer ran through. The application site does not include the raised patio area, this is subject to the on-going appeals.

With regards to the report, there is an error at paragraph 4.1.1 as Batchworth Parish Council are referred to as having no objection to the scheme. This is incorrect, they object to the application, specifically in respect of the amended first floor rear windows and state that they should be reverted to the approved form, which includes the removal of the proposed Juliet balcony serving bedroom 2.

With regard to the most recent approved scheme, under reference 21/2425/FUL (the extant scheme), the differences between that approved scheme and the current application are in relation to fenestration changes only and are as follows:

- The first floor window in the front elevation of the house, above the garage has been slightly realigned.
- The previously approved door on the ground floor rear has been altered to a clear glazed, fixed-shut window.
- Ground floor rear glazing altered with the additional of two further full-length glazed windows forming bi-fold doors
- First floor rear glazing amended over garage to include a full length window, the addition of a Juliet balcony to an existing approved window with alterations to its design.

In accordance with Council Procedure Rule 35(B) a member of the public spoke on behalf of the neighbours of the applicant, against the application, emphasising the primary issues on injury to privacy and the potential use of the flat roof as a balcony in future.

In accordance with Council Procedure Rule 35(A) a District Councillor spoke against the application emphasising concerns over the possibility for the garage utility, currently a non-habitable space, to be converted into a habitable space such as a den, by the applicant in future, which would not require a planning permission.

In accordance with Council Procedure Rule 35(A) a Parish Councillor spoke on behalf of Batchworth Community Council against the application reiterating that they have

objected to numerous issues which have been submitted by the applicant since 2021, and will continue to object to the remaining unresolved points.

The Planning Officer outlined the key issues:

- Installation of the balustrade and the potential to use the flat roof at first floor level.
  - With regards to the flat roof; there is a condition attached to the report that does restrict the use. If it is found that the flat roof is being used for amenity purposes, the Council has the ability to issue a breach of condition notice, no right of appeal. If Members are concerned regarding the removal of the Juliet balustrade, a condition can be added for a requirement for it to remain in situ.
- Ground floor flank wall should be obscurely glazed.
  - There is currently hedging in this area, and based on the officers observations from a site visit, no overlooking is considered to result.
- Concern about the paved area immediately to the rear of the ground floor:
  - This is subject to the ongoing appeals regarding the raised patio; the enforcement notice is twofold; it requires either the complete removal of the raised patio, or it requires the owner to revert back to a previous planning permission that includes steps down at that point to a lower raised patio, which would be a possibility for the owner to build, subject to how the appeals progresses. On that basis the Council would not be able to wait for the outcome of appeals.

Members of the Committee raised the following questions and points:

The window that is serving the garage could be obscurely glazed, but it should also be top open only. The Officer clarified that the window could be conditioned to be either fixed and obscurely glazed, or clear glazed with top open only. Both option would protect the privacy of the neighbours if required by members.

Q. What would happen if something happened to the existing hedge, e. g. died or cut down, to protect privacy?

A. The hedgerow would not be protected by the TPO legislation. It would be open to the owner of that part of the boundary to erect a fence, but it would be restricted to a 2 meter enclosure without planning permission.

Q. Which boundary is owned by the owner of the property?

A. As this is not a planning matter, officers are not able to provide this information.

Q. Is it the Juliet balcony going to be flush with the wall or will it be possible to step out onto the balcony?

A. Juliet balconies are usually right up against the wall; it will not be possible to step out onto the balcony.

Q. Would it be possible to put a condition on the flat roof to turn it into a pitched roof?

A. It would be difficult due to where the fenestration currently is; officers would not be able to request this under the current application.

It was pointed out that the height of the Juliet balcony railing is 0.9 meters, but building regulations state that it has to be 1.1 meters. The Planning Officer confirmed that the railing does have to be 1.1 meters high to pass building regulations, and if the condition is added for the Juliet balcony, the requirement should be 1.1 meters high.

Councillor Steve Drury moved the recommendation as set out in the officer report, seconded by Councillor Matthew Bedford and with the following two conditions to be added:

1. The obscure glazing on the window on the flank wall should go ahead,
2. The Juliet balcony with a raised height of the railing to be added to bedroom 2;

The Chair clarified to the Committee the motion with the amendment that the obscurely glazed window and the Juliet balcony shall be permanently retained in that condition thereafter.

The Chair and the Planning Officer summarised that the reason these conditions become required is to safeguard privacy of the neighbours.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 3 Against and 0 Abstention.

RESOLVED:

That the PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out, and is subject to the conditions and informatives set out in the officer report, with the following two additional conditions:

*Within 4 months from the date of the decision, the existing ground floor window within the south eastern flank elevation serving the garage as shown on drawing number 1360/P/2B, shall be replaced and installed with purpose made obscure glazing and shall either be fixed shut or top level opening only at 1.7m above the floor level of the room in which the window is installed. The window once replaced shall be permanently retained in that condition thereafter.*

*Reason: To safeguard the amenities of the occupiers of the neighbouring residential property at No.9 Wolsey Road in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

Within 4 months from the date of the decision, the Juliet balconies to the rear elevation at first floor level serving the bedrooms labelled as 1, 2 and 4 as shown on drawing number 1360/P/2B shall be installed to a minimum height of 1.1 metres. Once installed the Juliet balconies shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of the 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).

PC29/23

**23/0942/ADV - ADVERTISEMENT CONSENT: INSTALLATION OF NON-ILLUMINATED FASCIA SIGN TO BUILDING AT CHANGING ROOMS, OXHEY PAVILION EXTENSION, GREEN LANE, OXHEY HALL**

The Planning Officer advised that there was no update on this application.

Members raised the following points:

The sign is very large; 8.6 meters long, and although it is not going to be illuminated, with very bright colours, it is going to be obtrusive. However, it should be noted that local children participated in the design of the sign, and it would mark out the building in a nice contrast.

The officer clarified that the Committee is to consider for approval this particular sign in this particular location.

Members also raised a point that the officer report did not specify that at no point in the future will this sign be lit. The Planning Officer clarified that a separate permission will be needed for the sign to be illuminated.

Councillor Stephen Cox moved, seconded by Councillor Chris Lloyd that ADVERTISEMENT CONSENT BE GRANTED subject to the standard advertisement conditions as outlined in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being by general assent.

RESOLVED:

That ADVERTISEMENT CONSENT BE GRANTED subject to the conditions set out in the officer report.

PC30/23

**23/1003/FUL - VARIATION OF CONDITION 2 PURSUANT TO PLANNING PERMISSION 22/0958/FUL (PART SINGLE PART TWO STOREY SIDE AND REAR EXTENSION INCLUDING HIP TO GABLE ROOF EXTENSION, REAR DORMER, ROOFLIGHTS, ALTERATIONS TO FENESTRATION AND THE CONSTRUCTION OF A DETACHED OUTBUILDING) TO INCREASE SCALE OF REAR DORMER AND RECONFIGURATION OF FRONT ROOFLIGHTS AT 129 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3DX**

The Planning Officer advised that there was an update to Paragraph 3.5, second bullet point of the report:

- The proposed rear dormer has a depth of 3.5m, height of 2.5m and width of 6.7m, and is therefore larger than the rear dormer which formed part of the dismissed scheme (which had a depth of 3.5m, height of 2.8m and width of 8.1m).

This is incorrect; it is smaller than the rear dormer which formed part of the dismissed scheme.

In accordance with Council Procedure Rule 35(B) a member of the public spoke in support of the application, reiterating that the Planning Officer had confirmed; the proposed rear dormer, as amended, would not result in any overbearing impact to any neighbouring properties in terms of loss of light or overbearing impact, and it would not pose any demonstratable harm to the host dwelling or wider street scene. The member of the public emphasised the importance of being able to work from home, and that this application seeks to accommodate a home office space for this reason.

In accordance with Council Procedure Rule 35(A) a Parish Councillor spoke on behalf of Croxley Green Parish Council against the application, summarising the application history of the developer and stating that the Parish Council objects to the significant increase in size of the rear dormer. The Parish Councillor emphasised that the planning inspector had commented that the proposed development by virtue of the size and dominating scale of the proposed rear dormer will adversely affect the character and appearance of the host dwelling as well as the street scene, and would fail to accord with the policies. The Planning Officers' report expresses a contrary view in section 7.2 before coming to the recommendation that planning permission should be granted. Croxley Green Parish Council believe that the current report has come to

the wrong conclusion as there have been no material changes in planning policy or law since the original refusal.

The Officer also clarified that the current scheme is different, and the report sets out why it is different and why the Officers' conclusion is therefore different to that of the inspector's, and to confirm that there has not been any enforcement action on this site.

Members raised the following points:

The new scheme is significantly different than what had been dismissed by the planning inspector and more in line with the requirements.

Councillor Philip Hearn moved, seconded by Councillor Matthew Bedford that subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the conditions outlined in the officer report.

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

RESOLVED:

That, subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the conditions outlined in the officer report.

#### **PC31/23 EXCLUSION OF PRESS AND PUBLIC**

**The Chair moved, duly seconded, the following motion:**

**“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 and 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.”**

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by general assent.

RESOLVED:

To move into Part ii business.

#### **PC32/23 21/0228/COMP - PROPOSED USE OF POWERS TO TAKE DIRECT ACTION UNDER SECTION 219 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

The Committee received a report seeking agreement to exercise powers under Section 219 Town and Country Planning Act 1990 to be able to carry out the works as required by the Council's Section 215 Notice dated 1 September 2022 with regard to property in Watford Rural Parish. Members were advised of the situation at the property and reason behind the request to take action.

Officers were seeking authority to be given to the Head of Regulatory Services to exercise powers under Section 219 of the Town and Country Planning Act to enter the land and carry out works as required by the Section 215 Notice and recover the expenses reasonably incurred, in respect of a property in Watford Rural Parish.

By way of a brief background, following reports to the Council from local residents regarding the poor condition of the property, the Council attempted to liaise with the owner to avoid the service of a section 215 notice, otherwise known as an untidy land notice. Unfortunately, despite best efforts, the owner has not wished to engage with the Council which led to the service of a section 215 notice in September 2022 which was not complied with. For reasons set out within the report it is considered that direct action is the best route to pursue.

Members asked what support had been provided to the occupier. It was advised that assistance had been offered by officers, local charities and other community organisations. The occupier had not engaged with anyone throughout the various forms of communication and when the notice was served at the property. Officers had liaised with the Police, Community Safety Team and Safeguarding Officers to try and establish contact throughout the process to try and make contact with the occupier.

It was for the committee to decide if action was to be taken.

Councillor Stephen Cox moved, seconded by Councillor Rue Grewal, the recommendation to exercise powers under Section 219 Town and Country Planning Act 1990 to be able to carry out the works as required by the Council's Section 215 Notice dated 1 September 2022 with regard to property in Watford Rural Parish.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by general assent.

**RESOLVED:**

That authority be given to the Head of Regulatory Services to exercise powers under Section 219 Town and Country Planning Act 1990 in respect of land and property in the Watford Rural Parish to enter the land and carry out the works referred to in paragraph 4.1 as required by the Council's Section 215 Notice dated 1 September 2022 (served 7 September 2022) and to recover the expenses reasonably incurred in so doing from the landowner.

That public access to the report and appendices is denied until after the Planning Committee meeting (subject to redaction of personal data).

That public access to the decision be immediate after the Planning Committee meeting (subject to redaction of personal data).

**CHAIR**

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### PART I - DELEGATED

5. **23/0319/FUL - Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond at Land North Of Little Green Lane, Killingdown Farm, Little Green Lane, Croxley Green, Hertfordshire**

Parish: Croxley Green and Sarratt Parish Councils<sup>1</sup>

Ward: Dickinson and Chorleywood North & Sarratt

Expiry of Statutory Period: 22.09.2023 (Agreed Extension)

Case Officer: Claire Westwood

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to the high level of interest and the engineering works to the sensitive landscape.

To view all documents forming part of this application please click on the link below:

[23/0319/FUL | Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond. | Land North Of Little Green Lane Killingdown Farm Little Green Lane Croxley Green Hertfordshire \(threeivers.gov.uk\)](#)

#### 1 Relevant Planning History

- 1.1 20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works. Allowed at appeal 3 March 2022, works commenced.
- 1.2 Various Discharge of Conditions applications have also been determined pursuant to the above.
- 1.3 22/1432/NMA - Non material amendment to planning permission 20/1881/FUL: Increase in size of the double garage serving Plot 2. Permitted 30.08.2022.
- 1.4 22/1917/NMA - Non material amendment to planning permission 20/1881/FUL: Plot 151 - Window added to ground floor WC; Plots 11-12, 13-14, 20-21, 22-23, 54-55, 74-75, 144-145, 146-147 and 148-149 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 70-72 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 4, 8, 49, 52, 53, 64, 73, 76, 82, 83, 86, 87 and 150 - Window added to ground floor WC; Plots 9-10, 16-17, 34-35, 45-46, 50-51, 65-66, 80-81 and 84-85 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; and Plot 152 - Window added to ground floor WC. Permitted 03.11.2022.
- 1.5 22/2072/NMA - Non-material amendment to planning permission 20/1881/FUL to allow removal of hedgerow to form temporary construction access, re-planting details for

<sup>1</sup> The main development site falls within Croxley Parish Council area (Dickinsons Ward), however, the northern field falls within Sarratt Parish Council area (Chorleywood North and Sarratt Ward).

hedgerow replacement and removal of swales with soft landscaping features. Permitted 28.02.2023.

- 1.6 23/0114/ADV - Advertisement Consent: Installation of advertising hoardings. Permitted 17.03.2023.
- 1.7 23/0257/NMA - Non-material amendment to planning permission 20/1881/FUL: Amendment to the details/design of the attenuation pond and the deep borehole soakaways; removal of the pond liner; and installation of additional boreholes. Withdrawn.

## **2 Description of Application Site**

- 2.1 The site is located to the north of the village of Croxley Green. Development has commenced on site following the grant of planning permission at appeal relating to planning application 20/1881/FUL. This area is outlined in blue on the submitted site location plan and wraps around three sides of the original complex of farm buildings and is surrounded by established trees and hedgerows. The application site (red line area) includes a route through the main site from Little Green Lane to the south-west to Little Green Lane to the north and also includes an area of land (field) to the opposite side of Little Green Lane to the north of the site. The northern field is within the Metropolitan Green Belt but falls outside of the Conservation Area boundary.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the wider site) is Grade II Listed. The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent.

## **3 Description of Proposed Development**

- 3.1 Planning permission 20/1881/FUL was granted at appeal in March 2022 for the 'Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works'. The 'associated works' included the construction of an attenuation/balancing pond in the northern field to provide Sustainable Drainage for the development site.
- 3.2 In lieu of transporting soil (from the digging of the attenuation pond) off site, the current application proposes to infill some natural depressions on the northern field, reprofiling part of the field. This would avoid the need to transport any soil off site. The area to be infilled and reprofiled is located to north east of the attenuation pond and has a width (east to west) of approximately 190 metres and length (north to south) of approximately 85 metres. The total volume of fill used would be 11,456 cubic metres. Tree Protection fencing is proposed to the eastern edge adjacent to the field perimeter. The remainder of the field is currently open.
- 3.3 Construction vehicles accessing the northern field to undertake the permitted work would currently take a route along Little Green Lane to the western site boundary, before turning right and continuing along the northern arm of Little Green Lane. In order to avoid using Little Green Lane the current application also proposes the construction of a temporary access from the north of the existing development site. The approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross from the main development site into the northern field. The

application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented.

