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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, 19 October 2023 at 7.30 pm

Members of the Planning Committee:-

Councillors:

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

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

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*Joanne Wagstaffe, Chief Executive  
Wednesday, 11 October 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

**1. APOLOGIES FOR ABSENCE**

**2. MINUTES**

To confirm as a correct record of the minutes of the Planning Committee meetings held on 17 August 2023 and 14 September 2023.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**4. NOTICE OF OTHER BUSINESS**

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

- 5. 23/0698/FUL - DEMOLITION OF EXISTING CONSERVATORY, CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION AND PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSION, BASEMENT AND FRONT PORCH EXTENSION, LOFT EXTENSION INCLUDING INCREASE IN RIDGE HEIGHT, CHANGE OF HIPPED ROOF TO GABLE ABOVE FRONT ENTRANCE, REAR DORMERS, SIDE ROOFLIGHTS, INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION, LANDSCAPING ALTERATIONS TO THE REAR AT 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORSHIRE, HA6 2LJ.**

(Pages 9  
- 36)

Recommendation: That Planning Permission be granted.

- 6. 23/0699/AOD – APPROVAL OF DETAILS: RESIDENTIAL DEVELOPMENT OF 53 DWELLINGS, CONSTRUCTION OF PARKING SPACES, ASSOCIATED LANDSCAPING, INFRASTRUCTURE WORKS AND ANCILLARY WORKS INCLUDING THE DEMOLITION OF THE EXISTING SHELTER (RESERVED MATTERS APPLICATION CONTAINING DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO CONDITION 1 ATTACHED TO OUTLINE PLANNING PERMISSION 19/2419/OUT) AT LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**

(Pages  
37 - 76)

Recommendation: That the reserved matters be approved, subject to conditions

- 7. 23/0701/FUL – VARIATION OF CONDITION 4 (AFFORDABLE HOUSING), CONDITION 5 (SPECIFICATION OF ACCESS), AND CONDITION 7 (BUS STOP AND CROSSING WORKS) ATTACHED TO OUTLINE PLANNING PERMISSION 19/2419/OUT (OUTLINE APPLICATION: RESIDENTIAL DEVELOPMENT OF UP TO 53 DWELLINGS, CONSTRUCTION OF PARKING SPACES, ASSOCIATED LANDSCAPING, INFRASTRUCTURE WORKS AND ANCILLARY WORKS INCLUDING THE DEMOLITION OF THE EXISTING SHELTER (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED)) TO REFLECT THE**

(Pages  
77 - 102)

**SCHEME COMING FORWARD AS 100% AFFORDABLE (A MIX OF AFFORDABLE RENT AND SHARED OWNERSHIP), AND TO ENSURE THE DEVELOPMENT CAN COMMENCE PRIOR TO THE DETAILS OF THE NEW ACCESS POINT, BUS STOP AND CROSSING POINTS BEING APPROVED. AT LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**

Recommendation: That outline planning permission be granted subject to conditions

8. **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** (Pages 103 - 118)

That PLANNING PERMISSION BE GRANTED subject to conditions

9. **23/1139/FUL – REPLACEMENT OF EXISTING PEDESTRIAN BRIDGE OVER THE RIVER COLNE WITH A NEW PEDESTRIAN AND CYCLE BRIDGE, INCLUDING UPGRADED FOOTPATHS, FENCING AND SEATING AREAS, AT RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE, RICKMANSWORTH** (Pages 119 - 148)

Recommendation: That Planning Permission be granted.

10. **23/1328/FUL - EXTENSION TO EXISTING HARDSTANDING TO CREATE ADDITIONAL PARKING INCLUDING ASSOCIATED PATHWAY, BOLLARDS AND LANDSCAPING AT SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE** (Pages 149 - 158)

Note: This item has been withdrawn from the agenda (17<sup>th</sup> October 2023)

11. **23/1372/FUL – CONSTRUCTION OF PART SINGLE, PART TWO STOREY FRONT AND SIDE EXTENSIONS AT 32 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PG.** (Pages 159 - 174)

Recommendation: That Planning Permission be granted.

12. **23/1425/FUL – CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND ALTERATIONS TO FENESTRATION AT BARFORD, HOMEFIELD ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5QJ.** (Pages 175 - 186)

Recommendation: That Planning Permission be granted.

13. **23/1481/RSP – PART RETROSPECTIVE: CONSTRUCTION OF REAR CONSERVATORY AND CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND EXTENSION OF DRIVEWAY AT 21 BATESON DRIVE, LEAVESDEN, WATFORD, HERTFORDSHIRE, WD25 7ND** (Pages 187 - 198)

That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED, subject to conditions.

## 14. EXCLUSION OF PRESS AND PUBLIC

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

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

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

## 15. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

### Livestreaming details

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NmRINDFhYTQtMTczYy00M2E3LTImN2MtZThINDIiNjk1NDY2%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%22e4bd9f48-5936-485c-82c1-bd8660567ae4%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_NmRINDFhYTQtMTczYy00M2E3LTImN2MtZThINDIiNjk1NDY2%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%22e4bd9f48-5936-485c-82c1-bd8660567ae4%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

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

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

**General Enquiries: Please contact the Committee Team at**  
[committeeteam@threerivers.gov.uk](mailto:committeeteam@threerivers.gov.uk)

## PLANNING COMMITTEE – 19 October 2023

**23/0698/FUL - Demolition of existing conservatory, construction of single storey front extension and part single, part two storey side and rear extension, basement and front porch extension, loft extension including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, side rooflights, internal alterations and alterations to fenestration, landscaping alterations to the rear at 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LJ.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 12 July 2023  
Extension of time: 27 October 2023

Ward: Moor Park and Eastbury  
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to concerns with overdevelopment and scale of extensions.

To view all documents forming part of this application please go to the following website:  
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=RTTMMDQFFJD00&activeTab=summary>

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

- 1.1 98/0424 - Erection of a replacement detached house - Permitted.
- 1.2 98/00996 - Alterations to previously approved Planning application 98/0424/8 -Erection of new house to include basement and rooms in roof space - Permitted and implemented.
- 1.3 02/00604/FUL - Amendment to planning application 98/0996/8: Chimney to side of dwelling, enlargement of conservatory and rear summerhouse – Refused.
- 1.4 04/0743/FUL - Levelling of rear garden - Permitted and implemented.
- 1.5 04/1055/FUL - Erection of a single storey rear extension (canopy) and chimney - Permitted and implemented.
- 1.6 04/1502/FUL - Retrospective Application: Rear decking - Permitted and implemented.
- 1.7 07/1541/FUL - Single storey detached outbuilding to rear - Withdrawn.
- 1.8 13/2138/FUL - Single storey front and rear extensions, first floor side extension, change of roof from hip to gable above front entrance, alterations to rear dormer windows, alterations to rear garden landscaping and construction of outdoor swimming pool. Approved, not implemented.
- 1.9 22/2320/FUL - Demolition of existing conservatory, single storey front and part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, side rooflights, alterations to fenestration, landscaping alterations to the rear and detached swimming pool. Withdrawn.

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

- 2.1 The application dwelling is a large late 1990s two storey detached dwelling located on the eastern side of Russell Road within the Moor Park Conservation Area.

- 2.2 Russell Road is a residential road characterised by large detached dwellings set within substantial plots. Dwellings are of varying styles and a number have been heavily extended and altered.
- 2.3 The application dwelling is a modern replacement dwelling with basement, finished in red brick and white render with Mock Tudor detailing. The dwelling has a central forward projecting hipped roof, hipped front dormers cut through the eaves, a pitched roofed porch canopy to the front, an attached double garage to the side and two chimneys. The dwelling has been previously extended through a single storey rear extension and there is a large area of raised decking to the rear of the dwelling.
- 2.4 The dwelling is set back approximately 16m from Russell Road and is at a slightly lower land level to the highway. To the front of the dwelling is a substantial block paved carriage driveway which provides parking for well in excess of three vehicles. The front boundary treatment is formed by dense evergreen hedging with the boundary treatment to the neighbouring properties formed by a variety of vegetation.
- 2.5 To the rear of the dwelling is a stepped raised decking area which steps down to a large area laid to lawn.
- 2.6 The neighbouring dwelling to the north, No. 7 Russell Road, is a two storey detached dwelling which is set on a slightly lower land level in relation to the host dwelling.
- 2.7 The neighbouring dwelling to the south at No. 11 is a two storey detached dwelling. This neighbouring dwelling has been partially demolished with the front wall still in situ. Planning permission has been granted at this property via Council reference 22/2123/RSP.

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

- 3.1 The proposed development seeks planning permission for the demolition of existing conservatory and first floor side extension and the construction of a single storey front and part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, alterations to fenestration and landscaping alterations to the rear.
- 3.2 To the front of the dwelling, the garage would be extended forward by 0.9m, to be in line with the existing forward most wall. This forward projection would comprise of a part hipped to crown roof which would have a maximum height of 3.7m and an eaves height of 2.5m. Above the garage, a first floor extension is proposed which would replace the existing first floor addition. The proposed extension would have a width of 4.8m and would have a total depth of 10.5m, set back 0.8m from the front wall and built flush with the existing rear wall and ground floor flank wall. It would have a hipped to crown roof form, set down 0.9m from the increased ridge height. Within the flank wall at first floor level, there would be two windows.
- 3.3 Elsewhere within the front elevation, it is also proposed to replace the hipped roof over the central two storey front projection with a gabled roof. There would be no change to the height, with the ridge of the new gable set down 1.6m from the increased ridge line of the main roof. Within the gable there would be glazing 2.4m wide and up to 3.4m high with the windows of similar design to the existing windows.
- 3.4 At ground floor level the rear extension would have a staggered rear building line with a maximum depth of 4.2m and width of 18.2m and a flat roof with a maximum height of 3.1m (measured from existing ground level). Four lantern style rooflights are proposed within the flat roof. There would be full height glazing across the majority of the rear elevation. In the flank of the extension facing 7 Russell Road there would be two windows and in the flank facing 11 Russell Road there would be full height windows.

- 3.5 The lower ground floor level would be extended rearwards by a maximum of 4.2m with the inclusion of a new sunken covered patio area (1.7m in depth by 6.4m in width). The roof of the lower ground floor would form a patio area at ground level. Privacy screens are proposed along the flanks of the patio area at ground floor level. These would have a height of 1.8m. Fenestration is also proposed to the rear elevation of the lower ground floor. There would be external steps either side provided access to the lower ground floor level.
- 3.6 The proposal includes an increase in ridge height by 0.5m to have a maximum overall height of 9.2m. It is also proposed to increase the width of the two existing rear dormers from 1.5m to 1.8m and to increase the height of each dormer by 0.15m. Windows would be inserted in the rear of each dormer. An additional rear dormer is proposed. This rear dormer would have a width of 1.8m, depth of 1.4m, and height of 1.2m. The pitched roof forms of existing rear dormers would be altered to a flat roof with a maximum height of 1.2m.
- 3.7 During the course of the current application, the following amendments have been made to the scheme:
- A set back at first floor level and roof level to the first floor side extension has been introduced.
  - The existing rear dormers were amended from a pitched roof to a flat roof and the additional rear dormer amended to have a flat roof form.
  - The neighbouring properties (indicative) are shown on the existing and proposed block plans.
  - The roof form of the single storey rear extension has been reduced in height by 0.2m and has a flat roof form, and glazing has been reduced across the rear elevation of this element.
  - The glazing to the flank roofslopes of the front projection have been omitted.
  - The proposed flank rooflights have been omitted from the scheme.
  - The forward most flank chimney stack above ground floor level has been retained.
  - The proposed front porch has been omitted from the scheme and retained as existing.
  - A long section across the site has been provided.
  - Clarity given over extent of the demolition works.
  - The depth of the proposed single storey rear extension has been reduced by 1m, from 5.2m in depth to 4.2m.
  - The depth of the proposed lower ground floor level extension has been reduced in depth by 0.8m, from 5m to 4.2m.
- 3.8 It is noted that the current application follows the approval of a similar application in 2013 (now lapsed). The differences between the current application and that previously approved are as follows:
- The current proposal includes an increase in ridge height of 0.5m whereas the previously approved scheme proposed no increase in ridge height
  - The single storey rear extension would be flat roofed instead of mono-pitched.
  - The glazing to the rear elevation of the single storey rear extension has been reduced.
  - The rooflights to the flank roofslopes have been omitted
  - Privacy screening have been placed along the flanks.
  - The forward most flank chimney stack has been retained whereas the previous scheme removed the flank chimneys.
  - The previously approved scheme did not result in any additional dormers or alterations to the existing rear dormers. The current scheme alters the existing pitched roofed dormers to have a flat roof and includes an additional flat roofed dormer.
  - The first floor side extension would be higher than the previously approved, with a smaller crown roof form.

## 4 Consultation

### 4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Conservation Officer: [Objection]

The property is located in the Moor Park Conservation Area. It is understood that large extensions and alterations were permitted under application 13/2138/FUL and whilst some aspects of the scheme are not sympathetic to the conservation area, it forms the baseline from which this application is assessed. There remains a preference to amend the scale, form and appearance of the rear extension, as it does not respond well to the host dwelling. However, taking into consideration the previously permitted scheme, the proposed single storey extension would not result in any additional harm to the significance of the conservation area. Whilst it is proposed to increase the height of the dwelling, it would not appear disproportionate within the streetscene.

I acknowledge a large crown roof was permitted under the 2013 application. However, there is a strong preference for a traditional duo pitched roof form to preserve the character and appearance of the conservation area. The proposed side extension appears overly dominant and is larger in scale than the previously permitted extension. Furthermore, there is a preference for the dormers to relate to the form of the host dwelling.

Concerns regarding the fully glazed porch, glazed roof to the front projection and loss of the chimney have been addressed which is positive. Such amendments have gone some way to address previous concerns. Were the above recommendations adhered to, this would better preserve the character and appearance of the conservation area. Notwithstanding this, the proposal would not be any more harmful than that permitted under application 13/2138/FUL.

4.1.3 Moor Park 1958 Limited: [Objection]

The Directors of Moor Park (1958) Limited request that the nature of the application be clarified. The description of the application includes provision of a detached swimming pool, but no plans have been submitted with the application relating showing any swimming pool. It is also requested that it is made clear on the plans the difference between the building as it actually exists at present and what is to be demolished as opposed to incorporating aspects of the application 13/2138/FUL, which has not been implemented and do not exist, and accordingly cannot be demolished.

Despite the variation in the description of application 22/2302/FUL there are many similarities with the current application and accordingly the Directors of Moor Park (1958) wish that their objections submitted in February this year for this similar proposal be taken into account with respect to this latest application as the current application has not addressed any of the concerns raised in the earlier comments.

Officer note: Below is a copy of Moor Park 1958 Ltd's comments from the previous withdrawn application 22/2302/FUL for reference.

The Directors of Moor Park (1958) Limited wish to express the following **strongest possible objections** to the extent of plot coverage, and also a range of objections and related comments and material concerns in relation to other unacceptable and harmful aspects of the proposed development as set out below. On the matter of our first/primary objection (excessive plot coverage), we will also be seeking support for a call-in, unless officers are minded to refuse the application (including reference to the proposed extent of plot coverage) under delegated powers.



While we acknowledge that the planning application approved by the Council under reference 13/2138/FUL is a material planning consideration, albeit it long expired, the absence of any material change of planning policy or site circumstances are a material factor to form part of the assessment and determination of the application. Nonetheless, it is very clear that there are substantial changes to the scale, nature and details now incorporated in this revised application, that require fresh planning analysis and examination prior to its determination.

In light of these significant changes (compared to the 2013 scheme) our objections, concerns and comments are as follows:-

1. From our calculations, the proposed plot coverage **extends to approx 24%** (when solely taking account of the extended house) **and/or approx 30%**, when taking account of the extended house plus the extended excavated/"sunken" area that projects further into the plot beyond the rear of the lower ground floor. NOTE - the drawings also show additional substantial built development (in the form of a flight of steps) that project even further into the rear of this plot.

In the planning report into the 2013 approval, it states that the proposed plot coverage at that time comprising more modest rear extensions etc, was 18.9%.

In our own response to the 2013 application, when objecting to the circa 19% plot coverage, we stated that the:-

*".....application seeks to take the coverage to 19% and on the above basis should be strongly resisted as this 'creeping' form of development (i.e. where one extension/new building adds incrementally to previous extensions/new buildings) is completely unacceptable, is demonstrably harmful to the character of the "heritage asset"/Conservation Area and is in direct contravention of one of the key criteria in the adopted Conservation Area Appraisal that is inherent in setting, enhancing and ultimately preserving that very character.....".* In hindsight this is precisely what is happening again!

As the Council will be aware the maximum plot coverage as quoted in the adopted and approved Supplementary Planning Guidance – in the form of the MPCA, which seeks specifically to safeguard the character and openness of the plots within the designated Conservation Area, is 15%.

In the interests of maintaining and preserving one of the key aspects that defines the character and appearance of the Moor Park Conservation Area in terms of the openness and the generally low level of development on individual plots, we would ask that the Council has full regard to the provisions of para 3.4 of the MPCA in the assessment and determination of this application.

In our opinion, the proposed extent of plot coverage (at either 24%, or even more significantly at 30%) would materially harm and substantially detract from the open character of plots on the Moor Park estate and thereby fundamentally fails to preserve or enhance the wider character and appearance of the designated Conservation Area. Consequently, we would respectfully invite the Council to refuse the application on this issue.

If a scheme is eventually found to be more modest and potentially more acceptable (either in a substantially modified form within the current application or within a fresh, revised scheme), we would ask that the Council give full consideration to removing all relevant permitted development rights by condition.

2a. We submit that the increased height and scale of the first floor side extension as now shown in this latest application is clearly much more prominent and dominant than as shown in the scheme approved in 2013.

In light of this, we would ask the Council to carefully check the materially increased scale and bulk, and resultant impact in the street scene, in order to specifically ensure that it does not cause harm to, or detract from, the character and appearance of the Conservation Area along this section of the Russell Road frontage.

2b. In a similar vein, and also in regard to the visual impact and compatibility of this revised form of development in the Conservation Area street scene, we would also ask the Council to seek the advice of the Conservation Officer expert as to whether the design decision to now cover the projecting front gable feature with large expanses of “obscure glass”, is the most appropriate treatment in this Conservation Area location. This ‘feature’ was not included in the 2013 application/approval.

In our opinion, it is detrimental to, and materially out of keeping with, the inherent characteristics of the surrounding area street scene, and thereby fundamentally fails to preserve or enhance the character and appearance of the Conservation Area.

3. It is clear that the enlarged first floor extension, as now proposed, allows for an additional dormer window to be incorporated into the proposed rear elevation (compared to leaving the two existing rear dormers as they were as part of the 2013 approval).

We find it difficult to understand the rationale behind the design solution submitted in this application that shows a new, flat roof dormer sitting alongside the existing two attractive pitched-roof bonnet dormers in this elevation. It appears a jarring and discordant feature and hence we wish to raise our formal objections.

As the Council’s Conservation Officer recently concluded on another case in the Moor Park Conservation Area,

*“.....it should also be noted, that whilst the rear elevation cannot be seen from the public domain this does not automatically equate to lack of harm and the alterations would be visible from the gardens of neighbouring dwellings which also sit within the conservation area”.*

Finally, on the matter of the additional dormer, para 3.7 of the MPCAA also specifically stresses that *“rear dormers should not impair the privacy of neighbours”*. We would request that the Council also ensures that this aspect of the MPCAA is fully respected and specifically taken into account in the determination of the scheme.

4. We wish to express our material concerns over the large and unacceptably poor, featureless and “box-like” design of the proposed single storey rear extension, that measures approx 5m in depth and extends approx 18m across the full width of the dwelling. This equates to approx 95sqm of flat roof in a Conservation Area location.

The Council will be aware that para 3.6 of the MPCAA seeks to resist the construction of flat roofs within the estate on the clear and well established basis that they do not reflect the traditional style and design of the fully pitched roofs that are characteristic throughout the Moor Park Conservation Area.

We do not subscribe to any inferences that, simply because as an extension is “at the rear of the property”, then its design does not matter and/or can be overlooked and this directly chimes with the Council’s Conservation Officer expert as expressed in para 3 above.

This is a designated heritage asset/Conservation Area for a reason and therefore high quality design, that is commensurate with the overriding character and appearance of the area, must be applied in regard to all elevations. Failure to do so, as in this case, would result in a scheme that materially fails to preserve or enhance the character and appearance of the Conservation Area. As a result, we consider that the submitted application should also be refused on this basis.

5. We wish to express our concerns and potential objections to the two new velux windows in the north elevation. While two velux were shown in the north elevation in 2013, they were to some degree likely to be partly obscured by the new roof projecting slightly beneath them. However, in this latest scheme, they clearly now form part of the enlarged, more prominent roof itself.

The inclusion of such velux windows is contrary, in principle, to the provisions of para 3.10 of the MPCAA that states that velux rooflights are an “*incongruous feature*” in the Conservation Area and thence any visible from the street will not be acceptable.

Whilst it is not 100% clear if they are fully visible, or partially visible on the flank elevation, we would wish to register a formal objection if they are visible, or likely to be visible, from any public vantage point.

Hence on this basis we submit that they should either be removed from the scheme prior to its determination, or the application refused on the grounds of the material harm that such incongruous roof features have upon the character and appearance in the designated Conservation Area

6. The Council will be aware of the heightened level of awareness and scrutiny that is now associated with the construction (or extension/enlargement) of **basements** within the Moor Park Conservation Area. As you will be aware, this initially arose in April/May 2020 as a result of a scheme involving the construction of a basement elsewhere within the estate (at 17 Sandy Lodge Road) and again more recently, indeed currently, at 36 Main Avenue.

As a result, we would respectfully request that the Council makes clear to the applicant that this application, due to the significantly enlarged basement (circa 102 sqm), will require an enhanced level of detailed analysis and professional research and assessment of flood related issues, which represents a material planning consideration that should entail the detailed submission of all relevant flood impact information relating to the development.

The Council will be very aware of our ongoing concerns, and previously clearly stated objections in regard to proposed basements within the Moor Park Estate Conservation Area, (as supported by paragraph 3.8 the MPCAA); namely the potential and materially damaging impact arising from the construction/enlargement of basements that:-

- (i) no surface water flooding will occur **as a result** of the basement construction and
- (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site **as a result** of the basement construction.

In light of this, it is our clear and strong contention that the submission of all relevant flood impact, as a matter of “good professional practice”, insisted upon by the Council in 2020, should be fully pursued and assessed in relation to **any** FUL scheme, and we can see no grounds or justification as to why this current application should be exempt from such scrutiny.

7. Finally, on a purely technical point, the submitted “existing drawings” (ref PL/02 A) are incorrect as they do not show the rear dormer on the flank elevations. It appears from the Council’s planning file that this drawing also had to be corrected at the time of the 2013 application – and on the 2013 file was amended by drawing ref PL/02 B. We are sure the Council will wish to have this similarly corrected as soon as possible in the interests of accuracy and to avoid any future confusion.

We trust the above response, based on what we regard as very relevant and material planning considerations, primarily within the approved MPCAA, will be taken full cognisance of.

**Officer comment:** Amended existing plans show the rear dormer on the flank elevations. Moor Park 1958 have also been notified of the receipt of amended drawings in October 2023. Any comments received will be verbally reported to committee.

#### 4.1.4 Batchworth Community Council: [Objection]

This property was subject to a recent application (22/2320/FUL) which at the time BCC “called in” but the application was subsequently withdrawn. At the time we highlighted that we noted the 2013 application (13/2138/FUL), which was approved and was considerably smaller in scale, was still exceeding the MPCAA 15% plot ratio. Having carefully reviewed the current application, and both the 2013 & 2022 applications plus the associated documentation, Batchworth Community Council (BCC) continues to strongly object to this application for the following reasons. The current application also does not significantly change from that of the withdrawn 2022 application or account for the earlier feedback and comments provided by various parties and therefore many of the objections remain the same.:

1. BCC acknowledges that this is not a Pre 1958 property. However, we are of the opinion that all applications need to account for and ensure that they are aligned and following both the TRDC Planning Policies and the Conservation Area MPCAA.
2. Having reviewed the proposal we believe that this is significantly an overdevelopment of the site, both in terms of bulk and height, and overall is a very large increase in size overall from the approved 2013 application.
3. BCC is of the opinion that the planned redevelopment challenges the adjacencies to the adjoining properties, where the MPCAA seeks to create openness and spacing between properties. 2
4. Most significantly it should be noted that the plot ratio is now approaching 25% and over 30% when including sunken patio and significant hard standing throughout. This is not in line with the important guidelines & recommendations as set out within the MPCAA which states a maximum of 15%. This aspect of the MPCAA has been discussed on several occasions in detail and strongly supported by TRDC Councillors at TRDC Planning Meetings and which should be always adhered to. It should be noted that the 2013 approved application had site coverage approaching 19%.
5. The increase in the height in certain respect of aspects of the application makes the proposed property more dominant and prominent and affects the street scene.
6. There are a series of Velux Windows which seem excessive and unnecessary for the proposed layout and size of the loft rooms are created when Dormer windows are also planned. Velux windows are also not recommended in MPCAA and should be a visual detail when looking at the property from the front.
7. In respect of the Dormer windows within the rear elevation, BCC is of the opinion that these are now over dominant, unacceptable and need to be significantly reduced in scale. The revisions should be aligned with the 2013 approval and there is a need to ensure that these windows do not have a negative effect on the privacy of the neighbours.
8. The fenestration on the front elevation is out of context with the street scene.
9. The application contains a flat roof, which again is not in line with the guidelines set out in the MPCAA and Conservation Area as a whole.
10. The angle of plot will, we believe, result in privacy issues for the neighbours.

11. We have concerns in respect of both significant increase in the size of the basement that needs to be carefully reviewed to ensure it does not affect the local & immediate water table resulting increased flooding in the immediate area which is susceptible to flooding and the height and glazing associated with the rear side extension.

12. At the time of submitting this letter the application does not provide any details for the proposed landscaping plans (front & rear) and / or a protection plan for the existing trees during construction. There are significant mature trees on site, and we would request that a detailed landscape and tree protection plan is submitted to TRDC for approval before any works commence.

13. We would appreciate feedback & comments are sought from the Conservation officer and that BCC (& others) are provided the right to comment further once the CO's comments and advice is received. 3 Accounting for all of our comments above Batchworth Community Council would ask that this application is called in for a decision by the TRDC Planning Committee unless the Planning Officers are minded to refuse.

Officer Note: Batchworth Community Council have been notified of the receipt of amended drawings in October 2023. Any comments received will be verbally reported to committee.

4.1.5 Landscape Officer: [Verbally consulted]

The Landscape Officer has not raised an objection to the proposal.

4.1.6 National Grid: [No objection, subject to informative]

Your planning application – No objection, informative note required

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

What you need to do

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

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

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

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

Your responsibilities and obligations

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

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

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter.

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 1 (Neutral)

4.2.3 Summary of responses:

- No objection to application subject to planning permission being granted and appropriate Party Wall Act and the projection of privacy and rights to light.

4.3 Site Notice: 24/05/2023 and expired 15/08/2023.

4.4 Press notice: 26/05/2023 and expires 23/06/2023.

4.5 Re-consultation due to amended plans, expiry: 13/09/2023

## **5 Reason for Delay**

5.1 Amended plans were sought.

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

### **6.1 Legislation**

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

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the Conservation Area.

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

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

### **6.2 Policy / Guidance**

6.2.1 National Planning Policy Framework and National Planning Practice Guidance.

- 6.2.2 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.3 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).
- 6.3 The Three Rivers Local Development Plan
- 6.3.1 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.
- 6.3.2 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.
- 6.3.3 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, DM8 and DM13 and Appendices 2 and 5.
- 6.4 Other
- 6.4.1 The Moor Park Conservation Area Appraisal (adopted 2006)
- 6.4.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 7 Planning Analysis**
- 7.1 Impact on the character and appearance of the host dwelling and wider Conservation Area
- 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. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment.
- 7.1.2 With specific regard to the proposed development, the Design Criteria at Appendix 2 of the DMP LDD sets out that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality two storey side extension may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m, With regard to dormer window, they should always be subordinate to the main roof. They would be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible. Multiple dormers should be proportionate in scale and number to the host roof. The Design Criteria further states that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing.

