

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 16 November 2023 at 7.30 pm in the Penn Chamber, Three Rivers House, Northway, Rickmansworth.

Members of the Planning Committee:-

Councillors:

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

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

*Joanne Wagstaffe, Chief Executive
Wednesday, 8 November 2023*

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence and to note the attendance of any substitute members.

2. MINUTES OF PREVIOUS MEETINGS

(Pages 5 - 24)

To confirm as being a correct record the minutes of the meetings of the Planning Committee held on 14th September 2023 and 19th October 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. **22/1764/FUL: WORLD OF WATER, HEMPSTEAD ROAD, WATFORD, HERTFORDSHIRE, WD4 8QG** (Pages 25 - 98)

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities.

Reccomendation: That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement in respect of a monitoring and evaluation fee covering a 5 year period relating to the travel plan, that permission be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions and any additional conditions as requested by the LLFA.

6. **23/0483/FUL: CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JB** (Pages 99 - 176)

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration.

Recommendation: That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a S106 Agreement (securing a monitoring fee), that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out in the report and any conditions requested by the LLFA.

7. **23/0484/LBC: CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERFORDSHIRE, WD3 3JB.**

Listed Building Consent application for change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at

Note: The report for this application is combined with the report for Planning Application Number 23/0483/FUL at Item 6 above.

Recommendation: That Listed Building Consent is granted subject to conditions.

8. **23/1182/RSP: 17 WINCHESTER WAY, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3QE** (Pages 177 - 188)

A retrospective planning application for a loft conversion including hip to gable roof extension with rear dormer window and front rooflights.

Recommendation: That Retrospective Planning Permission be granted subject to conditions.

9. **23/1221/RSP: BATCHWORTH HEATH FARM HOUSE, BATCHWORTH HEATH, RICKMANSWORTH, HERTFORDSHIRE, WD3 1QB** (Pages 189 - 206)

A Part Retrospective Planning Application for change of use of land as an amendment to the residential curtilage, associated landscaping changes including formal garden areas, hard standing for vehicular access and parking and installation of entrance gate and pillars.

Recommendation: That Planning Permission be granted.

10. **23/1569/FUL: GARAGES ADJACENT TO 13 TO 23, POLLARDS, MAPLE CROSS, HERTFORDSHIRE** (Pages 207 - 252)

An application for the demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

Recommendation: That planning permission be granted subject to conditions.

11. **23/1570/FUL: GARAGES REAR OF 22 TO 32, POLLARDS, MAPLE CROSS, HERTFORDSHIRE** (Pages 253 - 302)

An application for the demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works.

Recommendation: That planning permission be approved subject to conditions.

12. **23/1619/FUL: GARAGES BETWEEN 83 AND 89 THE QUEENS DRIVE** (Pages 303 - 352)

Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking and landscaping works.

Recommendation: That Planning Permission be Granted.

13. **OTHER BUSINESS - if approved under item 3 above**

Exclusion of Public and Press

If the Committee wishes to consider items 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 in 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.)

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

This page is intentionally left blank

Public Document Pack Agenda Item 2

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 14 September 2023 from 7.30 - 9.05 pm

Present: Councillors

Steve Drury, Vice Chair (in the Chair), Ruth Clark, Philip Hearn, David Raw, Chris Lloyd, Debbie Morris, Khalid Hussain, Louise Price, Rue Grewal and Chris Whately-Smith

Officers in Attendance:

1. Adam Ralton, Development Management Team Leader, Regulatory Services
2. Scott Volker, Principal Planner, Regulatory Services
3. Anita Hibbs, Committee Manager, Legal and Democratic Services

PC33/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Matthew Bedford, Sara Bedford, Ian Morris and Stephen King who were substituted by Councillors Louise Price, Chris Whately-Smith, Rue Grewal and Stephen Cox.

PC34/23 MINUTES

RESOLVED: That consideration of the minutes of the Planning Committee meeting held on 17 August 2023 deferred to the next meeting of Planning Committee.

PC35/23 DECLARATIONS OF INTEREST

Councillor Whately-Smith declared an interest in Agenda Item 9, stating that he was acquainted with a neighbour objecting to Item 9.

PC36/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC37/23 23/0319/FUL - INFILLING OF NATURAL DEPRESSION/RE-PROFILING OF FIELD WITH SOIL FROM CONSTRUCTION OF ATTENUATION POND, CONSTRUCTION OF A TEMPORARY ACCESS FROM NORTH OF DEVELOPMENT SITE ONTO LITTLE GREEN LANE TO FACILITATE ACCESS FOR ATTENUATION POND CONSTRUCTION AND AMENDMENT TO THE DETAILS/DESIGN OF THE ATTENUATION POND AT LAND NORTH OF LITTLE GREEN LANE, KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, HERTFORDSHIRE

The Committee considered a report of the Planning Officer recommending that the proposed infilling of a natural depression in a field with soil excavated from the construction of an attenuation pond; construction of a temporary access to allow access to and from the site of the pond; and an amendment to the design proposals for the construction of the attenuation pond, be approved.

The Chair invited the Planning Officer, Mr Adam Ralton, to introduce the report.

Announcement: National Planning Policy Framework (NPPF) Update

Before introducing the report, Mr Ralton informed the Committee that, on 5 September 2023, the Government had published an update to the National Planning Policy

Framework (NPPF) and that all the Planning reports before the Committee this evening should be read as referring to the September 2023 version of the NPPF.

Planning Officer's Presentation

Mr Ralton updated the Committee regarding the planning application that was before the Committee, noting that one additional letter objecting to the application had been received since the report had been published. The letter reiterated previously expressed concerns that that were addressed in the report.

For purposes of clarification, Mr Ralton noted that planning permission for the residential development to the south of the site had been granted, including the construction of a drainage pond. The present application was a request by the developer to be allowed to spread the arisings from creating the pond in a depression in a field, rather than having to remove the arisings from the site, thereby avoiding the necessity for approximately 400 lorry journeys to remove the arisings from the site by road. The application also included widening the access from the main site and adjacent fields to allow access and egress for construction vehicles, thereby avoiding vehicles from having to use Little Green Lane.

Regarding the pond, it was no longer proposed that this be lined as a lining was not deemed to be necessary. However, it was proposed that additional boreholes would be required to allow the pond to drain a suitable rate.

Concerning the ecology of the site, it was noted that the grasslands beyond the application site was farmland and, therefore, of limited ecological value.

Regarding the material to be deposited in the depression in the field, this would include the topsoil and subsoil from the drainage pond which would be deposited in such a way as to maintain a low point in the field which would not affect the existing drainage of the field.

Having considered the application, officers proposed that two conditions be added to the existing conditions, *viz* that only material excavated from the drainage pond would be deposited in the depression in the field; and that construction vehicles use only the widened entrance for access and egress to and from the site.

It was also proposed, to ensure reinstatement of the hedge at the construction site and the hedgerow around the perimeter of the field after completion of the works, that Condition 5: Landscaping, be suitably amended to include this requirement.

Representations

The Committee heard representations from a local resident and Councillor Mitchell, Ward Councillor.

The Chair then invited the Planning Officer to respond to the representations.

Welfare of Horses on Adjacent Land

Mr Ralton stated that, regarding the welfare issue in relation to the horses, this was not, unlike protected species such as birds, newts and badgers, which were covered by various statutory and policy provisions, a material planning consideration. Accordingly, the Council would not be able to defend any decision it might make in respect of the planning application on the grounds that the decision was taken with the welfare of the horses on adjoining land in mind.

Maintenance of the Drainage Scheme

Attached to the Planning Appeal decision which granted approval to the residential development and the pond, was a condition requiring that, upon completion of the works, a management and maintenance plan for the drainage systems should be submitted to, and approved in writing by, the local authority. Having described the requirements of the condition, Mr Ralton proposed that it would be possible for the Committee to add an informative to Condition 9 requesting information on the proposed operation of the maintenance plan.

The Chair then opened the discussion to Members of the Committee. In the subsequent discussion, the following points were raised.

- a) If access to the site was to be restricted after completion of the works, what provision would be made for access to maintain the site, particularly if Little Green Lane should be closed to vehicular traffic, as was currently proposed.
- b) If it was not possible to include a provision in the planning permission intended to protect the welfare of the horses on adjacent land, consideration should be given to including an informative requesting the developer to provide local residents with information regarding the phasing and implementation of the work so that appropriate measures could be taken to protect the welfare of the animals.
- c) Consideration should be given to –
 - The size of the lorries entering and exiting the site and the effect they might have on the road surface; and
 - The hours of operation of the site.

In response to these points, Mr Ralton stated that there would be no change to the standard hours of working on the site; that officers could propose a form of wording for informatives in respect of the maintenance plan and the welfare of the horses (including a request that the developer consult with adjacent landowners on the phases and stages of development such that the welfare of the horses could be taken into consideration); and that it would be necessary for the landowner and the developer to come to an arrangement regarding access to the pond for maintenance purposes, given that the pond already had planning permission.

- d) If the horses were not kept in the adjoining field throughout the year, it may be possible, through dialogue between the developer and the landowner(s), to schedule any works that might impact on the horse's welfare for a time when the horses were not next to the construction site.
- e) Regarding the proposed amendment to Condition 5: Landscaping, whether it would be possible to incorporate the specific wording suggested by Hertfordshire County Council.

Mr Ralton stated that it would be difficult to justify a Planning Condition intended to provide a net gain in terms of biodiversity on highway land when net gain was not, in planning terms, a mandatory requirement. It was the view of officers that the proposed wording amending Condition 5 gave officers sufficient authority to ensure the reinstatement and maintenance of the relevant landscaping.

- f) The original ecological survey did not include that part of the field where the proposed infilling was to take place. Consequently, it was possible that there may be harm to things of ecological value as a result of infilling this part of the field.

Mr Ralton stated that there was a technical note covering the proposed infilling of what is farmland which, by its nature, was of lesser ecological value. He stated that officers were satisfied that the technical note covered the ecological issues and that there would be no significant harm associated with infilling at this location.

Mr Ralton went on to say that detailed consideration would have been given to these issues at the time the original planning application was considered and that

site visits and inspections would continue to take place to ensure the ecological protection of the site.

- g) That consideration be given to enhancing Condition 6: Ecology.