- 3.4 Whilst the location of the attenuation pond is as previously approved, the current application proposes minor amendments to its details and design. These relate to the removal of the pond liner and installation of 6 additional boreholes.

#### **4 Statutory Consultation**

4.1.1 Croxley Green Parish Council: Concerns.

CGPC supports the concerns raised by the Herts and Middlesex Wildlife Trust.

4.1.2 Sarratt Parish Council: Objection.

Object on the basis of what seems an unjustifiable activity on open space in the Green Belt with no special circumstances to override disturbance to the Green Belt. We are also concerned about the impact the proposed works will have on biodiversity of the site and additional potential consequences.

4.1.3 Hertfordshire County Council – Highway Authority: No objection.

4.1.3.1 Initial comments 19.04.2023:

##### **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 condition:

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

- approval and/or recommendations from the Highways tree officer at Hertfordshire Highways in respect to the removal of any highway hedges or other vegetation.

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).

##### **Comments**

##### Temporary Access

The proposed construction vehicle access / egress route to the attenuation pond is through the proposed residential development site south of the site, which itself is accessed via Little Green Lane on its western boundary, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposed route is shown on submitted drawing number 108-WD-100 G and would utilise one of the proposed new vehicle accesses into the residential site, which itself is being constructed subject to a separate 278 agreement with HCC as Highway Authority.

HCC as Highway Authority would not have an objection to the proposed route, which would be the preferred route over construction vehicles continuing further north and east along Little Green Lane (the lane is narrow to the north of the residential site / south of the pond site).

The access route crosses Little Green Lane again to the north of the residential site. Therefore the applicant would need to apply for a temporary traffic regulation order (TTRO) in relation to this as the highway would need to be temporarily closed whilst the construction

vehicles are crossing the highway at this point. Further details in this respect can be found at:

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

The applicant would need to enter into a legal agreement in respect to the proposed storm sewer which would cross under Little Green Lane between the storage pond site to the north and the residential dwelling site to the south. Further details in this respect can be found at:

*AN) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:*

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>

The applicant would need to take into consideration the following highway informatives at all times during the works:

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.*

*AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.*

*Further information is available via the County Council website at:*

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

*AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.*

HCC as Lead Local Flood Authority would need to be formally consulted on the proposals at: [FRMconsultations@hertfordshire.gov.uk](mailto:FRMconsultations@hertfordshire.gov.uk)

#### 4.1.3.2 Further comments 24.04.2023:

The tree officer at HCC highways has been out to have a look onsite and has recommended that an appropriate level and type of highway vegetation would need to be provided in close vicinity to the site (along Little Green Lane in close vicinity to the proposals) to counteract

the loss of highway hedges required to form the access route. This is to ensure overall biodiversity net gain in respect of highway vegetation.

In this respect I would recommend a condition similar to the wording as outlined (happy to be advised if the wording needs altering):

*Prior to the first commencement of the development hereby permitted, details of an appropriate level and type of highway vegetation shall be provided in close vicinity to the site to ensure an overall biodiversity net gain on highway land. The approved scheme shall be fully implemented before the development is first brought into use.*

4.1.4 Herts and Middlesex Wildlife Trust: Objection.

The ecological survey does not have the same footprint as the red line boundary of the proposal. It is unclear as to what the impacts of the proposal will be. In addition the ecological survey dates from August 2020 and appears to be specific to another proposal. It describes a planning application for 160 houses, not the infilling of a natural depression. Ecological information that directly relates to this proposal which identify what is there, how it will be affected by the proposal and how any negative impacts will be avoided, mitigated or compensated must be submitted before this application can be decided.

4.1.5 Herts Ecology: No response received.

4.1.6 HCC Footpath Section: No response received.

4.1.7 Landscape Officer: No response received.

4.1.8 Conservation Officer: No objection.

This application is for the infilling of the natural depression/re-profiling of field with soil from construction of attenuation pond, construction of temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the design/details of the attenuation pond.

The application site is located in the setting of several designated heritage assets, including:

- 1, 2 and 3 Little Green (list entry: 1173675)
- Killingdown Farmhouse (list entry: 1100844)

Taking into consideration the extent of the allowed at appeal (ref. 21/0042/REF), the proposal would not result in any additional harm to the heritage assets. I would not raise an objection to the proposal.

4.1.9 HCC Lead Local Flood Authority: No objection.

4.1.9.1 Initial comments 23.05.2023: Objection.

Thank you for your consultation regarding the above application (received 31 March 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

We previously provided comments to the (now withdrawn) application 23/0257/NMA, which is closely related to 23/0319/FUL. The applicant has provided a letter (alongside other additional information) with this application to respond to those original comments. Following a review of the submitted information, we object to this planning application in the absence of an acceptable drainage strategy.

## **Reason**

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We have four comments regarding the proposed changes to the attenuation pond detailed in this application:

1. We request that the Local Planning Authority consult the Environment Agency with the specific instruction to comment on the requirement for more deep bore soakaways inside the attenuation pond. We highlight that it is not good practice to put boreholes within an attenuation pond which is designed to treat surface water. We feel this could introduce pollution to groundwater water resources.

2. The PEP Flood Risk Amendments document indicates that additional soakage testing was carried out to facilitate the use of permeable paving, and further refine the rates used in the design of the deep boreholes within the attenuation pond. We note that within the letter to the LLFA (in response to the comments on 23/0257/NMA), it is stated that soakage test results for both the permeable paving and deep boreholes have been included. However, it does not appear that the full results of this additional testing have been provided – we cannot remove our objection until this has been actioned. The drainage calculations provided appear to use the same infiltration rate for all of the deep borehole soakaways. As we do not have the full results, we cannot confirm where this number has come from – we would like to note that an average value should not be used, instead we would expect each individual borehole to use the worst-case infiltration rate obtained from its testing.

3. We note that updated drainage calculations have been provided, now using FEH13. As stated in our initial response on 23/0257/NMA, we now require the use of FEH22 and so the calculations need to be resubmitted. We require supporting information (calculations and relevant drawings) to show that the changes to the attenuation pond does not change any part of the drainage network that feeds into it. Additional surcharge from the attenuation pond could produce flooding within the housing development drainage network. We need to ensure that no additional flood risk will be created from the changes proposed in this development.

4. In addition, we note that there are two instances of flooding shown to occur during the 1 in 100 year plus climate change storm event in the current calculations. The PEP Flood Risk Amendments document states that this flooding will be managed on the highway and permeable paving. We would like to request that the drainage drawing is updated to include the location, depth and extent of this flooding. Information should also be provided regarding nearby finished floor levels to ensure that there is 300mm freeboard between the design flood level and finished ground floor levels of vulnerable development (sub stations, dwellings etc).

## **Informative**

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

## **Informative to the LPA**

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

### **Annex**

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, April 2023
- PEP Flood Risk Amendments, Walker Associates, April 2023
- Causeway Drainage Calculations, Walker Associates, April 2023
- Private Drainage Layout (Sheets 1-8), WalkerAssociates, January 2023
- Section 104 Adoptable Drainage Layout (Sheets 1-8), WalkerAssociates, February 2023
- Section 104 Adoptable Drainage Layout Storage Pond Design, WalkerAssociates, February 2023
- Private Pavement Construction Details, WalkerAssociates, January 2023
- Pond Construction Details, WalkerAssociates, November 2022
- Schematic Drainage Strategy (Sheet 6), PEP, January 2021
- Additional 4 No. Boreholes Plan, November 2022

#### 4.1.9.2 Further comments 15.06.2023: Objection.

Thank you for your re-consultation regarding the above application (received 5 June 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a set of updated documents (listed in the Annex) to address our objections. We also note that the Environment Agency have been consulted regarding our concern around the use of extra deep bore soakaways within the attenuation pond. Following a review of this information, we **maintain our objection** to this application.

### **Reason**

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We are satisfied that points 2 and 3 (relating to the provision of soakage testing results and updated calculations) have been actioned and so we can remove those objections. However, we have additional comments to make regarding our two remaining objections:

1. Although an exceedance plan has been provided to indicate the location, depth and extent of the flooding which occurs in the 1% AEP (plus climate change) event, we require the plan to be updated with finished ground and finished floor levels. The plan should demonstrate that the finished floor levels of the housing adjacent to any area of flooding from the drainage network should be at least 300mm above the design flood level. From the information currently available, the flood level marked in red on the exceedance plan would be higher than the finished floor level of the adjacent buildings. **We await further information.**

2. We note that the Environment Agency have been consulted but we strongly recommend that the deep borehole soakaways have appropriate headworks to prevent pollution or contamination entering groundwater. This is to ensure that runoff directly from the housing development roads cannot leak into groundwater down the outside of the borehole casing or directly into the borehole itself. The runoff should be designed to settle into the pond first

to allow suspended solids to drop out of the water prior to final discharge into the boreholes. No pollution of groundwater should occur from the boreholes being situated in the pond.

### **Informative to the LPA**

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

### **Annex**

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, May 2023
- Exceedance Storage Plan, WalkerAssociates, May 2023
- Shallow infiltration test results, Enzygo, November 2022
- Additional boreholes plan, Southern Testing, November 2022
- Factual Borehole Soakaway Report, Southern Testing, May 2023
- Updated drainage calculations, WalkerAssociates, May 2023

#### 4.1.9.3 Further comment 12.07.2023: Objection.

Thank you for your re-consultation regarding the above application (received 20 June 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a response letter addressing our comments, alongside an updated exceedance flow plan. Following a review of this information, we maintain our objection to this application.

### **Reason**

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We have the following comment to make regarding the updated exceedance plan:

1. We note that the exceedance plan has been updated with finished ground and floor levels. The finished floor levels for the properties adjacent to exceedance areas 1 and 3 are not 300mm above the design flood levels – we require justification into why this cannot be achieved. Area 1 has between 150mm and 300mm freeboard and Area 3 has between 150mm and 250mm freeboard. In addition, we note that the levels surrounding exceedance areas 1 and 3 appears to show that flows would enter Little Green Lane (outside the red line boundary of the site). Although the exceedance plan shows the flooding to be contained within the red line boundary, we require evidence to prove that any flooding in this area would not flow offsite.

### **Informative to the LPA**

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

### **Annex**

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, June 2023



- Exceedance Storage Plan, WalkerAssociates, May 2023

#### 4.1.9.4 Further comments 14.08.2023: No objection.

Thank you for your re-consultation regarding the above application (received 24 July 2023) for infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond.

Since our previous response, we note that the applicant has provided a further response letter addressing our comments regarding exceedance flows. We are now satisfied with the information provided and are able to remove our objection to this application. We would recommend the following condition if the LPA are minded to approve this application.

Condition 1:

The amendments to the attenuation pond and the finished floor levels should be carried in accordance with the Pond General Arrangement Plan (16 June 2023, WalkerAssociates), Response to LLFA Letter (17 July 2023, WalkerAssociates), Drainage Calculations (25 May 2023, WalkerAssociates) and other associated documentation including borehole testing results. Upon completion of the surface water drainage system, as built drawings (both plan and cross section views) of the attenuation pond should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF.

Informative to the LPA

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at [FRMConsultations@hertfordshire.gov.uk](mailto:FRMConsultations@hertfordshire.gov.uk).

Annex

The following documents have been reviewed, which have been submitted to support the application;

- Response to LLFA comments, WalkerAssociates, July 2023

#### 4.1.10 Environment Agency: No objection.

##### 4.1.10.1 Initial comments 20.04.2023:

Based on a review of the submitted information, we have no objection to the proposed development.

Advice to Applicant:

Any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit.

Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit.

For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environment Permit (unless the activity is exempt from the need for a permit).

Please contact our National Customer Call Centre (Tel. 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

Pre Application Advice:

Regarding future applications, if you would like us to review a revised technical report prior to formal submission, outside a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our planning advice service. If you wish to request a document review or meeting, please contact our team email address at [HNLsustainableplaces@environment-agency.gov.uk](mailto:HNLsustainableplaces@environment-agency.gov.uk)

Final comments:

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence and provide us with a copy of the decision notice for our records.

4.1.10.2 Further comments 31.05.2023: (following request from the LLFA that the LPA consult the EA “with the specific instruction to comment on the requirement for more deep bore soakaways inside the attenuation pond).

I appreciate the concern for Groundwater protection, however unfortunately we don't comment on development in SPZ2/3 (which the development is partially in) and only comment on development in SPZ1 due to resource issues.

Below is our standard advice we use where we can't comment on the specifics of an application:

#### **Advice for LPA/Applicant**

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 in 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.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 87

4.2.2 No of responses received: 11 objections.

4.2.3 Site Notice: Expired 11.05.2023                      Press Notice: Expired 29.04.2023

4.2.4 Summary of Responses:

Impact on groundwater; Potential for contamination; No justification for proposal; Environment Agency and Lead Local Flood Authority should be consulted; Flood risk concerns; Loss of hedgerow; Access may be temporary but loss of hedgerow would be permanent; Concerns regarding road closures; Fields are used by horses; Heavy vehicles may injure horses; Reports are outdated; Insufficient details regarding management provided; Impact on badgers; Why is the access needed?; Developers do not care about the environment; Soil should be removed and disposed in an appropriate way; Changing levels should not be required; Nesting birds will be affected; Alter water table; Concerned about response from LLFA raising concerns regarding the finished floor levels; Application should not progress until the applicant has provided satisfactory attenuation measures in accordance with LLFA requirements.

## **5 Reason for Delay**

5.1 Agreed Extension of Time to respond to LLFA objections.

## **6 Relevant Planning Policy, Guidance and 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).

### **6.1 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.

### **6.2 The Three Rivers Local Development Plan**

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, 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 DM2, DM3, DM6, DM8, DM10, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1.

The Croxley Green Neighbourhood Plan (December 2018).

### **6.3 Other**

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015). The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

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

## 7 Planning Analysis

### 7.1 Background

7.1.1 As noted above, planning permission 20/1881/FUL was granted at appeal in March 2022 for the 'Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works'. The 'associated works' included the construction of an attenuation/balancing pond in the northern field to provide Sustainable Drainage for the development site.

7.1.2 In lieu of transporting soil (from the digging of the attenuation pond) off site, the current application proposes to infill some natural depressions on the northern field, reprofiling part of the field. In order to avoid using Little Green Lane the current application also proposes the construction of a temporary access from the north of the existing development site. Whilst the location of the attenuation pond is as previously approved, the current application proposes minor amendments to its details and design.

### 7.2 Green Belt

7.2.1 Paragraph 147 of the NPPF (2021) advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

7.2.2 Paragraph 148 advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.2.3 Paragraph 150 sets out that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purpose of including land within it. This includes; '*(b) engineering operations*' and '*(e) material changes in the use of land*'.

7.2.4 The five purposes of the Green Belt are set out at paragraph 138 of the NPPF as follows:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.

7.2.5 Policy CP11 of the Core Strategy (adopted October 2011) advises that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt and measures to improve environmental quality.

7.2.6 The land to the north of Little Green Lane is within the Green Belt. The lawful use of the land was for agriculture, however consented application 20/1881/FUL permitted a material change of use of part of the land to accommodate the attenuation pond. In addition, the drainage attenuation pond was considered an engineering operation. These aspects (material change of use and engineering operation) were not considered to be inappropriate as they maintained openness and did not conflict with the purposes of including land within the Green Belt (as set out above). No change was proposed to the remainder of the field, part of which is now proposed to be infilled/reprofiled. Whilst infilling/reprofiling is now proposed, this would not involve a change of use.