- 7.1.3 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.1.4 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.
- 7.1.5 Whilst the application dwelling is not a pre-1958 dwelling, it still includes a number of characterful features such as bay windows, a multi bricked exterior with timber detailing at first floor levels and chimneys. In view of its current appearance and character, the existing dwelling is considered to make a neutral contribution to the character and appearance of the Conservation Area.
- 7.1.6 The proposed front extension to the garage would project 0.9m in depth and would have a hipped roof form. However, it would not project beyond the existing two storey projection to the front of the dwelling and as a result with the dwelling being at a lower land level and set back by approximately 16m from Russell Road, it is not considered that this element of the proposal would appear unduly prominent within the streetscene or harm the character of the host dwelling. The extension would also be finished in matching materials and as such would not result in any adverse impact on the host dwelling.
- 7.1.7 One of the main fundamental changes proposed is the alteration of the roof over the two storey front projection from a hipped roof to a gabled roof. Due to the change in the roof form, this would become the main focal point of the house, especially when considering the level of elevated glazing proposed. Whilst more prominent than the existing projection and increasing the elevational emphasis of the house, when considering the relatively modern design of the existing house, it is not considered that this element would result in demonstrable harm to its character with the wider house maintaining the key characteristics as highlighted above. This new addition would add visual interest but the window detailing would ensure that it integrates with the existing character of the house, thus preserving its character. It is noted that this gabled front projection is also similar to that previously approved in 2013.
- 7.1.8 Appendix 2 of the DMP LDD outlines that increase in ridge heights will be assessed on their own individual merits but are unlikely to be supported in streetscene where there is uniformity in ridge heights or a linear step in height.
- 7.1.9 The application is accompanied by an existing and proposed illustrative streetscene plan demonstrating the differences in height between the host dwelling and the two neighbouring dwellings (No.7 and No. 11 (partially demolished) Russell Road). No. 9 Russell Road would result in a total height of 9.2m above ground level, this would be a consequence of an increase in ridge height of 0.5m. The proposed increase in ridge height would result in a dwelling that is approximately 1.5m lower than No. 11 Russell Road (when built) and approximately 0.6m higher than no. 7 Russell Road. Given the topography along Russell Road it is not considered that the minimal increase in ridge height to the application dwelling would result in any demonstrable harm to the visual amenities of Russell Road and the wider Conservation Area. Whilst the proposed increase in ridge height materially alters the appearance of the application dwelling, it is considered that the proposed ridge would follow the pattern and character of the streetscene that exists. As such when considered in the context of the existing form of the roof, and that the proposed would reflect the style and design of the existing it is not considered that this would result in any harm to the character of the host dwelling or wider streetscene. The Conservation Officer does not raise objection to this element of the proposal.



- 7.1.10 The proposal would include a crown roof to the main house. The Conservation Officer has raised concern regarding the proposed crown roof stating that they acknowledge a large crown roof was permitted under the 2013 application, however, there is a strong preference for a traditional duo pitched roof form to preserve the character and appearance of the conservation area. Whilst crown roofs are discouraged in favour of traditional hipped roofs, it is noted that the existing dwelling has a crown roof and other crown roofs are present within the vicinity of Russell Road. The proposal would reduce the size of the main crown roof and include a smaller crown roof to the side extension than the previously approved scheme included. As such, it is considered that this would be a betterment to the previously approved scheme as the crown roofs are reduced in size. As such, it is not considered that the resultant proposed crown roof forms would result in any further harm to the character of the host dwelling, streetscene or wider Conservation Area.
- 7.1.11 A first floor side extension is proposed to the flank facing No.7. The spacing to the boundary would comply with the guideline figure at 1.5m. Whilst larger than the existing first floor side addition, the new extension would still maintain a subordinate design approach, given it would be set back from the main front elevation and set down from the extended ridge. It is recognised that many properties in the immediate area are wide and significant in scale meaning that this extension would follow the character of the area and would not appear, for the reasons expressed above, unduly prominent within the streetscene or harmful to the character of the existing dwelling. The proposed first floor extension would include a crown roof form. Whilst it is noted that crown roofs are discouraged in favour of traditional hipped roofs as set out above, it is acknowledged that the existing dwelling has a crown roof and other crown roofs are present within the vicinity of Russell Road. As such, it is not considered that the crown roof would result in harm to the character of the host dwelling, streetscene of Russell Road or wider Conservation Area. The side extension would be rendered to the front and include mock Tudor boarding to the side and rear. No objections are raised to this design approach.
- 7.1.12 The proposed single storey rear extension at ground floor level extends the full width of the dwelling and would have an amended depth of 4.2m, which would slightly exceed the guidance figure of 4m for detached properties. It is noted that a single storey rear extension was previously approved in 2013. This was 3.2m in depth and had a flat roof with a hipped skirt around the edges. The current extension has a flat roof behind a parapet, with an overall height lower than the 2013 approval. The Conservation Officer raises concern regarding this element of the proposal stating that there remains a preference to amend the scale, form and appearance of the rear extension, as it does not respond well to the host dwelling. It is noted that paragraph 3.6 of the Moor Park Conservation Area Appraisal seeks to resist the construction of flat roofs within the estate as they do not reflect the traditional style and design of the fully pitched roofs. However, taking into consideration the previously permitted scheme, the proposed single storey extension at ground floor level would not result in any additional harm to the significance of the conservation area and would not appear disproportionate to the host dwelling.
- 7.1.13 The proposal includes an extension rearward of the existing basement with an amended depth of 4.2m. Whilst this would be visible to the rear, it is not considered that it would result in any harm given its amended scale and existing situation. The patio area would project 1.7m deeper than the rear elevation of the proposed lower extension and would have a width of 6.4m. Balustrades are proposed along the depth of the patio with a height of 1.8m. It is considered that the proposed patio given its extent would not result in any harm to the character of the host dwelling. Similarly, the proposed balustrades given their scale and siting would not result in any adverse harm.
- 7.1.14 The existing rear dormers would be extended and their roofs altered to flat roofs with an additional flat roofed rear dormer inserted into the rear roofslope. It is considered that the additional flat roofed dormer would be subordinate to the rear roofslope and the proposed alteration to the roofs of the existing dormers would not result in any harm. The additional dormer would be set down from the main ridge, set up from the eaves and set in from the

flanks of the roof and as such would comply with the guidance set out within Appendix 2. It is noted that the dormers are proportionate in scale and number to the host roof.

- 7.1.15 The proposed rear fenestration alterations would not be readily visible. Whilst extensive glazing is proposed, when read against the relatively modern design of the house and given their siting at the rear they are considered preserve the character of the host dwelling and as such would not result in any harm to the wider streetscene of Russell Road or the wider Conservation Area.
- 7.1.16 The extensions would be finished in render, brick, mock Tudor detailing and timber and clay roof tiles to match the existing house. To ensure acceptable integration with the existing house, a condition securing the submission of materials samples is attached to the recommendation.
- 7.1.17 It is important to ascertain where the proposal comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006) Key aspects of the Moor Park guidance in relation to this application are percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
  - Buildings should not cover more than 15% of the plot area
  - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.18 The proposed development would amount to a maximum front building line of 80% which would adhere to the guidance. The proposed single storey side extensions would be set in 1.6m from the adjacent flank boundary which would comply with the guidance.
- 7.1.19 The Moor Park Conservation Area Appraisal noted that “Buildings, including all outbuildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which overhang the ground floor or any built areas at basement level where these extend beyond the ground floor.”
- 7.1.20 From the submitted plans the existing plot coverage of the existing house is 15% and this increases to **20%** when taking into account the existing basement and raised decking above. When including the existing outbuildings, the total plot coverage of the house as existing (including basement and most elevated raised timber decking area above the basement) equates to **21%** (see **Appendix 1**).
- 7.1.21 Following the amendments to the proposal with a reduced depth rearwards of the single storey rear extension, the plot coverage based on the extended dwelling including basement and ground floor patio area and the remaining outbuilding equates to **26%** (see **Appendix 2**).
- 7.1.22 For the purposes of the above plot coverage, the sunken garden area (shaded green on **Appendix 2**) has not been included. Having regard to the appraisal, it is not considered that this area should be included as it does not form a basement or internal floorspace but would instead form part of the usable garden area.
- 7.1.23 The concerns of Moor Park (1958) Ltd in respect of plot coverage is noted. However, in considering the application, the site circumstances are required to be considered alongside policies and constraints, rather than arbitrarily applying policy.
- 7.1.24 The increased plot coverage is predominantly as a result of the proposed rear extensions which include the basement and ground floor patio area. The rear projections extend a further 1m in depth than the approved scheme which predominately explains the increase in plot coverage of approximately 5%. It is accepted that the baseline guidance figure is

15% and the existing plot coverage already exceeds this. Whilst recognising that this amended scheme further increases the built form coverage, it is necessary to consider whether this increase harms the 'spacious open character of the estate.' When considering that the existing site circumstances and limited visibility of the extensions from the streetscene or from neighbouring properties and the fact built form is not projecting any further into the plot given the existing raised decking elements, it is argued that the rear extensions including basement and ground floor patio would not result in any demonstrable harm to the spacious character of the site and area when compared to the existing site circumstances. This application also enables the Council to further control future development, accepting that further outbuildings at the property could erode the spacious open character. It is therefore considered appropriate to include a condition on the recommendation removing permitted development rights for outbuildings and hardstanding (Classes E and F of Part 1, Schedule 2 to the GPDO) to ensure that the impact of any such development can be assessed.

7.1.25 In summary, it is considered that the amended extensions would ensure that the dwelling would still have a neutral contribution to the conservation area and would preserve the open spacious character of the area. The resultant changes would therefore preserve the existing character of the dwelling, which is a modern dwelling, not a pre-1958 house. As such, the development would therefore be accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3, Appendix 2 of the Development Management Policies document and the Moor Park Conservation Area Appraisal (2006).

## 7.2 Impact on 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 also set out that extensions 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 rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property although this principle is dependent on the spacing and relative positions of dwellings.

7.2.2 The proposed alteration to the roof of the two storey front projection from a hipped roof to a gable would be set at least 9m from the site boundaries and would not result in any increase in the height of this feature or any adverse impact on the amenities of neighbours.

7.2.3 The single storey front extension would result in additional depth of 0.9m to the front of the existing garage. The extension would be in line with the existing flank of the dwelling and would be set in 1.8m from the flank boundary with 7 Russell Road. The extension would be single storey and the roof would be hipped away from the flank boundary and would have a maximum height of 3.7m and an eaves height of 2.6m and as a result of the separation from the neighbour would not appear overbearing or lead to any unacceptable loss of light.

7.2.4 The proposed first floor side extension would be set in 1.6m from the flank boundary with 7 Russell Road. While this dwelling does have three first floor flank windows facing the application site, two serve en-suite bathrooms and the third is a secondary window serving a bedroom. All are obscure glazed. In addition, the roof over the extension would be hipped away from the flank site boundary and would be set down from the main roof. As a consequence, it is not considered that the extension would appear overbearing or result in significant loss of light to 7 Russell Road.

7.2.5 The proposed single storey rear extension at ground floor level would have a depth of 4.2m which would exceed the guidance with the Design Guidelines of the Development Management Policies document. The extensions to the rear would be set in at least 1.6m from the boundary with 11 Russell Road with a set in of at least 2.2m for the deepest part

of the extension. This neighbour is also set off the flank site boundary. The rear extensions would be set in 1.8m from the boundary with 7 Russell Road and this neighbour is set at a higher land level. Given its reduced depth, flat roof form, separation from the boundaries and relationship with neighbouring buildings it is not considered that the rear extension would be overbearing or result in loss of light to any neighbours. The proposed lower ground floor would be extended rearwards by 4m with a sunken patio. At this reduced depth, it would not result in any adverse impact on neighbours. The depth of the rear patio at ground floor level could result in increased levels of overlooking into the surrounding neighbouring properties in comparison to the existing if the neighbouring hedging was to disappear. As such, amended plans were sought during the course of the application for screening to be erected along the depth of the proposed patio adjacent to both neighbours at No. 7 and No. 11 at a maximum height of 1.8m. It is considered that the proposed screening at this height and depth would not result in any harm to terms of overbearing impact to the adjoining neighbours. This matter is secured by condition.

- 7.2.6 The alterations proposed to the rear dormers would result in increase to their height and width. The proposal would also result in an additional dormer. However, the rear dormers would remain subordinate to the main roof and would be set in from either end of the roof. Therefore they would not appear overbearing or result in loss of light to any neighbours. The additional rear dormer proposed would be set in from either end of the roof and therefore would not appear overbearing or result in a loss of light any neighbours.
- 7.2.7 It is noted that the proposal would result in a maximum ridge height which would be 0.5m taller than the neighbouring dwelling No. 7 and 1.8m less high than the pre-existing neighbouring dwelling at No. 11. It is not considered that the proposed increase in ridge height in isolation would result in any harm to any neighbouring properties.
- 7.2.8 The dwelling is set back at least 16m from Russell Road and is at a lower land level to the highway. Additional separation is provided to neighbours opposite the site by the highway and as a consequence, the glazing proposed in the front elevation of the dwelling would not result in unacceptable overlooking.
- 7.2.9 No additional first floor glazing is proposed in the flank elevation of the dwelling facing 11 Russell Road and as a result of the boundary treatment the ground floor glazing would not result in unacceptable overlooking.
- 7.2.10 In the flank elevations of the dwelling facing 7 Russell Road there would be two additional windows at ground floor level which would not result in loss of privacy to 7 Russell Road as a result of the boundary treatment to the side. Two first floor flank windows are also proposed. These would serve en-suite bathroom and dressing room and subject to a condition on any consent requiring that they are obscure glazed and top level opening only would not cause unacceptable overlooking.
- 7.2.11 Extensive glazing is proposed in the rear elevation of the dwelling at ground floor level and there would be additional glazing at first floor level in the side extension and a slight increase in the extent of glazing in the rear dormers and new rear dormer. However, there would be a distance of at least 80m to the rear of dwellings on Bedford Road to the rear of the site and there would be no opportunities for overlooking of neighbouring habitable windows. While there would be some views of neighbouring gardens as a result of the first floor and dormer level glazing, it is not considered that this would be significantly more than exists currently and therefore there would be no loss of privacy to any neighbours as a result of this glazing.
- 7.2.12 In summary, the proposed development would not result in any significant adverse impact on any neighbouring dwelling and would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

### 7.3 Highways and parking provision

- 7.3.1 Core Strategy Policy CP10 requires development 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 and advise that a four or more bedroom dwelling should provide three off street parking spaces.
- 7.3.2 The existing garage would be extended and would provide parking for two vehicles. In addition, the hardstanding to the front of the dwelling would be retained and is of sufficient size to accommodate in excess of three cars. There would therefore be sufficient parking in accordance with standards.

### 7.4 Wildlife considerations

- 7.4.1.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.4.1.2 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.
- 7.4.1.3 As the proposal development would affect the roof of the dwelling, an informative will be included on any permission advising a precautionary approach to works is undertaken.

### 7.5 Flood Risk

- 7.5.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.5.2 The Moor Park Conservation Area Appraisal (2006) sets out that applications including a basement should be submitted with a flood risk assessment which details the effect of the proposal on any exiting underground water courses.
- 7.5.3 This application proposes an extension to the existing lower ground floor level, no flood risk details have been submitted with this application. There is an existing basement. The application site is located within Flood Zone 1 which is at low risk of flooding from rivers and is at a low risk of surface water flooding. The proposal includes an extension to an existing lower ground floor and such it is not considered that the proposal would have an unacceptable risk of flooding or exacerbate the risk of flooding elsewhere. Nevertheless, an informative is added to secure any risk of flooding and also to ensure that any material arising from the basement is taken off the site.

### 7.6 Rear amenity

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

Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a seven bedroom dwelling should provide 168sqm amenity space.

7.6.2 The application site would retain a rear garden of at least 1,000sqm. Ample amenity space would remain following implementation of the proposed development for current and future occupiers.

## 7.7 Trees and Landscape

7.7.1 All trees within and on the boundaries of the application site are protected as a result of the Conservation Area designation. Policy DM6 of the Development Management Policies sets out that development proposals should seek to retain trees and other landscape and nature conservation features. Proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.7.2 The application site is located within a Conservation Area where all the trees are protected. The applicant has not submitted any Arboricultural information or tree protection as part of this application. However, during the application the applicant's agent has confirmed that no trees are proposed to be removed. There is a tree to the highway verge and several to the common boundaries of the site within the rear amenity space that could be affected by the proposal and would need to be safeguarded.

7.7.3 It is considered that a tree protection method statement is required as a dischargeable condition to demonstrate how the works will be carried out and how the existing trees on site will be protected.

7.7.4 Subject to this condition, there would be no adverse impact on the protected trees within the site.

## 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: 5182/PL001/Rev I, 5182/PL002/REV N, 5182/PL003/REV J, 5182/PL/005 REV E and 5182/PL/LP REV B.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground

service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first use of the ground floor level patio hereby permitted, timber close-boarded screening (or a similar solid screen) to a height of 1.8 metres shall be installed along the depth of the patio as shown on approved plans 5182/PL001 Rev I and 5182/PL003 Rev J. Once erected, the screening shall be permanently maintained as such thereafter in terms of its siting, height and design.

Reason: To safeguard the amenities of the occupiers of No. 7 and No. 11 Russell 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).

- C5 Before any building operations above ground level hereby permitted are commenced, a schedule of samples and details of the proposed external materials (inclusive but not limited to the Mock Tudor detailing, roof tiles, windows and doors, bricks and render) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

- C6 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class E - provision of any building or enclosure

Class F - any hard surface

No development of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal.

## 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:

- (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.

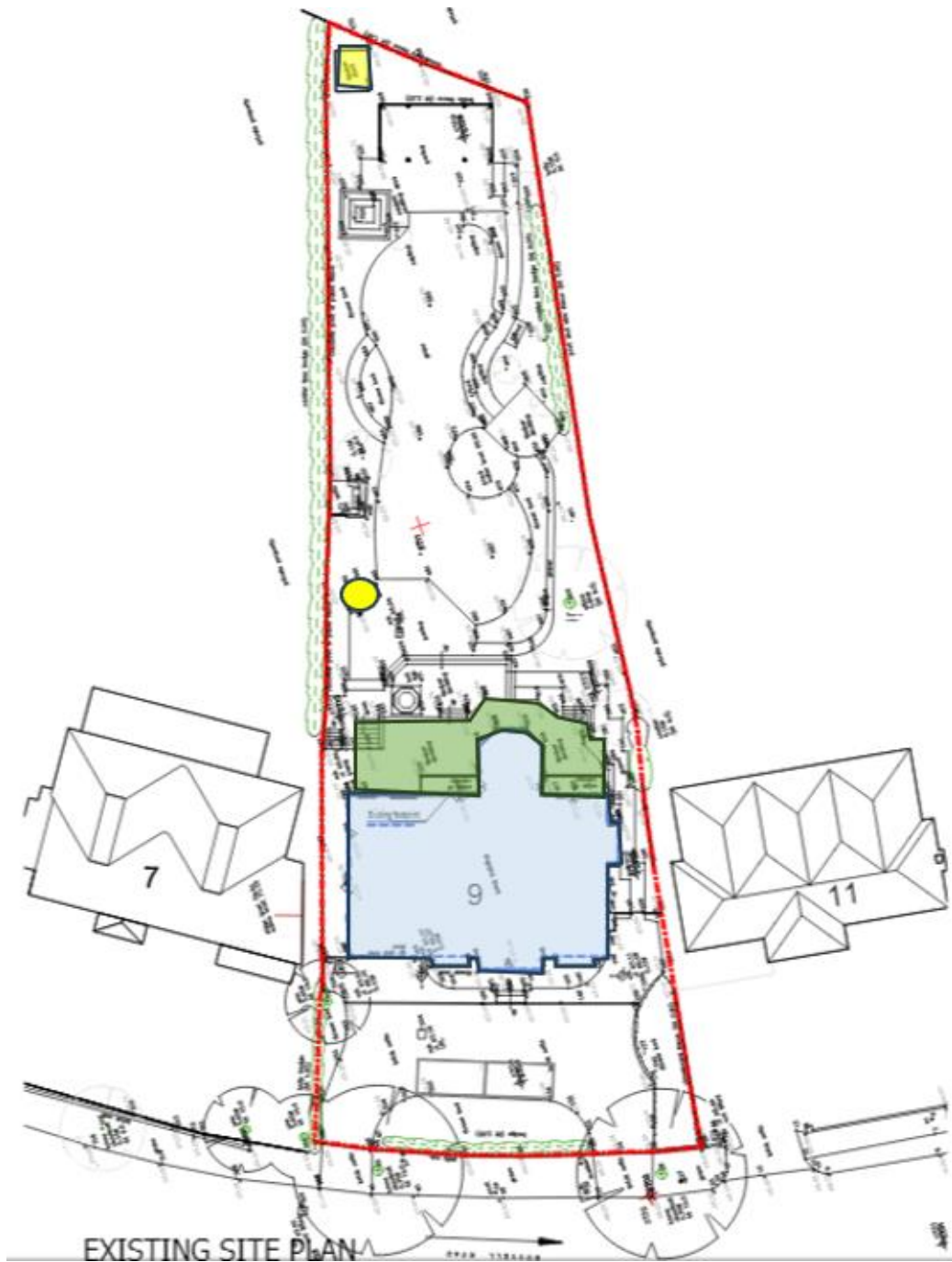
Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate 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>

- 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 Applicants are advised that paragraph 3.8 of the approved Moor Park Conservation Area Appraisal (2006) specifically seeks to protect underground water courses that may be impacted as a result of the construction (or extension) of basements within the Conservation Area. Consequently the applicant is requested to have careful regard to this matter and especially, in the carrying out of the development, to ensure that:-
  - (i) no surface water flooding will occur as a result of the basement construction and
  - (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.

- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.  
If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:  
The UK Bat Helpline: 0845 1300 228  
Natural England: 0300 060 3900  
Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)  
or an appropriately qualified and experienced ecologist.
- (As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).
- 16 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 17 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.

## Appendix 1

### Existing Site Plan



Site area: 1560sqm

Existing house (shaded blue): 237sqm = 15.2% plot coverage

Existing Outbuildings (shaded yellow): 11sqm = 0.7% plot coverage

Existing house and outbuildings (shaded blue and yellow): 248sqm = 16% plot coverage

Existing basement and raised decking area (shaded green): 82sqm = 5% plot coverage

Existing house with basement and raised decking area (shaded blue and green) and outbuildings (shaded yellow): 237sqm + 82sqm + 11sqm = 330sqm = **21% plot coverage**

## Appendix 2

### Proposed Site Plan:



Site area: 1560sqm

Extended house including basement and ground floor patio (shaded blue): 403sqm = 26% plot coverage

Resultant Outbuildings (shaded yellow): 7sqm = 0.45% plot coverage

Extended house with basement/ground floor patio (shaded blue) and outbuildings (shaded yellow):  
403 + 7sqm = 410sqm = **26% plot coverage**

**Area shaded green has not been included as it projects beyond the basement and will form part of the garden/landscape works.**







Images above from Google

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**23/0699/AOD – Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT) at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 1 August 2023  
(Extension agreed to 27 October 2023)

Case Officer: Adam Ralton

Recommendation: That the reserved matters be approved, subject to conditions

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

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|---|
| To view all documents forming part of this application please go to the following website:<br><a href="https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RTYSU8QFFJ100">https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RTYSU8QFFJ100</a> |
|---|

## **1 Relevant Planning History**

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). Approved January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). Approved May 2020.
- 1.3 23/0701/FUL: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), Condition 7 (Bus stop and Crossing works) and 14 (Surface Water Drainage scheme) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved and to allow for details of the surface water drainage scheme to be considered. Under consideration.

## **2 Description of Application Site**

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of open land. The site currently contains two field shelters but is otherwise vacant. The site is approximately 145 metres wide, and has a maximum depth of 160 metres. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.
- 2.2 The site is currently accessed from a gate at the south-eastern end of Foxgrove Path. There is a public footpath which runs through the site from the south-western corner toward the centre of the eastern boundary. A public footpath also runs adjacent to but outside the southern boundary of the site, and a third runs adjacent to the north and western boundaries.

- 2.3 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.4 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.5 The site forms part of allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

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

- 3.1 This application seeks approval for the reserved matters of appearance, landscaping, layout and scale pursuant to condition 1 of outline planning permission 19/2419/OUT. The reserved matters relate to the development of the site to provide 53 houses with associated car parking spaces, landscaping and infrastructure including drainage.
- 3.2 The existing structures on the site are proposed to be removed. An access road would be constructed from the eastern end of Foxgrove Path, and this would curve down toward the south in a J-shape, with one end of the cul-de-sac being toward the north-western part of the site. A second spur would be constructed oriented toward the south-east. The houses would front the road.
- 3.3 The proposed development would comprise pairs of semi-detached buildings and terraces of three dwellings, with 1.2m wide gaps between buildings. Two of the pairs of semi-detached buildings would be split into flats (each pair containing four flats) with the remaining split into individual houses.
- 3.4 The buildings would be of a contemporary appearance, all with pitched roofs with the ridge running across the width of the building. A number of the buildings would have front gable projections. The houses would either be finished in red brick or buff brick, with either grey or red interlocking concrete roof tiles. Each house would have its own private amenity space to the rear, and car parking is provided fronting the street. Buildings containing flats/maisonettes have communal amenity space.
- 3.5 There are 6 different house types proposed as part of the application:
- 3.5.1 Type 1 (the most frequently occurring type on site) comprises either semi-detached (variant 1) and terrace of three (variant 2) houses. The semi-detached building would measure 10m in width, 9.7m depth and have a pitched roof 8m high. The terraced building would measure 14.8m wide, 10m deep and 8m high. The terraces facing the parking courts would have front gable features whereas those fronting the main spine road would not. The buildings would contain solar panels on south facing roofslopes.
- 3.5.2 Type 2 comprises a pair of semi-detached houses. Variant 1 has front gable features and Variant 2 does not. The building would measure 11.9m width, 9.6m depth and approximately 8.3m high.
- 3.5.3 Type 3 comprises a pair of semi-detached houses measuring 12.6m in width, 10.6m in depth and 8.4m high. It would have a central front gable projection.
- 3.5.4 Type 4 is a two storey building with the appearance of a pair of semi-detached houses, but each building contains four maisonettes. The building measures approximately 13.9 metres in width, 10.4 metres depth and has a height of 8.7 metres.

- 3.6 Tree planting is proposed between the car parking spaces and within soft landscaped areas throughout the site. A landscaped buffer zone is proposed alongside the eastern boundary of the site adjacent to the Local Nature Reserve, this would be enclosed by fencing and absent of any built form.
- 3.7 An attenuation pond is proposed to the northern part of the site, west of the access road, and a play area would be positioned to the south of this pond. The play area would be enclosed by 1.2m high metal railings.
- 3.8 During the course of the application, amended plans were received, making changes to the following elements:
- Alterations to the appearance of all buildings, changing the general roof forms from gable fronted houses with ridges running from front to rear, to houses with pitched roofs and gables to the sides. Some front gables still remain.
  - Alterations to the communal amenity spaces to the north (Plots 44-47) and south (Plots 15-18).
  - Repositioning of the building containing plots 44-47 generally to the north-east.
  - Provision of additional soft landscaping to the north-western boundary of Plots 44-47 and further clarification of boundary fencing provided.
  - Additional width provided to one parking space at the site entrance to ensure it is wide enough to meet disabled parking bay requirements.
  - Provision of additional accessible parking bays throughout the site.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Watford Rural Parish Council: [Observations received]**

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We are aware that outlining permissions have been granted, and we support the removal of private housing from this application, but would like to make some observations and suggestions on this application:

#### Parking

Firstly, we believe that the existing residents within Foxgrove Path are not being catered to with regards to parking. With spaces being located so far away from the existing properties, the elderly and infirm will be affected, as well as parents with young children. Because of this, the pavement located outside 1-7 Foxgrove will be tempting for cars to be parked on, thus blocking the pavement. Would WHCT consider changing the proposed layout so that both sides of Fox grove Path have parking. This could be achieved by lessening both sides of the parking bays by half and then utilising half on/half off markings. This would create an additional six spaces alongside the ones that are already proposed within the development for those more able. See below for a rough design that visualises the proposition.



In addition, there is no enforcement plan included for the spaces within the development, should the need arise. What is being put in place to ensure these parking spaces remain free for Foxgrove Path residents?