Mr Ralton stated that the matters referred to in the technical note were sufficiently covered by Condition 6, and that it would not be reasonable, given the low probability of protected species inhabiting the land, to request that a record be kept of site inspections.

Motion

Councillor Whateley-Smith moved that the Committee approve the recommendations as set out in Paragraph 8 of the report, subject to the inclusion of the various amendments and Informatives proposed by Members of the Committee.

- h) If the Committee were to approve the application, access to the construction site would no longer be past existing houses; it would obviate the requirement for several hundred lorries going along the Green in Croxley; that the Flood Authority was “comfortable” with the proposal; and that officers were satisfied with the proposals for reinstating the hedging.

As there was a proposal that Little Green Lane should be closed, it would be appropriate to include an informative that put the developers on notice of the possible closure of Little Green Lane as a means of accessing the site for maintenance purposes.

In response to a question, Mr Ralton stated that the conditions attached to the original planning application would determine who was responsible for maintenance of the site.

- i) As this was an enclosed site, it was unlikely that the County Council would adopt the access roads to the site. If so, it was probable that there would be a management company set up to manage the roads providing access to the site.
- j) The developers had been notified of the consultation on the proposed closure of Little Green Lane.

As there was a motion by Councillor Whateley-Smith before the Committee, the Chair asked if there was a seconder for the motion. Councillor Clark stated that she would second the motion.

The Chair then put the motion that the recommendations set out in Paragraph 8 of the report be approved, subject to the inclusion of the various Informatives and amendments considered by the Committee.

For the Motion: 11
Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **GRANTED**, subject to –

1. The conditions and informatives set out in the officer report,
2. The addition of a further two conditions that –
 - Only soil from the excavation of the attenuation pond be used to infill the identified depression in the land; and
 - That construction vehicles use only the widened entrance for access to and from the construction site.

3. The amendment to Condition 5: Landscaping, requiring a suitable replacement for the hedge on Little Green Lane; and
4. Additional informatives requesting that the developer –
 - Consult with local landowners regarding the scheduling of the works and the effect this might have on horses in the adjacent field;
 - Provide information on the management and maintenance plans prescribed by Condition 9; and
 - An informative notifying the developer of the existence of a proposal that Little Green Lane be closed to vehicular traffic except for access for maintenance purposes.

PC38/23

23/0600/FUL - CONSTRUCTION OF 2NO. TWO STOREY SEMI-DETACHED DWELLINGS WITH LOWER GROUND FLOOR LEVEL WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING WORKS; ALTERATIONS TO LAND LEVELS AND BOUNDARY TREATMENTS INCLUDING TIMBER FENCE; PROVISION OF BIN STORE, HEAT PUMPS AND SOLAR PANELS AT LAND ADJOINING 10 GYPSY LANE, HUNTON BRIDGE, KINGS LANGLEY, WD4 8PR

The Committee considered a report of the Planning Officer recommending that the proposed development of two detached two-storey dwellings on land to the rear of No. 10 Gypsy Lane, with associated parking and landscaping, alterations to existing access, and provision for a bin store, heat pumps and solar panels, be refused for the reasons set out in Paragraph 8 of the Planning Officer's report.

The Planning Officer, Mr Scott Volker, presented the report. During his presentation, Mr Volker referred to the following matters.

- a) That there was an error in the report at Paragraph 7.3.2 and that the commuted sum referred to in the report should read £192,577.50.
- b) Feedback had been received from the Council's Independent Viability Assessor which concluded that, regarding a contribution to the provision of affordable housing, it was not viable for the scheme to contribute the full amount, which was approximately £190,000, but that it would be viable for it to contribute £96,743.
- c) Therefore, it was proposed that the recommendation be amended to remove any reference to the Independent Viability Assessor, stating that the application should be refused on the grounds set out at Paragraph 8.3 of the report.

Representation

The Committee heard a representation from a local resident opposing the application.

In the subsequent discussion of the application by Members of the Committee, Councillor Whateley-Smith stated that Gypsy Lane was a unique area that was very narrow, and that any provision for parking would be totally inadequate. The reasons given in the Officer's report recommending that the Committee refuse the application covered all the relevant points. Therefore, he moved that the application be refused in accordance with the recommendation set out at Paragraph 8.3 B) of the Planning Officer's report.

Councillor Lloyd seconded the motion by Councillor Whateley-Smith.

As there were no other matters that Members wished to raise, the Chair put the motion to a vote, the results of which were, as follows.

For the Motion: 11

Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **REFUSED** for the reasons set out in Paragraph 8.3B) of the Planning Officer's report.

PC39/23 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

The Chair noted that this application had been withdrawn from the agenda after publication of the agenda and that the application would be considered at a later meeting of the Committee.

PC40/23 23/0894/FUL – DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF REPLACEMENT BUNGALOW WITH ROOF ACCOMMODATION, SERVED BY FRONT AND REAR DORMER WINDOWS AND FRONT ROOFLIGHT; INSTALLATION OF HEAT PUMP; ALTERATIONS TO FRONTAGE; AND FRONT AND REAR LANDSCAPING WORKS - 71 QUICKLEY LANE

The Committee considered a report of the Planning Officer recommending that the proposed development at No. 71 Quickley Lane, Chorleywood, Rickmansworth, Hertfordshire are WD3 5AE, including demolition of an existing bungalow and construction of a replacement bungalow with front and rear landscaping works, be approved.

The Planning Officer, Mr Adam Ralton, presented the report. During the course of his presentation, he noted that Chorleywood Parish Council (“the Parish Council”) had confirmed that the amended application before the Committee sufficiently addressed the concerns raised by the Parish Council. Accordingly, the Parish Council had withdrawn its “call-in” request to the Committee.

[Mr Ralton noted that notification of the Parish Council's withdrawal of its “call-in” request had been received after the agenda for this evening's meeting had been published].

Representation

The Committee heard a representation from the developer.

In the subsequent discussion, the following points were raised by Members.

- a) The proposed “shed” dormers were overbearing and it was understandable why people might think that they were out of character with the area, and that gable dormers would be much better and more sympathetic to the design.
- b) As to whether there was sufficient parking available, it was confirmed there be sufficient space to park two vehicles.
- c) The bungalows in this part of Quickley Lane were, apart from one recent development, consistent in appearance and style. The proposed development, which included three upstairs bedrooms, was contrary to the Chorley Neighbourhood Plan requirement that bungalows be preserved.

The Chair noted that, as the Parish Council had withdrawn its request to “call in” the application, he would have to give some weight to that decision when considering the Planning Officer’s recommendation that the application be approved.

In response to a question by a Member, Mr Ralton summarised the design changes which were set out Paragraph 3.7 of the report.

In response to a motion by Councillor Lloyd, seconded by Councillor Cox, to approve the Officer’s recommendation, as set out in Paragraph 8 of the Planning Officer’s report, the Chair put the matter to a vote.

For the Motion:7
Against: 3
Abstaining: 1

RESOLVED: That Planning Permission be **GRANTED**, as set out in Paragraph 8 of the Planning Officer’s report.

PC41/23

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

The Committee considered a report of the Planning Officer recommending that the proposed development in respect of the existing Care Home at Arden House, 31 Upper Highway, Abbots Langley, Hertfordshire WD4 8PP be granted planning permission.

The Planning Officer, Mr Volker, presented the report. During his presentation, Mr Volker referred to the following matters.

- a) Additional neighbour objections had been received but there were no new material considerations, and all existing material considerations were set out in the report.
- b) The Landscaping Officer had submitted comments on the application and had objected, in particular, to the proposed loss of trees and hedging at the front of the property and loss of trees at the rear of the property.
- c) A new parking plan had been submitted that morning which included additional
- d) hedging. However, the Landscaping Officer maintained an objection to the scheme based on the removal of the trees and hedging. It was proposed that Condition 3, which required that a soft landscaping scheme be submitted and approved, would be sufficient to address the objection by the Landscaping Officer.
- e) The Conservation Officer had submitted comments noting that the loss of soft landscaping would detract from the street scene and the amenity of the highway. However, the Conservation Officer did not object to the scheme on the grounds of the proximity of the listed buildings at No. 27, Queen Anne’s Cottage, and No. 29 Upper Highway.
- f) The standard “Time Limit” condition had been omitted from the list of conditions set out in the report and this would be added to the list of conditions should the planning permission be granted.

Representations

The Committee then heard a representation by the owner of Arden House Care Home in support of the application, and by a local resident, objecting to the application.

In the subsequent discussion, Members raised the following points.

- a) There was a concern that the proposed development entailed backland development to the detriment of neighbouring properties.
- b) Although the application had been “called-in” by Members of the Planning Committee and Abbots Langley Parish Council (“The Parish Council”), the Parish Council had not made a request to speak at the meeting.
- c) Whether it would be possible to include a Noise Condition should the application be granted [officers were of the view that it would not be possible to include a Noise Condition].
- d) It was confirmed that the Landscape Officer had maintained an objection to the application. The trees that had been removed from the site were not subject to Tree Preservation Orders (TPOs) and the site was not within a Conservation Area [Officers referred Members to the proposed Condition 3 requiring that there be an approved soft landscaping scheme].
- e) With regard to the representations made by the local resident objecting to the scheme, it was proposed that care homes, however much they may be needed, had to be in the right place, and that this particular home may have reached its [residential] capacity. Therefore, the application should be refused.
- f) The application gave rise to several issues including –
 - Four vehicles which regularly parked on the pavement outside the property.
 - The removal of trees in front of the property and the subsequent tarmacking of the area which meant that there was little to demarcate the boundary between the property and the pavement;
 - The removal of the trees and hedging resulting in a gap in the woodland canopy in the area thereby exposing a view of the whole of the property to adjoining neighbours;
 - The proposed extension of the property entailing those members of staff who smoked at the rear of the property being moved three metres nearer to the boundary with the adjoining property, thereby giving rise to potential noise and other nuisance;
 - The need for conditions and/or informatives regarding vehicles parking on the pavement; noise nuisance; and the possible requirement for yellow lines at this location; and
 - The need for Care Home accommodation giving rise to the overbearing nature of the proposed development.
- g) The property already went over the 45-degree splay line and the proposed development would appear to exacerbate this. Therefore, consideration should be given to whether this constituted a material factor in determining the application.
- h) Consideration should be given to the extent that the property would overlook other properties if planning permission was granted; and relocating the existing smoking area to a location that would not cause a nuisance to neighbours.
- i) It was also proposed that consideration be given to –
 - The requirement for an a site visit; and
 - Whether there were sufficient grounds to sustain an objection to the application.