- 7.2.7 The infilling/reprofiling would be considered an engineering operation and would not be inappropriate provided that openness is maintained and that the development does not conflict with the purposes of including land within the Green Belt. In relation to openness, the National Planning Practice Guidance (NPPG) advises that assessing the impact of a proposal on the openness of the Green Belt, requires a judgement based on the circumstances of the case. The NPPG notes that by way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These included, but are not limited to:
- *Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *The duration of the development, and its remediability – taking into account any provisions to return the land to its original state or to an equivalent (or improved) state of openness; and*
  - *The degree of activity likely to be generated, such as traffic generation.*
- 7.2.8 The land is currently undulating with natural depressions. The proposal would infill some of these existing depressions creating a more level profile, however, there would be no significant level changes and the land would remain undulating in appearance. No fencing or boundary treatments are proposed, with the land remaining open in character and appearance. It is not considered that the works would affect openness. Following completion of the works there would be no increased activity associated with the infilling/reprofiling.
- 7.2.9 With regards to the five purposes of including land within the Green Belt as set out at 7.2.4 above, the development would not conflict with these purposes.
- 7.2.10 The nature of the development is such that the openness of the Green Belt would be maintained and the development would not conflict with the purposes of including land within the Green Belt. The development would therefore be acceptable in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF.
- 7.3 Highways & Access
- 7.3.1 Paragraph 111 of the NPPF states that; *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 7.3.2 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District.
- 7.3.3 Construction vehicles accessing the northern field to undertake the permitted work would currently be required to take a route along Little Green Lane to the western site boundary, before turning right and continuing along the northern arm of Little Green Lane. In order to avoid using Little Green Lane the current application proposes the construction of a temporary access from the north of the existing development site.
- 7.3.4 The approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross Little Green Lane from the main development site into the northern field. The application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented.

- 7.3.5 Hertfordshire County Council as Highway Authority raise no objection to the proposed construction traffic route, noting that it is the preferred route as it would avoid construction vehicles continuing further north and then east along Little Green Lane where the lane narrows and there are existing residential properties.
- 7.3.6 HCC note that the proposed access route would cross Little Green Lane from the existing development site into the northern field. Whilst no objection is raised they note that the applicant would need to apply for a temporary traffic regulation order (TTRO). The applicant would also need to enter into a legal agreement with HCC in respect to the proposed storm sewer which would cross under Little Green Lane between the storage pond site to the north and the residential dwelling site to the south.
- 7.3.7 Whilst HCC raise no objection and consider the route favourable, they do request that a condition be included on any grant of consent to ensure that appropriate landscaping is provided to mitigate the loss of highway hedging required to facilitate the widening of the previously approved access. A landscaping plan has been provided with the application which details the proposed replacement planting. A condition on any grant of consent would require the implementation of the landscaping following cessation of use of the temporary construction access.
- 7.3.8 Subject to condition the development would be acceptable on highways grounds in accordance with Policy CP10 of the Core Strategy (adopted October 2011).
- 7.4 Drainage & Flood Risk
- 7.4.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.4.2 The Lead Local Flood Authority (LLFA) are the statutory consultee for drainage on major applications. The LLFA raised an initial objection to the proposed amendments to the attenuation pond, however, during the course of this application additional information has been provided in response to comments from the LLFA. The LLFA have confirmed that the additional information provided addresses their concerns and they therefore raise no objection to the proposal subject to a condition requiring the development to be carried out in accordance with the approved details and subject to as built drawings being submitted to the LPA following the completion of the surface water drainage scheme.
- 7.4.3 Subject to the requested condition, the development is considered acceptable in this regard in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 7.5 Wildlife and Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 Policy CP1 of the Core Strategy (adopted October 2011) advises that; "all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to" (amongst other things) (f) "protect and enhance our natural, built and



historic environment from inappropriate development and improve the diversity of wildlife and habitats”.

- 7.5.3 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.5.4 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.5.5 Detailed ecological surveys were submitted with application 20/1881/FUL. Whilst these surveys included the area of the attenuation pond, they did not include the area of the proposed infilling and re-profiling. As such the current application includes a Technical Note prepared by ACD Environmental (April 2023).
- 7.5.6 The proposed location of the area of field proposed for infilling comprises of managed agricultural grassland. The field was harvested for hay prior to the construction of the artificial badger sett in 2022 – details of which were approved pursuant to 20/1881/FUL. The area to be infilled is located a minimum of 45 metres from the badger sett which is protected by post and rail fencing. Whilst the works would therefore not have a direct impact, the Technical Note makes recommendations in order to minimise the impact and it is therefore suggested that compliance with the Technical Note be a condition of any grant of consent.
- 7.5.7 The field itself given its former use is not of high ecological value. Following infilling the land would be seeded and would therefore be returned to its grass. Given the time of year, no removal of vegetation should take place unless it has been searched immediately beforehand to ensure that it is free of nesting birds.
- 7.5.8 Subject to conditions the development is considered to comply with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

## 7.6 Heritage, Landscape & Character

- 7.6.1 The western part of the wider site falls within the Croxley Green Conservation Area. A small part of the current red line area where the proposed access route enters the site from Little Green Lane falls within the Conservation Area. There are a number of statutory Listed and Locally Important buildings in the vicinity. Killingdown Farm (the main farmhouse), Croxley House to the west of the site and the cottages at No’s 1-3 Little Green Lane to the north-west are Grade II Listed. Waterdell House, Little Waterdell House and Coachman’s Cottage to the north are Locally Listed and there are other Locally Listed buildings within the farm complex.
- 7.6.2 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District’s Listed Buildings and that “Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment.” Policy DM3 advises that development in Conservation Areas should preserve and enhance the special character of the area and development should not affect the setting of an adjacent Conservation Area or views into or out of.
- 7.6.3 Policy PRO1 ‘Killingdown Farm Development Site’ of the Croxley Green Neighbourhood Plan (Referendum Version, December 2018) advises that the proposed development should preserve or enhance the character and appearance of the Conservation Area and the setting of Listed Buildings.

7.6.4 The proposed infilling and reprofiling works to the northern field would fall outside of the Conservation Area boundary and the Conservation Officer has raised no objection. The land would remain naturally undulating with no change of use proposed such that there would be no material change to the character or appearance of the landscape following the proposed works. The creation of a construction vehicle route through the existing development site would remove construction traffic from parts of Little Green Lane, avoiding the need for construction traffic to pass existing buildings included the Listed cottages at No's 1 -3 Little Green Lane. A small section of the hedge would be removed to facilitate the temporary construction access. It is noted that the consented scheme included creation of a pedestrian access at this point and following completion of the proposed works landscaping is proposed to enhance the boundary, with the access reduced to pedestrian access only.

7.6.5 Subject to conditions including regarding landscaping, it is not considered that the proposed development would have an adverse impact on the character or setting of the Conservation Area or any Listed Building or on the character of the area or landscape and the development would accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.7 Trees

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

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

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

7.7.3 With the exception of trees/vegetation to the eastern boundary of the northern field, the area proposed to be infilled / re-profiled is open and free from vegetation. The submitted plans include Tree Protection Fencing to the eastern field edge to ensure that the boundary vegetation is protected and to ensure that soil is not deposited on the roots. The erection of this protective fencing would be a condition of any grant of consent.

7.7.4 As set out above, the approved site layout includes a pedestrian access to Little Green Lane to the east of plot 33. The current application proposes to increase the width of the proposed access for a temporary period to enable construction vehicles to cross from the main development site into the northern field. It is proposed to remove a wider section of hedge to facilitate the temporary access. The application proposes that following the construction of the attenuation pond and re-profiling, that the access would be reduced to pedestrian width as previously approved, with the existing planting and hedging supplemented as shown on the submitted landscaping plan. The existing hedge in this location is of varying density, with existing gaps present. The proposed landscaping plan presents an opportunity to increase the density of planting to the hedgerow adjacent to the pedestrian access following completion of the works and therefore no objection is raised. Given the time of year, no removal of vegetation should take place unless it has been searched immediately beforehand to ensure that it is free of nesting birds.

## 7.8 Amenity

- 7.8.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.
- 7.8.2 The nature of the proposed infilling and re-profiling is such that it would not result in demonstrable harm to neighbouring amenity. Similarly, the amendments to the attenuation pond are minor in nature and would not affect neighbouring amenity.
- 7.8.3 It is intended that the provision of a temporary construction access route through the main development site would be of benefit to the amenities of occupiers of properties along Little Green Lane as construction traffic would not pass along the lane in front of these properties. As noted above, HCC as Highways Authority consider the proposed route to be preferable.
- 7.8.4 As such the proposed development would not result in demonstrable harm to neighbouring amenity and would accord with Policy CP12 of the Core Strategy (adopted October 2011) in this regard.

## 7.9 Planning Balance

- 7.9.1 The proposed development would not be inappropriate in the Green Belt and would not adversely affect heritage assets. Subject to conditions there would be no adverse effect on ecology or drainage/flood risk. A small additional section of hedgerow would be removed to facilitate the construction access, however, this is of limited additional width and the application proposes landscaping to enhance the boundary following closure of access for construction purposes. Hertfordshire Highways raise no objection and note that the construction route is their preferred route, avoiding the narrower part of Little Green Lane which will also result in less disturbance to existing residential properties in this location. There are also environmental benefits due to the reduction in vehicle numbers if the soil is retained on the site. The applicant has estimated that approximately 400 lorry trips would be required if the soil is to be exported from the site. For the reasons set out above, subject to conditions the development is considered acceptable and in accordance with policy.

## 8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions:

- C1 TIME: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- C2 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans:

108-LOC-01 A (Location Plan)  
 108-WD-99 (Overall Site Layout)  
 7462-WAC-ZZ-00-D-90001 C (Storage Pond Cut & Fill Plan)  
 GIA-DR-L-042 PO1 (Hedge Replacement Proposals)  
 Site Traffic Route  
 108-WD-100 G (Proposed Construction Vehicle Route Rev A)  
 10099-D-TPP (Existing Site Plan – Tree Constraints)  
 Tree Schedule 15/02/2023  
 481819-PEP-00-XX-SK-C-1830 (Schematic Drainage Strategy 6 of 6)  
 481819-PEP-00-XX-SK-C-1831 (Pond Sections 1 of 3)  
 481819-PEP-00-XX-SK-C-1832 (Pond Sections 2 of 3)  
 481819-PEP-00-XX-SK-C-1833 (Pond Sections 3 of 3)  
 481819-PEP-00-XX-SK-C-1834 (Pond Details)  
 Fig No. 3c (Additional 4. No. Boreholes Plan)

7462-WAC-ZZ-00-D-90002 (Exceedance Storage Plan)  
 7462-WAC-ZZ-00-D-20007 (Pond General Arrangement Plan)  
 7462-WAC-ZZ-00-DR-D-10008-C (PRIVATE DRAINAGE MANHOLE SCHEDULE)  
 7462-WAC-ZZ-00-DR-D-10009-D (PRIVATE DRAINAGE LAYOUT SHEET 1)  
 7462-WAC-ZZ-00-DR-D-10010-C (PRIVATE DRAINAGE LAYOUT SHEET 2)  
 7462-WAC-ZZ-00-DR-D-10011-C (PRIVATE DRAINAGE LAYOUT SHEET 3)  
 7462-WAC-ZZ-00-DR-D-10012-B (PRIVATE DRAINAGE LAYOUT SHEET 4)  
 7462-WAC-ZZ-00-DR-D-10013-B (PRIVATE DRAINAGE LAYOUT SHEET 5)  
 7462-WAC-ZZ-00-DR-D-10014-B (PRIVATE DRAINAGE LAYOUT SHEET 6)  
 7462-WAC-ZZ-00-DR-D-10015-D (PRIVATE DRAINAGE LAYOUT SHEET 7)  
 7462-WAC-ZZ-00-DR-D-10016-D (PRIVATE DRAINAGE LAYOUT SHEET 8)  
 7462-WAC-ZZ-00-DR-D-10401-D (S104 ADOPTABLE DRAINAGE LAYOUT SHT 1)  
 7462-WAC-ZZ-00-DR-D-10402-D (S104 ADOPTABLE DRAINAGE LAYOUT SHT 2)  
 7462-WAC-ZZ-00-DR-D-10403-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 3)  
 7462-WAC-ZZ-00-DR-D-10404-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 4)  
 7462-WAC-ZZ-00-DR-D-10405-E (S104 ADOPTABLE DRAINAGE LAYOUT SHT 5)  
 7462-WAC-ZZ-00-DR-D-10406 (S104 ADOPTABLE DRAINAGE LAYOUT SHT 6)  
 7462-WAC-ZZ-00-DR-D-10407-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 7)  
 7462-WAC-ZZ-00-DR-D-10408-C (S104 ADOPTABLE DRAINAGE LAYOUT SHT 8)  
 7462-WAC-ZZ-00-DR-D-10409-C (S104 Adoptable Drainage Layout - Pond)  
 7462-WAC-ZZ-00-DR-D-10410-D (S104 Adoptable Drainage Layout – Manholes)  
 7462-WAC-ZZ-00-DR-D-10411-D (S104 Adoptable Drainage Layout – Manholes)  
 7462-WAC-ZZ-00-DR-D-30002-C (PRIVATE PAVEMENT DETAILS)  
 7462-WAC-ZZ-XX-DR-D-20006 (Pond Construction Details)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 TREE PROTECTION: The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on drawing 108-WD-99 before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 BIRD NESTING SEASON: 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).

- C5 LANDSCAPING: Immediately following the completion of the construction of the attenuation pond and infilling of natural depression/re-profiling of field (whichever is

completed last), use of the temporary construction access to the field shall cease, the access point in the hedge adjacent to Plot 33 shall be reduced in width and the replacement planting implemented in accordance with drawing GUA-DR-L-042 P01.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following completion of the approved works.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 ECOLOGY: The development shall be carried out in accordance with the mitigation measures set out in the Technical Note prepared by ACD Environmental (dated 27 April 2023).

Reason: In the interests of biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 DRAINAGE: The amendments to the attenuation pond and the finished floor levels should be carried in accordance with the Pond General Arrangement Plan (16 June 2023, WalkerAssociates), Response to LLFA Letter (17 July 2023, WalkerAssociates), Drainage Calculations (25 May 2023, WalkerAssociates) and other associated documentation including borehole testing results. Upon completion of the surface water drainage system, as built drawings (both plan and cross section views) of the attenuation pond should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

## 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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx>
- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.  
Further information is available via the County Council website at:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

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Photo showing approved location of attenuation pond in the foreground with natural depression (beyond Heras fence) to be filled



Photo showing natural depression (beyond Heras fence) to be filled





Location of access



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### PART I - DELEGATED

6. **23/0600/FUL - Construction of 2no. two storey semi-detached dwellings with lower ground floor level with associated access, parking and landscaping works; alterations to land levels and boundary treatments including timber fence; provision of bin store, heat pumps and solar panels at Land Adjoining 10 Gypsy Lane, Hunton Bridge, Kings Langley, WD4 8PR**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 04.09.2023

Ward: Gade Valley  
Case Officer: Scott Volker

**Recommendation: That Planning Permission be refused.**

Reason for consideration by the Committee: Called-in by three Members of the Planning Committee because it was considered to be a form of backland development.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/search.do?action=simple&searchType=Application>

#### 1 Relevant Planning History

- 1.1 17/0695/FUL – Construction of two detached two storey dwellings on land to the rear of No.10 Gypsy Lane with associated parking and landscaping and alterations to existing access – Refused June 2016 for the following reason:

*R1: The proposed development by reason of its design, density, layout and resulting plot sizes would result in an out of character form of overdevelopment to the detriment of the character of the surrounding area, and there would be overlooking to the proposed dwellings from 10 Gypsy Lane which would be detrimental to the residential amenity of future occupiers. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

- 1.2 An appeal was lodged and subsequently dismissed, referenced APP/P1940/C/17/3181246.