### Social Housing

As mentioned, we welcome the lack of private housing within the scheme. However, we would ask that TRDC insist on some Social Housing. This area is known to have the highest need in the district. Indeed, even 48 of the Social Housing allocations in the new redevelopment will return to Affordable rent in the near future, lowering our Social Housing needs even further.

Recent recommendations (draft Local Housing Needs Assessment (LHNA) item 2.17) made to committee by TRDC officers in September 2019 outlining a need for 80% of affordable housing as Social Rent.

In the TRDC, Housing, Homelessness & Rough Sleeping Policy 2107-2022 it states:

- “Residents in the most deprived areas of the district are more likely to be renting, in particular in the social rented sector. In some LSOAs (Northwick) this is as high as 62.3% of all tenures being social rented, with only 24.2% of tenures being property ownership.”
- “A majority of the most deprived Three Rivers district LSOAs are within the ward of South Oxhey.”
- “Typically speaking, residents in South Oxhey are likely to have fewer education and employment opportunities, experience greater barriers to accessing services and have lower household incomes than other parts of the district. “
- “With private rented sector (PRS) market rents significantly higher than Local Housing Allowance (LHA) and PRS landlord and estate agents increasingly reluctant to let properties to benefit dependant or low income households, residents in South Oxhey are more likely to require housing advice and assistance if threatened with homelessness from their current property.”

We ask that TRDC follows its own conclusions to help those most in need in the district by allocating some Social Housing please.

### Design

We would ask that the design of the maisonettes (44-47) near the rear of 71 Heysham Drive be looked into again please. We note the comments from the resident and, having looked at the plans in more detail, we would agree, that this particular structure is going to be a significant factor in loss of established light, privacy, noise etc with it being so close to their boundary.

We would like to ask that you reconsider placing the tallest structure, on one of the highest points of the land: Not only will it be 2metres higher, but the building also itself is 3m higher than the others. We would ask them to be relocated to the LNR boundary, perhaps where plots 13,14 or 19-21 are? It wouldn't interfere with any existing resident then.

If that is not possible, could the actual plot be rotated somehow to move the building further way. For example, turned, 90 degrees so the northernmost point. In addition, this could possibly enable more windows on the longest side of the structures, which must be beneficial to those living there.

See below for a rough design (though to size) outlining the first proposition:



Although you could also rotate 180 degrees and that would still benefit the resident.



#### Other

- We would ask that a "wheel wash" condition for all vehicles be placed on the development.
- We would ask that a Equality Impact assessment is undertaken on all plans, to ensure that no issues under the Equalities Act 2010 arise.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decisions.

4.1.1.1 Watford Rural Parish Council (Second response, September 2023): [Observations received]

At our Full Council meeting on 6th September 2023. Council asked me to resubmit all the points below. We especially would like the developer to reevaluate the blocks nearest to 71 Heysham Drive and to consider the rotation examples given below. In their "Consultation response letter" it has not been considered and we would respectfully ask that TRDC explore this with them for a definite answer and reasons why.

In addition, Cllrs would like to insist that disabled parking signage be installed at the relevant allocations as we are aware of disabled residents in Fox grove path. We respectfully ask TRDC to see if they can get the developer to reconsider the parking proposal below to allow more spaces for existing residents. One of which could be allocated disabled.

4.1.2 Affinity Water: [No comment]

Affinity Water has no comments to make on application 23/0699/AOD.

4.1.3 British Pipeline Agency Ltd: [No comment]

Having reviewed the information provided, the BPA pipeline(s) is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

4.1.4 Hertfordshire Constabulary – Designing out Crime: [Comments received]

I can not find any reference to crime prevention or security in any of the documents provided for this application. As this site will be 100% affordable housing built on behalf of Watford Community Housing, I would ask that this development is built to the police minimum security standard Secured by Design.

The overall layout provides good passive surveillance across the site and play area to the front ; however, I have concerns regarding some of the walkways and alleyways in between and to the rear of the properties:

- End of plot 1 and in between plots 2&3
- In between 4&5,
- In between 8,9&10 ( with an alleyway at the back)
- In between 23&22 and 27&26 ( with an alleyway across them all )
- In between 30&29, 48&49, and 51&52

Will these be gated at the front in line with the front of the properties, we spend a lot of time and money retro fitting gates and closing alleyways at the rear of properties in older developments to prevent crime. Research has shown that terrace housing with open footpaths to the rear have 85% more entries/break ins.

- Will the Gable Wall at plot 53 have a window? if it is a plain gable wall it will be open to have a ball kicked against it.
- What fencing will be used for the boundary to the play area as it is so close to the road and attenuation pond?

4.1.5 Hertfordshire County Council – Rights of Way

No response received at the time of drafting report. Any comments received will be reported to committee.

#### 4.1.6 Hertfordshire County Council – Highway Authority: [No 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 does not wish to restrict the grant of permission.

##### Comments

Plans have been submitted in relation to condition 1 of planning permission 19/2419/OUT. The site is accessed via Heysham Drive and then Foxgrove Path, both of which are designated as unclassified local access roads and are highway maintainable at public expense. The principle of the main access point and nature of the access into the site was approved as part of the original outline planning permission including approval of the necessary off-site highway works. As far as i am aware, the previously approved highway layout on Foxgrove Path is shown on drawing number 41394-Lea05 and includes removing the northern on-street parking layby and verges to facilitate widening of the carriageway, which in turn provides a two-way carriageway access into the development site. The necessary off-site highway would ultimately need to be secured via a Section 278 Agreement with the highway authority.

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

- Removal of the existing northern parking bay and verge on Foxgrove Path;
- Revised junction layout of Foxgrove Path and Heysham Drive including pedestrian dropped kerbs and tactile paving (linked to condition 5 of the planning decision for 19/2419/OUT);
- Pedestrian dropped kerbs and tactile paving along Heysham Drive at the junctions of Ashford Green, Letchworth Close and Bramley Gardens (linked to condition 9 of the planning decision for 19/2419/OUT);
- Bus stop works and improvements as laid out in condition 7 of the planning decision for 19/2419/OUT).

A hard landscaping plan (drawing no. PR124170-12.01) has been submitted as part of the current application, which includes some details of the proposed bitmac surface and kerbs on the existing highway land on Foxgrove Path. Whilst there are no specific objections to what is shown at this stage from a planning perspective, the full technical details including materials, would ultimately need to be approved as part of the formal 278 process.

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

##### Internal Site Layout

Part of the details submitted relate to the detailed site layout as shown on submitted plan number 003-(PL)-8802 A.

The general layout of the site and 5.5m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings and would enable two vehicles to safely pass one another. Visibility splay details have been submitted for the internal junctions within the site. The visibility splays of 2.4m by 25m are shown on drawing number 035-(PL)-8802 and considered to be acceptable for a 20mph designed road layout and accordance with Manual for Streets.

Swept path analysis plans (drawing numbers 035-(PL)-8802) have been submitted as part of the application to illustrate that a car would be able to use the on-site car parking spaces and a refuse vehicle would be able to use the proposed access arrangements, turn around on site and egress to the highway in forward gear. Any access and turning areas and visibility splay areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and such access routes. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management. The dimensions and layout of the car parking areas are considered to be acceptable and in accordance with Manual for Streets. It is understood that the overall level of on-site car parking was agreed as part of the outline permission

The proposals include 2m wide pedestrian footways on either side of the main road through the site, part of the route of which follows the route of public footpath Watford Rural 010, which already runs through the site. The general layout and provisions for pedestrians is considered to be acceptable and sufficient and in accordance with Roads in Hertfordshire: Highway Design Guide and MfS. It would however be necessary for pedestrian dropped kerbs and tactile paving to be provided at any pedestrian crossing points within the site, most notably where the public footpath crosses the main carriageway. This is to ensure a suitable level of accessibility for all pedestrians to and from the site and through the site using the public footpath.

Following consideration of the route of the public footpath through the site, details of the proposals have been passed to Hertfordshire Rights of Way service for attention and for any comments which they may have.

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However the works would need to be built to a to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire and Manual for Streets. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 5.5m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development, details of the proposals have been passed to Hertfordshire Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses.

#### Construction Management Plan

A Construction Management Plan and Construction Phasing Plan has been submitted as part of the current reserved matters applications. Presumably this would also need to be submitted via a separate discharge of condition application (condition 6 of the planning decision for 19/2419/OUT). There would not be any significant issues identified as part of the current submission. Nevertheless the referred to temporary signing on the highway would need approval via:



[https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/signs-on-the-highway.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_2](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/signs-on-the-highway.aspx#DynamicJumpMenuManager_1_Anchor_2)

Furthermore a Temporary Traffic Regulation Order (TTRO) would be required to close the public footpath Watford Rural 010 and divert users for the period necessary to allow works to proceed. Further information in respect of this is available at:

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

Of note: HCC is the highway authority not TRDC therefore this should be updated.

#### Conclusion

HCC as Highway Authority considers that the internal layout of the site would be acceptable from highways and transport perspective, subject to the recommendations in relation to the provision of pedestrian dropped kerbs and tactile paving and also subject to any comments Hertfordshire Rights of Way. Although previously approved as part of the original outline application, for confirmation, the applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the granting of planning permission for this reserved matters application, subject to the inclusion of the above informatives. Furthermore presumably the construction management plan would need to be approved as part of a separate discharge of condition application.

#### 4.1.7 Hertfordshire County Council – Fire and Rescue Service: [No objection]

This matter was referred to HFRS by HCC Highways, having assessed the proposal HFRS have no further comment to add at this time.

(Officer Note: The outline planning application included a response in respect of fire hydrants and includes a condition securing these if necessary).

#### 4.1.8 Hertfordshire County Council – Lead Local Flood Authority: [No comments]

(Officer Note: whilst drainage details have been submitted as part of the current application and responses received from the Lead Local Flood Authority, the drainage matters were considered at the outline application stage and are subject to conditions attached to the outline planning permission. The applicant has written to withdraw those elements from consideration as part of the current application)

#### 4.1.9 Hertfordshire County Council – Minerals and Waste team: [No objection]

With regards to minerals, the proposed development site is located within the Sand and Gravel Belt (as identified in the adopted 2007 Minerals Local Plan Review County of opportunity 2002 – 2016) however no BGS superficial sand and gravel deposits are identified within or adjacent to it. The County Council therefore raises no concerns regarding potential mineral sterilisation, and we therefore have no further comments in relation to minerals.

It is noted that Condition 12 of the outline planning permission (19/24/19/OUT) relates to the submission and approval of a Site Waste Management Plan prior to the commencement of development. The applicant is reminded that any authorised development must be carried out in accordance with the details approved under condition 12.

#### 4.1.10 Herts Ecology (Initial Response, 16 June 2023): [Object]

Summary

- The underpinning ecological survey and assessment is broadly acceptable for a site of this type
- Proposed avoidance and mitigation/landscaping measures are broadly acceptable though need to be modified and secured
- Inadequate information has been provided in the biodiversity metric to support the delivery of a biodiversity net gain; further information is required
- At present, I cannot recommend that Condition 1 has been satisfied.

#### Full response

Thank you for your letter of 9 May 2023 which refers, and for consulting Herts Ecology. The Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site though the Prestwick Road Meadows Local Wildlife Site (LWS) and Local Nature Reserve (LNR) lies adjacent.

This opinion is largely supported by the accompanying Habitats and Protected Species Report (HPSR), Biodiversity Metric 4.0 and Landscape Ecological Management Plan (LEMP) (all by Paul Hicking Associates and all dated April 2023) which accompany this application. Whilst broadly acceptable shortcomings are apparent and are addressed below.

Putting these concerns to one side for the moment, the reports identified that the proposed development site only supported a restricted range of features of relatively modest ecological importance although the presence of adjacent LWS/LNR and the potential use of the site and boundary trees by badgers and bats respectively are worthy of note and at risk of harm and benefit from protection in policy and law. I have no reason to disagree with these findings though it is disappointing no overt reference was made to the risk of public pressure on the LWS/LNR.

Overall, although no overt statement is made, it is taken that the HPSR conclude the proposed development would not have an adverse impact on biodiversity and would deliver a biodiversity net gain. In principle, I have no reason to disagree that this outcome is achievable for a development of this type and scale.

However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and enhancement measures described in Section 6 of the HPSR and the LEMP, and the delivery of a biodiversity net gain (see Biodiversity metric report). Measures to secure the 5m separation from the LWS/LNR and develop a sensitive lighting strategy amongst others are welcomed.

Again, whilst broadly acceptable, issues remain as follows:

- Beech and Norway maple should be removed from the planting schedule in the LEMP
- Reference is made in the HPSR to the need for a sensitive lighting strategy yet I could find no evidence of this
- Further, although adequate as a LEMP for general purposes, I doubt this will provide the detail required to provide the necessary assurances that a net gain can be delivered and secured
- In addition, I can find no evidence or guarantee that the avoidance/mitigation/enhancement measures will be implemented and so all measures described in s6 of the HPSR and LEMP must be secured in any consent.
- Importantly, the evidence supplied to justify the net gain is inadequate; the full spreadsheet and supporting information (eg condition descriptions) must be provided to allow the necessary scrutiny
- Although not essential to make this application acceptable, it is disappointing that no measures to address public pressure on/within the LWS/LNR

Until such amendments are made to the application, I am unable to recommend that Condition 1 has been satisfied.

4.1.10.1 Herts Ecology (Second response, September 2023): [No objections]

You have consulted us regarding Condition 1 of this application and drawn attention to the provision of a new version of the biodiversity metric and LEMP that accompany this application.

The documents provided demonstrate how biodiversity will be incorporated as part of the development scheme in order to enhance and maintain biodiversity at the site, including how the boundary and buffer habitats will be managed to maintain long term biodiversity objectives, and who will have the management responsibilities.

I therefore advise that the ecological aspects of Condition 1 have been satisfied and the application can be determined accordingly.

4.1.11 London Borough of Harrow [No objection]

No objection

4.1.12 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting. In their response in respect of the outline planning application, National Grid identified apparatus in the vicinity of the site, which is set beyond the south boundary of the site.

4.1.13 Thames Water: [No objection]

Having reviewed the details, we have no comments to make at this time.

4.1.14 Three Rivers District Council - Environmental Health Officer: [No comment]

I have no comments to make with regards to land contamination.

[Officer Note: Conditions were attached to the outline planning application in respect of land contamination investigations – Conditions 13, 18, 20)

4.1.15 Three Rivers District Council – Environmental Protection: [Comment received]

No concerns raised with refuse collection arrangements.

4.1.16 Three Rivers District Council – Housing: [Support]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in

temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

The variation proposed to the affordable housing provision, an increase of a 45% provision to a 100% provision, has not decreased the number of rented properties to be provided (17) and has provided a significant increase on the overall amount affordable housing to be provided by the development. On the basis that the development will provide 100% affordable housing, I confirm that I generally support this application, however if a higher provision of rented properties can be provided, this would be encouraged.

4.1.17 Three Rivers District Council – Tree and Landscape Officer: [Support]

Recommend: Approval.

The submitted plans contain sufficient detail on the hard and soft landscaping that will be undertaken following development. A compliance condition requiring their implementation prior to occupation of the dwellings should be applied.

4.1.18 Three Rivers District Council – Leisure: [Comments received]

- Current plans do not cater for the locality or user groups.
- Equipment not suitable or what is required.

## 4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Posted 17 May 2023, expired 8 June 2023.

4.2.2 Press notice: Published 19 May 2023, expired 10 June 2023.

4.2.3 Number of neighbours consulted: 278. Initial consultation letters sent 9 May 2023, and neighbours all reconsulted on 18 August 2023 following receipt of amended plans.

4.2.4 No of responses received: 16 comments received, comprising 15 letters of objection and one representation.

4.2.5 The objections can be summarised as follows:

- Object to position of plots 44-48 due to proximity and elevation to boundary of neighbouring house. All other houses separated by 1.5m wide fenced footpath.
- Full length of 44-47 will run along rear of garden, causing adverse visual impact and impact from smells and noise. Dwelling will loom over garden.
- Privacy will be jeopardised.
- Location of Plot 40 does not afford residents of 3 and 4 Ashford Green sufficient privacy.
- Removal of parking along Foxgrove Path is unacceptable. Residents have blue badges and children, and spaces will be 50m away from house. Currently 10 cars park on this side. Removal of parking will devalue houses.
- All residents who could have a driveway should have their curbs dropped.
- Despite a petition of over 1000 residents when plans were first proposed, Green Belt status has been removed and outline application pushed through.
- There are currently 23 vehicles in Foxgrove Path, 12 belong to residents on the north side, so six new spaces is unreasonable.
- No reference is made to replacing street lighting.
- There is no response from Affinity Water.
- Unclear where workers will park.
- The land links to nature reserve, which has never had pesticides or chemicals.
- Area is liable to flooding.
- Construction works will place a demand on Heysham Drive.

- Object to any development here.
- Land is full of wildlife.
- There are far more suitable sites for new housing in South Oxhey.

4.2.6 The representation can be summarised as follows:

- The provision of a mix of standard and swift boxes should be changed to solely swift boxes.
- The location of all bird boxes needs to be reviewed, most are close to windows but householders will not want this due to disturbance. They should be on gable walls.

## **5 Reason for Delay**

5.1 Amended plans sought to resolve various matters relating to the layout.

## **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 the 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:

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

6.2.1 In September 2023 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.

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.

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, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

### 6.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

## **7 Planning Analysis**

### 7.1 Background

7.1.1 Outline planning permission was granted in May 2020 for a residential development of up to 53 houses as detailed at para 1.2 above. The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.

7.1.2 The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.

7.1.3 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. As set out at section 1 above, outline planning permission was granted in May 2020, taking account of the above, for a residential development of up to 53 houses. That approval followed an approved outline planning application for up to 49 houses.

7.1.4 Therefore, the site benefits from an outline planning permission confirming the principle of developing the site for up to 53 houses to be acceptable, and also confirming the proposed means of access to the site to be acceptable. Those matters are approved and are not to be revisited as part of the current application. This Reserved Matters application therefore seeks approval for the remaining matters of appearance, landscaping, layout and scale.

### 7.2 Impact on the character and appearance of the street scene and locality

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. 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'.

- 7.2.2 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 (this will be considered in a highways section below);
  - iii. The generation of excessive levels of traffic (this will be addressed below);
  - iv. Loss of residential amenity (this will be addressed below);
  - 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.)
- 7.2.3 As previously identified, outline planning permission has been granted for this development, on an allocated housing site. In relation to the criteria set out above, the proposed development is separated from the existing housing fronting Foxgrove Path, Heysham Drive and Ashford Green by gardens, open space and public footpaths. On this basis, the basics of the relationships between built form are considered to be acceptable.
- 7.2.4 The proposed development includes a range of two storey terraced houses (maximum terrace length of three houses) and semi-detached houses, with two buildings which have an appearance as a pair of semi-detached dwellings containing four maisonettes each. The general form of the buildings, being two storey terrace and semi-detached, reflects the character of the wider area. Furthermore, the use of pitched roofs across the widths of houses reflects the appearance of the existing buildings in the immediate surroundings. The use of facing brick within the proposed buildings would be acceptable, subject to details, given that the houses in the area are finished in a mix of brick and render.
- 7.2.5 The proposed buildings within the site are all separated by gaps of at least 1.2 metres. This spacing between buildings is reflective of the wider area, and ensures the development site would maintain a spacious feel characteristic of the area, and would not contain buildings that appear cramped against other buildings.
- 7.2.6 The access road running into the site runs in a reverse 'C' shape, with parking courts extending from this road to the south and east. The northern part of the site contains an attenuation pond to the west of the access road, with a small play area to the south. The area of grass around the pond would be enclosed in 0.5m high timber fencing, with a six maple trees planted alongside the road. The parking bays are broken up around the development by trees and pedestrian pathways.
- 7.2.7 The proposed houses are set away from the boundaries with the site to ensure that they any the site overall do not appear cramped within the wider plot. The proposed plots are comparable to those in the surrounding area.
- 7.2.8 Comments were received from the Designing Out Crime Officer relating to the layout of the development. In response to those comments, a revised site layout plan has been provided repositioning gates along alleyways between buildings. Whilst a concern was raised regarding the potential for a ball being kicked against the gable wall of Plot 53, this would not be possible due to the proposed soft landscaping and limited space in that area. Details of the fencing enclosing the play area are shown on the proposed landscaping plan and the fencing is considered suitable.

7.2.9 Overall, the layout of the proposed development is considered to be consistent with its surroundings, and to be acceptable. It is considered that the proposed development would not result in any harm to the character or appearance of the surrounding area. It would respect local distinctiveness, and would conserve the character, amenities and qualities of the area.

### 7.3 Affordable Housing and housing mix

7.3.1 The affordable housing and housing mix are secured by the outline planning permission (19/2419/OUT) and any amendments resulting from the determination of subsequent application (23/0701/FUL) and not for consideration as part of this reserved matters application.

### 7.4 Impact on amenity of existing neighbouring properties

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.

7.4.2 Plots 1-33 are set away from existing built development, and plots 48-53 are set centrally within the site. As a result, it is considered that these plots would not have any impact on the amenities of existing neighbouring properties around the site.

#### Privacy

7.4.3 In respect of privacy, Appendix 2 sets out that "*distances 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 onto each other*". It also states "*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*".

7.4.4 Plots 31-39 are located on the western side of the site, and their gardens back onto an undeveloped plot of land adjacent to Nos. 4 and 5 Ashford Green. The land is not in residential use and the rear facing windows at Nos. 31-39 would not result in any loss of privacy to any dwelling to the west.

7.4.5 Plots 40-43 would have garden depths of between 7 and 12.5 metres. These plots are not oriented directly towards the rear of neighbouring properties (Odd Nos. 73-87 Heysham Drive), but are angled away. At ground floor level, the existing public footpath passes around the rear boundary between the existing and proposed houses, and the submitted plans show a 1.8m high close boarded fence to be provided to the rear of the gardens. Whilst the application site is on higher ground to the neighbouring sites, the intervening distance and the 1.8m high fence ensure there would be no loss of privacy caused by ground floor rear facing windows in Plots 40-43 to the neighbouring dwellings. In respect of the first floor of these houses, amended plans have been supplied during the course of the application changing the first floor layout, so that rather than having two bedrooms in the rear of these proposed houses and bathroom to the front, the bathroom has been positioned in the rear. This means that instead of two clear glazed first floor windows per house facing the existing dwellings on Heysham Drive, there is one per house. The clear glazed rear facing windows would be between 22 and 24 metres from the rear elevations of the neighbouring houses at the closest point, and would inevitably result in some overlooking toward these neighbours and their rear gardens. However, the separation distances are not significantly shorter than those set out in Appendix 2 quoted above, and it is noted that an element of



mutual overlooking will exist between the existing houses from first floor windows. Whilst an element of additional overlooking is acknowledged, given the angle between the buildings and the intervening vegetation, this is not considered to be at an unacceptable level and the impact on the privacy of these houses is considered acceptable.

- 7.4.6 Plots 44-47 have a front elevation facing south-west and rear elevation facing north-east, with the flank elevation facing toward the neighbouring houses fronting Heysham Drive. The flank elevation would contain the entrance door to the ground floor flat at ground floor level, and a small obscure glazed window at first floor level serving the first floor bathroom. The provision of obscure glass to the first floor window would ensure there is no loss of privacy to the occupants of Nos. 67-71 Heysham Drive.

#### Visual Impact

- 7.4.7 In respect of the impacts of new development, Section 5 of Appendix 2 of the DMP LDD sets out that “new development should take into consideration impacts on neighbouring properties, both within and surrounding the development and visual impacts generally”. It states that new development must “not be excessively prominent in relation to adjacent properties”.
- 7.4.8 Plots 31-39 are located on the western side of the site, and their gardens back onto an undeveloped plot of land adjacent to Nos. 4 and 5 Ashford Green. Plot 39 would be 26 metres from No. 4 Ashford Green at its closest point. Given the separation distances, it is not considered that the houses at plots 31-39 would appear overbearing or have any adverse visual impact on the occupants of the neighbouring dwellings in Ashford Green.
- 7.4.9 The corner of Plot 40 would be set 21m at its closest point from the rear elevation of the neighbouring dwelling at 4 Ashford Green and 4.6m from the rear boundary of that neighbouring property. It would be at an angle to this neighbouring property, with the walls angled away from this property. At ground floor level, the existing boundary treatments between the houses and the public footpath are solid, and a solid 1.8m high fence is proposed to the side and rear of plot 40. The intervening distance between the proposed dwelling and the neighbour is considered, along with the angle of the proposed building, sufficient to mitigate against any adverse impacts and it is not considered that the proposal would harm the amenities of the occupants of No. 4 Ashford Green.
- 7.4.10 However, Plot 40 faces 81 Heysham Drive which is some 40 metres away and this distance ensures the building containing plots 40 and 41 would not appear overbearing or visually intrusive when viewed from Nos. 81-87 Heysham Drive.
- 7.4.11 Plots 41-43 are approximately 31 metres (plot 41), 28m (plot 42) and 22.8 (plot 43) from the rear walls of the closest neighbouring properties to the north at Nos 73-79 Heysham Drive. They would have rear garden depths of between 7 and 12 metres, with the rear gardens enclosed by 1.8m high close boarded fencing which would provide separation from the public footpath. It is acknowledged that land levels increase further south away from the neighbouring properties, and the proposed houses would have an eaves height of 5.4 metres, with the roof sloping away from the neighbouring houses. Having regard to the separation distances, whilst it is acknowledged that the proposed houses would be visible from Nos 73-79 Heysham Drive, it is not considered that they would have a harmful impact on the amenities of the occupants of these neighbouring dwellings.
- 7.4.12 The flank elevation of Plots 44-47 face the neighbouring dwellings to the north, Nos. 69 and 71 Heysham Drive. The flank elevation would be a gable ended structure, with an eaves height of 5.4, and maximum height of 8.5 metres. The flank elevation would have a width of 10 metres. The building would be approximately 5.2m from the rear boundary of the garden to No. 71 at its closest point, increasing to 11.5m at the furthest point, and a distance of at least 12.2m from the rear boundary of No. 69. Those houses are set back within their plots, such that the proposed building would be approximately 24m from No. 71 and 27m from No. 69. The houses fronting Heysham Drive have rear elevations which face east, whereas

the flank elevation to the building containing plots 44-47 faces north-west, and this means the relationship between the two is not directly back to back but at an angle. Given the angled relationship and the distance between the rear elevations of the neighbours and the proposed building, it is not considered that the proposal would have a harmful visual impact when viewed from the rear facing windows in No. 69 or 71 Heysham Drive. It is acknowledged that views of the proposed building from the rear gardens of Nos. 69 and 71 Heysham Drive would be clear. The application includes lowering the ground level within the application site so that the ground floor level of the houses is below the existing ground level at the site. The submitted landscaping plans also include the provision of a 1.8 metre high close boarded fence with 0.3m trellis on top, and the provision of five trees along the boundary with the rear gardens. These interventions would all act to soften the visual impact of the proposal when viewed from the neighbouring gardens, and filter views of the flank elevation. Having regard to the distances, the size of the flank elevation and the mitigation, it is considered that the proposal would not have a harmful impact on the amenities of the occupants of the neighbouring dwellings.

## 7.5 Quality of accommodation for future occupants

7.5.1 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 residential 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.

### Privacy and Prospect

7.5.2 In respect of privacy, Appendix 2 sets out that "*distances 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 onto each other*". It also states "*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*".

7.5.3 Working around the site, Plots 1-6 and 14-16 back onto the nature reserve with no privacy issues, and plots 7-12 back onto the flank of plot 13. None of these gardens exceed 12 metres in depth. However given the site layout and the positioning of windows, it is not considered that the garden spaces would be so overlooked as to result in harm to the amenities of occupants. The rear elevations of plots 10-12 are approximately 13m from the main useable area of garden to Plot 13 and given this distance along with intervening boundary treatments it is not considered that harmful overlooking would occur.

7.5.4 Plots 19-21 have a similar relationship to that noted above, with Plots 26-27 set 11m away. For the same reasons as above, given the intervening distances and boundary treatments, it is not considered that the shortfall in garden length would result in such a sense of overlooking so as to cause harm to the amenities of occupants.

7.5.5 Plots 28-30 back on to the fields to the south of the site, with garden lengths exceeding 18m, and would not result in any overlooking. Similarly, Plots 31-39 back onto vacant open space and would not result in any overlooking.

7.5.6 Plots 40-43 are set away from other plots within the development and would not have any impact on privacy of neighbouring plots within the development. The amenity space for Plots 44-47 is communal with some private/defensible areas shown on the plans to ensure sufficient privacy can be experienced.