At the Chair’s invitation, the Planning Officer responded to the points that had been raised, as follows.

- a) Regarding the 45-degree splay line, it was acknowledged that the development extended further into the plot, but there was a significant separation distance between the adjacent property and the existing property, if developed. Therefore, the 45-degree splay line was not necessarily applicable in this instance.
- b) Concerning overlooking, the windows of the proposed development were at ground floor level and the existing fence, albeit in a dilapidated state, provided screening, as would the proposed soft landscaping scheme.
- c) As there would be bedroom windows at the rear of the property, it was to be hoped that anyone wishing to smoke would choose not to smoke at the rear of the property.
- d) There was a shortfall in parking spaces and it was proposed to increase the number of parking spaces from the current four spaces to eight spaces. Based on the number of staff and number of bedrooms, there would be a shortfall of six parking spaces. However, officers were of the view that notwithstanding the shortfall in car parking spaces, there would be sufficient parking.
- e) It was proposed that the soft landscaping scheme would include a defined boundary line separating parking on the highway and parking on the Premises.
- f) Issues of vehicles parking on the pavement was a Highways, and not a Planning, matter.

A Member raised the following matters.

- a) Both the Landscaping Officer and the Conservation Officer, as statutory consultees, had concerns about the impact of the loss of the existing landscaping.
- b) The number of people using the garden area, and the noise that this might generate, was a greater concern than the effect of people smoking at the rear of the property.
- c) The proposals, if approved, would exacerbate an existing parking problem and the proposed measures to mitigate the problem, that is, the removal of the existing trees and hedges, in itself gave rise to matters of concern.

It was proposed that these matters, when taken together, were indicative of a Planning application that should be refused. Therefore, the application should be refused.

The Planning Officer noted that, if Members were minded to refuse the application, it should be noted that there was nothing to prevent the landscaping that had been removed, from being removed, and that the National Planning and Policy Framework (NPPF) encouraged the use of Conditions to make otherwise unacceptable development, acceptable. To this end, proposed Condition 3 required the submission of a soft landscape scheme for approval. In addition, an Informative could be added detailing what was expected of any landscaping scheme that might be submitted for approval.

The Planning Officer, Mr Ralton, then went on to address the following issues raised by Members.

- a) Regarding concerns about smoking, Mr Ralton stated that this was a matter for those managing the property rather than a planning matter.
- b) It was acknowledged that the increased number of bedrooms, should the development go ahead, would add to the existing problem of there being insufficient parking. However, any obstruction of the Highway by vehicles parking on the pavement was a matter for the Police.

To defend a reason for refusing the application on the grounds of insufficient parking space, Mr Ralton stated that it would be necessary to demonstrate the

harm that would be caused as a result of insufficient parking space, including obstruction of the public highway, and the risk that this presented to pedestrians and others using the Public Highway.

In the subsequent discussion, it was proposed that, before the Committee made a decision, there should be a site visit, and that the Parish Council be invited to appoint a representative to attend the site visit who could advise Committee Members as to the reasons why the Parish Council had called-in the application. It was also proposed that the site visit should include the property of the local resident in Lauderdale Road who had spoken against the application. It was further proposed that Committee Members be provided with further information regarding landscaping proposals.

In response to a motion by Councillor Lloyd, seconded by Councillor Whately-Smith, that –

“Determination of the planning application in respect of Arden House, 31 Upper Hwy, Abbots Langley, Hertfordshire WD4 8PP, that was before the Committee, be deferred until such time as a site visit good be arranged. The site visit to include a representative of Abbots Langley Parish Council, and include a visit to the property of the local resident in Lauderdale Road who had objected to the planning application”.

The Chair put the motion to a vote, the results of which were, as follows –

For the Motion:8
Against: 1
Abstentions: 2

RESOLVED: To **DEFER** further consideration of the application until such time as a site visit could be arranged.

The Planning Officer, Mr Ralton, stated that he would request further information regarding the soft landscaping proposals and this would be provided to Members as soon as it became available. It would also be published on the council website and added to the Planning Officer’s report when the application next came before the Committee.

Mr Ralton noted that proposed Condition 4, attached to the report’s recommendations, required that a “Green Travel Plan”, the purpose of which was to reduce the number of car journeys to and from the Care Home, be submitted to the Local Planning Authority for approval. He stated that officers would seek information from the applicant about their proposals for the Green Travel Plan and that information would be provided to Committee Members before the application came back to the Committee.

PC42/23

23/1106/FUL - CONSTRUCTION OF FIRST FLOOR SIDE EXTENSION AND EXTENSION TO FRONT DRIVEWAY AT 14 ARUNDEL ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0TP

The Chair introduced the report, stating that the reason the application was before the Committee was because the agent for the applicant was a Three Rivers District Council Councillor.

The Planning Officer confirmed that he had no update to give to the Committee on this application.

Councillor Morris, seconded by Councillor Clark, moved that the Committee approve the recommendations as set out in Paragraph 8 of the Planning Officer’s report.

The Chair put the motion to a vote, the results of which were, as follows –

For the Motion:11
Against: 0
Abstentions: 0

RESOLVED: That Planning Permission be **GRANTED**, as set out in Paragraph 8 of the Planning Officer's report.

CHAIR

This page is intentionally left blank

Public Document Pack

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 19 October 2023 from 7.30 - 9.25 pm

Present: Councillors Councillor Sara Bedford (Chair), Councillor Steve Drury (Vice-Chair), Ruth Clark, Matthew Bedford, Philip Hearn, Stephen King, Chris Lloyd, Debbie Morris and Khalid Hussain

Also in Attendance: Councillor Whatley-Smith

Officers in Attendance:

Matthew Barnes
Lauren Edwards
Adam Ralton
Kimberley Rowley
Claire Westwood

PC1/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ian Morris and David Raw.

PC2/23 MINUTES

It was noted, that due to resource constraints, the minutes of the meeting of the Planning Committee held on 14th September 2023 had not yet been finalised and would be brought to the Committee's next meeting for approval.

RESOLVED that the minutes of the meeting of the Planning Committee held on 17th August be agreed as being a correct record and are signed by the Chair.

PC3/23 DECLARATIONS OF INTEREST

On behalf of the Committee's Liberal Democrat Councillors, the Chair made a group declaration in respect of Item 13, 23/1481/RSP 21 Bateson Drive as the agent for the application was a Liberal Democrat Councillor.

PC4/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC5/23 23/0698/FUL - 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LJ.

The application was for the construction of a single storey front extension and part single, part two storey side and rear extension, basement and front porch extension, and loft extension following demolition of the existing conservatory. The application had been called in by Batchworth Community Council who had cited concerns in respect of over development and the scale of the proposed extensions.

Diana Barber, Batchworth Community Council, and Elaine Tooke, spoke against the proposals. Concerns were expressed about the fact the proposed development was out of

scale with the surrounding area and did not meet the guidelines set out in the Moor Park Conservation Area Appraisal.

The Committee was informed that further comments had been received from Moor Park 1958 Ltd objecting to the development, specifically in relation to plot coverage. In addition, the proposed elevations had been corrected to accurately depict the ridgeline of the 2013 consented scheme and therefore conditions 2 and 4 had been updated to refer to plan reference 3K rather than the 3J stated in the report. Details of the paving materials to be used on the sunken garden were awaited however these would include a stone retaining wall that matched the house. Condition 5 (Materials) could be updated to include specific reference if the Committee considered it appropriate.

It was confirmed that the proposed development would result in a frontage that was 80% of the plot width and 1.5m from the boundary and was compliant with limits set out in planning guidance. It was acknowledged that whilst the proposed development would exceed the 15% plot coverage set out in the conservation area appraisal the bulk of the extensions would be to the rear of the property and it was considered that substantial harm would not be caused to the spacious open nature of the conservation area.

It was agreed that Condition 5 would be updated to include details of the materials that would be used for the construction of the sunken garden.

The officer recommendation to approve the application, subject to the amendments set out above was proposed by Councillor Matthew Bedford, seconded by Councillor Steve Drury, put to the vote and carried.

The voting in respect of the recommendations was For 6, Against 2 and Abstaining 1.

RESOLVED that Planning Application 23/0698/FUL be approved.

NOTE – Amended Conditions 2, 4 and 5:

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 K, 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).

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 K. 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).

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, sunken garden, retaining walls and paving) 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).

**PC6/23 23/0699/AOD – LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE,
SOUTH OXHEY, WATFORD, WD19 6YL**

The application was for the approval of details of appearance, landscaping, layout in respect of a Planning Application 19/2419/OUT a residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary work which had been granted outline planning permission in May 2020.

The Committee was informed that the range of amenity space shortfall referenced at paragraph 7.5.11 of the Officer's report should have been quoted as 0.8sqm to 29sqm and not the 0.8sqm to 22sqm range stated. An amended Soft Landscape Management Plan, referenced in Condition 13, had now been submitted.

Simon Page, Watford Community Housing, spoke in support of the application

The Committee welcomed the proposed scheme. In response to concerns about the potential safety of the proposed pond, it was clarified that the pond would form part of the site's drainage solution, which had been approved as part of the Outline Planning Application, and would only hold water at times of very heavy rain. As such it was not intended to be a permanently wet feature and a 0.5m high timber fence was considered to be an appropriate boundary treatment in this instance. It was felt that a higher timber surround would detract from the openness of the site's design. It was confirmed that the play area would be surrounded by a 1.2m high railing fence.

It was confirmed that a Condition had been included in the Outline Planning Permission that the six parking spaces at the entrance of the development site would be provided and available for use before the work on the development proper commenced.

The Officer recommendation to approve the application, subject to the conditions set out in the Officers report, was proposed by Councillor Steve Drury, seconded by Councillor Stephen King, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/0699/AOD be approved, with an alteration to Condition 13 to reflect the revised Landscape Management Plan (Revision C).

**PC7/23 23/0701/FUL – LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE,
SOUTH OXHEY, WATFORD, WD19 6YL**

The application was for the 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 which had been approved in May 2020.