#### 2 Description of Application Site

- 2.1 The application site is located on the west side of Gypsy Lane, Hunton Bridge. Gypsy Lane is a residential street comprising of detached properties on large spacious plots along the western side on the road with opens fields located to the east.
- 2.2 The application site once formed part of the residential curtilage of 10 Gypsy Lane which contains a detached two-storey dwelling, but the land was subdivided in 2018 and a two-metre-high close boarded timber fence encloses 10 Gypsy Lane with the application site, wrapping around the south and west of this plot.
- 2.3 The parcel of land measures approximately 950sqm and is free of any built form. The topography of the site slopes downwards in an east to west direction, resulting in the access point from Gypsy Lane being set at a higher land level than the rear of the site. The boundaries of the site are enclosed by fencing and vegetation. The site is narrowest at the front measuring 15m but widens to a width of 25m at the mid-point before increasing again to 32m along the rear boundary including curved boundaries. The plot depth is approximately 55m.

- 2.4 The properties along Gypsy Lane to the north have a relatively uniform front building line. To the south of the site is 12 Gypsy Lane which is sited more than 20m from the highway. To the rear of the application site is 18a Hunton Bridge Hill which is a two-storey detached dwelling which formed part of a development site granted under 17/0197/FUL.

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

- 3.1 Planning permission is sought for the construction of two, two-storey semi-detached dwellings incorporating a lower ground floor level with associated access, parking and landscaping works. Additional works include alterations to land levels and boundary treatments including timber fencing, provision of bin store, heat pumps and solar panels.
- 3.2 The two, three-bedroom properties would be contained within a two-storey detached building, set back approximately 6m from Gypsy Lane at its closest point, increasing to 8.5m as a result of the splayed front boundary. The main two-storey element of the building would have a depth of approximately 9.7m. A two-storey rear projection set down from the main building would extend the footprint by a further 8m. A single storey flat roof projection measuring 5m provides additional depth to footprint of 'House 2' and would have a splayed footprint. At the front the building would have a width of 9.5m. The building has been designed to appear as a single detached dwelling when viewed from the street, with only a single door within the principal elevation.
- 3.3 The main building would have a hipped roof form with a ridge height of 8.6m at its highest point from the land level at the front of the property. The eaves of the building would be 5.5m. At the rear the set down two-storey rear projection would have a height of 6.5m from the lower ground level; sloping down to an eaves level of 4.6m. It would have a crown roof form which would be set below the cills of the first-floor windows of the main storey building. Two dormers are proposed within the roofslopes of the rear and splayed elevations and rooflights are proposed with the flat roof section. The single storey flat roofed projection of 'House 2' would have a height of 3.3m. A single rooflight is proposed.
- 3.4 The submitted information details that the proposed built form would be finished in white render; with Marley Riven Edgemere Interlocking Roof Slate tiles with Anthracite graphite grey coloured aluminium framed windows.
- 3.5 The building would be set off the southern boundary by a maximum of 0.9 metres at the front, however this distance decreases towards the rear because of the splayed boundary line. The building would be set off the boundary with 10 Gypsy Lane by 1.2-1.3 metres and a side access serving 'House 2' would separate the two properties.
- 3.6 Each of the two units would benefit from a private amenity space measuring 350-400sqm in size both comprising of large patio areas abutting the dwellings leading out onto soft landscaped area enclosed by 1.8m high feather board fencing.
- 3.7 Two off-street parking spaces would be provided within the application frontage. One space for each unit. Electric vehicle charger points are also proposed. Bike storage is also proposed – two spaces would be provided internally for 'House 1' and a bike enclosure for two bikes would be provided at the rear of 'House 2'.
- 3.8 A timber refuse and recycling store with capacity for four bins would be provided within the frontage.

### **4 Consultation**

#### **4.1 Statutory Consultation**

- 4.1.1 Abbots Langley Parish Council: Objection



*Members feel this proposal represents contrived overdevelopment of the site. Members have concerns regarding the overlooking nature of the proposed development on the garden area and house at 10 Gypsy Lane as well as the proximity to that boundary which would have an overbearing effect on any future residents. Members also support Herts Highways objections regarding access and visibility.*

#### 4.1.2 Hertfordshire County Council – Highway Authority: Objection

*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 recommends that permission be refused for the following reason:*

*The proposed access arrangement is not in accordance with Hertfordshire County Council specifications as documented in Roads in Hertfordshire; Highway Design Guide and has the potential to interfere with the free and safe flow of highway users on the adjacent highway due to the inappropriate level of visibility. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).*

#### **Comments/Analysis**

##### *Site and Surroundings:*

*Gypsy Lane is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is not a footway fronting the site, nor along the entirety of Gypsy Lane. The site is located within Hunton Bridge to the southwest of Abbots Langley, just north of Watford.*

##### *Highway Impact:*

*Due to the classification and speed of Gypsy Lane, the visibility splay from the access must be 2.4m x 43m. Drawing number GYPH-A1-10B shows the visibility splays are only setback by 2m which as outlined in Manual for Streets is acceptable for “some very lightly-trafficked and slow-speed situations”, this would therefore not be suitable at the site as neither a traffic count nor speed survey have been completed to prove this is a low traffic area. The visibility splays have also been drawn to outside kerb to the north, whereas visibility splays should be drawn to the inside kerb to ensure that full visibility of the carriageway is available. Furthermore, the northern visibility splay has been shown to run through third party land as well as being blocked by the proposed bin store and the neighbouring fencing, which is above 600mm in height, meaning that the visibility splay would not actually be clear. It is stated that the boundary wall at the site is no more than 600mm tall to allow for visibility but the proposed site sections, drawing number GYPH-A1-3B, indicates that the site boundary wall to the south is above this height, and would therefore interfere with the southern visibility splay. Therefore, there is inadequate visibility to both the north and the south of the access which would mean that the access for two dwellings cannot be considered safe.*

##### *Conclusion:*

*HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to severe highway safety concerns as the proposals are contrary to the design standards contained in Roads in Hertfordshire: Highways Design Guide and Manual for Streets; due to the lack of available visibility.*

4.1.3 National Grid: No response received.

#### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 3

4.2.2 No of responses received: 9 objections, 0 letters of support, 1 neutral comment

4.2.3 Site Notice: Posted 24.07.2023 Expired 14.08.2023

4.2.4 Summary of Responses:

#### Character

Plans are vague and distorted; Boundary lines not with adjacent neighbouring plots are not accurately drawn; Plot is not width enough for two dwellings; Out of character and not in keeping with existing properties on Gypsy Lane; Overdevelopment of the plot; Area is made up of individually designed houses; Street scene would be detrimentally impacted; Inappropriate development of garden land; Undesirable development.

#### Neighbouring Amenity

Overlooking to neighbouring amenity; Loss of light; Location of bin storage area adjacent to neighbouring boundary unneighbourly; Private gardens of new dwellings would be overlooked by 10 Gypsy Lane; Access to close to 12 Gypsy Lane; Overshadowing of neighbouring property.

#### Highways/Parking

Excess noise and pollution from increase traffic; Impact on highway safety; Lack of parking on site would result in cars parking in nearby Fernhills; Access not suitable; Existing lane not suitable for large vehicles required during construction of development; Gypsy Lane is designated cycle route. Increase in traffic would cause risk to cyclists; No possibility to park on Gypsy Lane so any contractor or visitor parking post development would be on neighbouring streets; Space allocated for on-site parking is insufficient; Unacceptable provision of parking to meet modern day needs; Impact on access for emergency vehicles and railway tunnel at the end of Gypsy Lane.

#### Other

Adverse impact on trees; Damage to the existing chalk dell which is an environmental feature; Impact on biodiversity; Potential for land disruption as a result of excavation works; Increase risk of flooding; Significant ground works required; Use of swift bricks encouraged.

### **5 Reason for Delay**

5.1 None.

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

6.1 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.

## 6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, 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, DM7, DM8, DM10, DM13, Appendices 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1.

### Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

## **7 Planning Analysis**

### 7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of two dwellings. The site is not identified as a housing site in the adopted Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs

- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

- 7.1.3 The application site is within the settlement of Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards appropriate infilling opportunities within the urban areas of Key Centres. Policy PSP2 advises that Key Centres will provide approximately 60% of the District's housing requirements over the plan period.
- 7.1.4 Paragraph 117 of 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, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. It should be noted that Annex 2: Glossary of the NPPF defines that 'previously developed land' excludes 'land in built-up areas such as residential gardens'.
- 7.1.5 The proposed dwellings would be on former garden land, which is therefore not considered to be previously developed however it is also recognised that the NPPF does not include a presumption against development on or within private residential gardens, with each application to be assessed on its individual merits. However, it gives the following advice at paragraph 71; "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".
- 7.1.6 There is no in principle objection to residential development of the application site in relation to Policy CP2; however, this is subject to consideration against other material considerations as discussed below.

## 7.2 Housing Mix

- 7.2.1 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 Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:

1 bedroom 5% of dwellings  
2 bedrooms 23% of dwellings  
3 bedrooms 43% of dwellings  
4+ bedrooms 30% of dwellings

- 7.2.2 The proposed development would provide 100% 3 bed units. Whilst the proposed mix would not accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

## 7.3 Affordable Housing

- 7.3.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

- 7.3.2 As there would be a net gain of two units, the proposed development would be liable for a commuted sum payment towards affordable housing. The proposed development would result in a requirement for a commuted sum of £422,625 (indexation not included) towards affordable housing based on a habitable floorspace of 563.5sq. metres multiplied by £750 per sq. metres which is the required amount in 'The Langleys' market area.
- 7.3.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 7.3.4 The applicant has now submitted a Financial Viability Assessment in support of this application which concluded that it would not be possible for the development to contribute to the provision of affordable housing showing a deficit of £161,687. The FVA has been provided to the council's independent viability assessor however at the time of writing the council are not in receipt of the appraisal. Members will be updated verbally at the committee meeting.
- 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 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 The proposed development would not result in a tandem development. In addition, the development is not regarded as 'backland' development given the siting of the proposed dwellings. The two dwellings would be situated within a large, detached building set back from Gypsy Lane by a minimum distance of 6m. The frontage comprising a forecourt parking area and the land to the rear subdivided to provide two separate private residential gardens. With regards to access and traffic generation, these factors will be assessed in detail in section 7.10 of this report below. The proposed development would be located on a parcel of open land which historically formed part of 10 Gypsy Lane but was subdivided in 2017. The impact on residential amenity is assessed at paragraph 7.5 below.

7.4.4 Turning to the layout of the proposed development, those dwellings located along Gypsy Lane are set within large spacious plots measuring approximately 40-65 metres in depth and 10- 20 metres in width; however, the properties to the west along Hunton Bridge Hill, Hunton Close and Fernhills are set within smaller plots measuring 30-35 metres in depth and 11-15 metres in width. In determining the appeal APP/P1940/C/17/3181246 (LPA Ref: 17/0039/REF) the Inspector commented on the character of the area and stated the following:

*'The Council has referred to Gypsy Lane as being a local sub area different in character to nearby Fernhills or Hunton Close. These areas do not appear to be defined in any Council planning policy or guidance. Nonetheless, criterion v) of DMP Policy DM1 seeks the maintenance of the particular character of the area in the vicinity of the application site. Hunton Close is a small cul-de-sac of dwellings, most of which are positioned behind the established building line of Hunton Bridge Hill, and tend to have quite small plots. In addition, although physically separated from Hunton Close, the alignment of the two dwellings at the rear of No 18 Hunton Bridge Hill with No 2 Hunton Close means that they are more closely related in character with that cul-de-sac than with the appeal proposal.*

*By contrast, there are no other examples of backland development within Gypsy Lane, and most dwellings have generous rear or side gardens. No 12 Gypsy Lane is untypical in being set well back from the road frontage.'*

7.4.5 The application site historically formed 10 Gypsy Lane but as a result of the subdivision in 2017 the resultant application site is irregular in shape. The frontage of the site measures 15m but widens to a width of 25m at the mid-point before increasing again to 32m along the rear boundary including curved boundaries. The plot depth is approximately 55m. The general layout of the proposed development with parking for each unit within the frontage and an associated amenity space at the rear would be consistent with neighbouring plots; however, the irregularity of the plot shape would be exacerbated by its subdivision and the resultant plots would be out of character with the locality where plots are generally rectangular in shape and the development would appear incongruous within the area.

7.4.6 When viewed from Gypsy Lane the development would maintain the appearance of a large, detached dwelling which would be consistent with the general character of the street scene. The building would have with a central entrance for 'House 1' located within the principal elevation of the building and a side entrance within the north elevation providing access to 'House 2'. Notwithstanding this, the Design Criteria at Appendix 2 of the Development Management Policies document sets out that development at first floor level should be set in from flank boundaries by a minimum of 1.2m. Whilst the building would be set off the northern boundary by 1.2m, the development would fail to maintain appropriate spacing to the southern boundary. The stepped south elevation would be adjacent to a splayed boundary line resulting in a gap of 0.9m at its widest point but narrowing such that the building would be built up to the boundary at first floor level contrary to Appendix 2. The failure to provide sufficient spacing, coupled with the oversized design of the building (especially in comparison to the width of the plot) results in the built form appearing disproportionate, cramped and this part of the site appearing overdeveloped. Due to the siting of the development the cramped nature of the proposal would be unduly prominent within the streetscene.

7.4.7 In addition to the above, the design of the building further emphasises the cramped and contrived nature of the development by reason of the inclusion of the large two-storey rear projection measuring 9m in depth containing splayed walls and a crown roof form which relates poorly to the main building and adds bulk and massing to this element of the proposal. The additional single storey rear projection extending the depth of 'House 2' by an additional 5m is excessive and results in the rear projections appearing disproportionate to the main building.