7.5.7 The rear gardens of Plots 48-53 have a depth of approximately 11.3 metres. The separation distance is sufficient to ensure no overlooking from these properties toward neighbouring

gardens. The separation of 13.8m between Plot 52 and the flank of Plot 44-47 ensures that building would not appear overbearing.

#### Amenity Space and Open Space

- 7.5.8 Section 3 of Appendix 2 sets out the Amenity Space requirements for new development. It states that for each dwelling, amenity space as follows should be attained as either individual gardens or in part, as space forming settings for the buildings:
- 1 bed dwelling -- 42 square metres
  - 2 bed dwelling -- 63 square metres
  - 3 bed dwelling -- 84 square metres
  - 4 bed dwelling -- 105 square metres
  - additional bedrooms: - 21 square metres each
- Flats:
- One bed -- 21 square metres
  - Additional bedrooms: - 10 square metres each (space can be allocated specifically to each flat or communally).
- 7.5.9 Section 3(f) of Appendix 2 states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to the formal spaces/settings for groups of buildings or existing mature trees.
- 7.5.10 The applicant has provided drawing no. 031-(PL)-8802 Rev F which includes a table setting out the amenity space provided for each house within the development. That table is included as Appendix A below.
- 7.5.11 The table shows that of the houses proposed as part of this application, 23 (43%) provide amenity space to meet or exceed the indicative levels set out above. This means that 30 (57%) do not meet the requirement. The shortfall ranges from 0.8sqm (plot 32) to 22sqm shortfall (Plot 6). Overall, the site generates a need for 3402 square metres of amenity space, and provides 3656.9 square metres, 254.9 square metres more than required. It should be noted that the areas quoted as amenity space do not include the open green areas adjacent to the parking bays between plots 17/18 and 19, or between Plots 30 and 31. These areas would be useable for some outdoor recreational purposes.
- 7.5.12 The shortfall is acknowledged, however, it is also acknowledged that each individual property does contain a garden which is of useable size and shape, with a private zone to the rear of each garden and useable lawn beyond. The communal space serving the flats is equally useable. Furthermore, there are other public recreational opportunities in the immediate area. The application site is crossed by a public footpath which provides access to Prestwick Road Meadows Local Nature Reserve. Ashridge Play Area can be accessed from the reserve by crossing Prestwick Road. The public footpath through the site also provides access to the London Loop Orbital footpath and Oxhey Woods. Therefore, there are numerous opportunities to access outdoor recreation in close proximity to the site.
- 7.5.13 Given that each house would have useable outdoor amenity space, that there is open space within the site and in close proximity to the site that can be used for recreational purposes, it is considered that the proposal would overall provide a suitable quality of amenity for future occupants.
- 7.5.14 The application site includes the provision of a small play area, enclosed by a 1.2 metre high metal railing fence. The area is in an open space close to the road accessing the site, and would have natural surveillance from the road and from the front-facing windows of surrounding houses. Whilst the size and the location of the play area are both considered acceptable, the level of equipment proposed is not because it is not considered suitable to cater for a range of ages or abilities. It is considered that this issue can be addressed by the use of a condition requiring details of alternative equipment to be submitted to and

approved in writing, and installed on site before any house within the development is first occupied.

## 7.6 Highway and Rights of Way considerations

7.6.1 The outline planning permission included matters related to access, and these were approved subject to the conditions attached to the outline planning permission. HCC Highways have commented on this application to confirm the works that were approved under the outline permission. These included forming the access to the site from Foxgrove Path and the associated alterations to Foxgrove Path to facilitate this, including removing a row of four car parking bays from the northern side of the road and providing six replacement car parking bays within the site.

7.6.2 In respect of the internal road layout, drawings have been received detailing dimensions of the roads and footways and including swept path analysis to show that cars and refuse collection vehicles can adequately enter the site, turn around, and exit in a forward direction. Access and turning areas and visibility splay areas would need to be kept free of obstruction and the Highways Officer suggests a planning condition.

7.6.3 The public footpath through the site would be maintained and the Highways Officer has confirmed they general layout for pedestrians to be acceptable, and that it is necessary for dropped kerbs and tactile paving to be provided where the public footpath crosses the main carriageway. Suitable crossing points are shown on the submitted hard landscaping plan. Line of site for users of the public footpath would be retained through the site, and the footpath would cross only a small number of car parking spaces which are not considered to interfere with the use of the footpath to any significant degree. The need for crossing points serving the public footpath are noted, however such crossing points would be in very close proximity to road junctions and are not considered to be the most appropriate location for crossing points. The route of the public footpath would be demarcated on site using a different material to the remainder of the site to ensure the route is clearly distinguished from the footpaths in the site.

7.6.4 The Highways Officer confirms the internal access roads would not be adopted, and that the developer would need to put in place a permanent arrangement for long term maintenance. To ensure that maintenance schedules and activities are clear for the roads and elements of public footpath running through the site, a maintenance plan will be secured by condition.

7.6.5 This application has been accompanied by a construction management plan which includes details of the phasing of the development, the location site welfare facilities and the location of wheel washing facilities. Details of the construction management and phasing are secured by condition 6 attached to the outline planning permission, however it should be noted that this plan indicates the phasing of the development would be such that the new car parking spaces for Foxgrove Path residents would be completed at the start of the works and would thereafter be positioned outside the construction compound area.

7.6.6 Matters relating to the access to the site were considered and determined as part of the outline planning application. The internal access roads and impact on the public right of way are considered to be acceptable.

## 7.7 Parking

7.7.1 Policy DM13 of the Development Management Policies LDD (adopted July 2013) advises that development should make provision for parking in accordance with the parking standards set out in Appendix 5. For Use Class C3, the standards require 1.75 spaces (1 allocated) per one-bed dwelling, 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings, and 2.25 spaces per dwelling (2 assigned spaces) for 3 bedroom dwellings.

- 7.7.2 Having regard to the houses proposed as part of this application, the 8x one-bed flats, 28x two-bed houses, 15x three-bed houses and 2x four-bed houses would require a total of 109 car parking spaces to be provided on site, of which 72 should be allocated.
- 7.7.3 Submitted drawing 032-(PL)-8802 Rev A sets out the proposed car parking provision, and details the allocation of the car parking on site. This details a total of 110 car parking spaces for the proposed development, 10 of which are unallocated, and a further six spaces to compensate for the four spaces that would be lost in Foxgrove Path. The parking all fronts the street with sufficient manoeuvring space and visibility. The drawings also account for the provision of spaces with the additional width required to ensure they are accessible to those using a wheelchair.
- 7.7.4 It was acknowledged as part of the outline planning application that the creation of the new access to the site would involve widening the carriageway of Foxgrove Path to allow two cars to pass, which results in the loss of four on-street car parking bays. At the outline stage, six replacement car parking spaces were shown to be provided within the application site and this is confirmed as part of the layout for which permission is now sought. The spaces would be approximately 22 metres into the site from the current end of Foxgrove Path and would be accessible via the existing and extended footway. Measures to detail how these bays would be provided and remain accessible in perpetuity for use by the public including details of signage and maintenance, are controlled by condition 17 attached to the outline planning permission and therefore no controls are required as part of the current planning application.
- 7.7.5 On the basis of the above, sufficient car parking is provided to comply with Policy DM13 and Appendix 5 of the Development Management Policies LDD 2013.
- 7.8 Wildlife and Biodiversity
- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 Matters relating to ecology and biodiversity were generally dealt with as part of the outline planning application, with conditions attached to that permission which secure the requirement to submit a Construction Environmental Management Plan (condition 10) and a Biodiversity Enhancement and Management Plan (condition 11).
- 7.8.4 This application has been accompanied by a Habitats and Protected Species Report (April 2023), a Biodiversity Metric report (August 2023) and a Landscape Ecological Management Plan (dated August 2023).
- 7.8.5 The Habitat and Protected Species report. This identified that no evidence was observed of badgers being present on the site but noted the habitats around the boundary of the site provide good foraging habitat for badgers and hedgehogs. The bird survey identified two red-listed species and six amber listed birds. It found no suitable habitat for newts. The dense scrub and tree lined habitats were found to provide optimal foraging for bats and bats were considered at the time of the outline application. The report concludes that the provision of a 5m wide buffer zone between the development and the adjacent wildlife site

will provide a protective barrier and the opportunity to allow for the expansion of habitats in the wildlife site, and that these are all proposed to be retained and protected.

7.8.6 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act will apply by amending the Town and Country Planning Act, and this has not yet happened (it is expected from January 2024). The requirement for 10% BNG is, therefore, not yet enshrined in planning law. The applicant has submitted a Biodiversity Net Gain report based on the latest DEFRA metric and this shows that the proposed development has a potential net gain of 37.4% based on the level of tree planting shown in the plans, and 4% without this tree planting.

7.8.7 The Landscape Ecological Management Plan sets out how biodiversity will be incorporated into the development and habitats managed to meet objectives. That document has been approved pursuant to condition 11 attached to the outline planning permission.

7.8.8 These documents have been reviewed by Herts Ecology, who note the documents demonstrate how biodiversity will be incorporated as part of the development scheme to enhance and maintain biodiversity, including how the boundaries would be managed and who will have responsibility. This is all secured by conditions attached to the outline planning permission.

## 7.9 Trees and Landscaping

7.9.1 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.

7.9.2 The outline planning application was accompanied by a tree survey report which demonstrated that the site may be developed without incursion into the root protection area (RPA) of off-site trees. Condition 15 of the outline planning permission requires tree protection measures to be in place before any works take place on site, in accordance with a scheme which shall first be submitted to and approved in writing by the LPA.

7.9.3 This current application is accompanied by an updated Tree Survey report and plan. These, alongside the proposed site layout plan, show that no new building is proposed within the RPA of any off-site tree. Hard and soft landscaping works (including fencing and car parking spaces) are proposed within RPAs, in particular to T10 and T17, and it is considered that with suitable working methods, no damage should be caused to those trees. Whilst details of tree protection measures have already been secured at outline stage, an Arboricultural method statement is considered necessary to detail how the works close to and within the RPAs would be undertaken, and this will be secured by planning condition.

7.9.4 In respect of the proposed landscaping, a detailed scheme has been submitted as part of this application. That scheme has also been reviewed in respect of its impact on the biodiversity net gain that the site will achieve. As detailed at section 7.8 above, with the proposed planting the site is able to achieve a 37% biodiversity net gain. The tree and landscape officer has confirmed that the plans contain sufficient detail of the proposed landscaping, and a condition should be included to secure the implementation of these details. A condition is proposed accordingly.

7.9.5 A Soft Landscape Management and Maintenance Plan has also been submitted to set out how the soft landscaping on the site will be maintained and the site as a whole would be maintained in a clean and tidy condition and appearance. The plan is considered to provide sufficient detail to confirm that the soft landscaping can and will be maintained in an appropriate way and this along with the biodiversity net gain is secured by condition.

- 7.9.6 On that basis, the landscaping and protection of trees is considered to be acceptable and the proposal would comply with DM6 of the Development Management Policies LDD.
- 7.10 Pollution
- 7.10.1 Core Strategy Policy CP1 also states that development should manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies document advises that the quality of groundwater resources should be protected from aquatic pollution and Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water.
- 7.10.2 At the outline planning permission stage, this matter was dealt with, with the inclusion of various conditions requiring investigations and any necessary remediation to be undertaken. The proposed site layout is not considered to give rise to any other pollution risks.
- 7.11 Sustainability
- 7.11.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and should help to shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.
- 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 This application is accompanied by an Energy Assessment and Sustainability Statement by Calfordseaden (August 2023). This sets out how air source heat pumps and solar PV will be used across the site, to achieve an estimated CO2 emission reduction of 31% over 2013 Building Regulations and 72% over 2021 Building Regulations. The submitted elevations show how PV will be incorporated onto the south-facing roofslopes of the houses. A planning condition will ensure the measures are installed and maintained.
- 7.11.5 The details show that the proposed development would comply with the requirement of DM4 as set out above.
- 7.12 Flood Risk and Drainage
- 7.12.1 Matters relating to drainage were considered at the outline stage, with conditions attached to the outline planning permission relating to the drainage of the site. The proposed site layout reflects the illustrative layout which accompanied the outline planning application, with an attenuation pond proposed to the immediate south of the site entrance at a low point within the site.
- 7.13 Refuse and Recycling

7.13.1 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

7.13.2 The planning application is accompanied by drawing No. 034-(PL)-8802 Rev A which details the proposed refuse strategy. This accounts for each property having storage space for a food pod, general waste bin, recycling bin and garden waste bin, with bins being moved by residents to the road on collection day. The Environmental Protection team have reviewed the site layout and have confirmed that the turning areas appear sufficient for refuse collection vehicles to turn and exit in a forward gear. On this basis, the refuse and recycling arrangements are considered to be acceptable.

#### 7.14 Planning Balance and Conclusion

7.14.1 As previously noted, outline planning permission has been granted for a residential development of this allocated housing site. The details contained within this application would deliver an appropriate development of 53 houses, and would include a biodiversity net gain, landscaping which takes account of the adjacent wildlife site, and include renewable energy installations to exceed energy efficiency requirements.

7.14.2 It is acknowledged that a number of the units within the development would not provide sufficient area of private amenity space to meet the indicative levels in the Development Management Policies LDD, however as set out above each house would have a private and useable garden space, with flats having use of good sized communal space. The overall area proposed exceeds indicative levels, and the site contains open space and is in close proximity to other public open spaces.

7.14.3 On that basis, it is considered overall that the proposed development would be acceptable, with any adverse impacts clearly outweighed by the benefits including the much needed delivery of housing.

### 8 **Recommendation**

8.1 That the RESERVED MATTERS be APPROVED subject to the following conditions:

#### **Conditions requiring details to be submitted for approval before above ground works**

##### ARB METHOD STATEMENT RELATING TO WORKS IN RPA TO SOUTH OF SITE

C1 No development, operation or works of any type shall commence on site within the root protection area of retained trees on/beyond the southern boundary (as shown on Tree Survey and Root Protection Areas - Constraints Plan 2311-01) until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of location and depths of underground service routes, methods of excavation and construction methods for any items including fences and car parking spaces where they lie in or directly adjacent to the RPA of retained trees.

The development shall thereafter only be implemented in accordance with the approved method statement.



Reason: This condition is required to ensure that no development takes place within the RPA of maintained high amenity value trees until appropriate measures are detailed in respect of construction methodology to prevent damage being caused to the trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**SUBMIT DETAILS OF MATERIALS**

- C2 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

**Pre-Occupation (further submission required) conditions:**

**SUBMIT DETAILS OF PLAY EQUIPMENT**

- C3 Notwithstanding the details shown on drawing no. PR124170-13 'LAP Proposals', prior to the first occupation of any dwelling hereby permitted, details of alternative play equipment focussed on a range of ages and activities shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed in accordance with the details approved by this condition prior to the first occupation of any more than 40 homes, and permanently maintained as such thereafter.

Reason: To ensure the site provides suitable outdoor play opportunities for a range of ages, having regard to the limitations of other equipment in the immediate vicinity and to comply with the requirements of Policy DM11 of the Development Management Policies LDD.

**DELIVER SOFT LANDSCAPING**

- C4 Prior to the first occupation of the development hereby permitted, details of the timetable/phased delivery of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All soft landscaping and tree planting shall be implemented in accordance with the details within Drawing Nos. PR124170-11.01B Sheet 1 of 3, 11.02B Sheet 2 of 3 and 11.03B Sheet 3 of 3 and in accordance with the timetable approved by this condition and retained thereafter.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

**MAINTAIN HARD LANDSCAPING AND ROADS**

- C5 Prior to the first occupation of any dwelling, full details in relation to the proposed arrangements for future management and maintenance of the proposed streets, footways, and all hard landscaped areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring all hard landscaped areas are subject to a suitable maintenance strategy and remain safe to use in accordance with Policy CP10 of the Core Strategy.

#### CAR PARKING MANAGEMENT PLAN

- C6 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details (excluding the replacement parking spaces labelled for Foxgrove Path residents to the north of the site) of the allocation of vehicle parking spaces within the development; management and allocation of parking spaces for mobility impaired persons; and long term management responsibilities and maintenance schedules for all communal parking areas and the internal access road. The parking management plan shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring car parking is managed having regard to the on site car parking layout, and to avoid obstructions on the road network, in accordance with Policy CP10 of the Core Strategy.

### **Pre-occupation (compliance) condition**

#### OBSCURE GLAZING TO FLANK ELEVATIONS

- C7 Before the first occupation of an individual dwelling hereby approved, the windows at first floor level in the flank elevations of that dwelling shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### OBSCURE GLAZING TO REAR OF 40-43

- C8 Before the first occupation of Plots 40-43, the windows at first floor level in the rear elevations serving the bathrooms as shown on drawing 122-(PL)-8802 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### IMPLEMENT IN ACCORDANCE WITH ENERGY STATEMENT

- C9 Prior to the first occupation of each dwelling, the energy saving and renewable energy measures as set out in the Energy Assessment and Sustainability Statement shall

have been provided in full for that dwelling. The energy saving and renewable energy measures shall be permanently maintained and retained thereafter.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible

#### PROVIDE BOUNDARY TREATMENTS

- C10 Prior to the first occupation of the development hereby approved, the boundary fences shown on Drawing No. PRI24170-12.01B, 12.02B and 12.03B to demarcate the garden areas to the dwellings shall be installed in accordance with the details shown on the drawing and permanently maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

#### PROVIDE AND ALLOCATE CAR PARKING SPACES

- C11 No dwelling hereby approved shall be first occupied until the car parking spaces serving that dwelling as shown on Drawing 032-(PL)-8802 Rev D have been constructed and marked out only in accordance with the details shown on Drawing 032-(PL)-8802 Rev D.

Reason: To ensure suitable allocation of car parking spaces for each dwelling within the development, to comply with Policy CP10 of the Core Strategy, and Policies DM13 and Appendix 5 of the Development Management Policies LDD.

### **General Compliance conditions**

#### IN ACCORDANCE WITH APPROVED PLANS

- C12 The development hereby permitted shall be carried out in accordance with the following approved plans:

##### Existing Site Drawings

010-(PL)-8802

011-(PL)-8802

##### Proposed Site Layout Drawings

001-(PL)-8802 M

002-(PL)-8802 D

003-(PL)-8802 D

021-(PL)-8802 B

030-(PL)-8802 D

031-(PL)-8802 F

032-(PL)-8082 D

034-(PL)-8082 D

035-(PL)-8082 D

036-(PL)-8082

037-(PL)-8082 C

##### Proposed Floor Plans

110-(PL)-8802 C

111-(PL)-8802 D

112-(PL)-8802 B

120-(PL)-8802 B

121-(PL)-8802 B  
122-(PL)-8802  
130-(PL)-8802 B  
140-(PL)-8802 B

Proposed Elevations

205-(PL)-8802 D  
206-(PL)-8802 A  
211-(PL)-8802 A  
212-(PL)-8802 A  
213-(PL)-8802 A  
214-(PL)-8802  
215-(PL)-8802  
216-(PL)-8802

Proposed Sections

300-(PL)-8802 C  
301-(PL)-8802 B

Proposed Street scenes and perspectives

310-(PL)-8802 B  
400-(PL)-8802 B  
401-(PL)-8802 B  
402-(PL)-8802 B

Landscaping Drawings

PRI24170-10 REV C  
PRI24170-11.01 REV B, PRI24170-11.02 REV B, PRI24170-11.03 REV B (Soft Landscape)  
PRI24170-12.01 REV B, PRI24170-12.02 REV B, PRI24170-12.03 REV B (Hard Landscape)

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2023).

MAINTAIN SOFT LANDSCAPING

- C13 The areas of soft landscaping contained within the development hereby permitted shall be maintained in accordance with the Landscape Ecological Management Plan (August 2023 Ref 2311-PHA) and the Soft Landscape Management and Maintenance Plan (dated August 2023, reference PRI24170-man) throughout the use of the development.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

ACHIEVE BNG

- C14 The development hereby permitted shall be implemented in accordance with the principles contained within the report Biodiversity Metric 4.0 (August 2023, report 2311-PHA) and with the details on Drawings PRI24170-11 Rev B Sheet 1, 2 and 3.

Reason: To ensure that the net gains to biodiversity contained within the submission are achieved, to accord with Policy DM6 of the Development Management Policies LDD (July 2013) and Part 15 of the NPPF (2023).

### LIGHTING

- C15 No lighting, including any street lighting, shall be installed within the development site hereby approved until details have first been submitted to an approved in writing by the Local Planning Authority relating to the design, appearance, luminance and direction of the lighting, and how it is designed to avoid adverse impacts on protected species and the amenities of neighbouring occupants. The lighting shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that any lighting is designed to minimise light pollution and adverse impacts on the amenities of neighbours and on protected species, in accordance with Policies DM1, DM6 and DM9 of the Development Management Policies LDD.

### REMOVE PD RIGHTS

- C16 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

#### Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties, to avoid any impacts on the drainage system and to ensure adequate sized rear gardens remain available and useable, and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives:

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

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

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

- 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local

distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 14 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.
- 15 The applicant is advised that the housing tenures as shown on the drawings accompanying this application including drawing 037-(PL)-8802 are indicative only and any grant of approval of this application does not infer or imply those matters to be approved or secured. Affordable housing matters fall to be assessed and secured only via the outline planning application (19/2419/OUT) and related planning conditions, and any subsequent permission granted under S73 of the Town and Country Planning Act.
- 16 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

## Appendix A – Table of Amenity Space

| Foxgrove Path - Proposed Garden Amenity |                          |                               |               |                 |                   |            |
|---|--------------------------|-------------------------------|---------------|-----------------|-------------------|------------|
| Plot                                    | Dwelling Type            | Garden Area (m <sup>2</sup> ) | TRDC Standard | Outcome         | Excess/ Shortfall | Note       |
| 1                                       | 2 Bed 4 Person House     | 67.1                          | 63            | Complies        | 4.10              |            |
| 2                                       | 2 Bed 4 Person House     | 54.5                          | 63            | Does not comply | -8.50             |            |
| 3                                       | 2 Bed 4 Person House     | 54.1                          | 63            | Does not comply | -8.90             |            |
| 4                                       | 2 Bed 4 Person House     | 57.6                          | 63            | Does not comply | -5.40             |            |
| 5                                       | 3 Bed 5 Person House     | 65.3                          | 84            | Does not comply | -18.70            |            |
| 6                                       | 3 Bed 5 Person House     | 61.7                          | 84            | Does not comply | -22.30            |            |
| 7                                       | 2 Bed 4 Person House     | 53.8                          | 63            | Does not comply | -9.20             |            |
| 8                                       | 2 Bed 4 Person House     | 52.4                          | 63            | Does not comply | -10.60            |            |
| 9                                       | 2 Bed 4 Person House     | 48.4                          | 63            | Does not comply | -14.60            |            |
| 10                                      | 2 Bed 4 Person House     | 48.4                          | 63            | Does not comply | -14.60            |            |
| 11                                      | 2 Bed 4 Person House     | 52.4                          | 63            | Does not comply | -10.60            |            |
| 12                                      | 2 Bed 4 Person House     | 79.2                          | 63            | Complies        | 16.20             |            |
| 13                                      | 4 Bed 6 Person House     | 124.9                         | 105           | Complies        | 19.90             |            |
| 14                                      | 4 Bed 6 Person House     | 75.9                          | 105           | Does not comply | -29.10            |            |
| 15                                      | 1 Bed 2 Person Apartment | 62.8                          | 21            | Complies        | 41.80             |            |
| 16                                      | 1 Bed 2 Person Apartment | 40.75                         | 21            | Complies        | 19.75             | (Communal) |
| 17                                      | 1 Bed 2 Person Apartment | 51.9                          | 21            | Complies        | 30.90             |            |
| 18                                      | 1 Bed 2 Person Apartment | 40.75                         | 21            | Complies        | 19.75             | (Communal) |
| 19                                      | 2 Bed 4 Person House     | 129.9                         | 63            | Complies        | 66.90             |            |
| 20                                      | 2 Bed 4 Person House     | 58                            | 63            | Does not comply | -5.00             |            |
| 21                                      | 2 Bed 4 Person House     | 53.2                          | 63            | Does not comply | -9.80             |            |
| 22                                      | 2 Bed 4 Person House     | 50.7                          | 63            | Does not comply | -12.30            |            |
| 23                                      | 2 Bed 4 Person House     | 49.7                          | 63            | Does not comply | -13.30            |            |
| 24                                      | 2 Bed 4 Person House     | 57.1                          | 63            | Does not comply | -5.90             |            |
| 25                                      | 2 Bed 4 Person House     | 57.1                          | 63            | Does not comply | -5.90             |            |
| 26                                      | 2 Bed 4 Person House     | 49.7                          | 63            | Does not comply | -13.30            |            |
| 27                                      | 2 Bed 4 Person House     | 59.5                          | 63            | Does not comply | -3.50             |            |
| 28                                      | 3 Bed 5 Person House     | 153.8                         | 84            | Complies        | 69.80             |            |
| 29                                      | 3 Bed 5 Person House     | 131.4                         | 84            | Complies        | 47.40             |            |
| 30                                      | 3 Bed 5 Person House     | 106.9                         | 84            | Complies        | 22.90             |            |
| 31                                      | 2 Bed 4 Person House     | 102.4                         | 63            | Complies        | 39.40             |            |
| 32                                      | 2 Bed 4 Person House     | 63.1                          | 63            | Complies        | 0.10              |            |
| 33                                      | 2 Bed 4 Person House     | 84.2                          | 63            | Complies        | 21.20             |            |
| 34                                      | 2 Bed 4 Person House     | 82.1                          | 63            | Complies        | 19.10             |            |
| 35                                      | 2 Bed 4 Person House     | 79.3                          | 63            | Complies        | 16.30             |            |
| 36                                      | 2 Bed 4 Person House     | 68.1                          | 63            | Complies        | 5.10              |            |
| 37                                      | 2 Bed 4 Person House     | 57.4                          | 63            | Does not comply | -5.60             |            |
| 38                                      | 2 Bed 4 Person House     | 55.7                          | 63            | Does not comply | -7.30             |            |
| 39                                      | 2 Bed 4 Person House     | 81.2                          | 63            | Complies        | 18.20             |            |
| 40                                      | 3 Bed 5 Person House     | 113.8                         | 84            | Complies        | 29.80             |            |
| 41                                      | 3 Bed 5 Person House     | 79                            | 84            | Does not comply | -5.00             |            |
| 42                                      | 3 Bed 5 Person House     | 70.4                          | 84            | Does not comply | -13.60            |            |
| 43                                      | 3 Bed 5 Person House     | 70                            | 84            | Does not comply | -14.00            |            |
| 44                                      | 1 Bed 2 Person Apartment | 26.5                          | 21            | Complies        | 5.50              |            |
| 45                                      | 1 Bed 2 Person Apartment | 67.5                          | 21            | Complies        | 46.50             | (Communal) |



|    |                          |        |      |                 |        |            |
|----|--------------------------|--------|------|-----------------|--------|------------|
| 46 | 1 Bed 2 Person Apartment | 22.5   | 21   | Complies        | 1.50   |            |
| 47 | 1 Bed 2 Person Apartment | 67.5   | 21   | Complies        | 46.50  | (Communal) |
| 48 | 3 Bed 5 Person House     | 66.5   | 84   | Does not comply | -17.50 |            |
| 49 | 3 Bed 5 Person House     | 64.5   | 84   | Does not comply | -19.50 |            |
| 50 | 3 Bed 5 Person House     | 72.6   | 84   | Does not comply | -11.40 |            |
| 51 | 3 Bed 5 Person House     | 72.5   | 84   | Does not comply | -11.50 |            |
| 52 | 3 Bed 5 Person House     | 64.4   | 84   | Does not comply | -19.60 |            |
| 53 | 3 Bed 5 Person House     | 76.8   | 84   | Does not comply | -7.20  |            |
|    | TOTALS                   | 3656.9 | 3402 |                 | 254.90 |            |

|    |               |     |
|----|---------------|-----|
| 23 | Comply        | 43% |
| 30 | Do not comply | 57% |

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Trees beyond the rear (south) of site



View north west across site from south eastern corner



Views from footpath along west of site, looking east over site



Views of rear of Nos. 73-79 Heysham Drive from public footpath



View from public footpath looking north-east



Views of rear of 1-4 Ashford Green from public footpath



Views east along Foxgrove Path





View of rear (south) boundary vegetation, from footpath to east of site.