It was confirmed that the application sought to amend the level of affordable housing provision on the development from 45% previously approved to 100%. Although this would not be fully compliant with policy, it was considered that the benefits that the scheme would bring in terms of 100% affordable housing, the deliverability of the scheme and the fall-back position would outweigh the scheme's non-compliance. The Committee was also advised that the applicant had confirmed that Homes England funding for the development had been secured.

Clarification was sought that whilst technically non-compliant with policy it was understood that the scheme achieved an overall increase in shared ownership units. This understanding was confirmed as being correct.

The Officer recommendation to grant the application, subject to the conditions set out in the report, was proposed by Councillor Matthew Bedford, seconded by Councillor Steve Drury, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/0701/FUL be approved.

**PC8/23 23/1043/FUL - ARDEN HOUSE, 31 UPPER HIGHWAY, ABBOTS LANGLEY,
HERTFORDSHIRE, WD4 8PP**

The application was for the construction of a part single, part two storey rear extension (roof accommodation) and alterations and additions to fenestration and rooflights to create additional bedrooms and office space at an existing care home. Consideration of the application had been deferred by the Planning Committee at its meeting in September 2023 to enable a site visit to take place.

Councillor Whatley-Smith spoke in his capacity as Ward Councillor.

The Committee considered that the picket fence proposed was out of keeping with the surrounding area. It was acknowledged that boundary treatments could be secured through conditions if necessary.

The Committee acknowledged that the current parking provision was insufficient for the needs of the business operating on site, with staff being forced to park in the surrounding streets, adding to local congestion and whilst it was proposed that an additional five parking spaces were provided as part of the application there would still be a shortfall of ten spaces on the number required for a facility of its size.

The Committee expressed the view that the original property had been subject to a number of extensions over the years and that, if granted, the additional extensions would result in a built form that dominated not only the site itself but also, due to the site's topography, neighbouring properties. The extensions would also enable the expansion of the occupier's business as a care home; something that would result in an intensification of the site's use and further exacerbate parking pressures in the vicinity of the site.

It was felt that all these factors combined would result in harm to the visual amenity of the character of the area and consequently it was considered that the application should be refused.

Councillor Sara Bedford, proposed a motion that the application should be refused on the grounds of over development of the plot, intensification of use, highways concerns, lack of onsite parking and the resultant cumulative impact on the visual amenity of the area. The motion was seconded by Councillor Matthew Bedford, put to the vote and carried unanimously. It was agreed that the final wording of the refusal notice would be circulated to the Committee for approval.

RESOLVED that Planning Application 23/1043/FUL be refused, contrary to the Officer's recommendation.

NOTE - Wording of Reason for Refusal

The proposed extension by virtue of its ad hoc nature, siting, proximity to rear boundary and elevated positioning relative to the neighbouring properties to the west would, together with the existing extent of built form, result in the overdevelopment and over intensive use of the

site, to the detriment of the character of the area and amenity of neighbouring occupiers. The overdevelopment of the site is further exacerbated by the increased parking shortfall which would lead to parking on the adjacent highway, to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

**PC9/23 23/1139/FUL – RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE,
RICKMANSWORTH**

The application was for the replacement of the existing pedestrian bridge over the River Colne with a new pedestrian and cycle bridge, including upgraded footpaths, fencing and seating areas. The application had been brought to the Committee for consideration as the District Council was the applicant.

It was noted that Condition 3 set out requirements in respect of the impact of construction traffic on the area. In order to ameliorate the concerns of residents it was agreed that an additional Condition requesting a construction management plan setting out access routes and times of work would be incorporated into the application.

It was acknowledged that the immediate vicinity of the site was used as nesting area and it was agreed that an Informative, requiring due care to be taken of bird nesting season and habitats, would be added to the application.

It was agreed that an additional Informative requiring the applicant to display appropriate diversion signs in the surrounding area including on noticeboards would be added to the application.

Concern about damage to trees was noted and officers confirmed that there would be some work to trees and mitigations would be secured through condition.

The Officer recommendation to approve the application, subject to the additional Condition and Informatives set out above, was proposed by Councillor Steve Drury, seconded by Councillor Debbie Morris, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/1139/FUL be approved.

NOTE - The additional condition and informatives were as follows:

No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

It is requested that the applicant ensures that appropriate diversion signage is in place, including on notice boards near the site, prior to the commencement of any works and that these are maintained for the duration of works and updated as required.

Construction activities should take account of bird nesting season (1 March - 31 August inclusive).

PC10/23 23/1328/FUL - SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE

It was noted that Planning Application 23/1328/FUL had been withdrawn by the applicant.

PC11/23 23/1372/FUL – 32 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PG.

The application was for the construction of a part single, part two storey front and side extensions. The application had been called in by three members of the Planning Committee due to concerns over the size of the extension and lack of parking.

It was confirmed that amenity space standards were 63sqm for a two bedroom property and 84square metres for a three bed roomed property. If approved there would be an approximate shortfall in amenity space of 19square metres. The Committee expressed concern that whilst the property would remain as a two bedroomed property the design could lend itself to conversion to a three bedroomed property. In addition, it was felt that the proposed development would lead to over-development of the plot and the design would leave the property looking out of character with the surrounding area, because it would be a prominent two storey building. It was noted that there was limited onsite parking in the vicinity of the property and there were parking problems in the area including turning heads due to demand and the development could place further pressures on parking provision.

Councillor Debbie Morris, proposed that the application be refused for reasons that it would lead to a cramped, over developed site that had a potential shortfall in amenity space and parking provision. The motion was seconded by Councillor Matthew Bedford, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/1372/FUL be refused, contrary to the officer's recommendation.

NOTE - Wording of Reason for Refusal

The proposed development by reason of its height, width, depth, proximity to the boundary and siting at the end of the cul-de-sac would appear as a cramped and overly prominent overdevelopment of the site, exacerbated by the potential shortfall in amenity space, to the detriment of the character and appearance of the area and contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

The proposed development has the potential to result in an increased shortfall of parking provision to serve the dwelling which would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

**PC12/23 23/1425/FUL – BARFORD, HOMEFIELD ROAD, CHORLEYWOOD,
RICKMANSWORTH, HERTFORDSHIRE, WD3 5QJ.**

The application was for the conversion of a garage into habitable accommodation and alterations to fenestration. The application had been called in to enable consideration of the consistency of the application with Condition 10 of the original application for the dwelling planning Application reference 16/2753/FUL) which had been imposed in order to maintain an acceptable level of parking across the development.

Nigel Challis spoke against the application, expressing concern that the application was in apparent breach of the original planning application. Thomas Glendall spoke in support of the application.

It was clarified that the planning permission for the original development had stated that two parking spaces were to be provided, one on hardstanding outside the property, and a second in the integrated garage. In 2022, planning permission had been granted to expand the external parking area to enable a second parking space to be provided, taking the dwelling's total parking provision to three spaces. If the application was granted there would still be two parking spaces at the property taking provision back in-line with the original application.

The Committee acknowledged the frustrations of long standing residents however it was felt that there was little harm in the application. Concern about the side windows not making use of obscure glass were noted however officers did not consider obscure glass to be necessary considering the room's intended use as a utility room.

The Officer recommendation to approve the application was proposed by Councillors Chris Lloyd, seconded by Councillor Matthew Bedford, put to the vote and passed. The voting in respect of the motion was For: 7, Against 0, Abstaining 2.

RESOLVED that Planning Application 23/1425/FUL be approved.

**PC13/23 23/1481/RSP – 21 BATESON DRIVE, LEAVESDEN, WATFORD,
HERTFORDSHIRE, WD25 7ND**

The application was a part retrospective application for the construction of a rear conservatory and conversion of garage into habitable accommodation and driveway extension. The application had been referred to the Committee as the applicant was a District Councillor.

It was confirmed that updated plans showing the provision of parking had now been received, although these did not present a material change to the applications.

The Officer recommendation that part retrospective planning permission be granted was proposed by Councillor Matthew Bedford, seconded by Councillor Stephen King, put to the vote and carried. The vote in respect of the recommendation was For 8, Against 0 and Abstain 1.

RESOLVED that Planning Application 23/1481/RSP be approved.

CHAIRMAN

This page is intentionally left blank

PLANNING COMMITTEE – THURSDAY 16TH NOVEMBER 2023

22/1764/FUL - Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities at World Of Water, Hempstead Road, Watford, Hertfordshire, WD4 8QG

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 11.01.2023
Extension of time: TBC

Ward: Gade Valley
Case Officer: David Heighton

Recommendation: That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement in respect of a monitoring and evaluation fee covering a 5 year period relating to the travel plan, that permission be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions and any additional conditions as requested by the LLFA.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee to discuss the effect on traffic and highway safety.

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=RILMTTQFL3900>

1 Relevant planning history of the application site

- 1.1 8/319/81: Redevelopment of garden centre
- 1.2 8/29/93: Change of use of building to use as A1 Use (Certificate Of Lawful Proposed Use)
- 1.3 03/00005/ADV: Advert application: Erection of two pole mounted signs illuminated by downlighters – Refused 28.02.2003.
- 1.4 04/0127/FUL: Change of use of land to landscaping/show gardens in association with the adjacent commercial use and landscaping proposals – Permitted 17.03.2004.
- 1.5 04/1039/FUL: Retention of plant display and sales beds without compliance with the condition one of 04/0127/FUL – Permitted 23.09.2004.
- 1.6 09/0667/CLED: Certificate of Lawfulness Existing Use: Use of site for Class A1 (Retail) use – Withdrawn.
- 1.7 10/0286/FUL: Rear extension – Refused 24.04.2010.
- 1.8 18/0981/CLED: Certificate of Existing Use: Use of site for Class A1 (Retail) use – Certificate issued as use lawful.

2 Description of Application Site

- 2.1 The application site is a 1.7hectare area occupying a triangular parcel of land between the Grand Union Canal and the A41 (known as both Hempstead Road and Watford Road). The site is located within the Metropolitan Green Belt and a Canal Buffer Zone and part of the site directly adjacent to the river is designated as a Flood Zone 3b (a functional flood plain of the River Gade). Beyond the site to the north, beyond the bridge, which carries the A41 over the Grand Union Canal, the Canal is designated as an identified Local Wildlife Site. Land to the south of the site, around and including the M25 J19 roundabout, is also designated as a Wildlife Site.