- 7.4.8 In conclusion, the proposed development by reason of the scale, design and proximity to boundaries would result in a cramped, contrived and unduly prominent form of development which would result in harm to the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.5 Impact on amenity of neighbours
- 7.5.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 The Design Criteria at Appendix 2 of the Development Management Policies document states that extensions should not be excessively prominent in relation to adjacent properties and not result in loss of light to the windows of neighbouring properties nor allow overlooking. Two-storey development at the rear of properties should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property.
- 7.5.3 In relation to privacy, Appendix 2 of the Development Management Policies LDD sets out that the distance between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing on to each other. Distances should be greater in situations where there are site level differences involved. Where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However, where rear garden length alone is relied on to provide privacy the minimum length should be 14 metres.
- 7.5.4 Due to the location of the proposed building, spacing and land level differences, it is not considered that the proposed development would result in any significant loss of light or become an overbearing form of development to the residential amenities of 12 Gypsy Lane. A window is proposed at both lower ground level and first floor level of the two-storey rear projection. Subject to a condition restricting the first floor window to be obscure glazed and non-opening below 1.7m it is not considered that any harmful actual or perceived overlooking would arise to the detriment of 12 Gypsy Lane.
- 7.5.5 With regards to 10 Gypsy Lane, the proposed building would be located to the south and would have a front building line that would be set behind that of this neighbour to the north. To the rear, the main building would project beyond the rear elevation of 10 Gypsy Lane by approximately 2.5m and as a result would intrude on a 45 degree splay line taken from a point on the shared boundary level with the rear elevation of 10 Gypsy Lane. As a result of the intrusion and the siting of the development to the south, it is considered that the main two-storey building would cause loss of light and result in an overbearing form of development to the detriment of the amenities of occupiers of 10 Gypsy Lane. In addition, the proposed two-storey rear projection further intrudes the 45 degree splay line by 5.5m. Whilst there is this intrusion, this element of the proposal, along with the single storey rear projection, would be sited on a lower land level and thus this element would have a height of approximately 3m relative to the land levels within the garden of 10 Gypsy Lane (as shown on the Section 1 drawing on plan GYPH-A1-2B). The roof of the two-storey projection would be hipped away from the common boundary also. Although it is not considered that the two-storey rear projection would result in harm to 10 Gypsy Lane in respect of loss of light it is considered that the cumulative depth of the development would appear overbearing and unneighbourly to the detriment of residential amenities of occupiers of 10 Gypsy Lane contrary to Policy CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

- 7.5.6 Glazing is proposed within the north elevation facing towards 10 Gypsy Lane. The glazing would be predominantly located at ground floor level which would also be lower than that of 10 Gypsy Lane. As such, it is not considered that any unacceptable overlooking would occur towards the private garden or windows of 10 Gypsy Lane. The first floor window above the side entrance to 'House 2' within the main two storey building would be conditioned to be obscure glazed and non-opening below 1.7m to prevent any direct overlooking.
- 7.5.7 The application site does back onto 18a Hunton Bridge Hill and glazing would be contained within the rear elevation of the development including the rear dormers within the roofspace of the two-storey rear projection. A distance of approximately 30 metres would be maintained between the proposed development and the common boundary shared with this shared to the west which is considered sufficient distance to prevent any unacceptable levels of overlooking and loss of privacy to the residential amenities of 18a Hunton Bridge Hill.
- 7.5.8 In conclusion, the proposed development would result in an overbearing and unneighbourly form of development to the detriment of the residential amenities of occupiers of 10 Gypsy Lane contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Amenity Space Provision & Quality of Accommodation for future occupants
- 7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels of disposition or privacy, prospect, amenity and garden space and specific standards for provision of amenity space are set out in Appendix 2 of the Development Management Policies LDD. The indicative standards state a three-bedroom should have access to 85sq. metres of amenity space.
- 7.6.2 The proposed floor plans show that each of the new dwellings would benefit from reasonable sized rooms and each of the habitable rooms would be served by a windows and some rooms further supplemented by rooflights ensuring that the rooms would benefit from adequate levels of natural light and is acceptable.
- 7.6.3 The submitted block plan indicates that each of the new units would benefit from large private amenity spaces measuring between 350-400sqm in size comprising a patio area abutting the rear elevations of the dwellings which would lead out onto areas of soft landscaping. Thus sufficient amenity space would be provided in accordance with the standards set out in Appendix 2.
- 7.6.4 Despite being acceptable in regards to their size, the private amenity space associated with 'House 2' would be heavily overlooked from 10 Gypsy Lane, given the elevated land levels which this existing property is sited on to the detriment of future occupiers of 'House 2' contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 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.

7.7.3 The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected because of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. As such, no further surveys or mitigation is deemed necessary for this site and the development is in accordance with Policy DM6 of the Development Management Policies LDD.

## 7.8 Trees and Landscaping

7.8.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features' and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.

7.8.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.*
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.*
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.*
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.*
- v) Planning permission will be refused for any development resulting in the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.*

7.8.3 The site was previously cleared of several unprotected trees in 2017. Some trees remain along the boundaries of the site including a Western Red Cedar, two Cypress trees along the northern boundary shared with 8 Gypsy Lane to the rear of 10 Gypsy Lane. The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Survey which details that the proposed building would not directly impact on existing trees however the proposed new boundary fencing is shown to encroach within the root protection areas of trees and as such posts would be manually excavated to mitigate against any damage towards the roots of the trees. Officers consider that a condition should be attached to ensure that development is undertaken in accordance with the submitted details.

## 7.9 Highways & Access

7.9.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible.

7.9.2 The application is supported by a Forecourt Parking Plan (GYPH-A1-10B) which shows the layout of the spaces and that vehicles would be able to enter and exit in forward gear. Whilst vehicles would be able to exit in forward gear the Highway Authority raised an objection due to insufficient visibility splay lines. Due to the classification and speed of Gypsy Lane, the visibility splay from the access must be 2.4m x 43m. Drawing number GYPH-A1-10B shows the visibility splays are only setback by 2m which as outlined in *Roads in Hertfordshire: Highways Design Guide and Manual for Streets* is acceptable for “some very lightly-trafficked and slow-speed situations”, this would therefore not be suitable at the site as neither a traffic count nor speed survey have been completed to prove this is a low traffic area. In addition, the visibility splays have also been drawn to outside the kerb to the north, whereas visibility splays should be drawn to the inside kerb to ensure that full visibility of the carriageway is available. Furthermore, the northern visibility splay has been shown to run through third party land as well as being blocked by the proposed bin store and the neighbouring fencing, which is above 600mm in height, meaning that the visibility splay would not actually be clear. It is stated that the boundary wall at the site is no more than 600mm tall to allow for visibility but the proposed site sections, drawing number GYPH-A1-3B, indicates that the boundary wall to the south is above this height, and would therefore interfere with the southern visibility splay. Therefore, there is inadequate visibility to both the north and the south of the access which would mean that the access for two dwellings cannot be considered safe.

7.9.3 In conclusion the development would fail to provide adequate and safe means of access and would therefore impact on highway safety to the detriment of the safe movement and free flow of highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).

## 7.10 Parking

7.10.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:

3 bedroom dwellings – 2.25 spaces (2 assigned)

7.10.2 Based on the above requirements the development should provide 4.5 car parking spaces (4 assigned).

7.10.3 The submitted site plan details that the two off-street parking spaces would be provided within the site frontage – one space for each dwelling and would also incorporate electric vehicle charging points.

7.10.4 The development would result in a shortfall of 2.5 spaces (2 assigned). Gypsy Lane is a narrow lane where there is no opportunity for on-street parking. As such, there is a greater need for parking to be provided within frontages of properties. The shortfall of parking would lead to vehicles parking in neighbouring streets impacting on the safe flow of traffic within the area. The development is therefore contrary to Policy DM13 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 7.11 Sustainability

7.11.1 Paragraph 152 of the NPPF states that “Planning plays a key role in helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

7.11.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been



incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

- 7.11.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.11.4 The application has been accompanied by an Energy Statement prepared by Peter Pendleton Associates Ltd. which sets out that the arrangements would be made for the development to achieve carbon emissions savings well in excess of the 5% required. This would be achieved through the installation of Air Source Heat Pumps located at lower ground level to the rear of each house. The Energy Statement is considered to meet the requirements of Policy DM4 and a condition would be attached to ensure the development is undertaken in accordance with the submitted details.

## 7.12 Refuse and Recycling

- 7.12.1 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
- 7.12.2 The proposed development details that an enclosed timber bin storage structure would be located within the site frontage. Bins would then be placed beside the access on collection days which is considered sufficient and acceptable in accordance with Policy DM10 of the Development Management Policies LDD.

## 7.13 'Tilted Balance'

- 7.13.1 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."
- 7.13.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental.

- 7.13.3 In favour, the development would make a limited contribution towards making up the shortfall in housing in the district (net gain of two), and some increased expenditure and employment during construction and by future occupants. Other limited weight can be afforded to the energy benefits through a reduction in CO2 emissions and provision of electric vehicle charging points.
- 7.13.4 However, as highlighted above the proposed size and scale of the proposed building would result in a cramped and contrived development and would represent overdevelopment of the plot to the detriment of the character of the area; would result in detrimental harm to neighbouring amenity and an adverse visual impact on neighbouring properties. The proposal would also fail to provide acceptable living conditions for the future occupants of 'House 2' due to overlooking of its private amenity space from 10 Gypsy Lane. The scheme would also fail to provide a safe vehicular access or adequate parking provision.
- 7.13.5 Having regard to the limited benefits of the scheme it is considered that the adverse impacts would significantly and demonstrably outweigh the benefits of the development and thus the tilted balance does not come into effect.

## **8 Recommendation**

- 8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received from the council's Independent Viability Assessor and that:
- 8.2 A) In the event that the Viability Assessor concludes that the scheme is not viable with any affordable housing contribution, that PLANNING PERMISSION BE REFUSED for the following reasons:
- R1 The proposed development by reason of the scale, design and proximity to boundaries would result in a cramped, contrived and unduly prominent form of development which would result in harm to the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed development by reason of its height, depth and siting relative to 10 Gypsy Lane would result in an overbearing and unneighbourly form of development to the detriment of the residential amenities of occupiers of 10 Gypsy Lane. The relationship with 10 Gypsy Lane would also cause overlooking from this neighbour towards the private amenity space of 'House 2' impacting on the living conditions of this neighbour. The development is contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- R3 The development would fail to provide adequate and safe means of access and would therefore impact on highway safety to the detriment of the safe movement and free flow of highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).
- R4 The proposed development would fail to provide sufficient parking to serve the proposed development. The resultant shortfall would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

8.3 B) Or, in the event that the Viability Assessor concludes that the scheme can viably contribute to affordable housing, that PLANNING PERMISSION BE REFUSED for the following reasons:

- R1 The proposed development by reason of the scale, design and proximity to boundaries would result in a cramped, contrived and unduly prominent form of development which would result in harm to the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed development by reason of its height, depth and siting relative to 10 Gypsy Lane would result in an overbearing and unneighbourly form of development to the detriment of the residential amenities of occupiers of 10 Gypsy Lane. The relationship with 10 Gypsy Lane would also cause overlooking from this neighbour towards the private amenity space of 'House 2' impacting on the living conditions of this neighbour. The development is contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- R3 The development would fail to provide adequate and safe means of access and would therefore impact on highway safety to the detriment of the safe movement and free flow of highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).
- R4 The proposed development would fail to provide sufficient parking to serve the proposed development. The resultant shortfall would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- R5 In the absence of a Section 106 Agreement to secure a commuted sum payment in lieu of on-site affordable housing provision, the proposed development would not contribute to the provision of affordable housing. It has otherwise not been demonstrated that it would not be viable to contribute. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

8.4 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

## APPENDIX A - Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

### Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31<sup>st</sup> July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11<sup>th</sup> May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19<sup>th</sup> May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1<sup>st</sup> September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1<sup>st</sup> September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24<sup>th</sup> July 2018 a new version of the National Planning Policy Framework<sup>1</sup> (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
  - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
  - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”
- 1.5 The supporting text to Policy CP4 summarises the justification for it:

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<sup>1</sup> The National Planning Policy Framework was updated in February 2019 and July 2021 and retains the policies as stated in Paragraph 1.3 of this document.

- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million<sup>2</sup>** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes<sup>3</sup>.

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<sup>2</sup> The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified. Data is as of February 2023

<sup>3</sup> The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for

- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

### **Importance of Small Sites to Three Rivers**

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined<sup>4</sup> by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

## **2 Development Plan Policies and the WMS**

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

***"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"***

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development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

<sup>4</sup> Includes refused and approved applications. Excludes prior approval developments.

2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being “no more than a conventional description of the law’s treatment of the Secretary of State’s policy in the decision making process”:

***“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy”***

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government’s intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that “*whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.*” The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

#### **General House Price Affordability in Three Rivers**

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016<sup>5</sup>, the lowest quartile house price in Three Rivers in 2016,

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<sup>5</sup> ONS (2022) *Dataset: House price to residence-based earnings ratio Table 6a*  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

representing the cheapest properties in the District was £325,000.00, making it the **fifth**<sup>6</sup> most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
<b>5</b>	<b>Three Rivers</b>	<b>£325,000.00</b>

**Table 1.**

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000<sup>7</sup>. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2021)
1	Elmbridge	£445,000
2	St Albans	£425,000
3	Hertsmere	£411,175
4	Windsor and Maidenhead	£402,750
5	Mole Valley	£400,000
6	Epsom and Ewell	£391,000
<b>7</b>	<b>Three Rivers</b>	<b>£385,000</b>

**Table 2.**

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021<sup>8</sup>, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings<sup>9</sup>). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

<sup>6</sup> Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

<sup>7</sup> Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6a* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>8</sup> Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6b* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>9</sup> Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6c* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>



When one considers the median affordability ratio<sup>10</sup> for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio<sup>11</sup> was 13.77, the fourth<sup>12</sup> worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio <sup>8</sup> (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
<b>4</b>	<b>Three Rivers</b>	<b>13.77</b>

**Table 3.**

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.25 in 2021 (see table 4 below). Whilst Three Rivers now maintains the fifth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 0.48), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2021)
1	Hertsmere	14.88
2	Epsom and Ewell	14.82
3	Elmbridge	14.78
4	Mole Valley	14.69
<b>5</b>	<b>Three Rivers</b>	<b>14.25</b>

**Table 4.**

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021<sup>13</sup>.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

## **Affordable Housing Requirements in Three Rivers**

2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA)

<sup>10</sup> Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

<sup>11</sup> Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 5c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

<sup>12</sup> Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

<sup>13</sup> Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

#### *Affordable Housing Need - To Rent*

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households<sup>14</sup>.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036<sup>15</sup>.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036<sup>16</sup>.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers<sup>17</sup>. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

#### *Affordable Housing Need - To Buy*

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum<sup>18</sup> over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

#### *Total Affordable Housing Need*

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<sup>14</sup> Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

<sup>15</sup> Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

<sup>16</sup> Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

<sup>17</sup> Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

<sup>18</sup> Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

### **Affordable Housing Provision in Three Rivers**

2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.

2.14 Since the start of the plan period from 1 April 2001 to 31st March 2022 (the latest date where the most recent completion figures are available), 5,168 gross dwellings were completed. From this, 1,162 were secured as affordable housing, a total of 22.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,162 or 22.5% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2022. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.

2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites<sup>19</sup> delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:

- Four out of the 22 sites provided viability justification, in line with CP4 policy, for the absence of affordable housing provision. One of the 22 sites was found to have suitable viability justification by the Planning Inspector at an Appeal.
- One of the 22 sites was found to not have appropriately secured affordable housing contributions in breach of CS policy CP4. However there was no agreement between the parties in respect of the viable quantum of affordable housing and the Inspector nevertheless granted planning permission. This is the only appeal decision out of the 32 that have been determined since September 2017 where the Council's position on the relative weight to be afforded Policy CP4(e) was not fully upheld.
- One of the applications completed during the monitoring period 2021/22 which did not contribute towards affordable housing had contributed towards on-site provision during the previous monitoring period 2020/21.
- Five of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
- Of the 10 schemes which did contribute, five made contributions via commuted sums towards off-site provision; all five schemes were minor developments, demonstrating the important role of small sites in collecting financial payments to be spent on affordable housing provision. Of the remaining five schemes which contributed via on-site provision in 2021/22, two were major developments and three were minor developments.

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<sup>19</sup> Sites with completions in the monitoring year 2021/22

## **Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings**

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined<sup>20</sup> for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

## **Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites**

- 2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.9 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£760,000.00 - £2million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

## **Adopted development plan policy does not impose burdens where they would render schemes unviable**

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<sup>20</sup> Includes refused and approved applications. Excludes prior approval developments.

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2022 there were 255 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (7.1%)<sup>21</sup>. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

### **Relevant Appeal Decisions**

- 2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

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<sup>21</sup> See footnote 3.

*“...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.”<sup>22</sup>*

2.25 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority’s application of the policy.