View along footpath within site toward south-west.



View north-west toward Foxgrove Path properties (right) and Heysham Drive properties (left)



View from site West towards No. 71 Heysham Drive (centre of picture)



Google Aerial view of site





## PLANNING COMMITTEE – 19 OCTOBER 2023

**23/0701/FUL – Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), and Condition 7 (Bus stop and Crossing works) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), and to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved. at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL**

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 1 August 2023  
(Extension agreed to 27 October 2023)

Case Officer: Adam Ralton

Recommendation: That outline planning permission be granted subject to conditions

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

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=RTYT2LQFFJN00>

### **1 Relevant Planning History**

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). Approved January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). Approved May 2020.
- 1.3 23/0699/AOD: Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT). Under consideration.
- 1.4 A number of applications to discharge conditions attached to outline planning permission 19/2419/OUT have been submitted to the LPA for consideration. These applications are not listed here but are available on the online planning register.

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

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of open land. The site currently contains two field shelters but is otherwise vacant. The site is approximately 145 metres wide, and has a maximum depth of 160 metres. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.

- 2.2 The site is currently accessed from a gate at the south-eastern end of Foxgrove Path. There is a public footpath which runs through the site from the south-western corner toward the centre of the eastern boundary. A public footpath also runs adjacent to but outside the southern boundary of the site, and a third runs adjacent to the north and western boundaries.
- 2.3 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.4 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.5 The site is an allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

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

- 3.1 This application seeks approval for the variation of four conditions attached to outline planning permission 19/2419/OUT.
- 3.2 Variations are sought to Condition 4 (Affordable Housing) as a result of a change to the scheme from providing 45% affordable housing and the remainder market housing, to providing 100% affordable housing.
- 3.3 Variations are sought to condition 5 (specification of access) and condition 7 (details of bus stop and crossing works) to vary the trigger points for the condition to take effect.
- 3.4 As submitted, the application sought a variation to condition 14, to provide the outstanding details required by that condition and therefore change the nature of the condition to a compliance condition requiring the development to be implemented in accordance with the submitted details. However, during the course of the application the applicant has withdrawn those details from this submission, and they have been submitted as part of a separate discharge of condition application (ref 23/1632/DIS).

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Watford Rural Parish Council:**

No comments received.

##### **4.1.2 Hertfordshire County Council – Highway Authority: [No objection]**

#### **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.

#### **Comments**

No specific objection to the suggested variation of wording for condition 5 and 7. Three Rivers District Council may wish to consider what is a reasonable in relation to the suggested wording of "relevant part of the development". The applicant would also need to be aware to apply for the necessary 278 highway works in good time to ensure that full

technical approval and subsequent provision of the works can be completed prior to occupation of the site.

Further details in respect to entering into a Section 278 Agreement with the Highway Authority:

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

HCC as Highway Authority would not have any specific comment in relation to the variation of condition 4 nor condition 14.

4.1.3 Hertfordshire County Council – Lead Local Flood Authority (Response 1 – May 2023): [No comment]

As conditions 4, 5 and 7 do not relate to flood risk or drainage, the LLFA has no comment to make on this application.

OFFICER NOTE: Following receipt of the above, the LLFA were advised that the application seeks to provide details pursuant to Condition 14, with a Detailed Surface Water Scheme submitted and comments were sought on the acceptability of those details.

4.1.3.1 Hertfordshire County Council – Lead Local Flood Authority (Response 2 – June 2023): [Objection]

The LLFA is unable to recommend the discharge of Condition 14 because insufficient information has been provided.

OFFICER NOTE: Following receipt of the above, the applicant has withdrawn the consideration of condition 14 from this current application and will deal with that condition through the discharge of condition route.

4.1.4 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting. In their response in respect of the outline planning application, National Grid identified apparatus in the vicinity of the site, which is set beyond the south boundary of the site.

4.1.5 Three Rivers District Council – Strategic Housing Manager: [No objection]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented, 25% first homes and 5% shared ownership.

The Local Housing Market Assessment (2020) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be 40% 1-bed units, 27% 2-bed units, 31% 3-bed units and 2% 4 bed units.

However, identified need for affordable housing based on the current housing register and the family composition of customers that have been in temporary accommodation provided by the Council suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units, as we have a high requirement for family sized accommodation to ensure that families in temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

The variation proposed to the affordable housing provision, an increase of a 45% provision to a 100% provision, has not decreased the number of rented properties to be provided (17) and has provided a significant increase on the overall amount affordable housing to be provided by the development. On the basis that the development will provide 100% affordable housing, I confirm that I generally support this application, however if a higher provision of rented properties can be provided, this would be encouraged.

## **4.2 Public/Neighbour Consultation**

4.2.1 Site Notice: Posted 17 May 2023, expired 8 June 2023.

4.2.2 Press notice: Published 19 May 2023, expired 10 June 2023.

4.2.3 Number of neighbours consulted: 278

4.2.4 No of responses received: 16 letters of objection received, making the following comments (summarised):

- Despite a petition there has been determination for this to proceed.
- Fail to understand how the land was voted off from Green Belt register.
- Removal of parking on one side of Foxgrove Path is unacceptable, there are more than 20 cars parked on this side of the road on a daily basis.
- No consideration that neighbours on the street are elderly or have young children.
- Removal of parking is unjust and devalues properties.
- Curbs should be dropped for all properties.
- What consideration is given to residents who work from home during construction activities.
- The land was not used as playing fields but as grazing land for many years.
- The land is linked to the local nature reserve and has become a part of it.
- Disruption to Foxgrove Path during the works will be unacceptable.
- Moved to the area because of the green space, concern regarding disruption, noise, extra people in the area.
- Concern about construction equipment and vehicles causing extra traffic.
- Proposal will impact on drainage systems.
- Should consider building over the railway.
- No acknowledgements that residents have Blue Badges or young children, moving parking spaces away from houses shows no consideration for current home owners.
- We must preserve nature and wildlife, not destroy it.
- Heysham Drive is overwhelmed with driving and parking, and this development would make it worse.
- This natural meadow should be protected.
- Proposal will harm wildlife.
- Insufficient local infrastructure to cope with the additional population.
- Residents will require replacement street lighting.

## **5 Reason for Delay**

5.1 Re-consultation due to amended documents being submitted, and ongoing dialogue between applicant and Lead Local Flood Authority.

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

- 6.2.1 In September 2023 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.
- 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).

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

- 6.3.1 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, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

### **6.4 Other**

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

## **7 Planning Analysis**

## 7.1 Background

- 7.1.1 Outline planning permission was granted in May 2020 for a residential development of up to 53 houses as detailed at para 1.2 above. The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological surveys.
- 7.1.2 The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.
- 7.1.3 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. As set out at section 1 above, outline planning permission was granted in May 2020, taking account of the above, for a residential development of up to 53 houses. That approval followed an approved outline planning application for up to 49 houses.
- 7.1.4 Therefore, the site benefits from an outline planning permission confirming the principles of developing the site for up to 53 houses to be acceptable, and also confirming the proposed means of access to the site to be acceptable. This application seeks approval for variations to four conditions attached to the outline planning permission, as follows:

## 7.2 Condition 4 – Affordable Housing

- 7.2.1 Development Plan (Core Strategy) Policy CP4 sets out that ‘in order to increase the provision of affordable homes in the District and meet local housing need as informed by the Strategic Housing Market Assessment, the Council will:
- a) In view of the identified and pressing need for affordable housing in the District, seek an overall provision of around 45% of all new housing as affordable housing, incorporating a mix of tenures. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.
- b) As a guide, seek 70% of the affordable housing provided to be social rented and 30% to be intermediate.
- 7.2.2 It should be acknowledged that CP4(b) requires 70% of affordable housing to be social rented. The NPPF recognises affordable housing for rent to include those where the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent.
- 7.2.3 It should also be noted that having regard to the Affordable Homes Update Written Ministerial Statement (24 May 2021), the mix of tenures provided must include First Homes. Planning Practice Guidance requires that 25% of all affordable housing units secured through developer contributions should be First Homes. Therefore, in respect of major planning applications the position is that the 45% affordable housing contribution should comprise 70% social rented, 25% first homes, and 5% intermediate.
- 7.2.4 Outline planning application 19/2419/OUT was accompanied by a Planning Statement which set out that the development of 53 houses proposed 45% affordable housing (24 dwellings) of which 70% were proposed to be social rented and 30% shared ownership. This is aligned with the requirements of Core Strategy Policy CP4 and the Affordable Housing SPD.

7.2.5 Outline planning permission was granted subject to condition 4. The parts of the condition relevant to the current application are set out below:

*No development shall take place until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:*

*the numbers, type, unit size, tenure and location of the Affordable Housing to be constructed on the site which shall not consist of less than 45% of the total number of the Dwellings permitted, of which 70% shall be constructed and Provided as Social Rented Dwellings and 30% shall be constructed and Provided as Shared Ownership Dwellings;*

7.2.6 The current application seeks an amendment to the affordable housing provision. The site is now proposed to be developed to provide 100% affordable housing instead of 45% affordable housing. This is proposed to be broken down to 17 affordable rented homes and 36 shared ownership homes. The difference between the current scheme and the approved scheme are set out in the table below.

|             | Total dwellings | Total affordable dwellings | Total affordable rental product | Total affordable ownership product |
|-------------|-----------------|----------------------------|---------------------------------|------------------------------------|
| 19/2419/OUT | 53              | 24                         | 17                              | 7                                  |
| 23/0701/FUL | 53              | 53 (+29)                   | 17 (+0)                         | 36 (+29)                           |

7.2.7 From the table above, it can be seen that the number of rental properties proposed has not changed, however the development now seeks to provide 36 affordable home ownership properties (Shared Ownership) instead of the 7 proposed in the previous application. No market housing is proposed.

7.2.8 It is noted that the type of affordable rental product has also been changed. Whereas the previous application proposed 17 properties as Social Rent, the current application proposes those 17 to be Affordable Rent. It is acknowledged that this means the rental values are increased from approximately 50% of market rent to up to 80% of market rent. However, in this instance the applicant proposes the rent to be capped at SW Herts Local Housing Allowance (LHA) which means that it will be affordable for households on no, or low, earned incomes if they are eligible for LHA. As a working example provided by the applicant, assuming the typical 3 bedroom house for rent in South Oxhey is £2200 pcm (£507/week), at 80% the rent would be £1920pcm (£443/week). However, with rents capped at LHA the monthly rent would be £1295 (£299/week). This means the average 3 bed home would cost £625 less per month, representing 59% of the market rent. This rent includes all service charges that would normally be applied separately through a social rent. It is therefore not significantly greater than the ~50% rent that would be payable as Social Rent.

7.2.9 The applicant has submitted an Affordable Housing Statement and Addendum to set out their position in respect of the housing proposed. This confirms that the site has now been purchased by Watford Community Housing, and this is why the application now seeks 100% affordable housing rather than 45%. The statement notes that in *“providing 100% affordable housing on this site...we are trying to maximise the number of affordable rented and shared ownership homes to help meet the high level of housing need in the area...The removal of open market sale housing means that we lose the cross subsidy their sale would bring in order to fund a social rent tenure, however the benefit is that a further 29 homes will now be available for much needed shared ownership. The rented homes will remain and convert to an Affordable Rent tenure capped at Local Housing Allowance levels”*.

7.2.10 First Homes are a specific kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value, sold to a person(s) meeting First Homes eligibility criteria, have a restricting to ensure the discount is passed on at each subsequent

transfer, and must have a first sale price no higher than £250,000. The Planning Practice Guidance on First Home sets out “The new First Homes policy requirement does not apply for the following: sites with full or outline planning permissions already in place or determined ... before 28 December 2021”. However, the PPG does also include: “Does the First Homes requirement apply to variations or amendments to existing planning permissions? The policy does not apply to applications made under section 73 of the Town and Country Planning Act 1990 to amend or vary an existing planning permission unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for that development. (Paragraph: 022 Reference ID: 70-022-20210524)”. It is considered that there is some conflict between these paragraphs, with the first giving a clear cut-off date and the second being less clear in its wording.

- 7.2.11 It is acknowledged that the proposal would fail to provide any First Homes, and the applicant has acknowledged this matter. To support their application with the submitted tenure, the applicant has submitted further information in respect of the proposal.
- 7.2.12 The applicant has confirmed that the mix of tenures proposed is up to levels that their long-term viability assessment can maintain. The applicant relies on Homes England funding based on the assumptions in the application, which helps to offset the losses of building 100% affordable. This funding is already in place, meaning the applicant would be able to build and deliver the houses proposed under the current application. The applicant has also engaged with a home developer to ensure the development can commence, and pre-commencement conditions are in the process of being discharged.
- 7.2.13 The applicant has identified that the latest Annual Monitoring Report for TRDC states that 34 new affordable homes were completed between 1 April 2021 and 31 March 2022, with only 16.7% of total housing completions being affordable housing. These figures are not disputed. The applicant states that the guaranteed nature of the delivery of the houses subject of the current application (as noted above, by the appointment of a main contractor and work ongoing to discharge pre-commencement conditions), should be given significant weight in decision making, in particular in light of the housing delivery position.
- 7.2.14 The applicant has also committed to ensuring the homes respond to the needs of those on low incomes by having low running costs. All rented housing will have vinyl wood-effect flooring and black-out blinds, which means floor coverings and curtains do not have to be provided by tenants. In addition, houses will have photovoltaic panels for electricity generation which will lower electricity bills by using what is generated by the panels first. The installation of the solar panels and their maintenance and retention is recommended to be secured by a condition attached to the reserved matters application (23/0699/AOD) to ensure the development meets its energy efficiency targets. The provision of the floor and window coverings is proposed to be secured via the amended wording of Condition 4 as set out in the recommendation section below.
- 7.2.15 In respect of the shared ownership product, the applicant has recognised a demand in the area for first time buyers to get onto the housing ladder who are unable to access traditional mortgages. They also note that shared ownership homes split the share of risks with the housing provider, which means any fluctuations on mortgage rates are reduced.
- 7.2.16 In acknowledging the scheme not providing any First Homes, the applicant notes that providing that tenure would reduce the cost of a 2 bed-house with a market value of £475,000 to £250,000 to meet First Homes expectations, with an almost 50% loss of value which would impact funding mechanisms and the viability of the scheme.
- 7.2.17 Finally it should also be noted that outline planning permission exists for this development to be delivered with just 45% (24) affordable houses, and if the variation of condition 4 is not permitted, then it is expected delivery of the housing on the site would revert back to that level. In contrast the current application proposes to deliver 100% (53) affordable



houses, and this, in the context of the delivery of affordable homes in recent years in the District, is considered to be considerable and a substantial benefit of the scheme.

- 7.2.18 In respect of the unit sizes, the applicant has confirmed that the proposal provides 100% of the target shared ownership unit mix. Whilst it under-provides on one-bedroom rental units (by three units) it over-provides on two- and three-bedroom units.

|                              | 1 bed |     | 2 bed |     | 3 bed |     | 4 bed |    | Total |
|------------------------------|-------|-----|-------|-----|-------|-----|-------|----|-------|
| Shared Ownership Requirement | 1     | 21% | 3     | 41% | 2     | 28% | 1     | 9% | 7     |
| Shared Ownership Provision   | 1     |     | 3     |     | 2     |     | 1     |    | 7     |
| Affordable Rent Requirement  | 7     | 40% | 5     | 27% | 5     | 31% | 0     | 2% | 17    |
| Affordable Rent Provision    | 4     | 24% | 6     | 35% | 7     | 41% | 0     |    | 17    |
| Additional Shared Ownership  | 3     |     | 19    |     | 6     |     | 1     |    | 29    |
| TOTAL Proposed               | 8     |     | 28    |     | 15    |     | 2     |    | 53    |

- 7.2.19 As noted in the consultation section above, the council's Strategic Housing Manager supports the application, noting that it will provide 100% affordable housing. They note that the main requirement for those on the current housing register is for 2 bedroom 4 person units, and the application proposes a higher number of 2 bedroom units than other sizes.
- 7.2.20 It is recognised that the proposed change to condition 4 does change the type of affordable rental product from social rent to affordable rent, and that there is a difference in the amount of rent payable between the tenures. However, it is considered that capping the rent at LHA will ensure the rent will be affordable to eligible households, and it is acknowledged that this is a recognised affordable rental product. In addition, whilst the scheme fails to provide First Homes, a lack of clarity with that guidance is set out above and the proposal does provide 100% affordable housing and meets the NPPF requirement of at least 10% of housing to be affordable home ownership. Furthermore, whilst it is recognised that the development is not a match for the LHNA unit size targets the deviation from these are minimal.
- 7.2.21 Overall, given the number of houses provided, the additional 29 affordable houses over the previously approved (and legitimate fallback) scheme, the potential for fast deliverability of the development and the matters set out above it is considered that the proposed amendments to Condition 4 are acceptable.
- 7.2.22 As noted above, part of the reason for accepting the scheme relates to the imminent deliverability of the proposal, in the context of the district having a 1.9 year housing land supply and low delivery of housing. In order to ensure the delivery of this housing and to realise the suggested benefits, it is considered reasonable and necessary that the condition setting out the time limit for implementation be amended to give just one year for the development to commence, rather than the standard two years given for Reserved Matters applications following approval. The reworded condition 4 also includes a revised definition of Affordable Rent, to ensure this is capped at LHA.
- 7.2.23 The applicant has provided an Affordable Housing Statement to provide the information sought by the other clauses in Condition 4, however it is not considered that all points have been adequately dealt with and therefore this recommendation relates to changing the affordable housing provision from 45% to 100% with the applicant's proposed split, with the remaining details still to be submitted to the LPA pursuant to the condition.
- 7.2.24 In addition to the main change to Condition 4 detailed above, a further alteration is proposed to the mortgagee in possession clause contained within the condition. Three Rivers has an acknowledged acute need for affordable housing. Indeed this is relied upon by the applicants in support of this application. The NPPF (Annex) makes clear that the starting

position is that affordable housing should be provided in perpetuity (subject to certain enshrined rights). A mortgagee in possession (MIP) clause is a caveated exception to that policy requirement and sets out a mechanism which ensures that in the event of a default event by an Affordable Housing Provider, before the mortgagee can sell the affordable dwellings on the open market as private housing (free of the affordable housing obligations), the Council are given a reasonable and achievable period of time to find a new provider who wants to buy the affected affordable dwellings and for the purchase of the dwellings to be secured by that new provider, thus preserving the continuing future of the dwellings as affordable housing. That process, in the event of a default would be involved and would need to allow time for marketing, submission of bids, evaluation of bids, contract negotiations including due diligence and title investigations and completion of agreements.

- 7.2.25 If this application is granted, the number of affordable housing dwellings which will be secured by this scheme will more than double from 24 to 53. In light of this officers consider that the 4 month MIP period currently referred to in C4 would no longer suffice as a reasonable and achievable period to secure the transfer of the affordable dwellings to a new AHP in the event of a bank default and distressed sale. For this reason the period has been raised from 4 to 5 months.

### 7.3 Condition 5 – Specification of Access

- 7.3.1 Condition 5 attached to the outline planning permission is as follows:

The development shall not begin until detailed specification for the access arrangements have been submitted to and approved in writing by the Local Planning Authority. The details are to include the following:

- Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

The development shall thereafter be implemented in accordance with the details as approved by this condition and completed before first occupation.

Reason: This is a pre commencement condition to encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- 7.3.2 The applicant seeks to vary the first trigger point of this condition from ‘the development shall not begin’ to ‘the relevant part of the development shall not begin’. This is to enable works on the wider side to commence prior to the full details of the revised layout to Foxgrove Path and Heysham Drive junction being submitted to the LPA for approval.
- 7.3.3 The condition requires the works to be completed before the development is first occupied and no change is sought to this trigger point. Officers consider that this is the most important part of the condition, as it gives a clear timescale for the access works to be completed by (ie they must be completed before the occupation of the development).
- 7.3.4 On this basis, it is considered reasonable to vary the first trigger point, as there is no need to restrict development taking place on site until details of the junction changes are approved. Officer do not agree with the applicant’s suggested wording, because this is not considered to be precise. Given that the final trigger point requires the implementation and completion of the works, it is considered that the submission of these works prior to first occupation would be reasonable. As a result, it is proposed to change the wording of the condition to the following:

~~Prior to the first occupation of the development hereby permitted, shall not begin until detailed specification for the access arrangements shall have been submitted to and approved in writing by the Local Planning Authority. The details are to include the following:~~

- Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

~~The access arrangements development shall thereafter be implemented in accordance with the details as approved by this condition and completed in full before the first occupation of any part of the development hereby permitted.~~

~~Reason: This is a pre-commencement condition to encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).~~

#### 7.4 Condition 7 – Bus stop and crossing works

##### 7.4.1 Condition 7 attached to the outline planning permission is as follows:

Before development commences, additional plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, which show the detailed design and construction of:

- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
- The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall be completed to the Highway Authority's satisfaction before first occupation.

Reason: This is a pre-commencement condition to ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

7.4.2 As with the condition above, the applicant seeks to vary the first trigger point of this condition from 'before development commences' to 'before the relevant part of the development commences'. This is to enable works on the wider side to commence prior to the full details of the relocation of the bus stop and introduction of kerbed build out and pedestrian crossing route being submitted to the LPA for approval.

7.4.3 As with above, the requirement for the works to be completed before the development is first occupied remains, and this is considered reasonable. On that basis, varying the condition is considered acceptable. The wording provided by the applicant is not considered precise and it is therefore proposed to amend condition 7 to:

Prior to the first occupation of the development hereby permitted commences, additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed design and construction of:

- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
- The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall thereafter be completed in accordance with the approved details to the Highway Authority's satisfaction before the first occupation of the development hereby approved.

Reason: ~~This is a pre-commencement condition~~ to ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

## 7.5 Other Matters

- 7.5.1 An application submitted under S73 of the Town and Country Planning Act essentially grants a fresh planning permission for the development. As such, it is necessary to re-attach the same conditions to this permission as were attached to the original grant of outline planning permission. This has been done below, accounting for the changes considered acceptable within the appraisal above, and accounting for conditions where details have been submitted and approved and that condition discharged (condition 11).
- 7.5.2 The original application included a time limit condition requiring application for the approval of the reserved matters to be made before the expiration of three years from the date of the outline permission. The reserved matters application has been submitted and is being considered under application 23/0699/AOD. That part of the previous time limit condition therefore falls away but the element relating to implementation remains.
- 7.5.3 Similarly, the reserved matters application 23/0699/AOD falls to be considered at the same committee meeting as this application. Should it be approved in accordance with the recommendation, condition 1 attached to this recommendation is proposed to be amended to require works to be implemented in accordance with that permission. Should the reserved matters application not be approved, Officer's will table an amendment to condition 1, reverting it back to its original wording.
- 7.5.4 As noted above, the ability of the applicant to deliver 100% affordable housing, commencing development in a relatively short time frame, is one matter to which a high level of weight is attributed. To ensure this takes place, Condition 2 below is proposed to be amended to require the development to commence within one year of the date of the approval of the last of the reserved matters.
- 7.5.5 The original outline planning permission included condition 13 requiring details of a scheme to deal with any risks associated with contamination of the site to be submitted. Details have been submitted and approved pursuant to the condition, and it was identified that no contamination is present. Therefore, that condition has been deleted. There remains a condition (19) in respect of dealing with any unexpected contamination.

## 8 **Recommendation**

- 8.1.1 That OUTLINE PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the reserved matters details approved under reference 23/0699/AOD.

Reason: In pursuance of Section 92(2) 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 begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C3 The access arrangements hereby permitted shall be carried out in accordance with the following approved plans: 41394-Lea05, 41394-WOOD-XX-XX-FG-T-0002\_S0\_P02.1 and 41394-WOOD-XX-XX-FG-T-0003\_S0\_P01.1. The plans are approved only in so far as they relate to the siting of the access.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and RE2 of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

- C4 No development shall take place above ground floor slab level until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type, unit size, tenure and location of the Affordable Housing to be constructed on the site which shall consist of 100% of the total number of the Dwellings permitted, of which 32% shall be constructed and Provided as Affordable Rented Dwellings and 68% shall be constructed and Provided as Shared Ownership Dwellings;
- ii. the internal specification of the Affordable Housing (including proposed flooring and window treatments for each room)
- iii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing;
- v. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced;
- vi. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing);
- vii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes and Communities Agency guidance)

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

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable

Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:

(i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and

(ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

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

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

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

C5 Prior to the first occupation of the development hereby permitted, detailed specification for the access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details are to include the following:

o Full details of the proposed layout for the revised junction of Foxgrove Path and Heysham Drive identifying the introduction of dropped kerbs and tactile paving to provide a safe crossing point for pedestrians.

The access arrangements shall thereafter be implemented in accordance with the details as approved by this condition and completed in full before the first occupation of any part of the development hereby permitted.

Reason: To encourage travel to and from the development by sustainable travel modes and to minimise danger, obstruction and inconvenience to users of the highway by ensuring suitable means of access is in place, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C6 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.

- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.
- signage

The approved details shall be adhered to throughout the construction period.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the first occupation of the development hereby permitted, additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, which show the detailed design and construction of:
- The proposed relocation of the bus stop on the south side of Prestwick Road close to the junction with Heysham Drive.
  - The introduction of a kerbed build out and pedestrian crossing route immediately west of the junction of Prestwick Road and Heysham Drive.

These works shall thereafter be completed in accordance with the approved details before the first occupation of the development hereby approved.

Reason: To ensure the development encourages sustainable transport and to enable disabled / more vulnerable users (e.g. wheelchair users) to safely and conveniently access the opposite bus stop along Prestwick Road in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C8 Before the first occupation of any dwelling, both bus stops by the Prestwick Road / Heysham Drive junction, as shown on drawing 41394-WOOD-XX-XX-DR-OT-0001\_S3\_P01 (or in an alternative location as otherwise approved pursuant to Condition 7) shall have raised Kassel kerbing implemented.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C9 Before the first occupation of any dwelling, pedestrian dropped kerbs and tactile paving shall be installed along Heysham Drive at the junctions of Ashford Green, Letchworth Close, and Bramley Gardens.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C10 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- G) Responsible persons and lines of communication.
- H) Use of protective fences, exclusion barriers and warning signs.

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

Reason: This is a pre commencement condition in the interests of safeguarding protected species 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).

C11 The biodiversity enhancements and management shall be undertaken in full accordance with the details approved in the local planning authority's decision letter dated 25 September 2023 relating to Discharge of Conditions application reference 23/1375/DIS and accompanying documents.

Reason: In the interests of safeguarding protected species 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).

C12 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

C13 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to, and approved in writing, by the local planning authority. The surface water drainage system will be based on



the Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394- WOOD-XX-XX-TN-OW-0001\_S0\_P01 dated December 2019, and all supporting information. The surface water drainage scheme should include:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change for the entire site and not only considering the impermeable areas.
3. Implementing the appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer network using appropriate above ground SuDS measures and indicated in the Outline Drainage Strategy and Flood Risk Assessment Addendum and shown on the Illustrative Masterplan (ref: Lea02 Rev B).
4. Updated drainage layout plan showing all proposed SuDS features and pipe networks and detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.
5. Updated surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to include all proposed SuDS features that will provide attenuation for all site area. Calculations should take account of the entire site area not just impermeable areas.
6. Provision of half drain down times to ensure that the proposed attenuation features can accommodate as a minimum a 1 in 30 year storm within 24 hours of a 1 in 100 plus 40% climate change event.
7. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: This pre-commencement condition is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013). It is required to be pre-commencement to ensure that the detailed design of the drainage is approved before any works commence.

- C14 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

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

- C15 Prior to the commencement of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected along the boundaries with Nos 12-15 Foxgrove Path, Nos. 69-81 Heysham Drive and Nos. 2-4 Ashford Path shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to commencement of any site works and retained as such thereafter.

Reason: This is a pre-commencement condition to ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to the commencement of any works on site, full details of the proposed six replacement car parking spaces, including their surfacing, a timetable for their construction relative to the highways works to Foxgrove Path and the development as a whole, and management details including arrangements for the use of the area/parking and how these spaces will be reserved and made available for use by the general public in perpetuity, including details of appropriate signage and maintenance. The parking area shall be provided in accordance with the timetable as approved by this condition, and remain unrestricted and available for public use and no physical barrier or obstruction shall at any time be installed to prevent their unrestricted use.