- 2.2 An L-shaped building occupies the site, currently used for an aquatic related retail business. The building has a tiled roof and is partially brick built but otherwise predominantly glazed with the entrance sited on the double gable ended southern elevation. The western gabled section of the building extends to a depth of 25.8m with the gabled section to the east extending further beyond to a total depth of 67.4m. The unenclosed area formed by the L-shaped building is hard surfaced and used for the public display and sale of goods.
- 2.3 The area to the north of the building is used as a landscaped outdoor display area with the area to the south of the building consisting of hardstanding, which is used as a car park for 75 cars. The area to the west of the building comprises of an area of soft landscaping with an area of woodland adjacent to the River Gade.
- 2.4 The existing access to the site is via a junction off the A41/Watford Road. That junction and the access track which runs south from the junction is approximately 25m wide and ends in a turning head approximately 75m from the access. The access road serves the application site, a retail premises to the south of the site, and a residential dwelling.

3 **Description of Proposed Development**

- 3.1 This application seeks planning permission for the demolition of the existing building and the erection of a retail food store ((Use Class E(a)), with associated access, parking and amenities.
- 3.2 The proposed building would be a single storey retail store approximately 4.8m metres high with a predominant flat roof, located approximately 5.5m further north than the existing building and ancillary buildings on site. It would have a footprint of 1,457 square metres. Solar panels would be installed to the roof, which would also be a green roof.
- 3.3 A landscaped buffer area (mix native woodland planting) would be introduced between the highway (Watford Road A41) and the proposed building for screening purposes. Soft landscaping is also proposed to the west of the building, with new trees and wildflower seeding to open areas and woodland edges. To the store frontage would be mixed native hedgerows and ornamental planting beds.
- 3.4 A total of 98 car parking spaces would be provided to serve customers and employees.
- 3.5 The proposed access and highway arrangements from the A41 would be altered. These alterations would include the clearance of trees and alterations to the road layout.
- 3.6 Amended plans and documents have been received during the course of the application, these include a revised swept path analysis demonstrating that no damage would occur to kerbs and would not conflict with other vehicles; updated pedestrian and cyclist crossing. The revisions also include the consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing.

4 **Consultation**

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Made the following comments]

Members appreciate the existing site is a retail site with visiting traffic, however, they feel access to this site is a serious concern. At present there are already queueing issues along a major road and this proposal would increase visitor traffic to the site further aggravating the risk to drivers, cyclists, and pedestrians. Furthermore, heavy demand for the motorway frequently results in queueing at this point. Delivery lorries exiting the site would aggravate the situation as they would be required to cross over on-coming traffic to access the motorway. Additionally, members object to the proposed removal of the cycle crossing point

to accommodate access for cars and lorries as this would remove essential access to the canal. With respect to the proposed increase in car parking on the west side of the site and the deliveries area on the north side of the site, members have concerns the site's proximity to the River Gade may result in toxic substances seeping into the ground / river resulting in potential pollution of the river. Members also feel the overall scale of the proposed building is excessive in comparison to the existing property. If officers are minded to approve this application, Members request that it be brought to Council.

4.1.2 Hertfordshire County Council (HCC) Local Lead Flood Authority (LLFA): [Objection]

We have reviewed the Drainage Strategy prepared by Ardent Consulting Engineers reference 187011-02_C dated September 2022, and would make the following comments.

It is proposed to discharge to Thames Water combined sewer (300mm) at a maximum rate of 9.5 l/s. This is 50% of the existing brownfield rate and higher than the greenfield runoff rates would be for this site. Permeable paving is proposed for parking areas and no other SuDS are proposed on site. The majority of attenuation will be provided in an attenuation tank comprising 304m³ of attenuation storage.

The site is entirely within groundwater Source Protection Zone 1 so we would support excluding infiltration discharge as a viable option.

However, at present we would recommend objection for the reasons indicated in the attached Technical Response, summarised below.

- 1. Agreement in principle for the discharge to Thames Water combined sewer is required.*
- 2. Updated calculations including the following are required.*
 - a. FEH2022 or FEH2013 rainfall data*
 - b. An appropriate climate change allowance for the 1 in 30-year storm*
 - c. Calculations for the 1 in 2-year event (note that no surcharging should occur during this event)*
 - d. Half drain down times for attenuation features*
- 3. Provision of biodiversity and amenity benefits using SuDS*
- 4. Exploration of above-ground SuDS, further restriction of discharge rates and discharge to the River Gade.*

4.1.3 HCC Highway Authority: Latest revised comments following submission of Transport Assessment Addendum [No objection, subject to Conditions and Section 106 Agreement securing travel plan and associated financial contributions]

Recommendation

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

COMMENTS:

The applicant seeks planning permission for the following development: Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities | World Of Water Aquatic Centres Ltd Hempstead Road Watford Hertfordshire WD4 8QG

Introduction

The Highway Authority note the submission of materials in support of the planning application, including the Transport Assessment (Interim) dated September 2022, the Transport Assessment dated January 2023 and the final Transport Assessment Addendum, dated July 2023.

The Highway Authority note the extensive engagement with the applicant's transport consultant subsequent to the first submission in late 2022. The document dated July 2023 contains details of these discussions and may be referred to for additional commentary on the discussions surrounding the proposed site access. Given that the technical detail surrounding the access design is contained within this document, including comments made by the Highway Authority, these comments are not repeated in full in this response.

The review has comprised comments on the Transport Assessment and more specifically, the reconfiguration of the existing access which serves the World of Water site and the adjoining businesses/dwellings.

The Highway Authority has supplied technical comments on the applicant's proposed design, including a review of the Road Safety Audit materials, the latter which has compromised two iterations.

Sustainability

The development site is positioned adjoining a number of key roads.

The site is accessed from the A41 Watford Road which is a primary distributor road in the Hertfordshire roads hierarchy.

Immediately to the south of the site on the road network, the North Western Avenue Hempstead Road (Hunton Bridge), roundabout may be joined, which provides access to the M25 link/A41/A411.

The site is therefore well positioned to access the local and strategic highway network.

In terms of access to residential areas, the site is accessible to the residential areas of Abbots Langley, Leavesden and North Watford.

Right of Way ABBOTS LANGLEY 040 (Bridleway from footpath near Railway Bridge south to Hempstead Road) (A41) known as Gypsy Lane may be accessed on the opposite side of Watford Road to the site. Gypsy Lane provides a useful connection for pedestrians and cyclists to the residential areas in Abbots Langley.

The Highway Authority is content that notwithstanding the site's position relative to key distributor roads and the Strategic Road Network that the site does offer the potential to be accessed by walking and cycling trips.

Access

The site is presently accessed from a large priority junction which provides access to the World of Water aquatic centre, an adjoining café and military goods store and dwellings.

The above access presents a number of engineering challenges with the proposed foodstore usage to which the applicant's transport consultant has responded to, subsequent to comments made by the Highway Authority. This has included comments on visibility (both horizontal and vertical), vehicular access for large vehicles, geometry and turning into the site from both directions.

The Highway Authority has noted that safe and suitable access will need to be provided for goods vehicles servicing the proposed foodstore, that satisfactory visibility is ensured (in particular towards Hunton Bridge) and active travel is promoted.

Satisfactory access will also need to be maintained to the businesses/dwellings that are currently served from the service road.

The Highway Authority has also issued comments relating to ensuring that active travel is achieved, with a shared pedestrian/cycle route running through the junction.

The layout as proposed is considered acceptable in terms of highways safety and also seeks to enhance active travel.

As the above drawing illustrates, the side road (to the south) has been reconfigured to form a service road with a give way at its junction with the proposed foodstore access road. The Highway Authority has reviewed and commented on the swept path analysis supplied by the transport consultant in order to ensure that safe access may be ensured into the site.

The pedestrian/cycleway has been reconfigured to allow cyclists to join the shared section which is continuous to the north of the access road. To the south of the access road, cyclists may use the carriageway of the service road, before joining again a shared footway/cycleway which may be picked up underneath the roundabout going south.

It is also noted that the current uncontrolled crossing across Watford Road is to be moved a short distance to the north. This will facilitate an increased length of right turning lane into the proposed development site. The cycleway on both sides of Watford Road will be widened to tie into the proposed crossing. On the eastern side of Watford Road the existing footway/cycleway will be widened to 3m between the proposed uncontrolled crossing and Gypsy Lane.

The uncontrolled crossing has also been positioned (further to Highway Authority comments), so as to allow an upgrade to a Toucan crossing which will be facilitated by the Warner Bros. development. The uncontrolled crossing is illustrated on drawing number 187011-SK07B and should be provided as part of the off-site highways works.

Site Layout

The Highway Authority note the submission of the Proposed Site Plan, drawing number 2 0 1 2 - P 1 0 1 - S 2 - P 4.

The Highway Authority is content with the layout as proposed, although note that further detail should be supplied relating to the internal circulation for pedestrians from the car parking areas.

Parking

The location of the car parking provision within the site is broadly being retained from the existing use, however the car park will be reconfigured to provide 98 spaces in total. This is to include seven disabled bays, eight parents and child spaces, seven staff spaces and two electric vehicle charging bays. There are currently 82 spaces on the site and therefore the development will provide an uplift in parking across the site.

Cycle Parking

A total 10 bicycles spaces are provided in the form Sheffield cycle stands and therefore exceeds the minimum parking requirements. According to the Transport Assessment, "At

this stage it is unknown on the number of staff on site at a given time, however it will be ensured that suitable internal space is provided to accommodate cycle storage.”

The Highway Authority recommend the inclusion of a planning condition to detail the cycle parking. For staff cycle parking, this should be by way of a secure location.

Public Transport

The closest bus stops to the site are located on Hempstead Road (named the “Russell Lane” pair). This pair of bus stops provides access to service numbers 501/508 with a route between Hemel Hempstead and Northwood/Watford available to passengers.

A further bus stop pair is located on Hunton Bridge Hill (named “Hamilton Road”). This pair of bus stops provides access to service numbers H19/R9 although it is noted that the service pattern is very limited.

Kings Langley railway station is the closest train station, located at a distance of approximately 2.5km.

Given the site’s location on the periphery of the urban area, it is considered that the site is reasonably accessible by public transport which will afford in particular staff the opportunity to travel by modes other than the private car.