2.26 The Council’s stance has been tested on appeal on numerous occasions (32 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21<sup>st</sup> June 2019:**  
*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”*
- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27<sup>th</sup> June 2019:**  
*“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”*
- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5<sup>th</sup> August 2019:**  
*“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”*
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1<sup>st</sup> November 2019:**  
*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.*

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<sup>22</sup> Paragraph 7, Planning Inspectorate Letter, March 2017.

*A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”*

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22<sup>nd</sup> October 2019:**

*“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”*

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11<sup>th</sup> October 2019:**

*“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7<sup>th</sup> most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”*

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley. Decision Date 22<sup>nd</sup> May 2019:**

*“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that*

areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- **APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green**

**Decision Date 5<sup>th</sup> May 2019:**

Whilst the appeal was allowed the Inspector considered that when “having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”

- **APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green**

**Decision Date 16<sup>th</sup> August 2019:**

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**

**Decision Date 10<sup>th</sup> December 2019**

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley**

**Decision Date 9<sup>th</sup> March 2020**

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

**Decision Date 7<sup>th</sup> May 2020**

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this



case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde**  
**Decision Date: 21<sup>st</sup> October 2020**

*“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”*

- **APP/P1940/W/20/3259397 24 Wyatts Road**

**Decision Date 8<sup>th</sup> February 2021**

*“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”*

- **APP/P1940/W/20/3260602: 8-10 Clarendon Crescent, Croxley Green**

**Decision Date 18<sup>th</sup> February 2021**

*“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”*

- **APP/P1940/W/20/3244533 2 Canterbury Way**

**Decision Date 4<sup>th</sup> March 2021**

*“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”*

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**

**Decision Date 15<sup>th</sup> June 2021**

*“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required*

*to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing."*

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10<sup>th</sup> March 2022**

*"Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district."*

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico Decision Date: 16<sup>th</sup> March 2022**

*"Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a 'major' one for the purposes of paragraph 64 of the Framework."*

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey Decision Date: 29<sup>th</sup> April 2022**

*"The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010."*

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley Decision Date: 30<sup>th</sup> August 2022**

*"I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council's case. There is no substantive evidence before me which would lead me to a different*

*conclusion, including with regard to the primacy of the development plan. There would therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”*

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

**Decision Date: 23<sup>rd</sup> September 2022**

*“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”*

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

**Decision Date: 27<sup>th</sup> October 2022**

*“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”*

## **Conclusion**

- 2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022 and February 2023 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

**Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)**

**Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017**

## **Sources Used:**

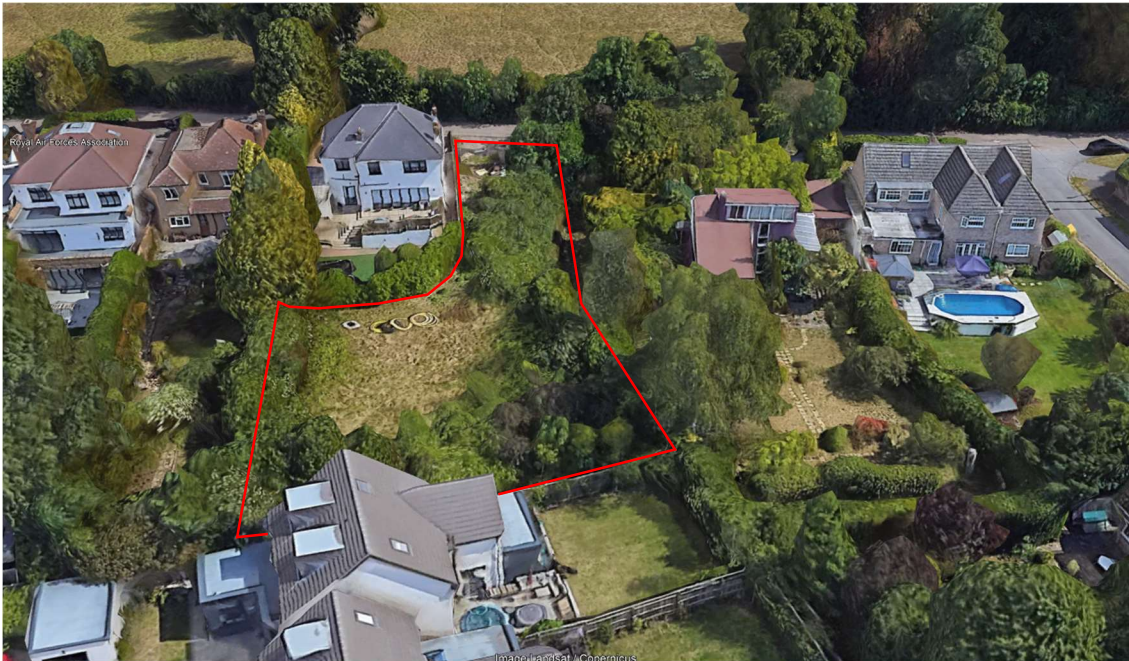
1. Core Strategy (October 2011)  
<http://www.threerivers.gov.uk/eqcl-page/core-strategy>

2. Annual Monitoring Report 2020/2021 (December 2021)  
<http://www.threerivers.gov.uk/eqcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)  
<http://www.threerivers.gov.uk/eqcl-page/supplementary-planning-documents>
4. South West Hertfordshire Local Housing Needs Assessment (August 2020)  
<https://www.threerivers.gov.uk/eqcl-page/new-local-plan-evidence-base>
5. Office of National Statistics Housing Data 2002-21  
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

**March 2023**



**Land Adjoining 10 Gypsy Lane, Hunton Bridge**









## PLANNING COMMITTEE – 14 September 2023

**23/0894/FUL – Demolition of existing bungalow and construction of replacement bungalow with roof accommodation, served by front and rear dormer windows and front rooflight; installation of heat pump; alterations to frontage; and front and rear landscaping works at 71 QUICKLEY LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5AE.**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 07.08.2023  
(Extension of time agreed until 21.09.2023)

Ward: Chorleywood South & Maple Cross  
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse permission due to concerns relating to character and street scene impact.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RVK7DRQFFW500>

### 1 Relevant Planning History

- 1.1 8/336/74 - Single storey extension to rear - 20.09.1974 – Permitted

### 2 Description of Application Site

- 2.1 The application site contains a detached bungalow located on the southern side of Quickley Lane, Chorleywood. The land levels on this part of Quickley Lane slope upward in an east to west direction, meaning that the adjoining neighbour to the west is positioned at a higher level, the adjoining neighbour to the east to a lower level. The dwelling is also positioned at a higher level relative to the public highway and the rear amenity garden slopes upwards towards the rear.
- 2.2 The application dwelling is traditional in character with a hipped roof form and red facing brick exterior. Forward of the dwelling is a partially paved driveway and front garden. To the rear of the dwelling is an amenity garden of some 300sqm in area.
- 2.3 The street scene on this part of Quickley Lane is relatively traditional in terms of it consisting of predominantly hipped roof bungalows. There are however examples of modern alterations to these bungalows including the addition of gabled roofs and front and rear dormer windows and the use of materials such as render.

### 3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing bungalow and the construction of a replacement bungalow with roof accommodation, served by front and rear dormer windows and front rooflight; installation of heat pump; alterations to frontage; and front and rear landscaping works.
- 3.2 The proposed replacement dwelling would be positioned 1.0m forward of the front building line of the existing dwelling. The proposed dwelling would have a width of 12.4m, a depth of 13.1m and would be spaced 1.3m to each of its flank boundaries. The proposed dwelling would have a gabled roof form with an eaves height of 2.2m and an overall height of 6.0m.
- 3.3 There would be two dormer windows inserted within the front roofslope of the proposed dwelling. These would each have a width of 2.6m, a depth of 4.8m and a height of 1.9m.

Each dormer would contain a window. a rooflight would be inserted centrally, between the dormers. There would be a dormer window inserted within the rear roofslope which would have a width of 10.9m, a depth of 5.4m and a height of 2.0m. There would be three windows within the rear dormer.

- 3.4 The proposed dwelling would be finished in white render and slate roof tiles to the main roof. The dormers would have cedar shingles to their cheeks and a standing seam metal roof. The windows and doors would be black framed.
- 3.5 It is proposed that the front driveway is extended by 4.0m in width. This would include new steps up to the dwelling.
- 3.6 It is proposed that the rear land levels are excavated between 1.8m and 1.1m to form an amenity garden of three flat levels. Retaining walls of the height of the existing ground level would be built. Starting from the rear of the dwelling, each platform would each measure 3.0m, 5.0m and 3.5m in depth.
- 3.7 Amended plans were received during the application. Design amendments were made to the proposed dwelling including lowering of the proposed ridge height, a reduction in scale to the front dormers and a reduction in scale to the rear dormer. The proposed extension to the existing dropped kerb was also removed from the proposed development.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: [Objection]**

*The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended*

*' Out of keeping with the street scene*

*' Significant concerns with the proposed ridge height which is out of keeping with the other properties in the street scene*

*' Concern relating to the loss of trees and soft landscaping*

*' Request an engineering report prior to any excavation of the earth as there is likely to be a significant amount of excavation where there is a steep change in levels to make way for additional car parking which is also out of keeping in the streetscape*

*' Request a landscape plan is produced*

*The Committee request amendments are made as the design could be more sympathetic with the street scene. Furthermore, it is requested that street scene elevations are provided.*

Officer Note: The Parish Council have been notified of the receipt of amended plans and no further comments have been received at the time of drafting this report. Any comments received will be reported verbally to committee.

#### **4.1.2 Hertfordshire County Highways:**

*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 recommends that permission be refused for the following reason:

The proposed access arrangements are not in accordance with Hertfordshire County Council specifications as documented in Roads in Hertfordshire; Highway Design Guide and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

#### Comments/Analysis

##### Description of Proposal

Demolition of existing bungalow and construction of replacement bungalow with accommodation in the roof space served by front and rear dormers with windows and front rooflight with associated heat pump, access, parking and landscaping works

##### Site and Surroundings

Quickley Lane is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is located in a residential area in the southern area of Chorleywood.

##### Highway Impact

The existing dropped kerb at the site measures a total of approximately 9.9m in size and is proposed to be extended to approximately 13.5m according to drawing number 3-0-3. Both the existing and proposed sizes are above the maximum size a dropped kerb can be for a shared dropped kerb, as outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice. Therefore, the existing dropped kerb would not be able to be extended without creating a significantly oversized dropped kerb. An oversized access can cause unease to those using the footway as there is increased potential for vehicles to enter the site at a higher speed. The oversized dropped kerb would ultimately give priority to vehicles crossing the footway rather than pedestrians, therefore disrupting the highway user hierarchy and infringing upon Policy 1 of LTP4.

##### Conclusion

HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to highway concerns as the proposals are contrary to the design standards and policies contained in Roads in Hertfordshire: Highways Design Guide, Manual for Streets, and Hertfordshire County Council Residential Dropped Kerbs Terms and Conditions.

**Officer comment:** The proposals to widen the vehicular access have been removed from the plans as this consultee has recommended refusal on this part of the development. This would therefore fall away as a reason to objecting to the proposal.

4.1.3 National Grid: [No response received]

#### 4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 4 (Objections)

4.2.3 Site Notice not required.

4.2.4 Press notice not required.

4.2.5 Summary of objections received:

- Concerns regarding design and impact upon street scene.
- Concerns over extension of dropped kerb.
- Concerns regarding overlooking.
- Concerns over loss of light.
- Concerns regarding siting of proposed heat pump.
- Concerns of light pollution.

## **5 Reason for Delay**

5.1 Committee cycle.

## **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 as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

6.1.3 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 Policy & Guidance**

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

6.2.1 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”.

6.2.2 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*

6.2.3 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.

6.2.4 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.

6.2.5 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, DM8, DM13 and Appendices 2 and 5.

### 6.3 Other

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

## 7 **Planning Analysis**

### 7.1 Principle of Development

7.1.1 The application dwelling is not situated within a Conservation Area and is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling and the principle of demolition and construction of a replacement dwelling is acceptable.

7.1.2 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan relates to 'Housing to meet the needs of local people'. This policy states that "in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings". The proposal would result in a loss of a bungalow however a new bungalow would be built in its place. It is not considered that the principle of constructing a bungalow with roof accommodation to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the new dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people.

### 7.2 Impact on Character and Appearance

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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. It further states that dormer windows should always be subordinate to the main roof, they should be set down from the main ridge, set in from the flanks and set up from the plane of the rear wall. Front dormers may not always be appropriate in the street scene.

7.2.2 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. The Design Criteria at Appendix 2 states that the first floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

7.2.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that All developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.

7.2.4 The adjoining neighbours to each side are bungalows of similar design to the application dwelling. The adjoining neighbour to the west is positioned on a higher land level to the

application dwelling while the neighbour to the east is at a lower land level. The wider context of Quickley Lane is predominantly traditional bungalows although does contain examples of more modern extensions and alterations including gabled roofs and front dormers. The proposed dwelling includes a 0.5m increase in ridge height and a gabled roof with an increased ridge width compared to existing. The proposed development would respect the heights relative to neighbours and the varied levels. The proposed dwelling would remain between the heights of the adjoining neighbours and would not appear at odds with the street scene. The proposed dwelling would also maintain 1.3m to its flank boundaries which would meet the policy criteria for flank spacing.

- 7.2.5 The NPPF outlines that innovative design should not be stifled where there is no clear deviation from guidance set out in planning policy. The proposed dwelling would comply with the guidelines of Policy DM1 and Appendix 2 in respect of its height and spacing. Paragraph 134 of the NPPF outlines that significant weight should be given to
- a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 7.2.6 As set out in this report, the street scene on this part of Quickley Lane is relatively traditional in terms of it consisting of predominantly hipped roof bungalows. There are however examples of modern alterations to these bungalows including the addition of gabled roofs and front and rear dormer windows and the use of materials such as render. The proposed new dwelling would be a contemporary design contrasting with the traditional form and appearance of the existing dwelling. The flank spacing and ridge height allows it to not appear excessively prominent or cramped within the street scene. The Design & Access Statement refers to a "New England" style of dwelling including the style of the proposed dormers and materials. The proposed dwelling would appear different to the existing dwelling however this would not automatically amount to harm in planning terms. The proposed new dwelling would respect the size and scale of the plot and would fit comfortably with its surrounding in accordance with paragraph 134 of the NPPF and Policy CP12 of the Core Strategy. The Design & Access Statement specifies material details which are considered to ensure that the quality of the design is not diminished as required by paragraph 135 of the NPPF.
- 7.2.7 The proposed rear dormer window would be located within the rear roofslope of the dwelling therefore would be largely obscured from the street scene. Some oblique views may be visible from the street scene and longer distance views. It is considered, given its set in from the flanks, set up from the eaves that the dormer would, on balance, be proportionate in scale to the roofslope and as such are deemed to be subordinate and would not result in harm to the character and appearance of the host dwelling and area. The dormer was reduced in scale during the application to be more set in from the flanks to reduce any oblique visibility. It is further acknowledged that similar scale dormers have been implemented on this part of Quickley Lane. For the reasons set out above, the dormer is considered to be acceptable and would comply with the Design Criteria at Appendix 2.
- 7.2.8 The proposed front dormer windows are considered to be subordinate to the host roof in terms of their scale and positioning. These have been significantly reduced through design amendments to the scheme. It is noted that there are examples of front dormer windows on this part of the street. It is therefore not considered that these would be a prominent or out of character feature within the street.
- 7.2.9 The proposed external finish includes relatively modern materials such as white render and black framed windows. Given the variance of the street scene of Quickley Lane, including

alterations to dwellings with more modern materials, it is not considered that there would be an in principle objection to a dwelling of a more modern and contemporary character and it is not considered that the proposed materials would result in harm to the character of the dwelling or street scene.