Reason: This is a pre-commencement condition required to ensure that the replacement car parking to compensate for displaced car parking spaces along Foxgrove Path is provided and maintained as unrestricted public car parking in perpetuity, in accordance with the requirements of Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C17 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

- C18 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the

Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

- C19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

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

- C20 The development permitted by this planning permission shall be carried out in accordance with the approved Addendum to the submitted Outline Drainage Strategy and Flood Risk Assessment carried out by Wood Environmental & Infrastructure Solutions Ltd reference 41394-WOOD-XX-XX-TN-OW-0001\_S0\_P01 dated December 2019, and the following mitigation measures detailed within the addendum.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.9 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in an attenuation pond.
3. Inclusion of appropriate SuDS management and treatment features which may include permeable paving and filter drains.
4. Discharge of surface water from the site into the Thames Water surface water sewer located in Heysham Drive via the proposed attenuation pond.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: This is required to ensure that sufficient capacity is made available to cope with the new development to prevent flooding, to prevent flooding by ensuring the satisfactory disposal and storage of surface water, and to reduce the risk of flooding to the proposed development and future occupiers in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C21 Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

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

Reason: This is required to prevent flooding by ensuring the satisfactory disposal and storage of surface water in accordance with Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C22 The approved Travel Plan (reference 1394-WOOD-XX-XX-RP-OT-0002\_A\_P02) shall be implemented at all times following first occupation and its requirements adhered to in full.

Reason: To ensure that sustainable travel options associated with the development are promoted in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM4 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:

- {\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 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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
- 15 The following terms (and those related to them) referred to at Condition C4 shall be defined as set out below:

Affordable Housing means Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Housing Provider means a registered provider registered with the Homes and Communities Agency (HCA) or other body registered with the HCA under the relevant Housing Act or other body approved by the HCA to receive social housing Grant such Affordable Housing Provider in any event to be approved by the Council.

Affordable Rented Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider available for rent at a level not exceeding the South West Hertfordshire Local Housing Allowance (including any Reasonable Service Charge).

Choice Based Lettings Scheme means the Council's allocations policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes and Communities Agency (HCA) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers. It shall also secure the prioritisation of Shared Ownership Dwellings to persons who are TRDC residents (have resided in the District for 5 years) or who have a local connection.

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the

relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser.

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of the freehold or no less than a 125 year leasehold interest.

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Housing as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider on Shared Ownership Terms.

**Shared Ownership Terms** means that the relevant Affordable Housing Unit is let:

- (a) in accordance with 'shared ownership arrangements' within the meaning of section 70(4) of the Housing and Regeneration Act 2008; and
- (b) on a lease in the form of the Homes England standard lease on terms where:
  - (i) the percentage of the value of the relevant Affordable Housing Unit paid as a premium on the day on which a lease is granted under the shared ownership arrangement does not exceed seventy-five percent (75%) of the Market Value;
  - (ii) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three percent (3%) of the value of the unsold interest; and
  - (iii) in any given year the annual rent payable does not increase by more than the percentage increase in the CPI for the year to September immediately preceding the anniversary of the day on which the lease was granted plus one percent (1%);
- (c) on terms pursuant to which the tenant pays no more than a Reasonable Service Charge (where applicable);

- 16 The applicant is reminded that the removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than three days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.
- 17 The applicant is reminded that any external lighting should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost/nesting sites.

- 18 The applicant is advised to keep any areas of vegetation as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians (including Great Crested Newts) to cross. Clearance of existing vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat. Stored building materials that might act as temporary resting places are raised off the ground, e.g. on pallets or batons, away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily - this is particularly important if holes fill with water. If a reptile or amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
- 19 The applicant is reminded that during the course of any development works at this site the existing Public Rights of Way should be protected to a minimum width of two metres, and the current surface maintained. In addition, the Public Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times. The condition of the route must not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) to be made good by the applicant to the satisfaction of the Highway Authority. If the above cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. Further information and guidance should be sought from the Rights of Way officer (row@hertfordshire.gov.uk) before any works take place.
- 110 The applicant is advised that any future submission in respect of the Landscaping Reserved Matter should, in connection with Condition 6 (Biodiversity Enhancement and Management Plan), make adequate provision for the existing boundary hedgerows to be gapped up with appropriate species.
- 111 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 112 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
- 113 It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information



is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

- I14 The applicant is advised that all new highway associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

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## PLANNING COMMITTEE - Thursday 19<sup>th</sup> October 2023

**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  
Expiry of Statutory Period: 09.09.2023  
Extension of Time: 26.10.2023

Ward: Gade Valley  
Case Officer: Aaron Roberts

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>

### **Update since September Planning Committee:**

On 30<sup>th</sup> September 2023, Members of the Planning Committee undertook a site visit following a deferral at September's Committee.

On 9<sup>th</sup> October 2023, the case officer received amended plans 23/2713/02 REV C and 23/2713/101 REV D. Plan number 23/2713/02 REV C shows further details of the landscaping to the rear and also includes a section drawing (of the extension and rear garden).

Plan number 23/2713/101 REV D includes the addition of 0.6m high picket fencing along the front boundary (with openings for pedestrian and vehicle access). The parking configuration has also been amended to show parking for a minimum of 5 vehicles.

### **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.

3.7 Plans received on 09.10.2023 indicate that there would be the addition of 0.6m high picket fencing along the front boundary (with openings for pedestrian and vehicle access).

#### 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 employees 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 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 employees 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 5 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 5, 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. Whilst plan 23/2713/02 REV C shows soft landscaping within the rear of the site, specific details such as species and planting heights have been omitted. 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 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 C, 23/2713/03 REV B, 23/2713/04 REV B, 23/2713/100 REV A, 23/2713/101 REV D.

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:**

- 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:

#### 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



## PLANNING COMMITTEE – 19 OCTOBER 2023

### **23/1139/FUL – Replacement of existing pedestrian bridge over the River Colne with a new pedestrian and cycle bridge, including upgraded footpaths, fencing and seating areas, at RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE, RICKMANSWORTH**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 25.10.2023

Ward: Rickmansworth Town  
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been brought to committee as the applicant is Three Rivers District Council.

To view all documents forming part of this application please go to the following website:  
[23/1139/FUL | Replacement of existing pedestrian bridge over the river colne with a new pedestrian and cycle bridge including upgraded footpaths, fencing, seating areas. | Rickmansworth Aquadrome Bridge Uxbridge Road Rickmansworth WD3 7DH \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1139/FUL)

#### **1 Relevant Planning**

1.1 Extensive planning history for the site, however, nothing specific to this application.

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

2.1 Rickmansworth Aquadrome is an allocated area of public open space centred around two lakes, known as Batchworth Lake and Bury Lake and located within the Metropolitan Green Belt. It is a designated Local Wildlife Site, and Local Nature Reserve supporting a variety of habitats. The Aquadrome provides surfaced walks and nature trails, children's play areas, outdoor gym, café and sporting facilities such as Bury Lake Young Mariners Club. The Aquadrome is served by one vehicular access point from Frogmore Lane which provides access to a large car park. There are also varying pedestrian entrances including from Riverside Drive which leads to the existing play area and to the existing footbridge over the River Colne.

2.2 The application site is of an irregular shape and relates to a small area of the Aquadrome, located to the north of Batchworth Lake and to the east of both the existing children's play area and boat house which currently facilitates the Waterskiing Club. The site is located immediately adjacent to the existing children's play area. The site extends to the boundary with Riverside Drive, with this boundary consisting of open metal railings. Within the site is an existing footpath which provides access from Riverside Drive into the Aquadrome. To the east of the existing footpath and opposite the children's play area is an existing area of grassland; which contains a number of existing trees, with some seating present.

2.3 The footpath provides access to the existing pedestrian footbridge over the River Colne, which is classed as a main river. The existing footbridge has a tarmac surface; with the flank elevations of the bridge consisting of metal railings of varied height, with additional mesh fencing located at low level extending across the bridge. The design of the bridge also includes individual metal bars extending over the width of the bridge, with spacing in between each individual bar. The footbridge is part of National Cycle Network 6. The site extends over the footbridge and includes an area of grassland to the east of the boat house which currently contains a flat roofed container which is separated from the existing bridge and footpath by green palisade fencing. The site extends across the main pedestrian footpath and up to Batchworth Lake.

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

- 3.1 This application seeks full planning permission for the replacement of the existing footbridge over the River Colne and associated works including upgraded footpaths, fencing and seating areas.
- 3.2 The Design and Access Statement sets out that a bridge condition survey was commissioned in July 2021 and the findings confirmed that the existing bridge is in 'very poor condition'. Following this, an indicative cost of repairs were sought, however, it was ascertained that the repair costs could significantly increase. Furthermore, it was not possible to give a guarantee on the life expectancy of the repair works. As such, it was concluded that the only appropriate solution is to replace the existing bridge in its entirety.
- 3.3 The plans illustrate that the new bridge would be sited in the same location as the existing bridge. It would have an increased width of approximately 4m from the existing width of approximately 1.6m and would have a length of approximately 41.7m extending from north to south across the River Colne. It will provide a combined cycle lane and pedestrian footpath, with no physical barrier between the paths. The plans indicate that the surface of the bridge would be located approximately 1.5m above the water level. The bridge shall be of steel construction with the surface of the bridge proposed as porous asphalt. The sides of the bridge would angle out over the water to give the perception of a greater width.
- 3.4 The footpaths located at either end of the bridge would be widened to the same width as the proposed bridge and these would also be finished in porous asphalt. The pedestrian access from Riverside Drive into the Aquadrome would also be widened. The plans also indicate the provision of gates to the east of the play area across the path. These would be set back from the Riverside Drive boundary by approximately 6.1m. They would have a width of approximately 4.1m and a height of approximately 2.4m.
- 3.5 The existing area to the east of the play area and bridge which currently consists of grassland will be replaced with compacted wood chippings over a geotextile membrane. New seating would be provided in this location.
- 3.6 To the south, the existing container adjacent to the boat house would be removed. The existing palisade fencing adjacent to the waterski club would be removed and replaced with new composite fencing of approximately 2.4m in height. To the south of the bridge, immediately adjacent to Batchworth Lake, a new area of decking is proposed with this area provide further seating for users of the Aquadrome. This deck is proposed to be enclosed by a low level timber rail.

### **4 Consultation**

#### **4.1 Statutory Consultation**

4.1.1 Environment Agency: [Initial objections raised, subsequently withdrawn].

4.1.1.1 Initial comments [objection]

Environment Agency Position

Based on a review of the submitted information, we object to the proposed development for the following reasons:

1. Insufficient Information (Flood Risk)
2. Proximity to River Colne (Biodiversity)

Objection 1: Insufficient Information (Flood Risk)

The applicant has failed to clearly demonstrate the following:

- how far the foundations of the bridge are to the watercourse. In some plans, it appears that the foundations of the bridge are closer than 1 metre distance from the watercourse.

It is also unclear if the bridge is to utilise the existing abutments, or if these are to be replaced. Justification should be provided for any works within 8m of the top of the bank.

- It is unclear how far the inverts/ abutment footings of the bridge are set below the existing bed level as the applicant has failed provided the specific dimensions.
- The applicant has failed to demonstrate clearly the extent of the 1 in 100 + climate change flood level.

This objection is in line with Paragraph 164 of the National Planning Policy Framework and Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) which requires development does not increase flood risk elsewhere. Furthermore, Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) requires development to be set back from a main river with a minimum 8m wide buffer zone and from any other watercourse with a minimum 5m wide buffer zone to prevent any significant impact from flooding.

### Overcoming Objection 1

The applicant must demonstrate:

- The distance of the foundations of the bridge to the watercourse. They should further provide detail if the foundations are to be from the existing bridge, or if these are to be replaced. The bridge should be securely attached to foundations which are no closer than a distance of 1 metre from the watercourse.
- The applicant must specify the dimensions of the bridge invert. We require that the invert must be set at least 600 mm below the existing bed level.
- The applicant needs to demonstrate the length of the proposed bridge
- The applicant must demonstrate the 1 in 100 + climate change flood level/ extent on their plans. This should be clearly demonstrated on both the existing and proposed aerial plan view and their cross-section designs.

### Objection 1 Advice

In July 2021 we updated our national guidance 'Flood risk assessments climate change allowances'. This document should be used together with the National Planning Policy Framework to inform any FRA.

Please be aware that any increase in built development or raising of ground levels within the floodplain (1% annual probability plus an allowance for climate change extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the preferred method of mitigation. However, for this to be achievable it requires land on the edge of the floodplain and above the 1% annual probability flood level, with an appropriate allowance for climate change, to be available.

If it is not possible to provide level-for-level and volume-for-volume compensation, then other forms of mitigation may be considered if agreed with the Local Planning Authority (LPA). However, the FRA must demonstrate that level-for-level and volume-for-volume compensation has been considered and explain why it was not possible to provide and detail how any associated risks from the chosen form of mitigation can be minimised.

If the LPA are not satisfied that alternative mitigation measures are appropriate, then the applicant should revise their development proposals to ensure that there will be no increase in built footprint on this site.

In order to ensure site users will not be exposed to flood hazards, we require finished floor levels to be set a minimum of 300mm above the 1% plus an allowance for climate change flood level.

## Objection 2: Proximity to River Colne (Biodiversity)

The submitted planning application may have a negative impact on the semi-natural habitat within the riparian zone of the River Colne. The river Colne is a chalk stream, classified as Priority Habitat (also known as Habitats of Principal Importance) under the UK Biodiversity Action Plan due to their globally rare species rich habitat.

In addition to the above, the Thames River Basin Management Plan (TRBMP) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Development that encroaches on watercourses can have a potentially severe impacts on their ecological value. They prevent achievement of good ecological status through the removal of a natural buffer zone which acts as a filter for water run-off and provides the habitat for many species that rely on this area adjacent to the river (e.g., Macrophytes and Invertebrates such as mayflies, dragonflies). Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help restore watercourses to a more natural state. This view has been ascertained for the following reasons:

- It appears the proposed hard landscaping surface encroaches into the 8-metre buffer zone of the River Colne. We require a minimum 8-metre natural buffer zone from the top of the bank of the River Colne main river to the edge of the built development.

This objection is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

This is also supported by Policy DM8 Flood Risk and Water Resources from Three Rivers Local Plan (Adopted 2013) which requires development to be set back from a main river with a minimum 8m wide buffer zone and from any other watercourse.

### Overcoming Objection 2

It may be possible to overcome our objection by submitting a revised scheme which:

- demonstrates how the hard landscape surface development can take place without encroaching into the 8m buffer zone along the river channel.

If an 8-metre buffer zone is not deemed possible, then thorough justification should be provided for this. In line with the mitigation hierarchy, if avoidance of impacts is not possible, mitigation and/or compensation options must then be explored for this stretch of the river. This could include exploring the removal of any physical modifications to the river such as weir(s), or natural enhancements to the river channel. We recommend use of the TRBMP and the catchment data explorer to inform such work. It should be noted that the TRBMP requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Therefore, the development proposals should not cause the deterioration of water quality nor undermine the quality of a priority habitat. It should seek to restore and enhance the naturalness of the watercourse, aiming to maintain this quality and, where possible, to increase the naturalness of other parts of the river system.

### Informative

#### Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### Advice to LPA

##### Asset liability

The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party.

##### Riparian responsibilities

As River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

##### Sequential Test

What is the sequential test, and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories, or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test and:
  - o the proposed development is consistent with the use for which the site was allocated; and
  - o there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

#### Insurance eligibility

New homes built in flood risk areas after 1 January 2009 are not covered by the Flood Re-insurance scheme and may not be eligible for home insurance. We advise contacting an insurance provider to discuss whether your development would qualify for insurance.

#### Flood Risk Management Scheme Funding eligibility

New properties and buildings converted to housings within areas of flood risk after 1 January 2012 will not be counted towards the outcome measures of any proposed future flood alleviation scheme. This is to avoid inappropriate development in flood risk areas.

Further information can be found at

<https://www.gov.uk/government/publications/calculate-grant-in-aid-funding-floodrisk-management-authorities>

#### Advice to applicant

##### Pre Application Advice

We strongly encourage applicants to seek our pre-application advice to ensure environmental opportunities are maximised and to avoid any formal objections from us. If the applicant had come to us, we could have worked with them to resolve these issues prior to submitting their planning application. The applicant is welcome to seek our advice now to help them overcome our objection via [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk)

Further information on our charged planning advice service is available at <http://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>.

#### 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, in accordance with the planning practice guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Officer comment: The applicant has submitted amendments during the course of the application. The Environment Agency have been re-consulted and the following comments received:

#### 4.1.1.2 Further comments [No objection]

Thank you for re-consulting us with the additional information for the above application on 4 September 2023. As part of the consultation, we have reviewed the following documents entitled:

- 'Applicant Response to EA Objections', uploaded to the planning portal 24 August 2023.



- 'Flow Rate V Flood Level', uploaded to the planning portal 24 August 2023.
- 'Flow Rate Data', uploaded to the planning portal 24 August 2023.
- 'Proposed Site Plan', prepared by AHR Building Consultancy Ltd., dated 5 December 2022 (Project number 2022.00796.000, Drawing number SK03, Rev P07)
- 'Materials Plan', prepared by AHR Building Consultancy Ltd., dated 5 December 2022 (Project number 2022.00796.000, Drawing number SK06, Rev P03)

#### Environment Agency Position

The additional information submitted sufficiently addresses our earlier concerns, we therefore **withdraw** our previous objection.

The applicant has demonstrated that the 1 in 100 + Climate change (21%) flood level is 44.99mAOD which is below ground level, in comparison to the existing topography of both sides of the banks which sit at 45.23mAOD and 45.22mAOD. This means that the existing banks are higher than the 1 in 100yr + CC flood level, confirming that the bridge and its approach ramps will not be located within this extent.

Additionally, the applicant has confirmed that new bridge will rest on the existing abutments, and therefore no closer to the watercourse.

The amended SK03 drawing also addresses our previous concern regarding the provision of an 8-metre undeveloped buffer zone from the top of the bank.

#### Informative

##### Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### Advice to LPA and Applicant

##### Asset liability

The Environment Agency would like to remind the applicant that, in the absence of an alternative agreement or special transference of liability or contract, the owner of the asset remains responsible for the asset. The risk remains with the asset owner and this response does not remove any of this liability from the owner or contractually responsible party.

##### Riparian responsibilities

As the River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank.

Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

#### Fencing

We recommend that all fencing should be permeable to flood water, as to not obstruct and affect flood water flows and potentially increase the flood risk to nearby areas. We recommend no fencing in proximity to the watercourse, have open fencing, or set the fencing back 8m from top of bank. The least disruptive fence design is considered to be a post and rail or a post and wire fence. If privacy is required, hit and miss fencing or hedging are preferred.

#### Use of Sustainable Materials

We recommend the consideration of alternative sustainable materials for use than the geotextile membrane as it breaks down to release microplastics. Whilst microplastics is an area of extensive ongoing research and the evidence base is still being built, there is sufficient evidence to suggest that they have a negative effect on marine and freshwater environment. Consequently, they affect biodiversity and possibly human health since their small size facilitates uptake and bioaccumulation by organisms.

#### Sequential Test

We have withdrawn our objection to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

#### Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Details and calculations relating to the structural stability of buildings during a flood
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

#### Pre Application Advice

Regarding future applications, if you would like us to review a revised technical report prior to a formal submission, outside of 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. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated. Should you have any queries regarding this response, please contact me.

#### 4.1.2 Batchworth Community Council: [No objection, queries raised].

Batchworth Community Council welcomes the proposal to replace the bridge into the Aquadrome from Riverside Drive. However, we do have the following questions and comments:

1) There is no reference or diagram that shows the structure and composition of the bridge side barriers and infill. Looking at Diagram SK07 it would appear to be horizontal cabling. Is this correct? If so is there any additional safety netting on the angled stations.

2) Why do we need bollards across the path of Riverside Drive end of that approach path as these will only serve to cause congestion where ease of access and the mingling of pedestrians and cycles is required?

3) What is the timeframe from start to completion?.

4) The proposed decking in the lake side viewing area will become very slippery with time and a combination of water, leaves and goose and duck poo. We would suggest the application of a permeable membrane and a filling appropriate to wheelchairs as well as pedestrians.

5) What colour is the bridge and can the tables by the lake be more in keeping with the surroundings rather than blue?

Officer comment: In response to query 2, the bollards have been removed from the plans. In response to query 4, the applicant has made the following comments:

*The proposed decking by the waterside is not timber. It is designed to be a composite nonslip viewing platform which will provide level access rather than the current step down so improving accessibility. Any surface would have to endure bird droppings and leaves, but it is considered a flat surface will be easier to maintain and keep clear.*

In response to query 2, the applicant has advised; *'that the project would commence in the new financial year, once we have had approval of funding from the Department of Transport. Ideally, we would be undertaking the majority of the work during the Autumn/winter period when the site is not as busy'*.

In response to query 5, the provision of tables and seatings do not require planning permission in their own right and therefore the issue relating to colour of tables would not be a material planning consideration.

#### 4.1.3 Three Rivers District Council Tree and Landscape Officer: [No objection]

Recommend: Approval, subject to conditions

The submitted plans indicate that nine trees, two tree groups and approx. six metres of Privet hedge would need to be removed to facilitate the development. The most significant removal would be T2 Ash at the southern end of the existing bridge. This early mature tree has previously had a substantial crown reduction due to signs of Ash Die Back. The main stem divides at approx. 1 metre from ground level, with a tight union that is likely to be a future weak point leading to failure. It will also outgrow its position and likely need to be removed in the relatively near future. Given that the remaining trees are all relatively low quality, their removal will not be detrimental to the landscape, providing sufficient replacement planting is required.

The proposed soft landscaping shows areas of shrub and hedge planting, however no standard trees appear to be specified. The use of *Fatsia japonica* is proposed in a number of locations, these could be substituted for smaller growing or multi-stemmed trees, such as Crab Apple, Dogwood, Birch or Cherry. There is also space for additional tree planting in the neighbouring play area, which would, in time provide sufficient compensation for those removed.

The soft landscaping plan appears to show metal fencing on a line with several retained trees, that would need to be either heavily pruned or felled to implement. Amendments to the plan will be needed if these trees are to be retained. The planting proposed in the soft landscaped areas should ideally draw on the use of more native species, and those associated with wetland and woodland edge environments, to create a more 'naturalistic feel' that connects with the wider riverside environment. The use of large pieces of timber or tree trunks rather than boulders would be more in keeping with the surrounding environment. In addition, rather than a linear hedge along the boundary with the river, a wider margin of native shrubs to screen the riverbank may be preferable. Further needs to be given to the design and layout of the landscape opposite the play area.

A condition should be applied that requires an amended landscape plan with further details of soft landscaping and replacement tree planting. The tree protection method statement provides sufficient protection for retained trees, a compliance condition requiring the method statement to be followed during construction should be applied, as follows.

#### Protection of trees

During construction of the development hereby permitted, the trees present within the property of [Insert Address] shall be protected by the measures outlined in the submitted Tree Protection Method Statement (ref: DS26012301). The measures in the method statement shall be implemented prior to commencement of construction and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: This is a compliance condition to ensure appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Officer comment: In response to the above comments, amended plans and an updated landscaping scheme has been received. The following comments have been received from the Landscape Officer:

No objection to the amended plans. Compliance conditions should be applied requiring the tree protection method statement to be followed, prior to, and during the development, and that the landscaping is implemented as per the submitted plans.

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

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding your plans to carry out works. Based on the information you provided:

Although there are Cadent gas pipes in the area you're planning to work, you can proceed with your planned work with caution and in line with the guidance. This outcome is based on the information you gave us. If your plans change, or you are unable to work to the guidance please let us know as soon as possible so we can work with you to find a solution.

If your works are being carried out in an easement, please ensure that you contact us to obtain formal, signed written consent which will only be provided following consultation with our plant protection team.

Please find enclosed a copy of our plans for the area and ensure you follow our key guidance document Specification for Safe Working in the Vicinity of Cadent Assets.

What you need to do

BEFORE carrying out any work you must:

Carefully read the guidance documents and maps showing the location of our gas apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe on Cadent's legal rights (i.e. easements or other rights). If the works are in the road or footpath, the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding danger from underground services'. This guidance can be downloaded free of charge at [www.hse.gov.uk](http://www.hse.gov.uk)

In line with the guidance, verify and establish the actual position of gas mains, pipes, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

Comply with all guidance and any further guidance from our specialist team.

Ensure that access to Cadent apparatus is maintained at all times.

Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over Cadent apparatus unless specifically agreed with us in advance

Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting Cadent apparatus.

Maintain appropriate clearances between gas apparatus and the position of other buried plant.

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 2 objections (including one received from The Chiltern Society).

4.2.3 Site Notice: Expiry: 13 August 2023

4.2.4 Summary of responses:

- Important that cyclists are separated from pedestrians. It is not sufficient for cyclists to ring their bells as they approach pedestrians;
- New bridge will be 4m wide but will be constrained at both ends by bottle necks of much reduced width.
- Need to open up the entrance to the Aquadrome with an attractive, welcoming entrance. This must include a resolved entrance to the street, designed safely to resolve the present unsatisfactory arrangement. Where pedestrians stand and are hit by cyclists at a restricted pavement between two sets of railings. Please enhance the safe entrance to the public highway, or new bridge is a waste of money.
- The existing bridge has only been recently overhauled.
- The scheme requires a proper design review in conjunction with the highway, the pedestrian crossing connecting to the town and in relation to the lake at the other end. All routes should be direct, straight forward and without obstructions.
- Looking for sympathetic design flare which would be an asset to the town.

## **5 Reason for Delay**

5.1 To address objections raised by the Environment Agency.

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

### Legislation

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

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

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### 6.3 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, 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, DM6, DM8, DM11, DM13 and Appendix 5.

### 6.4 Other

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

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

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

## 7 Planning Analysis

### 7.1 Impact on the Green Belt.

7.1.1 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

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

7.1.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.3 The construction of new buildings in the Green Belt is considered inappropriate however Paragraph 149 sets out six exceptions to inappropriate development which include:

- a) *buildings for agriculture and forestry;*
- b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries, and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and;*
- g) *limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would;*
  - *not have a greater impact on the openness of the Green Belt than the existing development or*
  - *not cause substantial harm to the openness of the Green Belt where the development would reuse previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

7.1.4 Core Strategy Policy CP11 sets out that the Council will maintain the general extent of Green Belt in the District and 'will encourage appropriate positive use of the Green Belt and measures to improve environmental quality. There will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it'. Development Management Policy DM2 notes that 'Within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance'. Policy DM2 was adopted prior to the publication of the current NPPF. However, it was adopted after the publication of the original 2012 NPPF, and the Green Belt policies in the NPPF are not materially different. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded full weight.

- 7.1.5 The proposed bridge would be considered as a replacement building and would therefore fall under exception (d) of the paragraph 149 of the NPPF. The plans indicate that the proposed bridge would be no higher than existing at the central point of the bridge. It is acknowledged that the bridge would be wider than existing with an increased width of approximately 4m, compared to the current surface area width of approximately 1.6m. It would also be perceived as wider due to the angled nature of the sides of the bridge. In addition, its length would also slightly increase from approximately 39.7m to 41.7m. Whilst it is acknowledged that the bridge would be perceived as wider due to its design, given the bridge would be sited in the same location, would be no higher, and with a modest increase in length, it is not considered that the proposed bridge would be materially larger. As such, the replacement bridge is considered to be an appropriate form of development, and for the reasons outlined above, it is not considered that there would be significant harm to the openness of the Green Belt.
- 7.1.6 To the east of the existing boat house is a flat roofed container. The applicant has confirmed that this would be removed from the land as part of the development. It is considered that this would result in an increase in openness in this location which is welcomed. At present, this land is separated from the footpath with green steel palisade fencing with a height of approximately 1.8m. The applicant is proposing to replace this fencing with new composite fencing with a height of approximately 2.4m. The provision of new fencing would be assessed under criteria (d) as a replacement building. It is acknowledged that the proposed fence would be approximately 0.6m higher than existing, however, given its limited length, that it would be located in a similar location and viewed against the backdrop of the existing boathouse, it is not viewed that it would appear as materially larger or unduly urbanising. As noted above there would be a general improvement to openness in this area following the removal of the container unit. In addition, there would be a low level knee rail adjoining the new deck. This would replace a low level structure in a similar location and as such this would also not affect the openness of the Green Belt.
- 7.1.7 The applicant is proposing to erect new gates which would be located towards the northern boundary of the site with Riverside Drive. Given that new gates would be considered as a new building, this aspect of the proposal would not fall within any of the identified exceptions listed within paragraph 149 of the NPPF. The provision of new gates would therefore constitute inappropriate development within the Green Belt which would be by definition harmful. As such, as set out in National Policy, very special circumstances (VSC) would be required for this element of the development.
- 7.1.8 The proposed development also includes installation of a proposed deck immediately adjacent to Batchworth Lake, upgraded footpaths, and landscaping alterations to the existing grass area to the east of the play area. Paragraph 150 of the NPPF states the following:
- Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- b) engineering operations.*
- 7.1.9 The proposed deck immediately adjacent to Batchworth Lake would replace an existing hard surface. It would not be of significantly increased size and therefore would not have an impact on the openness of the Green Belt. Likewise, the footpaths would be sited in the same location as the existing footpaths and would result in only a marginal increase in width. Again, this would not be detrimental to the openness of the Green Belt. The landscaping alterations include the replacement of the existing grass area to the east of the play area with wood chippings. This would retain a rural appearance and would not result in any spread of urbanising development. Furthermore, this aspect of the proposal is not viewed to constitute development and consequently would not require planning permission in its own right.