Travel Plan

This site is located close to a large roundabout and busy main roads which could encourage car use and discourage use of active and sustainable modes to access the site. Notwithstanding the walking/cycling infrastructure available, bus services from stops nearby, and proximity of residential areas where customers and staff may come from, a robust Travel Plan will be required to seek to promote as many trips by sustainable modes as possible.

The Travel Plan does require some amendment and development before it is acceptable for this stage. Particular attention should be given to providing clarity on the interim mode shift target and inclusion of either Census data or data from another similar store to give indication of potential mode split. We also need a commitment to annual review of both measures and targets and we expect monitoring to continue even if targets are met in 2 surveys – we require monitoring for min 5 year period and attainment of agreed targets for this period. If targets are met this could indicate potential for further mode shift which could be discussed by between the Co-Ordinator and HCC.

Detailed comments are as follows:

- The Travel Plan has been called a Framework Plan but as the site will have a single land use, it is more appropriately called an Interim Travel Plan.*
- There is only very limited reference to the national and local policy background – we do not require extensive coverage, but brief outline of the main documents and how they relate to Travel Planning is expected as these give a rationale for the plan and the form it takes. Reference should be made to our guidance and in the further development of the plan – please see www.hertfordshire.gov.uk/travelplans.*
- Contact details are given for the developers, but details of the Travel Plan Ordinator will need to be provided on appointment along with those of a secondary contact in case of personnel changes. Details of time allocated to role and frequency on site will need to be provided once known.*
- We also ask for a statement of commitment from a suitable member of company management towards the effective implementation of the Travel Plan – this gives us assurance that the plan will be given adequate support within the company.*

- *There is a good range of suggested measures to encourage use of sustainable modes. We would encourage promotion of the Intalink website which gives information re bus services in Hertfordshire (www.intalink.org.uk) and HCC website pages on walking and cycling within the county (Walking and cycling routes | Hertfordshire County Council, Hertfordshire Cycling | Hertfordshire County Council).*
- *Paragraph 4.6 p17 states that a realistic target is to reduce vehicular trips to 5% - I am assuming this means a reduction by 5% rather than to 5% but needs clarifying. If it is by 5% then this is at the lower end of potential mode shift mentioned as generally possible in paragraph 4.5. TRICS data included is only for vehicular trips so there is no indication of possible existing mode split. Whilst exact nos will not be known prior to baseline survey, an indication can be made through use of Census data and this can help guide relevant interim targets, or potentially data from another similar store.*
- *Paragraph 4.10 appears to suggest review of targets in alternate years, whilst paragraph 6.6 talks about annual monitoring report and consideration of remedial measures post-monitoring. We would expect annual review of both measures and targets post-monitoring to ensure plan remains appropriate and relevant.*
- *P27 paragraph 6.5 states monitoring will end if 2 consecutive surveys show targets have been met – we would expect surveys to continue to 5 years post store opening to ensure targets remain met and for consideration to be given as to whether further mode shift is achievable.*
- *Monitoring and evaluation fee of £1200 per year (for a 5 year plan) should be sought – so total of £6000.*

The Highway Authority recommend the inclusion of a Travel Plan condition which will facilitate an updated version, in accordance with Hertfordshire County Council guidance and taking in the above comments to be prepared. Engagement may be made with HCC's Travel Plan team to this effect.

Trip Generation/Distribution

The trip generation and distribution exercise are satisfactory. It is noted that there will be an uplift in trips from the existing World of Water site to the proposed foodstore, as set out below in terms of the net increase.

As set out within the above extract from the TA, the access onto Watford Road will be intensified from the present usage. This notwithstanding, given the existing commercial usage of the site the Highway Authority is content (in the context of the necessary improvements to the access with Watford Road), that the traffic generation from the proposed foodstore will not have a significant impact on the adjoining local highway network.

Assessment

The Transport Assessment provides a capacity assessment of selected junctions on the adjoining local highway network. Analysis using the County's strategic transport model, COMET, has also been undertaken in terms of examining the net increase in trips on the adjoining local highway network and key junctions.

The Highway Authority is satisfied that the development may be accommodated on the local highway network and that levels of capacity are not materially affected on the tested junctions.

Off Site Infrastructure Works

As shown on the proposed site access plan, a number of off-site highways works will be necessary in order to make the development acceptable in planning terms and facilitate a safe and suitable access into the site. Aside from the reconfiguration works to the public

highway in order to facilitate access into the proposed foodstore, the drawing also illustrates widening to the existing shared footway/cycleway.

The works also include the relocation of the existing uncontrolled crossing which is located in the near vicinity of the reconfigured site access. All such works will need to be undertaken via a Section 278 agreement.

Construction

The Highway Authority will require the preparation of a detailed Construction Traffic Management Plan (see planning condition). The plan should also detail how access to the existing businesses/dwellings will be maintained throughout this process and present a phasing plan for the execution of these works.

Contributions

As noted on the Three Rivers District Council website, the Local Planning Authority adopted a Community Infrastructure Levy (CIL).

As noted by TRDC, "The Community Infrastructure Levy (CIL) is a charge which allows the Council to raise funds from new developments for use on infrastructure to support the growth in the district. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended). The money collected from the levy will be used to support development by funding infrastructure that the Council local community and neighbourhood need."

Given that TRDC has an adopted CIL, contributions to provide infrastructure to support the development more generally will be sought via this mechanism. However, wherever possible, the Highway Authority will seek to secure highway works via planning Condition and s278 agreement.

First strand (works to be undertaken under s278):

- Access works to access road junction with Watford Road and adjoining service road;
- Widening of shared pedestrian/cycle route on both sides of Watford Road
- Changes to highway layout on Watford Road in the vicinity of the access junction;
- Relocation of uncontrolled crossing point on Watford Road.

Given that TRDC is a CIL Authority, contributions that would have previously been requested under a second strand (S106) framework will come under the auspices of the approved CIL charging schedule.

The only Section 106 contributions that the Highway Authority seeks relates to the Travel Plan (£6k per Travel Plan).

The Highway Authority note the adopted Guide to Developer Infrastructure Contributions. In accordance with Technical Appendix 1 of the toolkit, a Strand 2 contribution of £422 per job is required. The application form for the development sets out that the development will employ 40 persons which would equate to a required contribution of £16,880.

The South West Herts Growth and Transport Plan was developed in partnership with Three Rivers District Council, Watford Borough Council and Hertsmere Borough Council. It was endorsed by the Highways and Transport Panel in January 2020.

It is considered that a contribution towards the scheme as identified below could be fitting. Such a contribution would also be consistent with the emerging LCWIP.

Notwithstanding the above, it is considered that the off-site highways works and improvement to cycling infrastructure in the immediate vicinity of the site are not of sufficient value for the Highway Authority to request a Strand 2 contribution. The principal on and off-site highways works should be delivered via planning condition and Section 278 agreement.

Conclusion

The Highway Authority notes the submission of materials in support of a planning application for a proposed Lidl foodstore.

The Transport Assessment documentation is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms.

The Highway Authority note the substantial change to the existing access arrangement to the World of Water site and adjoining service road which will require a Section 278 and completion prior to the first use of the development. The Highway Authority note also the relocation of the existing uncontrolled pedestrian crossing and improvements to the walking and cycling routes in the immediate vicinity of the site.

In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

4.1.3.1 Previous Highways comments are attached at **Appendix A**.

4.1.4 Herts Ecology: [No Objection]

Protected Species: Other than nesting birds no protected species were identified on site, bat surveys did not confirm the presence of a roost within any of the structures. I have no reason to disputer this finding and bats do not need to be considered a constraint to the development.

The adjoining riverbank was identified as having moderate potential for water voles A check for water voles, as outline in the ecological report, should also be undertaken prior to construction of the moorings.

The removal of areas of woodland and demolition of the existing buildings risks an offence relating to the legal protection of nesting birds. Sensible precautions are recommended in the ecological report, and these should be incorporated into a Construction Environmental Management Plan (biodiversity).

Habitats and Biodiversity net gain: The river Gade: adjoins the site but is set back from the development, however the proposals include the establishment of shopping moorings. Measures to ensure the protection of this habitat of principle importance should be outlined in a method statement within the CEMP (biodiversity). (Moorings Not proposed)

The majority of the affected site is composed of buildings and hard surfaces, but the proposed application will result in a loss of areas of deciduous woodland and grassland. This will need to be compensated for to ensure a net gain in biodiversity. Soft landscaping proposals include areas of new planting of value to biodiversity, such as native mixed hedging, tree planting and areas of wildflower meadow, and the planning statement outlines that the application will generate a net gain in biodiversity. How this will be delivered and sustained over the long term should be set out in a Landscape and Ecological Management Plan.

Applications of this nature are not yet subject to a legal requirement to deliver at least 10% Biodiversity Net Gain (BNG) but the provision of a 'biodiversity metric' would provide a

quantified assessment of the biodiversity losses and gains and allow any Net gain delivered by the proposal to be demonstrated.

The Preliminary Ecological Appraisal outlines a list of recommendations for biodiversity enhancement. Given the scale of the structures proposed and the nature of the surrounding habitat I advise that as a minimum those adopted in the development should include integrated bat and bird boxes, measures for hedgehogs and improvements to the waterside habitats.

A seed mix of WFG4 for Neutral Soils has been proposed for the areas of meadow grass, however for places adjoining woodland or tree cover and subject to shading an alternative mix such as Emorsgate EW1 (recommended with in the ecological report) should be utilised.

I advise all measures for the enhancement of biodiversity and ecology are combined into a Landscape and Ecological Management Plan and secured by Condition.

Schedule 9 plant cotoneaster was found on site and a method statement to ensure an offence under section 14 of the wildlife and countryside act should form part of the CEMP (biodiversity).

Recommended condition wording is given below:

• 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. This should outline how nearby Local Wildlife Site, the adjacent river Gade and protected species such as birds and bats and water voles will be safeguarded during construction It should include also include measures to prevent the spread of species listed on Schedule 9 of the wildlife and Countryside Act. The CEMP (Biodiversity) shall include the following

A) Risk assessment of potentially damaging construction activity

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 including nesting birds.

E) The times during which 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 if applicable.