- 7.2.10 It is not considered that the proposed alterations to the driveway and frontage would result in harm to the character and appearance of the area. The existing frontage is currently made up of lawn, hard and soft landscaping features. The proposal to accommodate one additional parking space and associated works such as the construction of a new retaining wall would slightly alter its existing appearance however it is not considered however that harm would arise as a result. The frontage would retain a significant portion of soft landscaping along with the proposed increased driveway size and it is not considered that the frontage would appear out of character with the dwelling or street scene particularly given the driveway alterations made across Quickley Lane as a whole. It is not considered that the rear patio and level alterations would result in any harm to the character and appearance of the dwelling or street scene.
- 7.2.11 The proposed heat pump is not considered to cause harm to the street scene. This would be discreetly located towards the rear of the dwelling within the flank elevation. It is not considered that this would appear prominent or harmful.
- 7.2.12 It is considered reasonable to restrict future permitted development rights for the further enlargement of the dwelling or further additions to the roof, through Part 1, Classes A-D of Schedule 2 of the GPDO to retain adequate planning control over future development of the site.
- 7.2.13 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan.

### 7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 The proposed block plan indicates that the proposed development would result in a 1.8m intrusion of the 45-degree splay line with the neighbour at no.69 and a 0.3m intrusion with the neighbour at no.73. While this is acknowledged, the part of the dwelling intruding the 45-degree line would be the rear eaves of the main roof and therefore would be relatively low profile. The principal rear elevation would extend up to 3.0m beyond the rear walls of each neighbour which would comply with the Design Criteria for detached dwellings and is not considered to be excessively deep. Furthermore there would be a spacing of 1.3m maintained to each flank boundary. It is therefore not considered that the proposed development would result in an overbearing impact or a loss of light to either adjoining neighbour.
- 7.3.3 The dwelling would contain ground and roof level glazing within its front and rear elevations. It is acknowledged that the introduction of first floor glazing would provide an elevated front and rear outlook however it is not considered that this would be detrimentally harmful to the residential amenity of either adjoining neighbour. It is recognised that rear loft windows to

bungalows is not an uncommon situation and there are examples of this on this part of Quickley Lane. Given the distance and land levels sloping upwards at the rear, it is not considered that the proposed rear dormer would overlook any neighbours to the rear.

- 7.3.4 It is not considered that the proposed front driveway or rear patio alterations would result in harm to the residential amenities of any neighbours in terms of a loss of light or overlooking. These would each be lower than the current levels of the site. The existing boundary treatment would remain in situ and is not proposed to be altered as part of the works.
- 7.3.5 It is not considered that the proposed heat pump unit, by virtue of its scale and siting, would lead to an overbearing impact or loss of light to any neighbour. The proposed unit would operate at a sound pressure level of 45DB which is the equivalent of a normal conversation volume and is not considered to be harmful. The proposals were discussed with the Council's Environmental Health Officer who did not raise concern based on the specification information.
- 7.3.6 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Highways & Parking

- 7.4.1 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.
- 7.4.2 The proposed extended driveway provides space for two parking spaces which would meet the parking standards for the proposed three-bedroom dwelling. As such, it is considered that there will be adequate parking space for present and future occupiers. No changes to the existing access are proposed as part of the proposed development which would remain as existing.

#### 7.5 Rear Garden Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The policy requirement for a three-bedroom dwelling is 84sqm.
- 7.5.2 The dwelling would retain a garden of approximately 250sqm in area which is policy compliant and therefore considered to be acceptable.

#### 7.6 Trees & Landscape

- 7.6.1 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.
- 7.6.2 The application site does not contain any protected trees. The proposed development would not require the removal of any trees. There are some relatively low-level trees to the rear of the site. A tree protection plan was submitted with the application indicating tree protection measures. A condition will be included on any permission requiring the measures to be implemented prior to the commencement of works and maintained in-situ throughout the full course of construction. The proposed development is therefore considered to be acceptable in this regard.

#### 7.7 Sustainability

7.7.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.7.2 This application is accompanied by an Energy Statement prepared by SAPs UK. The statement demonstrates that, through a range of energy saving measures and building techniques, the development would exceed the above requirement.

## 7.8 CIL

7.8.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre (plus indexation) of residential development.

## 7.9 Biodiversity

7.9.1 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.

7.9.2 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.

7.9.3 The application was accompanied by a Preliminary Bat Roost Assessment. The PRA concludes that the dwelling has negligible potential to support a bat roost due to its structure, the condition of the roof covering which afforded no opportunities for bat ingress and the lack of any other potential roost features. As such, it is recommended that dusk emergence surveys are not required and the application can be determined on the current information.

## 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: 3-0-0 REV A, 3-0-1 REV D, 3-0-2 REV D, 3-0-3 REV B, 3-0-4 REV B, 3-0-5 REV B, 3-1-0 REV C, 3-1-1 REV E, 3-1-3 REV C, 3-2-0 REV F, 3-2-1 REV F, 3-2-3 REV C, 3-3-0 REV B, 101 803 (Tree Protection Plan)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core

Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies 2 and 4 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the materials schedule within the Design & Access Statement and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The extended parking area shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking space shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking space is provided within the development so as not to 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).

- C5 The development hereby permitted shall be implemented only in accordance with the details of the energy statement prepared by SAPs UK and shall be permanently maintained thereafter.

Reason: 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 make as full a contribution to sustainable development principles as possible.

- C6 The extended driveway hereby permitted shall be installed with permeable paving or provision made for the interception of surface water runoff to prevent water discharge onto the public highway. This shall be installed prior to the first use of the development and shall be permanently maintained in this condition thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

- C7 Immediately following the implementation of this permission, notwithstanding the provisions of Part 1, Classes A, B, C or D of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification). No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission without such consent as aforesaid.

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, 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).

- C8 The protective measures detailed on drawing 101 803 (Tree Protection Plan), shall be installed in full accordance with the Plan before any equipment, machinery or materials are brought on to the site for the purposes of development and shall be maintained on site in accordance with the Plan throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of



within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage 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).

### **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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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.











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**PART I - DELEGATED**

9. **23/1043/FUL - Construction of part single, part two storey rear extension (roof accommodation) and alterations and additions to fenestration and rooflights to existing care home to create additional bedrooms and office space at Arden House, 31 Upper Highway, Abbots Langley, Hertfordshire, WD4 8PP**

Parish: Abbots Langley Parish Council

Ward: Gade Valley

Expiry of Statutory Period: 09.09.2023

Case Officer: Aaron Roberts

Extension agreed to: 22<sup>nd</sup> September 2023

Recommendation: That PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee:

- Called in by Abbots Langley Parish Council unless Officers are minded to refuse. Concerns include overdevelopment and being overbearing to the houses on Lauderdale Road.
- Called in by 3 Members of the Planning Committee due to concerns regarding overlooking.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWN3DHQFG5700>

**1 Relevant Planning and Enforcement History**

- 1.1 8/795/76 - Temporary bedroom
- 1.2 8/735/78 - Replacement fire escape
- 1.3 8/197/92 - Single storey rear extension. – Permitted
- 1.4 07/1127/FUL – Single storey rear extension to residents lounge at rear with rooflight - Permitted, not implemented.

**2. Description of Application Site**

- 2.1 The application site comprises a heavily extended detached building located on the western side of Upper Highway in Abbots Langley. It is currently used as a nursing home.
- 2.2 The building has a variety of extensions including a single-storey rear element linked to the main building. The building has a ‘U’ shaped form.
- 2.3 There is a hard standing parking area in front of the building and two vehicular accesses onto Upper Highway.
- 2.4 The adjacent building to the south-east, No. 29 Upper Highway is a detached residential dwelling. This dwelling is a Grade II Listed Building. This property is set further forward towards the highway compared to the application building. The rear building line of this adjacent dwelling is approximately in line with the front elevation of the application building. The dwelling is offset from the shared boundary by 8.5m. There is a 1.8m high fence on this shared boundary.

- 2.5 The adjacent dwelling to the north, number 31A is a semi-detached residential dwelling. This dwelling is offset from the shared boundary by 3m. There is an approximately 1.8m high fence on this shared boundary.
- 2.6 To the rear (west) of the site there are a number of detached dwellings along Lauderdale Road, which are located on a lower land level than the application site.
- 2.7 To the south-east of the application site, there are two Grade II Listed Buildings, No. 29 Upper Highway and Queen Anne Cottage. There is another Listed building to the south of these buildings, Oak Beam (No.25 Upper highway).

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

- 3.1 This application seeks planning permission for the construction of part single, part two storey rear extension (roof accommodation) and alterations and additions to fenestration and rooflights to existing care home to create additional bedrooms and office space.
- 3.2 During the course of the application, amended plans were received. A summary of the amendments can be seen below:
- Reduction in overall height and removal of rear dormer structure/ true first floor;
  - Removal of first floor rear windows;
  - Addition of rooflights (facing eastwards).
- 3.3 The amended single storey element would have a maximum depth of approximately 7.5m (along the northern flank elevation) and a depth of approximately 3.2m from the current rear-most wall. The single storey element would have a maximum width of approximately 19.2m. Towards the northern flank, the extension would have a flat roof with a maximum height of approximately 3.8m.
- 3.4 The non-flat roof section of the part single, part two-storey extension would have a crown roof which would adjoin to and increase the ridge of the existing built form. It would have a maximum height of approximately 6.2m and an eaves height of 2.8m (when measured from the lowest adjoining land level). Within the eastern roofslope, facing towards the site, 7 rooflights are proposed.
- 3.5 The ground floor extension would provide 5 additional bedrooms and a bathroom. Within the rear and northern flank elevation there would be glazing at ground floor level. The first floor level would serve office space.
- 3.6 Within the southern flank elevation (serving bedroom 10) a window would be infilled, and a door would be installed serving a fire escape.

### **4. Consultation**

#### **4.1 Statutory Consultation**

4.1.1 National Grid: No comments received.

4.1.2 Abbots Langley Parish Council: [Objections, Called in to Planning Committee unless Officers are minded to refuse]

*Members feel this proposal represents overdevelopment of the site and is out of character with the local area. It's size and scale would be overbearing to the houses on Lauderdale Road. Members are disappointed the trees have been removed from the rear boundary without full consultation which will result in a loss of habitat, and feel this should be brought to the tree officer's attention immediately. Members strongly object to this proposal and if*



*officers are minded to approve this application, members ask that this be referred to Three Rivers Planning Committee for consideration.*

**Officer note:** The Parish Council have been notified of the amended plans and provided an additional set of comments on 01.09.2023, which can be seen below:

*COMMENT POST AMENDMENT: Members acknowledge the scheme has been reduced, however, still have concerns regarding the use of the roof space and how this could be developed in future years. Members feel the proposed design is still overbearing on neighbouring properties exacerbated by the slope of the site.*

4.1.3 Landscape Officer: Awaiting comments, the Committee will be updated verbally.

#### 4.2 **Public/Neighbour Consultation**

4.2.1 Neighbours were originally consulted on 27.07.2023

4.2.2 Number consulted on 27.07.2023: 10

4.2.3 Responses received from 27.07.2023 consultation: 3

4.2.4 Summary of Responses from 27.07.2023 consultation (for the originally proposed scheme):

- Strongly object to the proposal
- The two storey rear extension with windows on each floor would overlook our house, garden and patio (18 and 20 Lauderdale road)
- The application site is located on higher land making it more imposing
- The upper floor will have lights on as this is a 24/7 business
- The house has already been extended and the scheme would be out of keeping with the house and surrounding roads
- The height of the extension would reduce light into the house of 18 and 20 Lauderdale Road and would be an eyesore
- Staff park on the pavement blocking at times, an increase in staff would be adding to this
- The application form sets out that no trees would be removed, however, trees have been/will be removed
- The large walnut tree should be a TPO and provides amenity value
- The application site is bounded by residential properties and is in a residential area. The proposal results in overdevelopment of the area
- The removal of trees and hedging along the rear boundary has impacted upon privacy
- The staff take their breaks towards rear of the site and following removal of trees and the built form being pushed back, noise and other pollutants will be closer to rear boundary
- There is not adequate parking area to the front and the increase in bedrooms and staff will impact Upper Highway

4.2.5 Following the submission of amended plans, neighbours were reconsulted for 14 days on 25.08.2023.

4.2.6 Number consulted on 25.08.2023: 10

4.2.7 Responses received from 27.07.2023 consultation: Consultation period has not ended at time of writing. Expires on 09.09.2023.

4.2.8 Summary of responses from 25.08.2023: Consultation period has not finished at time of writing.

4.2.9 Site Notice Posted: Further Consultations required; date of expiry 18.08.2023

4.2.10 No Press Notice required.

## **5. Reason for Delay**

5.1 Not applicable.

## **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).

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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 CP1, CP2, CP3, CP6, CP8, CP9, CP10, CP12 and CP13.

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.

### Other

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

## **7. Planning Analysis**

### **7.1 Principal of Development**

7.1.1 Policy CP3 of the Core Strategy sets out that the Council will promote high quality residential development that respects that character of the District and caters for a range of housing needs. The provision of housing for the elderly and supported and specialist accommodation is encouraged in suitable and sustainable locations.

7.1.2 The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The proposal would contribute to this indicative need being met.

7.1.3 Arden House already benefits from Class C2 (residential institution) use. The scheme seeks to add 5 bedrooms rather than self-contained dwellings and on this basis it falls within the C2 Use Class as per its lawful use and would not trigger a requirement for affordable housing when applied to Policy CP4 and SPG. The addition of new beds also helps towards housing delivery. The Council's conversion ratio of 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market dwelling) as set out within the Housing Land Supply Update (December 2019), means that the development would provide the equivalent of 2.6 market dwellings towards the Council's housing need. As such there is no in principle policy objection to the extension of the care home to provide additional bedrooms, however this is subject to consideration against other material considerations as discussed below.

### **7.2 Design and Impact on Character and Appearance of the host dwelling, wider streetscene and Heritage Assets**

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. 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' and 'conserve and enhance natural and heritage assets'.

7.2.2 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. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential areas.

7.2.3 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.

7.2.4 The Design Criteria at Appendix 2 state that two storey rear extensions will be individually assessed on their own merits in terms of size and volume. Appendix 2 of the DMP LDD outlines that increases to ridge height will be assessed on their own individual merits. However, these are unlikely to be supported where roof forms are uniform in style and height. With regards to crown roofs, Appendix 2 states "Crown roofs can exacerbate the

depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured”.