7.1.10 In summary, it is considered that the proposed replacement bridge, landscaping alterations and fencing would constitute an appropriate form of development which would not impact on the openness of the Green Belt. As such, these elements are considered acceptable and in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD. However, the proposal would also include the provision of new gates. These would be classified as a new building which would therefore be an inappropriate form of development which would be by definition harmful. Very special circumstances which would outweigh this harm would be required and these shall be considered at the end of this report.

## 7.2 Impact on the character of the area

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. Policy DM11 of the Development Management Policies LDD relates to open space, sport and recreation facilities and children's play spaces and is therefore also considered relevant to the assessment of this application. This sets out the following:

*Proposals for new or existing open space should be designed to a high standard and should not consist of large areas of open grass. The design of open space should have regard to the relationship between the open space and its surroundings, the level and kind of use likely given the nature of nearby uses and occupants, the need to maintain a variety and balance of different forms of open space and the need to maintain and enhance existing nature and conservation interests and the benefits of creating new habitats.*

7.2.2 The new bridge would be located in the same location as existing, and therefore there would be some views of the structure from Riverside Drive as well as from within the Aquadrome. Given it would be of similar scale to the existing bridge, it is unlikely that it would appear as unduly prominent. The applicant has indicated that the bridge is likely to be green in colour, however, full details of this has not been provided. Consequently, it is considered appropriate to reserve this detail as a condition with full detail to be provided. Bacthworth Community Council have also queried aspects of the design, noting that the plans appear to show horizontal cabling to the side barriers of the bridge, but query whether any additional safety netting would be required. , The applicant has advised that appropriate guarding will be provided in full accordance with Approved Document K- Protection from falling, collision and impact. Full details will be secured via a condition.

7.2.3 The upgrading of the footpaths to either side of the bridge would not result in a significant increase in hardstanding and thus these changes would not impact on the visual amenities of the landscape or the wider landscape setting of the site. It is noted that the proposals also include changes to existing landscaping including the resurfacing of the grass area to the east of the play area with wood chippings. This would not result in significant visual harm and furthermore, this alteration in itself would not require planning permission.

7.2.4 New gates are proposed and would be located approximately 6.1m from the boundary with Riverside Drive. It is acknowledged that these would be relatively high and would appear as an enclosure of the site. However, the applicant has advised that the gates are required for security purposes in the rare event that the site would need to be closed, for example in the case of an outbreak of Avian Flu. However, the gates will generally be left open and are therefore only required for contingency purposes. Given that they would be set back from the frontage, and would generally be kept open, it is not considered that these would result in significant harm to justify refusal and thus no objections are raised in this regard. In addition, it is noted that the existing front gate at Riverside Drive would be removed in order to create a wider pedestrian access into the Aquadrome. The new gates being set back

further into the side would therefore create a greater sense of openness and would result in a visual enhancement to the wider streetscene and landscape.

- 7.2.5 Adjacent to the boat house, the existing container would be removed which would visually improve the appearance of this location by removing built form. New composite fencing is proposed which would replace the existing palisade fencing which is sited in a similar location. No objection is raised in principle as it is not considered that it would result in increased harm relative to the existing situation. Full details of the colour of the fencing can be reserved via a condition.
- 7.2.6 Located opposite the existing bridge and to the south east of the boat house is an existing unsurfaced area which provides some seating overlooking Batchworth Lake. The applicant is proposing to provide decking in this location with further seating provided. The provision of a deck would be a sympathetic addition which would not result in visual harm. The plans indicate that this would be separated from the footpath by a timber knee-rail fence which would be similar to the existing situation and thus no objection is raised.
- 7.2.7 It is considered that the changes proposed would enhance the existing use of this area of the site, through the provision of a new decked area, and an enhanced area with new seating adjacent to the play area. It is considered that the proposal is therefore in accordance with Policy DM11 of the Development Management Policies LDD.
- 7.2.8 In summary, it is not considered that the proposals would result in harm to the visual amenities of the streetscene or to the Aquadrome itself. Subject to conditions to include full details of the colour of the bridge, fencing and gate to be submitted to the Local Planning Authority, the development is considered acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

### 7.3 Flood Risk.

- 7.3.1 The application site is located in flood risk zones 2, 3A and 3B and therefore flood risk is a material planning consideration. Paragraph 159 of the NPPF sets out that 'inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk (whether existing or future'. In addition, paragraph 167 states that 'when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a specific flood risk assessment'. Paragraph DM8 of the Development Management Policies LDD reflects national guidance, stating that 'Development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced'.
- 7.3.2 The Environment Agency initially raised objections to the development on the grounds of insufficient information relating to flood risk and with regard to the proximity to the River Colne. The Environment Agency, considered that the plans were unclear as to whether the bridge was to utilise existing abutments, and that justification should be provided for any works within 8m of the main river. In addition, the Environment Agency considered that it was unclear how far the inverts/abutment footings of the bridge were to be set below the existing bed level. The applicant had also failed to demonstrate clearly the extent of the 1 in 100 + climate change flood level. In addition, the Environment Agency raised concerns that the development may have a negative impact on the semi natural habitat within the riparian zone of the River Colne. The River Colne is a chalk stream classified as a Priority Habitat (also known as Habitats of Principal Importance) under the UK Biodiversity Action Plan due to their globally rare species rich habitat. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. The Environment Agency raised concerns that the proposed hard standing works would encroach into the 8m buffer zone of the River Colne.

7.3.3 In response, the applicant provided amended drawings and information and as a result the Environment Agency has withdrawn their objections. It is considered that the applicant has demonstrated that the 1 in 100 + Climate change (21%) flood level is 44.9m AOD which is below ground level, in comparison to the existing topography of both sides of the banks which sit at 45.23 AOD and 45.22 AOD. As a result, the existing banks are higher than the 1 in 100yr + CC flood level, confirming that the bridge and its approach ramps will not be located in this extent. The applicant has also confirmed that the new bridge will rest on existing abutments and therefore will be no closer to the water course. The amended plans also demonstrate the provision of an 8m undeveloped buffer zone from the top of the bank. Consequently, the objections raised with regard to flood risk and the impact on the River Colne have been resolved.

7.3.4 Notwithstanding the above, the Environment Agency state that whilst their objections have been overcome, the LPA must apply the sequential test and consider whether this has been satisfied. The sequential test is one which compares the development site with other available sites to find out which has the lowest flood risk. In this case, the submitted Flood Risk Assessment sets out that the proposal is for a replacement bridge; and that there is no alternative location for the development to be sited. As such, it is considered that the proposal would satisfy the sequential test. It is also noted that the proposal would be classified as water compatible development as defined by Annex 3 of the NPPF.

#### 7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.4.2 Due to the location of the application site, the proposed development would have no impact on the residential amenity of neighbouring dwellings and thus no objections are raised in this regard.

#### 7.5 Highways & Parking

7.5.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD relates to off street car parking provision for developments.

7.5.2 In this case, the proposals do not include any alterations to vehicular access and thus no objections are raised in this regard. It is noted that the proposals do include a widened pedestrian access from Riverside Drive, however, this would not have any impact on the operation of the adjoining highway. The proposals relating to the bridge and landscaping improvements would also have no impact on the highway.

7.5.3 During the course of the application, representations received have raised concern regarding the operation of the bridge given it would provide a combined pedestrian footpath and cycle path. In response to these concerns, the applicant has advised that the design has been developed in partnership with Sustrans and the LTN 1/20 standard for bridge widths which states:

*10.8.12 The overall desirable minimum widths between walls/parapets for over- and underbridges are therefore:*

- *5.5m separate provision (2m footway, 3m cycle track, 0.5m clearance on one side)*
- *4m shared use (3m useable width, 0.5m clearance on both sides)*

7.5.4 The applicant has advised that a segregated bridge with a width of 5.5m would not be considered in keeping with this site as a Local Nature Reserve and consequently the bridge

has been designed as shared usage and does not include a separate cycle lane. Given the above justification, no objections are raised.

7.5.5 The proposed development would have no impact on off street car parking and therefore no objections are raised in this regard.

## 7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It advises the following: Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.6.2 The Landscape Officer has been consulted, and notes that the plans indicate the removal of a number of trees and 6m of privet hedge in order to facilitate the development. The most significant removal would be T2 Ash at the southern end of the existing bridge. This early mature tree has previously had a substantial crown reduction due to signs of Ash Die Back. The main stem divides at approx. 1 metre from ground level, with a tight union that is likely to be a future weak point leading to failure. It will also outgrow its position and likely need to be removed in the relatively near future and thus no objection is raised to its removal. Furthermore, given that the remaining trees are all relatively low quality, their removal will not be detrimental to the landscape, providing sufficient replacement planting is required.

7.6.3 The Landscape Officer's initial comments raised some concern with regard to landscaping. During the course of the application, an amended soft landscaping scheme has been submitted and the Landscape Officer considers that this would be acceptable. A condition shall be attached to the consent requiring that the landscaping is undertaken in accordance with the approved plans. Likewise a compliance condition shall be attached requiring the development is undertaken in accordance with the approved arboricultural method statement.

7.6.4 Therefore, in summary, subject to conditions, the proposed development is considered acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

## 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.

7.7.3 As noted, the site is a designated Local Wildlife Site and therefore the application is accompanied by a Preliminary Ecological Appraisal (PEA). This notes that the site was assessed as having a potential to be used by common amphibian species, roosting bats, commuting and foraging bats, birds, fish, widespread reptiles, commuting otter, and hedgehog. The report therefore makes a number of recommendations including mitigation measures. A condition shall be attached to any consent requiring that the development is

undertaken in accordance with the suggested mitigation measures set out in paragraph 5.4.1 of the submitted PEA. Paragraph 5.3.1 of the submitted PEA sets out that due to the presence of suitable breeding habitats within 200m of the site, a further survey for otters would be required. In addition, the production of a Construction Environmental Management Plan has been recommended; and both of the above can be secured via a condition.

- 7.7.4 Paragraph 5.4.2 of the PEA notes the removal of small areas of vegetation in order to facilitate the new bridge and path widening works. This would include the removal of a small section of hedgerow. The submitted PEA sets out that enhancement or creation of a habitat elsewhere is recommended to compensate for this loss. The application therefore proposes replacement planting to mitigate the loss.
- 7.7.5 It is also recommended that informatives are added to any consent reminding the applicant of the bird nesting season, and to undertake works in accordance with best practice guidance as issued by DEFRA, 2022.
- 7.7.6 In summary, subject to the suggested conditions and informatives, the development is considered acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

## 7.8 Very special circumstances.

- 7.8.1 The NPPF sets out the following with regard to inappropriate development in the Green Belt:

*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*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’.*

- 7.8.2 As set out above, the provision of new gates would constitute inappropriate development. However, the applicant has set out that there is an operational requirement for the provision of gates. The applicant has stated that that the gates are required for security purposes in the rare event that the site would need to be closed, for example in the case of an outbreak of Avian Flu. However, the gates would generally be left open and are therefore only required for contingency purposes. In addition, it is noted that given that there is an existing gate located along the front boundary which would be removed; siting the proposed gates further back into the site would actually result in some increase in openness and would enhance the setting of the site. It is therefore considered that given the existing site circumstances, and that that there may be circumstances where the Aquadrome would need to be closed, that this would constitute very special circumstances which would outweigh the limited harm to the Green Belt. Furthermore, no other material harm has been identified as a result of the development. The proposal is therefore considered acceptable and in accordance with the provisions of the NPPF, Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.

## 8 **That PLANNING PERMISSION BE GRANTED subject to the following conditions.**

- C1 The parts of the development not yet begun, 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:

SK00 P02, SK01 P01, SK02 P01, SK03 P09, SK06 P05, SK07 P03, 21514-LD-01 C, 21515-LD-02 C,

Reason: For the avoidance of doubt and in the proper interests of planning and to protect the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM8, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of development, a survey for the presence of otters shall be carried out by a suitably qualified and experienced ecologist, to ensure that otters have not developed habitats within the immediate vicinity of the proposed development area such that impacts are likely and a License is required. A report of findings and any appropriate mitigation measures should be submitted to the Local Planning Authority for written approval. All works shall then proceed in accordance with the approved scheme of mitigation.

Reason: This is a pre-commencement condition in the interest of safeguarding otters and to meet the requirements of Policies CP1 and CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to above ground works, full details of the colour of the proposed bridge, fencing and gates, and details of the design and colour of the guarding shall be submitted to and approved in writing by the Local Planning Authority. Those elements shall

thereafter be installed only in accordance with the details approved by this condition and maintained as such thereafter.

Reason: This condition is required to ensure that the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C6 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme (Aboricultural Impact Assessment and Aboricultural Method Stateemnt, Patrick Stileman, 5<sup>th</sup> September 2023, DS26012301) before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is 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).

- C7 All hard landscaping works required by the approved scheme (Drawing no. , 21514-LD-01 C and 21515-LD-02 C) shall be carried out and completed prior to the use of the development hereby permitted.

All soft landscaping works required by the approved scheme (Drawing no. , 21514-LD-01 C and 21515-LD-02 C) shall be carried out before the end of the first planting and seeding season following first us of any part of the development or completion of the development, whichever is sooner.

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

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

## 8.1 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 applicant engaged in the pre-application process and



amendments were made in response to previous objections raised. In addition, the Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 14 Flood Risk Activity Permit: The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert, including any buried elements (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

- 15 Riparian responsibilities: The applicant is reminded that as the River Colne runs within the red line boundary, it is likely that you own a stretch of watercourse. This means you have riparian responsibilities. Responsibilities include (but are not limited to) the maintenance of the river at this location including the riverbank. Further information on this can be found here: <https://www.gov.uk/guidance/owning-a-watercourse>.

Fencing: We recommend that all fencing should be permeable to flood water, as to not obstruct and affect flood water flows and potentially increase the flood risk to nearby areas. We recommend no fencing in proximity to the watercourse, have open fencing, or set the fencing back 8m from top of bank. The least disruptive fence design is considered to be a post and rail or a post and wire fence. If privacy is required, hit and miss fencing or hedging are preferred.

Use of Sustainable Materials: We recommend the consideration of alternative sustainable materials for use than the geotextile membrane as it breaks down to release microplastics. Whilst microplastics is an area of extensive ongoing research and the evidence base is still

being built, there is sufficient evidence to suggest that they have a negative effect on marine and freshwater environment. Consequently, they affect biodiversity and possibly human health since their small size facilitates uptake and bioaccumulation by organisms.

- 16 The applicant is reminded that the woodland and hedgerow are likely to support common nesting bird species. An vegetation clearance required should be undertaken outside of the bird nesting season. If this is not possible, then a nesting bird check should be undertaken by an ecologist no more than 48 hours prior to clearance. In the event that active nests are found, a suitable buffer zone should be created and maintained until the chicks have fledge and are no longer dependent on the nest.
- 17 The applicant is advised that in order to avoid impacts to the River Colne and its fish, that works should be undertaken in accordance with industry good practice guidance by ensuring anti pollution measures are put in place. For example the storage of all machinery, fuels, oil and chemicals and refuelling should occur within a designated area over 10m from any watercourses (DEFRA, 2022).
- 18 We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding your plans to carry out works. Based on the information you provided:

Although there are Cadent gas pipes in the area you're planning to work, you can proceed with your planned work with caution and in line with the guidance. This outcome is based on the information you gave us. If your plans change, or you are unable to work to the guidance please let us know as soon as possible so we can work with you to find a solution.

If your works are being carried out in an easement, please ensure that you contact us to obtain formal, signed written consent which will only be provided following consultation with our plant protection team.

Please find enclosed a copy of our plans for the area and ensure you follow our key guidance document Specification for Safe Working in the Vicinity of Cadent Assets.

What you need to do

BEFORE carrying out any work you must:

Carefully read the guidance documents and maps showing the location of our gas apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe on Cadent's legal rights (i.e. easements or other rights). If the works are in the road or footpath, the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding danger from underground services'. This guidance can be downloaded free of charge at [www.hse.gov.uk](http://www.hse.gov.uk)In line with the guidance, verify and establish the actual position of gas mains, pipes, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

Comply with all guidance and any further guidance from our specialist team.

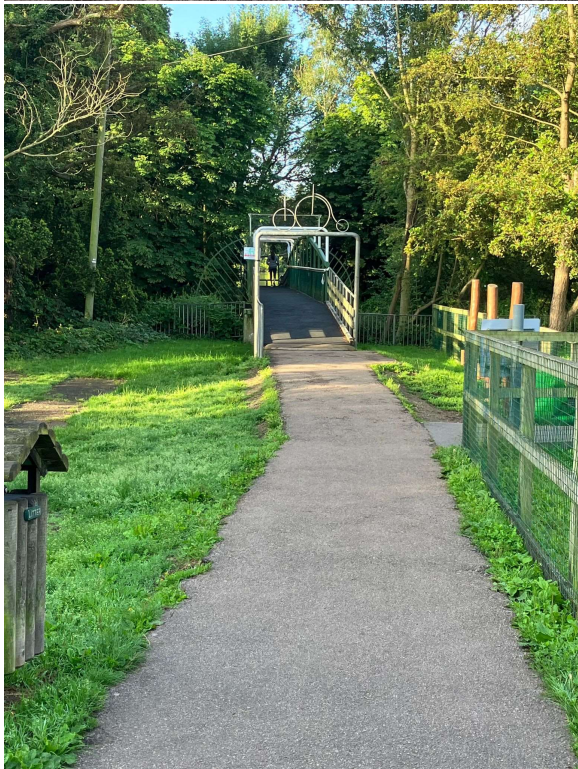
Ensure that access to Cadent apparatus is maintained at all times.

Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over Cadent apparatus unless specifically agreed with us in advance

Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting Cadent apparatus.

Maintain appropriate clearances between gas apparatus and the position of other buried plant.

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## PLANNING COMMITTEE – 19 October 2023

### **23/1328/FUL - Extension to existing hardstanding to create additional parking including associated pathway, bollards and landscaping at SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE.**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 10.10.2023  
(Agreed Extension of Time 23.10.2023)

Ward: Durrants  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be approved subject to conditions

Reason for consideration by the Committee: The application was called in by the Parish Council unless Officers were minded to recommend refusal as the Parish Council share the concerns of residents. (Officer comment: 4 objections were received in response to the consultation undertaken, these are summarised at 4.2.4 below).

To view all documents forming part of this application please go to the following website:  
[23/1328/FUL | Extension to existing hardstanding to create additional parking including associated pathway, bollards and landscaping | Shaftesbury Court Malvern Way Croxley Green Hertfordshire \(threeivers.gov.uk\)](https://threeivers.gov.uk/23/1328/FUL)

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

- 1.1 08/550/82 - Erection of 23 units for elderly persons and warden's accommodation – Permitted.

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

- 2.1 The application site relates to an irregular shaped parcel of land in between the buildings of Shaftesbury Court and St Oswald's Church. This land currently comprises of a tarmac access, pathways and an area of soft landscaping including lawn, planting and hedging.
- 2.2 Shaftesbury Court is a part single, part two storey building which currently provides sheltered accommodation for older persons.
- 2.3 St Oswald's Church and Church Hall are located to the south of the application site. Parking for the church and Shaftesbury Court is currently provided in the car park off Malvern Way in front of the Church buildings. This car park is a private car park for the use of people attending the Church, Church Hall and Shaftesbury Court.

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

- 3.1 This application seeks full planning permission for the extension to existing hardstanding to create additional car parking including associated pathway, bollards and landscaping.
- 3.2 The proposal includes a new access path which would be immediately adjacent to the southern elevation of the building. A hedge would be planted to the south east of this within the existing lawn, and beyond this the planting replaced with tarmac to allow for the creation of parking spaces for three vehicles. The agent has confirmed that the spaces would be physically laid out with painted white lines. A hedge would also be planted to the south east of the parking spaces adjacent to the footway. The existing grass verge to the west (other side of the access road from the parking spaces) would also be reduced in width in order to allow for the access and egress of vehicles into the new spaces. New concrete bollards would be installed along the edge of the grass verge.

3.3

During the course of the application the planning agent confirmed that the additional spaces will be for residents and staff members of Shaftesbury Court. Signage will be installed to inform other members of the public that these spaces are to be used by residents and sanctuary staff only.

3.4 Amended plans have been received to reduce the number of new spaces from 4 to 3, to incorporate additional hedging and to correctly show the shape of the existing building.

#### **4. Consultation**

##### **4.1 Statutory Consultation**

###### **4.1.1 Croxley Green Parish Council: [Objection]**

*CGPC object to the application and note and share the concerns of residents.*

CGPC confirmed via email that they would request the application be called in unless Officers are minded to refuse.

Officer comment: The Parish Council made the above comments on the basis of the amended plans received.

###### **4.1.2 National Grid: No response received.**

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

4.2.1 Number consulted: 39

4.2.2 No of responses received: 4 objections.

4.2.3 Site Notice: Expired 15.09.2023                      Press notice: Not required

4.2.4 Summary of Responses:

- Deliberate attempt to mislead including incorrect box ticking in application form
- Fumes could enter windows
- Safety concerns in relation to proximity to footpath
- Soft landscaping will be removed
- New parking area will impact access to bin store
- Incorrect footprint of building shown
- Impact on privacy
- Noise impacts
- Impact on access for emergency vehicles

##### **5. Reason for Delay**

5.1 Committee cycle.

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

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

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

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance

with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably outweigh the benefits.

### 6.3 The Three Rivers Local Development Plan

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

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

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1 and Appendix B.

### 6.4 Other

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

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

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

## 7. **Planning Analysis**

### 7.1 Impact on Character and Street Scene

- 7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the ‘Design of Development’ and states that the Local Authority will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.

- 7.1.2 Policy CA1 of the Croxley Green Neighbourhood Plan sets out that new development should seek to conserve the key elements of the character and appearance of the Character Areas.
- 7.1.3 The proposed development would result in the loss of an area of existing lawn and planting with additional tarmac laid to create a wider access and the proposed parking area itself. However soft landscaping would be retained to the north of the spaces, and their visual appearance would be softened further either side by proposed hedging. Whilst the loss of soft landscaping is regrettable, when considered in the overall context of the setting of Shaftesbury Court and having regard to the proposed hedging which would be secured by condition, it is not considered that the proposed provision of additional hardsurfacing, concrete bollards and parking would appear incongruous. When considering its limited scale and the overall levels of soft landscaping which would be retained it is not considered that the proposed development would result in detrimental harm to the character of the application site or wider area.
- 7.1.4 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the application site, streetscene or area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy in addition to Policy DM1 and Appendix 2 of the DMP LDD and the Croxley Green Neighbourhood Plan.
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM1 and Appendix 2 of the Development Management Properties LDD provides further guidance and states that residential development should not result in a loss of light or loss of privacy to neighbouring dwellings.
- 7.2.2 Policy DM9 sets out that new development should not result in adverse impacts by virtue of noise pollution or air pollution levels.
- 7.2.3 It is noted that the new pathway would be closer to one of the ground floor windows of Shaftesbury Court than the existing footpath section. However the proposal is unlikely to directly increase the existing footfall along this footpath and in any event would not be significantly closer than the existing situation such that it would result in demonstrable harm.
- 7.2.4 It is noted that the proposal would provide 3 parking spaces closer to Shaftesbury Court which currently has no immediate parking bays. Whilst there is an access road it is understood this is currently for emergency access only. Nevertheless having parking bays adjacent to residential flatted development is not an uncommon situation and the overall disturbance would be limited to three vehicles. The closest space, which is marked as Bay 3, would also be sited 3m from the ground floor windows of the nearest unit and is angled away from the ground floor windows. The proposed hedging would also provide some additional separation and screening. Bays 1 and 2 would also be angled away from the ground floor windows and the central curved feature and external stairs would also provide further separation. Overall whilst there would be some additional noise and comings/goings it is not considered that this would be to such a degree that demonstrable harm would result to neighbouring amenity. Furthermore given the siting, orientation and limited number of bays, together with the provision of hedging, it is not considered that the proposal would lead to unacceptable levels of air pollution resulting in demonstrable harm to neighbouring amenity.
- 7.2.5 In summary it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the DMP LDD in this respect.
- 7.3 Trees and Landscaping

- 7.3.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that 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. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.
- 7.3.2 The application site is not located in a Conservation Area nor are there any protected trees on the site which could be adversely impacted by the development. The proposal includes the retention of some soft landscaping and the provision of replacement hedging which is considered to be acceptable in the context of the character of the site.
- 7.4 Highways, Access and Parking
- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.4.2 Parking for Shaftesbury Court is currently available to the south of St Oswalds Church. The proposal would result in the creation of 3 parking spaces closer to the main building which would be a benefit of the scheme. The parking would be to serve residents and staff of Shaftesbury Court. An area of hardstanding would be maintained to the south to allow for access of emergency vehicles and the provision of hedging would prevent cars overshooting onto the pedestrian footpaths. Furthermore the proposed spaces could be easily accessed as shown by the tracking diagrams and would be of a suitable size to accommodate modern cars.
- 7.4.3 Policy DM8 outlines that development will only be permitted where it would not unacceptable exacerbate risk of flooding. The proposed new surface is shown on the proposed plans to be permeable and there is also provision of soft landscaping surrounding the development in order to intercept any additional surface water run off.
- 7.4.4 Overall it is not considered that the proposed development would result in unacceptable harm in this respect. The proposal would therefore be in accordance with Policies CP10 of the Core Strategy and Policies DM8 and DM13 of the DMP LDD.
- 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.5.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.
- 7.5.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.
- 7.6 Refuse and Recycling

- 7.6.1 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
- 7.6.2 The amended plans would now maintain access to the existing door within the semi-circle shaped part of the existing building. The recycling station would be relocated to the north of the existing access which is considered suitable.

## 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: 20118\_SP03 REV C, 20118\_SP04 and 20118\_SP02 A

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan (adopted December 2018) and the NPPF.

- C3 Prior to the first use of the development hereby permitted the parking spaces shall be physically marked on the ground as more particularly shown on plan number 20118\_SP03 C.

Reason: In the interests of pedestrian and vehicular safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping.

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. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed

and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

## 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%20homeDevelopment> Management Section prior to the commencement of work.

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







## PLANNING COMMITTEE - (Thursday 19 October 2023)

23/1372/FUL – Construction of part single, part two storey front and side extensions at 32 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PG.

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 13 October 2023  
Extension of Time: 26 October 2023

Ward: Abbots Langley And Bedmond  
Case Officer: David Heighton

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss the size of the extension and lack of parking.

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=RZF8V7QFGQA00>

### 1 Relevant Planning History

- 1.1 20/1426/CLED: Certificate of Existing Development: Erection of a fence and associated concrete posts. Approved.
- 1.2 20/1683/CLPD: Certificate of Lawfulness Proposed Development: Single storey rear extension. Approved.

### 2 Site Description

- 2.1 The application site contains an end of terrace, two storey dwelling located on the eastern side of Oak Green where it runs south from the main east-west part of the same road. The application dwelling does not directly front the highway of Oak Green, rather it is set away from a turning area (located to the south west of the site). There is a footpath providing access to the front elevation from the south, and the rear garden extends toward the north. Beyond the rear garden is the access track from Oak Green to a garage block complex.
- 2.2 The application dwelling is finished in mixed red brick with tile hanging at part of the first floor level. There are three blocks of garages to the northeast of the application site arranged in a U shape, one of which serves the application site. Fencing 1.9m in height encloses an area of front garden.
- 2.3 The adjoining neighbour to the west, number 31 Oak Green, adjoins the western flank of the host dwelling and is of a similar architectural style and design to the host dwelling. The neighbouring dwelling to the south, number 33 Oak Green, is orientated such that the northern flank of this neighbour faces the application site, and this neighbour is separated from the application site by a footpath.