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

No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including those within the soft planting plan as well as habitat improvements taken from the recommendations within the biodiversity enhancement section of the Preliminary Ecological Appraisal by Greengage (report date September 2022). Including as a minimum following specific information should be provided:

1. Purpose and conservation objectives for the proposed works;

2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting;

3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value;

4. location and type of integrated bat and bird boxes enhancement measures for hedgehogs and any other enhancement measures.
5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity for a minimum of 30 years;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

If the LPA seeks a biodiversity net gain to be demonstrated through the use of a biodiversity metric further wording can be recommended.

4.1.5 TRDC Local Plans Section: [Made the following comments]

The site is located within the Green Belt. The NPPF finds the principle of redevelopment on previously developed land within the Green Belt as acceptable as set out in paragraph 149 of the NPPF and states 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
- *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The application site comprises of previously developed land and proposes to demolish and rebuild the existing building which would mean there is no additional impact or harm to the openness of the Green Belt.

Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements. It also seeks to support economic development in rural areas where this would contribute to sustainable development objective and is consistent in scale with and does not cause harmful effects on the local area and environment. The proposal seeks to redevelop the building to create a new retail store which will provide additional jobs to that of the existing use of the site, therefore the application complies with Policy CP6.

Policy CP7 of the Core Strategy states that where there is an identified need for new town centre development, Town and District centres will be the focus for this development; the application site is not located in any Town or District retail centre and therefore fails to comply with Policy CP7 in this regard. The proposal site is outside of the nearest retail centre of Abbots Langley. As the application site is not located in a town centre/retail centre and the Core Strategy is out-of-date, the National Planning Policy Framework (NPPF) requires that a sequential test is applied; main town centre uses (including retail) should be located in town centres and then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. For retail purposes, an edge of centre site is one which is well connected to, and up to 300 metres from, the primary shopping area. Whilst neither are 'Town Centres', the application site is still not within 300m of the Abbots Langley. The site is therefore an out of centre site and should be considered only if the applicant is able to demonstrate compliance with the sequential test. Where an application fails to satisfy the sequential test, it should be refused.

The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. In regard to new retail development, Policy CP7 similarly states that proposals will be considered taking into account:

- a) The location of the proposed development with preference given to centrally located and accessible areas, served by a range of transport modes including public transport
- b) The impact of development on the viability and vitality of existing centres and local shops
- c) The appropriateness of the type and scale of development in relation to the centre and its role, function, character and catchment area.

The site is located outside the nearest key centre of Abbots Langley and is not within close proximity to a train station (approximately a 32-minute walk to Kings Langley station) however, the application supporting documents state there are nearby bus services within a 6 and 13-minute walk from the proposed site.

In considering identified needs for retail development, the South West Herts Retail and Leisure Study (2018) identifies the following additional convenience floorspace needs up until 2036:

| Year | Convenience Goods |
|------|-------------------|
| 2026 | 1,000 – 1,300sqm |
| 2031 | 1,700 – 2,100sqm |
| 2036 | 2,400 – 3,100sqm |

The South West Herts Retail and Leisure Study recommends that unless any large-scale housing sites come forward which either singularly, or cumulatively, require specific retail provision, that the floorspace needs identified are set aside for meeting the day-to-day needs of the residents of Three Rivers. In addition to this, Policy CP7(k) further states that proposals for any major convenience (food) floorspace (over 1,000sqm) over the Plan period will generally be resisted. The application proposes a total of 1,457sqm convenience floorspace which would contribute to approximately 47% of total convenience floorspace needs until 2036, as identified in the South West Herts Retail and Leisure Study however, the proposal conflicts with Policy CP7(k) of the Core Strategy.

4.1.6 TRDC Tree and Landscape Officer: [No objection, subject to conditions]

A condition should be applied which requires compliance with the submitted tree protection methods statement and implementation of the proposed remedial landscaping scheme.

4.1.7 Hertfordshire Constabulary: [No objection, advisory comments provided]

It is good to see that security has been considered for this application as detailed in the planning statement (1.37, 1.38 SECURED BY DESIGN AND DISABILITY DISCRIMINATION ACT).

4.1.8 TRDC Environmental Protection: [No objection, advisory comments provided]

Air Quality

I have reviewed the Air Quality Technical Note prepared by Ardent Consulting Engineers (Report ref. 187011-03_B).

The Technical Note concludes that the potential for significant air quality effects as a result of the potential impacts identified and recommendation of suitable mitigation measure as necessary, should be considered as part of a full Air Quality Assessment.

It would be preferable for the potential impacts to be considered at this stage, rather than at a later date to satisfy the requirements of a condition. This would allow us to assess the potential impacts of the development and to evaluate any proposed mitigation measures.

Further comments: Following revised Air Quality Assessment

I have reviewed the Air Quality Assessment prepared by Ardent Consulting Engineers (Report ref. 187011-07).

The assessment of demolition and construction dust impacts has been carried out, there is potential for dust and PM impacts during the demolition and construction phase, however with mitigation measures in place, the overall residual effect is expected to be not significant.

The potential impacts on existing sensitive locations as a result of demolition and construction traffic have been qualitatively assessed, the overall effect of emissions from construction and demolition traffic on existing sensitive human and ecological receptors is likely to be not significant.

The impacts of operational traffic on nearby existing sensitive properties has been considered, with dispersion modelling of pollutant concentrations having been undertaken. Predicted changes in concentrations as a result of operational traffic are negligible at all receptors and do not result in any exceedances of the relevant national air quality objectives. The overall effect of operational traffic on sensitive properties can be screened out as being not significant.

The impact of pollutant concentrations within the site on future users of the proposed development has been qualitatively assessed. Based on the information considered, it is judged that annual mean NO₂ concentrations within the site will be well below the relevant objective, that new users of the proposed development will experience good air quality, and that the site is, therefore, suitable for its proposed end-use.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The Dust Management Plan should incorporate the measures presented in Section 6.0 of the Air Quality Assessment

Land Contamination

Historical mapping shows that there was a Mill to the west of the site between 1871 and 1876, the River Gade is also shown to the west, the Grand Junction Canal is shown to the north, some watercress beds and a pumping house are shown to the west of the site between 1913 and 1924, a wharf and a Sewage Pumping Station (Watford B.D. Council) are shown to the north, the site remained undeveloped until the mid-20th century, Gade Valley Nurseries are shown onsite between 1958 and 1964, a garage is shown to the north east.

The site is not recorded as having had a previous potentially contaminative use. There are a number of sites within 250m of the site that have had a previous potentially contaminative use. Activities undertaken at these sites could have given rise to contamination area. These include the following:

- Road vehicles: Garages and filling stations;*
- Waste: Landfills and other waste treatment and disposal facilities;*
- Transport support & cargo handling;*
- Sewage works and sewage farms.*

The proposed development will not have a sensitive end use. However, the previous commercial uses of the site may have given rise to contamination. There is a large building and a significant area of hardstanding on site. It is likely materials would have been imported to allow the formation of foundations, to be placed below hardstanding etc. It is possible that

there may be materials beneath the structures and the hardstanding that are contaminated and may be inappropriate for reuse. Coal tar tarmac may also be present on site.

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

1. *Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority.*
 - i) *A preliminary risk assessment which has identified:*
 - *all previous uses*
 - *potential contaminants associated with those uses*
 - *a conceptual model of the site including sources, pathways and receptors*
 - *potentially unacceptable risks to arising from contamination at the site.*
 - ii) *A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.*
 - iii) *The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
 - iv) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

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

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

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

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

3. *Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.*

Reason: To ensure 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 risk to workers, neighbours and other offsite receptors.

4.1.9 Environment Agency: [No objection]

Thank you for consulting us on the above application. We have no objections to the proposed development.

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 (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 422549 or by emailing 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.

4.1.10 Environmental Health:

No response received.

4.1.11 National Highways: [No objection]

We have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such, we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. We are interested in the potential impacts that the development might have on the SRN, in this case M25 J19 and J20. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal.

We have undertaken a review of the documents accompanying the outline planning application, particularly the Interim Transport Assessment (ITA) dated September 2022 as prepared on behalf of the applicant by Ardent Consulting Engineers.

The development proposals comprise the replacement of the existing 1,283sqm World of Water Aquatics Centre buildings with a new 1,457 sqm Lidl foodstore. The proposed trip generation uses TRICS data to provide overall vehicle trip rates (by GFA) for Retail – Garden Centre as no direct comparison for an aquatic centre is available. We are in agreement with this methodology and the TRICS data detailed in Section 4.5 appears robust and reliable.

Overall forecasts for the development indicate a total net vehicle trip generation of 45 two-way trips in the AM peak and 117 trips in the PM peak. Vehicle trip generation does however include an element of pass-by, transfer and diverted trips, which has the effect of reducing the proportion of trips that travel externally onto the SRN. With trip reductions, we estimated that the proposals will place 6 two-way trips through M25 J20 in the AM peak and 15 in the PM peak. No new development trips will travel via the M25 off-slips.

Given the numbers of vehicle trips impacting on the SRN, we are satisfied that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111).

As such, our formal recommendation of no objection is set out in the NHPR attached.

4.1.12 Canal and River Trust: [No objection, informative recommended]

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The impact on the character, appearance, heritage, and users of the waterway

The site is located to the east of the Grand Union canal which retains a landscaped character and appearance, and the Grade II listed Sparrows Herne Bridge is located to the north of the site. The proposed development would retain a substantial landscaped buffer to the canal and therefore the current bucolic feel of the waterway in this location would be maintained. The protection of existing landscaping and details of any new landscaping proposed should be required by conditions.

The submission does however indicate services access and turning areas to the western elevation of the proposed building and these elements have the potential to result in increased noise and disturbance. There is no detail on proposed boundary treatment to these areas, which may aid in mitigating any noise impacts, and this detail should be submitted for consideration. This matter could be dealt with by condition and the Trust wish to be consulted on this information when available.

The impact on the structural integrity of the canal due to the proximity of the proposed works and drainage proposals

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. The proposed building would be set back from the canal boundary though the service access and yard would be closer to the waterway and the canal is also carried on an embankment to the south of the site. It is therefore important to ensure that the proposed works, vibrations etc do not adversely affect the stability of the canal infrastructure at this location and accordingly we ask that a Construction Methodology is required by condition.

The submission states that surface and foul water are to be discharged to the existing mains system. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is therefore important

to ensure that the drainage system is installed and maintained as indicated. This matter should be addressed by condition.