- 7.2.5 The building has been extensively extended over the years, resulting in a piecemeal appearance. Given its location close to the rear boundary, the rear extension would not be readily visible from the streetscene despite its part two-storey nature. The single storey element would have a flat roof and the two-storey element would have a crown roof with first floor level accommodation provided within the roof space. Whilst these roof forms do not necessarily integrate particular well together, given that the site is not located within a conservation area, that the extensions are located to the rear and the existing piecemeal nature of the building, it is not considered that the part single, part two storey rear extension would detrimentally impact upon the character of the building or wider character of the area.
- 7.2.6 With regards to the increase in ridge height, the ridge serving the two-storey element would be approximately 1.3m higher than the existing ridge of the extended section of the building. The ridge height of the two-storey rear extension would be significantly lower than the ridge of the main two-storey section of the building and would appear subordinate. With regards to the crown roof given its location to the rear and limited depth and height, it is not considered that the roof form would appear as overly bulky or out of character with the area..
- 7.2.7 Given their relatively minimal scale and that they would not be readily visible from the streetscene, it is not considered that the proposed rooflights would detrimentally impact upon the character of the dwelling or wider streetscene.
- 7.2.8 To the south-east of the application site, there are two Grade II Listed Buildings, No. 29 Upper Highway and Queen Anne Cottage. There is another Listed building to the south of these buildings, Oak Beam (No.25 Upper highway).
- 7.2.9 Policy DM3 sets out that the Council will preserve the District’s Listed Buildings and will only support applications where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment. Given the separation distances from the Listed Buildings and the scale of the extension, it is not considered that the proposed rear extension would detrimentally impact upon the setting of the nearby Listed Buildings.
- 7.2.10 In summary, following the submission of amended plans, the proposed development would therefore not result in unduly prominent additions and would be acceptable with regard to its impact on the host dwelling, character and setting of adjacent Listed Buildings . The amended development would comply with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and DM3 and Appendix 2 of the DMP LDD.

### 7.3 Impact on neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.
- 7.3.2 The single storey element of the extension would be set approximately 2.2m from the northern boundary, with the two-storey element set approximately 5.5m from the northern boundary. Given the location of the extensions to the rear of the site and separation distance from the neighbour to the north, No.31A Upper Highway and the neighbour to the south-east, No.29 Upper Highway, it is not considered that the proposed part single part two-storey rear extension would detrimentally impact upon the neighbouring amenity of the occupiers of either of these neighbouring properties in terms of being an overbearing form of development or loss of light.

- 7.3.3 Appendix 2 of the DMP LDD outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure of 28m should be achieved between the faces of single or two storey buildings backing onto each other with this distance increased with additional floors. Where garden length alone is relied upon to provide privacy a minimum length of 14m should be achieved.
- 7.3.4 To the rear (west) of the site there are a number of detached dwellings along Lauderdale Road, which are located on a lower land level than the application site. The gardens of No.24, No.20 and No.18 Lauderdale Road would directly face the proposed extension. The distance between the rear elevation of No's 20 and 18 Lauderdale Road and the shared boundary with the application site is approximately 31m. The distance between the rear elevation of No.24 Lauderdale Road and the shared boundary with the application site is approximately 29m. Given the separation distances from the neighbouring dwellings to the west, along Lauderdale Road, it is not considered that the proposed part single part two-storey rear extension would detrimentally impact upon the neighbouring amenity of the occupiers of these neighbouring properties in terms of being an overbearing form of development or loss of light. In terms of overlooking, ground floor glazing (serving the additional bedrooms) is proposed, however, first floor glazing is not proposed. The boundary treatment of the western boundary of the application site comprises of approximately 1.8m high close boarded fencing. There are also sporadic trees and bushes along this boundary and there are also a number of outbuildings within the rear gardens of the properties along Lauderdale Road, which would act, in part, to the ground floor glazing. Additionally, a condition would be recommended to be added to any permission requiring the submission of a soft landscaping scheme including the planting of native hedging along the western boundary of the application site to add greater density to the existing boundary. Given the location of the glazing at ground floor level, the boundary treatment and recommended condition requiring a soft landscaping scheme with details of hedging along the western boundary, it is not considered that the rear extension would give rise to a perceived sense of or actual overlooking.
- 7.3.5 Given the positioning of the proposed rooflights facing eastwards towards the application site and their orientation facing the sky, it is not considered that they would give rise to any perceived sense of or actual overlooking.
- 7.3.6 Within the southern flank elevation (serving bedroom 10) a window would be infilled and a door would be installed serving a fire escape. Given that this door would be located at ground floor level and separation distances from the boundary, it is not considered that it would lead to overlooking.
- 7.3.7 As such it is not considered that the proposed development would result in such unacceptable harm to neighbouring amenity to justify the refusal of planning permission.

#### 7.4 Amenity Space

- 7.4.1 Appendix 2 of the DMP LDD outlines that residential care homes and warden controlled sheltered housing should provide at least 15sqm of amenity space (allocated or communal) per bed space.
- 7.4.2 Following the works, the building would contain an additional 5 bedrooms (total of 23) and as such would require 345sqm of amenity space. Following the works, the site would retain in excess of 500sqm of amenity space exceeding standards. As such, the scheme is regarded acceptable in this regard.

#### 7.5 Parking

- 7.5.1 Appendix 5 of the DMP LDD outlines that Class C2 elderly persons residential and nursing homes are 0.25 spaces per residential bed space plus 1 space per 2 non-residential staff members.

- 7.5.2 Following the works, the building would contain 23 residential bed spaces, which would require 6 spaces (not including the staff requirements). The case officer has requested that the planning agent provide further details regarding staff numbers and rotas etc. During email correspondence, the planning agent stated:

*“Arden House currently employs 25 staff comprising a mixture of WTE (Whole Time Equivalent) and Part time workers.*

*The total staff who have their own transport throughout the 24/7 period across the whole week is 31% of which a maximum of 4 staff will have their car at work, 50% of these are part time so will only require parking from 8am to 2pm.*

*Increase in rooms will require an additional 1.5 WTE staff across the whole week and our policy is to try and recruit locally as this has worked well for us in the past. We already have a 2 bank staff (not counted in the number above) who are interested in both full time and part time roles as and when we require them”.*

- 7.5.3 If the nursing home currently employs 25 members of staff with an additional 1.5 required (following the additional 5 bedrooms), there would be a total of 26.5 members of staff, requiring a total of 14 spaces (for staff). However, it must be noted that given the nature of the facility the number of staff on site at any one time can vary depending on service needs. When taking into account staff and residents, the total number of parking spaces to meet the parking standards is 20.

- 7.5.4 The amended block plan shows that up to 8 cars could park within the front drive (following the removal of hedging and the trees within the front drive). Whilst there would still be a shortfall in parking, given the pre-existing shortfall and that the number of spaces would increase from 4 to 8, it is not considered that the additional 5 bedrooms would result in severe harm to highway safety or the free flow of the traffic so as to justify the refusal of planning permission in this respect. Additionally, the additional bedrooms would be occupied by those with care needs, who would likely not have their own car. Therefore any parking pressures would likely be as a result of the increase in staff numbers and visitors. As stated by the planning agent, the increase in 5 bedrooms would require only 1.5 additional staff members (equivalent to one space). It is recommended that the submission of a Travel Plan is submitted with the objectives of reducing journeys to and from the site by private car.

## 7.6 Trees and Landscaping

- 7.6.1 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

- 7.6.2 The site is not located within a conservation area and no trees within or adjoining the site benefit from a Tree Preservation Order. During the site visit it was apparent that some trees had been removed and others were imminently about to be removed. The submitted plans also show the removal of trees, including a mature tree to the rear of the building (which the applicant has suggested was diseased). Whilst the trees to be removed are not protected, given their scale and amenity value it is considered that a replacement tree within the site is an appropriate course of action. Additionally, to the front two trees and hedging have been removed to facilitate additional parking areas.

- 7.6.3 Additionally, as discussed in the neighbour amenity section, planting of native hedging along the western boundary of the application site is further recommended. As such, it is recommended that a pre-commencement condition be added to any permission requiring the submission of a soft landscaping plan requiring further details of the replacement tree and hedging.

## 7.7 Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies 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. 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. The addition of new hedging would ensure biodiversity net gain.

## 8. **Recommendation**

8.1 That subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: The development hereby permitted shall be carried out in accordance with the following approved plans: 23/2713/01, 23/2713/02 REV A, 23/2713/03 REV B, 23/2713/04 REV B, 23/2713/100 REV A, 23/2713/101 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP6, CP8, CP9, CP10, CP12 and CP13 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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 extensions 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).

C3 Prior to the first occupation of the extensions hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include details of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. Additionally, details of replacement trees and hedging including size, species, planting heights, densities and positions of any proposed soft landscaping shall be provided.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings 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 and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the additional bedrooms hereby approved, a 'Green Travel Plan' with the objectives of reducing journeys to and from the site by private car shall be submitted to and approved by the Local Planning Authority. This approved Green Travel Plan shall be implemented on first occupation of the extension. An updated Green Travel Plan shall be submitted to the Local Planning Authority for written approval on the anniversary of the 1st year of occupation and subsequently on the 3rd anniversary of occupation. The updated Green Travel Plan shall be implemented following its written approval.

Reason: To promote sustainable modes of transport and to meet the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- 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 first floor flank elevations or roof slopes of the extensions 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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

#### Making a Non-Material Amendment

Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

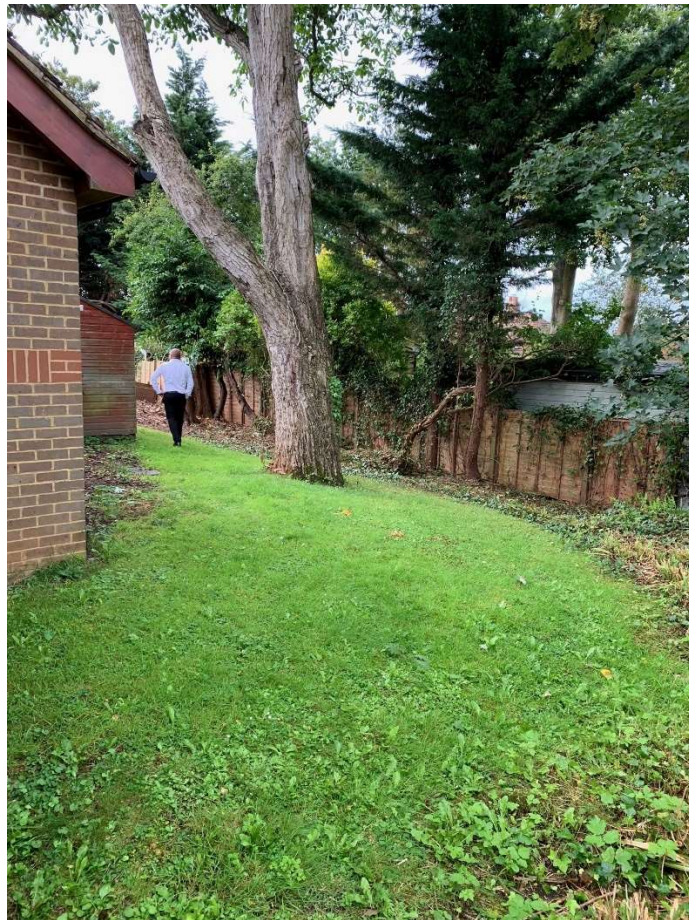










Photo of the front drive during the site visit on 14.08.2023



Photo of the front drive sent by planning agent on 01.09.2023





**PART I - DELEGATED**

10. **23/1106/FUL - Construction of first floor side extension and extension to front driveway at 14 ARUNDEL ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0TP**

Parish: Abbots Langley Parish Council  
 Expiry of Statutory Period: 31.08.2023  
 (Extension agreed to 21.09.2023)

Ward: Leavesden  
 Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RX9BLIQFG9A00>

**1 Relevant Planning History**

1.1 No relevant planning history.

**2 Description of Application Site**

2.1 The application site is located on Arundel Road, Abbots Langley. The application site contains a detached two-storey dwelling which has a dark tiled gabled roof form and red facing brick exterior finish. There is an attached single garage to the northern flank.

2.2 Forward of the dwelling is a paved driveway, which can accommodate one car parking space, and a soft landscaped front garden. To the rear of the dwelling is an amenity garden of 150sqm in area.

2.3 Arundel Road is characterised by dwellings of similar design, having been built as part of the same development. Many of the dwellings have been extended and altered since their original construction.

**3 Description of Proposed Development**

3.1 Planning permission is sought for the construction of a first-floor side extension and extension to front driveway.

3.2 The proposed first floor side extension would be built above the existing garage. The extension would have a width of 2.7m and a depth of 8.0m, aligning with the principal front and rear elevations of the dwelling. The extension would match the eaves and ridge height of the dwelling at 4.7m and 7.5m respectively. The extension would contain a front and rear window. The front window would match the existing gable feature.

3.3 It is proposed that the existing driveway is extended to accommodate an additional parking space. The proposed driveway extension would be laid in permeable paving.

**4 Consultation**

**4.1 Statutory Consultation**

4.1.1 Abbots Langley Parish Council: No objection

*No comment*

4.1.2 National Grid: [No response received]

## **4.2 Public/Neighbour Consultation**

- 4.2.1 Neighbours consulted: 16
- 4.2.2 Site Notice not required.
- 4.2.3 Press notice not required.
- 4.2.4 Responses received: 0

## **5 Reason for Delay**

- 5.1 Committee cycle.

## **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 as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.3 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 Policy & Guidance**

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

- 6.2.1 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”.
- 6.2.2 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*

- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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, DM8, DM13 and Appendices 2 and 5.

### 6.3 Other

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

## 7 **Planning Analysis**

### 7.1 Impact on Character and Appearance

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 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 and doors, and materials. A minimum of 1.2m flank spacing should be achieved between development above ground level and flank boundaries.

7.1.3 The proposed extension would replicate the existing form of the dwelling and would not extend beyond the principal front or rear elevations. The proposed extension would also not exceed the existing ground floor width of the dwelling, maintaining a policy compliant spacing of 1.2m to the flank boundary. The proposed extension would also replicate features such as the first-floor front gable. It is considered that the proposed extension integrates acceptably with the host dwelling and would not harm its character or that of the area. It is noted that a similar form of development has been implemented to no.10.

7.1.4 In summary, the proposed development would not 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 this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

### 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. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.

7.2.2 The proposed development would not intrude the 45-degree splay line with any neighbour. It is not considered that the proposal development would therefore lead to a loss of light to the front or rear windows of any adjoining neighbour. The proposed extension would bring built form closer to the shared boundary with no.12 however this would be confined to the existing principal front and rear elevations. It is therefore not considered that the extension would lead to an overbearing impact to this neighbour or any other neighbours. The extension would contain front and rear first floor glazing. It is not considered that the proposed windows would lead to harmful overlooking as they would not provide a materially different view to that which is achievable currently from the first-floor windows.

7.2.3 The proposed development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 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 The application dwelling, as existing, contains three bedrooms and provides two off-street car parking spaces in the form of a garage space and driveway space. The application dwelling, following the proposed development, would contain four bedrooms which would require three off-street car parking spaces. It is proposed that the driveway is extended to accommodate an additional car parking space meaning that the development would provide policy compliant parking provision. The plans note that the proposed extended driveway would be permeable material which is considered to be acceptable.

7.3.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policies DM8, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

### 7.4 Trees & Landscape

7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.4.2 The application site does not contain any protected trees. The proposed development would not require the removal of any trees. It is proposed that the driveway is extended adjacent to an existing tree within the site frontage. The proposals were discussed with the Landscape Officer and it is not considered that a harmful impact would arise to this small tree, given the proximity of the driveway extension and its existing proximity to the existing drive.

7.4.3 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

### 7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 The dwelling would retain a garden of approximately 160sqm in area which would meet the amenity space standards and is considered to be acceptable.

### 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. The application was accompanied by a Biodiversity Checklist which states that no biodiversity interests would be impacted by the proposed development.

## 8 Recommendation

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: 2327-SK-100B

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, DM8, 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 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 extensions 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).

- C5 The extended driveway hereby permitted shall be installed with permeable paving or provision made for the interception of surface water runoff to prevent water discharge onto the public highway. The extended driveway shall be installed prior to the first use of the development and shall be permanently maintained in this condition thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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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. Further information on how to incorporate

changes to reduce your energy and water use is available at:  
<https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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.

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