### 3 Description of proposed development

- 3.1 This application seeks full planning permission for the construction of part single, part two storey front and side extensions.
- 3.2 The proposed two storey element would extend from the existing flank wall of the dwelling by approximately 4.7m and would be set off the shared boundary with No.

31 by approximately 4.1m at both ground and first floor. It would extend forward to a depth of 2.4m.

- 3.3 The proposed single storey front extension element would extend 3.5m in width and be constructed adjacent to the shared boundary with the neighbour at No.31. It would extend forward by approximately 1m. It would have a mono-pitched roof form with an eaves height of 2.3m and a maximum height of approximately 3.7m.
- 3.4 The part single, part two storey side extension would be set down from the main ridge line of the application dwelling by approximately 1.2m and has a gable roof form running front to rear (north to south), detached from the ridge to the main dwelling which runs east to west. The two-storey side extension would have a total height of 6.9m with an eaves height to match that of the existing dwelling.
- 3.5 Flank glazing is proposed at ground floor level facing the garages and new glazing is proposed within the front and rear elevations at both ground and first floor level.
- 3.6 Amended plans were sought and received throughout the course of the application to remove the proposed door at ground floor level to the two storey side extension, alter materials to match the existing dwelling at ground and first floor level to the front/side elevation and clarify the use of one the first floor level rooms.

#### **4 Consultee responses**

4.1 Abbots Langley Parish Council – [No Objection]

*Members have no issue with the development perse but are still concerned the proposed scheme does not offer the most aesthetic solution to a 2 storey extension as it presents as two separate houses.*

4.2 National Grid – [No response received]

#### **5 Neighbour consultation**

5.1 Site/Press Notice:

- Site Notice: Posted - 12.09.2023 Expired – 03.10.2023.

5.2 No. consulted: 8 No. of responses: 2 objections.

5.3 Summary of responses:

- Overdevelopment.
- Not in keeping.
- Loss of light.
- Loss of Privacy.

#### **6 Relevant Local and National Planning Polices**

##### **6.1 Legislation**

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

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

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

## **6.2 Policy/Guidance**

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

In 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### The Three Rivers Local Development Plan

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

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

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

## **7 Analysis**

### 7.1 Design and Impact on the Host Dwelling and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. 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’.

7.1.2 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.

- 7.1.3 Appendix 2 of the DMP LDD outlines that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. In high density areas an absolute minimum of 1 metre will be considered. Applications for front extensions will be assessed on their individual merits but should not result in a loss of light to windows of a neighbouring property nor be excessively prominent in the street scene.
- 7.1.4 The proposed part single, part two storey side and front extension would extend beyond the side wall of the dwelling by 4.7m, projecting beyond the front building line by 2.4m. The single storey front extension element would have a width of 3.5m to match the existing dwelling with a depth of 1m. The proposed single storey element would have a mono-pitched roof at ground floor level, whilst the two storey side extension element would have a gable roof form set down from the main ridge line of the host dwelling. Whilst the roof of the two storey element would appear somewhat detached from that existing it is considered to be of an appropriate scale and design to the host dwelling such that the proposed development would not result in an overly prominent or incongruous form of development such to justify refusal of planning permission, particularly given the set back from the highway, gable roof form to the opposite end of the terrace and variation within the street scene.
- 7.1.5 The proposed development would be visible from the street scene on Oak Green by virtue of its siting to the front and side of the application dwelling. However, it is noted that the application dwelling is set a minimum of 12m from the main highway, adjacent to a set of garages on Oak Green and is also set on a slightly lower land level than the adjacent dwelling at No. 31 Oak Green, which would assist in reducing the overall prominence of the proposed development. The proposed two storey element would be set off the shared boundary with No. 31 Oak Green by 3.5m first floor level, whilst the single storey element would be set adjacent to the shared boundary, however, it would not project beyond the existing neighbouring front extension. It is considered that 3.5m spacing at first floor level would be appropriate and maintain an appropriate level of spacing. In addition to the set back from the highway, the proposed extension would project in line with the opposite end gable of the terrace row at No. 33-36 Oak Green. In addition, the proposed development would be constructed in materials to match the existing dwelling which would further retain its character.
- 7.1.6 Whilst the proposed development would collectively alter the appearance of the host dwelling when viewed from the street scene, it is not considered that the proposed additions to the host dwelling would appear incongruous or unduly prominent within the street scene. The proposed development would not result in any demonstrable harm to the character of the host dwelling or wider street scene. In addition, it is not considered that the proposed development would result in a terracing effect given the end of terrace site circumstances, adjacent to a set of garages.
- 7.1.7 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or street scene. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.2 Impact on 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 of disposition of privacy, prospect, amenity and garden space'.

- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.3 Appendix 2 outlines that two storey rear extensions should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 7.2.4 The proposed development would be sited closest to the boundary with the attached neighbour at No. 31 Oak Green. It is noted that this neighbour is set on a slightly higher land level than the application dwelling, and the ground floor front element is set forward of the front elevation of the host dwelling. The proposed two storey extension would be set off the joint boundary with this neighbour by 3.5m at both ground and first floor. The proposed single storey front element would infill an existing space in between both properties and would be set in line with the front porch of this neighbouring dwelling. The total height of the proposed two storey extension would be set down from the main ridge line of the dwelling and would hip away from the boundary with this neighbour. It is noted that this element would project forward of the front building line of the host dwelling. When taken from a point on the shared boundary level with the front building line of this neighbouring dwelling there would be no intrusion of the indicative 45-degree line. As such given the separation that would be maintained to the boundary (4.1m between the two storey extension and the boundary with No. 31), and that the proposed two storey extension would be set down from the ridge line it is not considered that this would result in an overbearing form of development or harmful loss of light to the residential amenity of this neighbouring dwelling such to justify refusal of planning permission.
- 7.2.5 The proposed extension would be set approximately 2m from the southern boundary of the application site, beyond which is a footpath. The neighbouring dwelling to the south, No. 33, has its side gable facing the application site and that gable contains a ground floor window only. Given the separation distances and this relationship, it is not considered that the extension would result in a harmful impact on the amenities of the occupants of No. 33.
- 7.2.6 The first floor window within the rear elevation would have obscured glazing and would face the garage block and as such would not facilitate overlooking of any neighbour. New windows are proposed within the front elevation of the part single, part two storey side and front extension, these would predominantly overlook the application site's front amenity space, and in comparison to the existing fenestration are not considered to result in additional overlooking of any neighbour. Flank glazing is proposed at ground floor level facing the boundary with the garages, given the siting at ground floor it is not considered it would result in additional overlooking, no flank glazing is proposed at first floor level.
- 7.2.7 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Rear Amenity

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The application dwelling currently has two bedrooms at first floor level, the proposal would not result in an increase of bedrooms, with a walk in wardrobe/dressing room/home office at first floor level. Given no change, the rear amenity space is considered to be sufficient for a dwelling of this size. The proposal is therefore considered acceptable in this regard.
- 7.4 Highways and Parking Provision
- 7.4.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.4.2 The application site currently has two bedrooms at first floor level, which would require 2 spaces (1 assigned space). Currently there is 1 garage space, so an existing shortfall of 1 space. However, the proposal would not increase the number of bedrooms within the dwelling, so would not change the existing parking requirement or the existing shortfall.
- 7.4.3 The site has no off-street parking other than its garage, however, given the lack of parking restrictions and that the proposal does not increase the number of bedrooms it is therefore not anticipated to result in any material increase in the demand for car parking spaces and the proposal is considered acceptable in this regard.
- 7.5 Trees and Landscape
- 7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.
- 7.6 Wildlife & 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.

- 7.6.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

## 7.7 Use

- 7.7.1 A condition would be included on any approval requiring that the proposed extension is used only ancillary to the dwellinghouse and not as a separate independent dwellinghouse.

- 7.7.2 Given the proposed layout, it is not considered that the proposed walk-in-wardrobe/dressing room/home office could be converted into a self-contained separate bedroom.

## 8 **Recommendation**

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

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), 723/D001, 723/D002 B, 723/D003 B, 723/D004 B, 723/D005 A.

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

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed at first floor level or above in any elevation or roof slope of the extension hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October

2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The extension hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 Informatives

I1 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>

- 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.

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## PLANNING COMMITTEE – Thursday 19 October

23/1425/FUL – Conversion of garage into habitable accommodation and alterations to fenestration at BARFORD, HOMEFIELD ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5QJ.

Parish: Chorleywood Parish Council.

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 17.10.2023  
Extension of Time: 24.10.2023

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the Planning Committee to discuss the consistency of the application with condition 10 for the original application for the dwelling (reference 16/2753/FUL) which relates to the retention of garages for parking private vehicles.

To view all documents forming part of this application please go to the following website:  
[23/1425/FUL | Conversion of garage into habitable accommodation and alterations to fenestration | Barford Homefield Road Chorleywood Rickmansworth Hertfordshire WD3 5QJ \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1425/FUL)

### 1 Relevant Planning History

- 1.1 06/0074/FUL - Demolition of existing dwelling and erection of pair semi detached dwellings and one detached dwelling – Refused 16.03.2006.
- 1.2 16/2255/FUL - Demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace, lower ground level and ancillary works including alterations to land levels and associated parking and landscaping – Withdrawn 14.12.2016.
- 1.3 16/2753/FUL - Demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace and ancillary works including alterations to land levels and associated parking and landscaping – Permitted 24.03.2017.
- 1.4 17/0945/DIS - Discharge of condition 3 (Energy Statement), 4 (Slab Levels), 5 (Hard and Soft Landscaping), 6 (Tree Protection) and 7 (Materials) pursuant to planning permission 16/2753/FUL – Determined 04.04.2017.
- 1.5 22/1428/FUL - Variation of Condition 2 (Plan numbers) and 6 (Hard and Soft Landscaping) pursuant to planning permission 16/2753/FUL to allow for alterations to the parking arrangements and landscaping to the frontage – Permitted 10.11.2022. Implemented.

### 2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a semi-detached, two storey dwelling located on the south eastern side of Homefield Road, Chorleywood. Homefield Road is a residential road characterised by dwellings of varying architectural styles and designs, some of which have been extended or altered.
- 2.2 The host dwelling is one of four semi-detached dwellings which have been constructed in recent years in place of a pre-existing bungalow, Harradwaith. The host dwelling is a two-storey dwelling with a two storey front projection and a pitched roof canopy over the existing porch and integral garage. There is hardstanding to the frontage with space for two vehicles.

2.3 The neighbour to the north, Burchester, adjoins the northern flank of the host dwelling. This neighbour is located on the same building line and land level as the host dwelling. The neighbour to the south, Anvil Cottage, is set in from the shared boundary with the application site. This neighbour is located on the same land level and building line as the host dwelling.

2.4 The application site is located within the Chorleywood Common Conservation Area.

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

3.1 This application seeks planning permission for the conversion of the existing integral garage and alterations to fenestration.

3.2 The existing garage would be converted to a study and separate utility area. The existing garage door would be replaced with a four-casement window. An additional window is proposed within the southern flank of the dwelling, serving the utility room.

### **4 Consultation**

#### **4.1 Statutory Consultation**

4.1.1 Chorleywood Parish Council: [Objection]

*The Committee had Concerns with this application on the following grounds:-*

*' This proposed development breaches the condition of the original development.*

*' Insufficient parking when compared to the requirements of Appendix 5 of the Development Management Plans, particularly in the context of its position on a narrow road with so options for street parking.*

*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.*

4.1.2 National Grid: No response received.

4.1.3 Conservation Officer: [Verbally Consulted and raised No Objection]

*The dwelling is a modern addition to the Conservation Area and the proposed alterations to the front elevation are small in scale. As such, it is not considered that the proposed garage conversion would result in harm to the character or appearance of the Conservation Area.*

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

4.2.1 Number consulted: 4

4.2.2 No of responses received: 1 objection, 0 letters of support

4.2.3 Site Notice: Expired: 18.09.2023.                      Press Notice: Expired: 22.09.2023.

4.2.4 Summary of Responses:

- The development of four dwellings on the former site of Harradwaith (a bungalow) was granted under 16/2753/FUL after reductions to the size and precluding extensions at the rear and the conversion of the garages at the front to prevent overdevelopment of the site, together with planting of semi-mature trees between the front units and Homefield Road.
- Subsequent to non-compliant construction, 22/1428/FUL permitted an increase in parking spaces from 6 to 8 removing the stipulation for the semi-mature trees.

- The result of the removal of the trees is akin to a street where all front gardens have been paved over which is an eyesore in the Chorleywood Conservation Area.
- The application to convert the garage to a study builds on this travesty by claiming that the dwelling no longer needs its garage as it now has two parking spaces instead of one which was originally planned and approved for this dwelling.
- The prohibition applied to all four houses including the two which already had the two parking spaces apart from their garage.
- This change may set a precedent for other dwellings in the development.
- Shows up considerable fluidity in TRDC's planning and control procedures which are changing even whilst developers are still seeking to sell the fourth house.
- Approval would demonstrate that little effort is expended in seeking to maintain the characteristics of the Chorleywood Conservation Area and the sylvanian qualities of Homefield Road.
- Approval would send out a message of flux and inconsistency, and a lack of resolution and resilience in planning applications within the wider Three Rivers area.

## **5 Reason for Delay**

### 5.1 Committee Cycle.

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

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

In 2023 the revised National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### 6.2 The Three Rivers Local Development Plan

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

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

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

The Chorleywood Neighbourhood Plan Referendum Version was adopted in August 2020. Relevant policies include Policies 1 and 2.

### 6.3 Other

The Chorleywood Common Conservation Area Appraisal (adopted February 2010).

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 Overview

7.1.1 Planning permission 16/2753/FUL was granted for the demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace and ancillary works including alterations to land levels and associated parking and landscaping. Two of the dwellings, including the application dwelling Barford were originally permitted with two parking spaces, one to their frontage and one within a garage. The other two dwellings included a garage space each in addition to two frontage spaces each.

7.1.2 Condition 10 of the consent stated:

*The parking hereby permitted, including the garages, shall be kept available for the parking of motor vehicles at all times. The parking shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.*

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

7.1.3 In 2022, planning permission 22/1428/FUL was granted which sought alterations to the parking arrangements and landscaping to the frontage of the site. This application increased the number of parking spaces serving the application dwelling (Barford) and the neighbour to the south, Anvil Cottage, from one to two spaces, reducing the landscaping to the frontage. The two other new dwellings forming part of the development, Burchester and Hanson House, were originally approved with two parking spaces to the frontage in addition to their garages, and this arrangement remained unchanged as part of the 2022 permission.

7.1.4 It is noted that the condition relating to the retention of garages outlined above was not attached to the 2022 planning permission, given that the 2022 planning permission resulted

in sufficient parking to the application site frontage and did not rely on the integral garages to contribute to this.

## 7.2 Highways, Access and Parking

- 7.2.1 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. The number of bedrooms within the host dwelling would not increase as a result of the proposed development, and the dwelling would remain a three-bedroom dwelling. Appendix 5 of the Development Management Policies document outlines that a three-bedroom dwelling should provide 2.25 parking spaces, 2 of which should be assigned.
- 7.2.2 As set out at section 7.1 above, the dwelling as approved included 2 parking spaces (one within a garage and one on the driveway). Whilst there was a small shortfall of 0.25 spaces against standards, provision of 2 parking spaces for the 3 bedroomed dwelling was considered acceptable and not to result in harm. Since that time alterations to the frontage of the site have provided an additional (3rd) parking space.
- 7.2.3 The current application seeks to convert the garage to habitable accommodation, however, no increase in bedrooms is proposed. As such, the parking requirement would not increase as a result of the development. The conversion of the garage would result in the loss of 1 parking space, however, 2 spaces would remain on the driveway. As such, the dwelling would retain the same level of car parking as proposed and considered acceptable in 2016 for a 3 bedroomed dwelling.
- 7.2.4 It is recognised that each application must be considered on its merits, however, regard must also be had to the planning history and the site remains in an accessible location within Chorleywood, 0.1 miles (3 minute walk) from the High Street, and in close proximity to Chorleywood Train Station, approximately 0.2 miles or a 5 minute walk, as well as bus stops within the High Street. As such the provision of 2 parking spaces to serve a 3 bedroomed dwelling in this location is considered to remain an appropriate level of provision and it is not considered that an onsite parking shortfall of 0.25 spaces would result in demonstrable harm to highway safety, and the proposal is considered to be acceptable in this regard.

## 7.3 Impact on Character and Street Scene

- 7.3.1 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'.
- 7.3.2 Policy DM3 of the Development Management Policies document outlines that within Conservation Areas, development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area. Policy 1 of the Chorleywood Neighbourhood Plan outlines that development proposals in conservation areas should preserve or enhance the character or appearance of the conservation area and use materials that are appropriate as defined in the relevant conservation area appraisal document.
- 7.3.3 The proposed garage conversion would result in the replacement of the existing garage door with a four-casement window, and the installation of a new window within the southern flank of the dwelling. The Conservation Officer has been consulted on the current application and has raised no objection to the proposal. It is considered that the proposed external alterations would be small in scale, and the proposed fenestration would reflect the existing design and proportions of the fenestration within the dwelling. Furthermore, whilst the host dwelling is one of four newer dwellings which are of a similar architectural style and design, the wider streetscene of Homefield Road is varied, and as such, it is not considered

that the proposed development would result in any harm to the character or appearance of the host dwelling, streetscene or Conservation Area in this regard.

7.3.4 It is noted that a neighbour objection has been received relating to the loss of the garage, in addition to the increased hardstanding to the front of the site which was approved under application reference 22/1428/FUL. Whilst it is noted that the 2022 planning permission did result in a reduction in soft landscaping to the front of the site, this would not be altered as part of the current application, and the current application relates solely to the conversion of the garage and associated alterations to fenestration. For the reasons outlined above, it is not considered that the proposed garage conversion would result in any harm to the character or appearance of the host dwelling, streetscene or Conservation Area.

7.3.5 Therefore, it is not considered that the proposed development would appear unduly prominent within the streetscene of Homefield Road, nor result in demonstrable harm to the character and appearance of the host dwelling, streetscene or Conservation Area and would accord with Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (referendum version, August 2020) and the Chorleywood Common Conservation Area Appraisal (adopted February 2010).

#### 7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.4.2 The proposed garage conversion would not alter the existing footprint of the host dwelling, and no additional built form is proposed. As such, it is not considered that the proposed garage conversion would result in loss of light or appear overbearing to neighbouring properties.

7.4.3 In terms of overlooking, the existing garage door would be replaced with a window. The window would have an outlook of the application site frontage, and would not result in any overlooking. One additional window is proposed within the southern flank of the dwelling, facing Anvil Cottage. However, given that this window would be sited at ground floor level serving a utility room, and the existing close boarded fencing boundary treatment along the shared boundary with this neighbour, it is not considered that the proposed window within the flank elevation would result in overlooking.

7.4.4 In summary, the proposed development would not result in an adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.5 Amenity Space Provision for future occupants

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.5.2 The proposal would not impact the existing amenity space serving the dwelling to the rear, nor are any additional bedrooms proposed as part of the development. As such, the proposal is considered to be acceptable in this regard.

#### 7.6 Wildlife and 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.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The proposed development would result in minor external alterations and would not impact the roof of the host dwelling. As such, the proposal is considered to be acceptable in this regard.

## 7.7 Trees and Landscaping

- 7.7.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.7.2 The proposal would not result in harm to any trees, and the proposal is considered to be acceptable in this regard.

## 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: P-001, P-002 and P-003 Rev B.

Reason: For the avoidance of doubt in the proper interests of planning and the visual amenities of the Chorleywood Common Conservation Area, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (referendum version, August 2020) and the Chorleywood Common Conservation Area Appraisal (adopted February 2010).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- 8.2 **Informatives:**

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).

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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:  
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- 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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## PLANNING COMMITTEE – 19 October 2023

### **23/1481/RSP – Part Retrospective: Construction of rear conservatory and conversion of garage into habitable accommodation and extension of driveway at 21 BATESON DRIVE, LEAVESDEN, WATFORD, HERTFORDSHIRE, WD25 7ND**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 26.10.2023

Ward: Leavesden  
Case Officer: Tom Norris

Recommendation: That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED, subject to conditions.

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=S079AXQFGWR00>

## **1 Relevant Planning History**

1.1 19/1736/FUL - Part-retrospective: Conversion of existing garage into habitable accommodation, retrospective paving of front driveway and single storey rear extension - 06.11.2019 – Refused, for the following reasons:

R1 *The proposed development to replace the soft landscaping to the front of the dwelling with hardstanding significantly erodes the soft appearance of the frontage of the dwelling and results in unacceptable harm to the visual amenity of the streetscene. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2019).*

R2 *The conversion of the garage results in a shortfall of parking provision to serve the dwelling, resulting 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 character of the area and residential amenity. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2019).*

1.2 12/1213/AOD - Approval of details: Details pursuant to condition 2 of outline planning permission 10/2230/OUT comprising the appearance, layout and scale of the buildings and landscaping for Phase 1 of the Leavesden Park scheme to provide 123 residential dwellings (including 44 affordable dwellings) and 1096sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A5 and D1), a new public square, hard and soft landscaping, new open space and a children's play area with associated highways and infrastructure works – Permitted

*Condition 8 of this planning permission states:*

*“Immediately following the implementation of this permission, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment No 2) Order 2008 (or any other order revoking and re-enacting that order with or without modification) the following Classes of Schedule 2 of the Order as amended are withdrawn.*

## *Part 1*

*Class A - enlargement, improvement or other alteration to the dwelling*

*Class B - enlargement consisting of an addition to the roof*

*Class C - alteration to the roof*

*Class E - provision of any building or enclosure*

*Class F - any hard surface*

## *Part 2*

*Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure*

*No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.”*

- 1.3 10/2230/OUT - Outline Application: For the construction of up to 425 dwellings, flexible mixed use centre comprising 2,350 sqm of A1, A2, A3, A5 and D1 uses, hotel (8,500 sqm), and associated parking, means of access and associated infrastructure works and use of agricultural land (The Horse field) and the former Furtherfield tip for public open space. (Matters reserved: Appearance, Landscaping, Layout and Scale) – Permitted

## **2 Description of Application Site**

- 2.1 The application site consists of a detached dwelling located on Bateson Drive, Leavesden. Bateson Drive is a residential street characterised by dwellings of similar character and appearance which form part of a relatively modern development.
- 2.2 The application dwelling has grey tiled, gabled roof forms and has an exterior consisting of light render to the upper floors and buff facing brick. The dwelling also contains an integral garage.
- 2.3 To the front of the dwelling is a driveway which provides parking provision to serve the dwelling.

## **3 Description of Proposed Development**

- 3.1 Part-retrospective planning permission is sought for the construction of a rear conservatory, the conversion of the garage into habitable accommodation and extension of front driveway.
- 3.2 The application description was amended during the application to include the retrospective works to remove the pre-existing soft landscaping to the front and pave this area.
- 3.3 The proposed conservatory would be constructed to the rear of the dwelling and would have a depth of 2.3m and a width of 5.4m. The conservatory would have a mono-pitched roof form with an eaves height of 2.3m and an overall height of 2.7m. The conservatory would have a glazed exterior.
- 3.4 It is proposed that the garage is converted to habitable accommodation (lounge and utility room). The existing garage door would be replaced with a three-casement window and brickwork to match the dwelling.
- 3.5 A portion of soft landscaping, which previous existed to the front of the dwelling, measuring some 3.0m in depth and 5.5m in width has been removed and laid as hardstanding to accommodate an additional car parking space.



## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Consultees were originally consulted on 04.09.2023 for a statutory 21-day period. Consultees were re-consulted on 09.10.2023 for a further 21-day period on the amended description.

4.1.2 Abbots Langley Parish Council: No response received.

4.1.3 National Grid: No response received.

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

4.2.1 Neighbours were originally consulted on 04.09.2023 for a statutory 21-day period. Neighbours were re-consulted on 09.10.2023 for a further 21-day period on the amended description (expiring on 25.09.2023).

4.2.2 Neighbours consulted: 4

4.2.3 Responses received: 0

4.2.4 Site notice not required.

4.2.5 Press notice not required.

## **5 Reason for Delay**

5.1 None.

## **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 September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 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, 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 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 4.0m is the depth generally considered acceptable for rear extensions to detached dwellings.
- 7.1.3 The proposal to convert the garage into habitable accommodation is not considered to be harmful to the character and appearance of the dwelling. The replacement of the door with a window and brickwork to match is considered to integrate acceptably with the host dwelling.
- 7.1.4 The single-storey rear conservatory would have a depth of 2.3m and would have a mono-pitched roof form. Views of the proposal would largely be obscured from the street scene given that it is to the rear of the property. Some limited oblique views of the conservatory may exist from the public realm however it is not considered that they would be harmful to the street scene. It is also considered that the proposed extension of 2.3m in depth is proportionate to the scale of the host dwelling and therefore would not be harmful to its character.
- 7.1.5 Works have already been undertaken to remove a section of soft landscaping to the site frontage and lay additional paving to accommodate additional car parking space. This part of the works is in breach of Condition 8 of 12/1213/AOD therefore would require to be in-situ for 10 years for immunity from enforcement action. It is noted that this element of the development was previously refused under application 19/1736/FUL on grounds of character impact. While this is noted, it is factored into consideration that the character of the street scene has altered since the original construction of the scheme until now, with many dwellings in the immediate context removing small areas of soft landscaping to their respective frontages. Further, the frontage of the application site is also one of the most constrained given the forward positioning of the dwelling meaning other frontages are not

under the same pressure to lose soft landscaping. While the loss is regrettable, it is considered that the pre-existing area of landscaping was small in scale and its loss does not have a significant visual impact on the character of the area. The Council have also been in receipt of an appeal decision within the estate, at 6 Rosemarie Close (APP/P1940/D21/3279628), in which the Inspector concluded the loss of such a small-scale area of planting would only result in slight harm and, on balance, would not result in the property having an incongruous appearance but would rather reflect the local street scene. It is considered that these considerations can be applied in this context, given the similarities.

7.1.6 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 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. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for rear extensions to detached dwellings.

7.2.2 It is not considered that the proposal to convert the garage would lead to any direct impact to any neighbour in terms of a loss of light or overbearing impact. Although the proposal would introduce new glazing in the form of a window, it is not considered that this would be harmful to any neighbour in terms of overlooking.

7.2.3 The extension would have a depth of 2.3m and would be set off the shared boundary with the neighbour to the west by 5.0m and the neighbour to the east by 1.0m. Given the scale of the proposed extension and set off from the flank boundaries, it is not considered that the proposal would result in a loss of light or have an overbearing impact upon any neighbour. The extension would have glazed elevations however, given that this would be at ground floor level; it is not considered that the proposal would give rise to overlooking.

7.2.4 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.

## 7.3 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 and states that a four-bedroom, or more, dwelling should provide three off-street parking spaces.

7.3.2 The original dwelling contained four bedrooms and provided two off-street parking spaces. This included one space within the garage and one space to the frontage. The remainder of the frontage was made up of a small lawn area. This area was removed and paved some time between 2015 and 2016.

7.3.3 The LPA refused a previous application at the site for a garage conversion (19/1736/FUL). For the reasons set out in the above character and appearance section, the additional paving to the frontage is deemed acceptable therefore the parking space lost because of

the proposed garage conversion would therefore be mitigated by the additional space provided to the frontage and there would be no net loss of parking within the site when compared to the original provision of two-off street spaces.

7.3.4 In summary, the proposed development is acceptable in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

#### 7.4 Rear Garden Amenity Space

7.4.1 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 indicative level for a four-bedroom dwelling is 105sqm.

7.4.2 The dwelling would retain a garden of approximately 110sqm in area which would exceed the above indicative level and is therefore acceptable in this regard.

#### 7.5 Trees & Landscape

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The proposed development would not impact upon any trees.

#### 7.6 Biodiversity

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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application which declared that no biodiversity interest would be impacted because of the proposed development.

### 8 **Recommendation**

8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and that **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

C1 The part of the development not completed 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 plan: 2328-SK-100 REV B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of

neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013)

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### **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.

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