The impact on the biodiversity of the waterway corridor

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site, and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. The details of any external lighting proposed could be addressed by condition.

Should planning permission be granted we request that the following informative is appended to the decision notice:

- 1) The applicant/developer is advised to contact the Works Engineering Team on 03030404040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

4.1.13 National Grid:

No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 26.

4.2.2 No of responses received: 24.

4.2.3 23 Objections. 1 Support.

4.2.4 Site Notice: Posted: 06.12.2022 Expired 29.12.2022.

4.2.5 Press Notice: N/A

4.2.6 Summary of Responses:

Objections:

- Extra traffic concern.
- Unsafe access & impact on highway traffic.
- Not enough parking spaces.
- 2 Supermarkets less than a mile away.
- Lack of bus routes.
- Car reliant.
- Loss of pedestrian/cycle crossing.
- Contrary to protect the environment and tackle climate change.
- Local employment minimal.

Support:

- Hertfordshire County Council have dropped their objection.
- Not green land development.
- Employment Opportunities.

- Good road links.

Officer comment: The above material planning considerations will be discussed within the following planning analysis sections.

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

- 5.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 5.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 5.1.3 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.

5.2 Policy / Guidance

5.2.1 National Planning Policy Framework and National Planning Practice Guidance

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”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 7, Chapter 8, Chapter 9; Chapter 11; Chapter 12, Chapter 13, Chapter 14 and Chapter 15.

5.2.2 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, CP6, CP7, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM7, DM8, DM9, DM10, DM13 and Appendix 5.

5.3 Other

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

6 Reason for Delay

6.1 Time given to overcome technical highways objections.

7 **Planning Analysis**

7.1 Principle of development

7.1.1 The proposed development would not result in a change of use. The site is considered as one planning unit, with the existing building and site used for selling pond, water features and aquarium equipment including garden furniture, fishing and pet accessories. The site is considered to fall within Use Class E(a) retail. The application proposes the redevelopment of the site and the construction of a building to be used for Use Class E(a) retail use. On that basis, there is no material change of use on the site. Retail use is the lawful use of the site and currently provides 1,313sqm. The net increase in floorspace would be 144sqm, considered to be a very small increase.

7.1.2 The site is not allocated for any specific development proposal in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.3 Policy CP6 of the Core Strategy states that the Council will support development that provides an appropriate number of jobs to meet strategic requirements. It also seeks to support economic development that provides a range of small, medium and large business premises. The proposed development seeks to redevelop the building to create a new retail food store, which will provide additional jobs to that of the existing use of the site, therefore complying with Policy CP6.

7.1.4 Policy CP7 of the Core Strategy states that with regard to convenience (food) shopping, there is likely to be an over supply in the order of 450 square metres to 2021.

7.1.5 In the supporting text for Policy CP7, it highlights that there is a) likely to be an oversupply in relation to convenience goods (food shopping) in the order of 450 square metres to 2021 within Three Rivers District and b) 'Whilst this means that no further largescale supermarkets are needed in the District over the next 10 years or so, it does not prevent smaller-scale local convenience stores being considered within the key settlements where there is a particular local need and where such provision will reduce journeys to centres further away.

7.1.6 In response to Policy CP7, it must be recognised that as existing the building is over 1,000sqm and thus it is considered that the additional resultant impact from a further 144sqm on site would be negligible, also noting that the building's conversion would not require planning permission to convert to a food shopping use. In this regard, the principle of development is acceptable, subject to other material considerations.

7.1.7 Further, the application site does partially represent previously developed land and development on previously developed sites is encouraged, however, any proposal would need to be assessed against all other relevant planning criteria, for example, the application site is also with the Green Belt and other Development Plan Policies and the NPPF are material considerations.

7.2 Sequential Assessment

7.2.1 Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 88 of the NPPF states when considering edge of centre and out of centre proposals, preference

should be given to accessible sites which are well connected to the town centre. Paragraph 90 also sets out that local authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

- 7.2.2 For retail purposes, an edge of centre location is one which is well connected to, and up to 300 metres from, the primary shopping area. Whilst not a 'Town Centre', the application site is still not within 300m of the Abbots Langley. The site is therefore an out of centre location and should be considered acceptable only if the applicant is able to demonstrate compliance with the sequential test. However, it is noted that the site has an existing lawful retail use.
- 7.2.3 In assessing proposals for out of centre locations, the NPPF and NPPG provide two considerations in determining whether a proposal complies with the sequential test; to A) the impact on existing, committed and planned public and private investment in a centre/catchment and B) impact on town centre vitality and viability. This assessment includes the suitability, availability and viability of sites. The consideration with regards the suitability of more central sites to accommodate the proposal. Where the proposal is located in an out of centre location, preference should be given to accessible sites that are well connected to the town centre and with regards to scope, this would be in the form and/or scale of the proposal. The guidance states that it is not necessary to demonstrate that an edge of centre site can accommodate precisely the scale and form of development being proposed but rather to consider what contributions more central sites are able to make individually to accommodate the proposal. Should there be no suitable sequentially preferable locations then the sequential test is passed.
- 7.2.4 It should be noted that the NPPG states that viability of a site should be considered in the plan making process whilst in the decision making section it states that local planning authorities need to be realistic and flexible in terms of their expectations of promoting new development on town centre locations, which can be more expensive and complicated than building elsewhere.
- 7.2.5 The impact of the proposed redevelopment of the site on existing food shopping retailers, the displacement of the existing retailer and shoppers not visiting Watford, Kings Langley and Abbots Langley town centres to access the shops they have been used to has been assessed.
- 7.2.6 The submitted Sequential Test, which reviews potential retail sites within designated Town/District Centres (Rickmansworth, South Oxhey, Abbots Langley, Chorleywood) within the District of Three Rivers and includes Watford Town Centre clearly demonstrates that there are not any sites that are suitable, available and viable for the retail occupier. Following review, in conclusion there are not any available and suitable sites for the size of the proposal.
- 7.2.7 Notwithstanding this, it is also acknowledged that the existing site is within Use Class E retail use and as such in this case, there is a fallback that has substantial weight. All considered, given the results of the Sequential Test, existing use of the site in terms of a retail function and the proposed limited increase of 144sqm in floorspace, it is considered that the parameters set out within the Sequential Test are satisfactory and given the material planning considerations the proposed redevelopment of the site to provide a food retail use is considered acceptable and would not adversely affect existing centres.

7.3 Impact on Green Belt

- 7.3.1 The application site is partially previously developed land located within the Green Belt. In respect of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not

exist unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

7.3.2 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt or which would conflict with the purposes of including land within it. Policy CP11 is supported by Policy DM2 of the Development Management Policies LDD and states 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 and are given sufficient weight. Both policies should still be given weight as they are on the whole reflective of national policy which has remain unchanged in respect of Green Belt from the initial adoption of the NPPF in 2012.

7.3.3 The National Planning Policy Framework (NPPF 2023) finds the principle of redevelopment on previously developed land within the Green Belt as acceptable as set out in paragraph 149 of the NPPF and states **‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:**

- **Not have a greater impact on the openness of the Green Belt than the existing development; or**
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

7.3.4 The PPG states that openness is capable of having both spatial and visual aspects whilst the duration of the development and degree of activity likely to be generated, such a traffic generation are factors to consider.

7.3.5 The application site contains a sizable single storey building car park, external retail areas and a large area of open land and pockets of woodland, the latter of which is more open in character and portrays a sense of openness, one of the essential characteristics of Green Belts. However, parts of the site do result in on-site activity, traffic and noise and disturbance, which collectively do impact upon the openness of the Green Belt.

7.3.6 Green Belt Calculations:

Footprint of original buildings including ancillary structures = 1313sqm
 Proposed building footprint = 1536sqm
 Increase = 223sqm
17% increase in footprint.

Existing internal retail floorspace = 1050sqm
 Proposed internal = 1,074sqm
 Increase internal retail floorspace = 24sqm
2% increase in floorspace.

Volume of original buildings = 5,267m³
 Proposed building volume = 6,752m³
 Increase in volume = 1,485sqm
28% increase in volume

| <u>Existing Building</u> | <u>Proposed Building</u> | <u>Differences</u> |
|--------------------------|--------------------------|--------------------|
| Depth: 67.3m | Depth: 61.6m | - 5.7m |

| | | |
|---|---|----------------|
| Width: (Rear) 12.2m (Front) 24.5m | Width: (Rear) 26.4m Front (20.8m) | Overall + 1.9m |
| Eaves height: 3.1m | Eaves: 4.3m | + 1.2m |
| Ridge height: 5.2m | Parapet height 4.8m | - 0.4m |

- 7.3.7 Having regard to the above, the proposed development would represent a 17% increase in footprint over the existing building, an 28% increase in volume over the existing building and a 2% increase in retail floor area. As such there is a spatial impact resulting from the development through its enlargement. Nevertheless, other factors must also be taken into account. The additional proposed floorspace/volume is sited towards the west of the building as the width at this point is greater than the existing, which would be considered as similar to infilling the existing building. This additional aspect would be to the rear, screened from public vantage points and as such the apparent increase would not be readily visible given that the building height would be lowered.
- 7.3.8 The existing single storey building has a low profile and is therefore not particularly prominent in views with low eaves and pitched roof. However, it is clear from the submitted elevations and visual impact assessments that there would not be significant above-ground change to the scale or massing between the existing buildings and the proposed replacement building. Whilst the eaves height of the proposed building would be 1.2m higher at 4.2m, the proposed ridge height would be 0.4m lower than the existing building. It is also noted that the width of the proposed building is 2.6m less than the maximum width of the existing building and the proposed depth of the building would be 6.2m less than the existing. A comparison table to the existing and proposed building details is above.
- 7.3.9 The consolidation of the footprint would mean that the bulk and massing of the proposed building would be more likely to be perceived as one structure. However, in respect of the visual impacts on the Green Belt, the proposal would not appear prominent in longer distance views, but it would be visible from several points along the adjacent highway and parts of the public realm. As such, the building would not result in any greater impact on the openness of the Green Belt than the existing development. This aspect of the development proposal would therefore fall within the relevant NPPF exception as highlighted above.
- 7.3.10 The extension to the existing hardstanding would also fall within being considered as redevelopment of previously developed land. Whilst the increase in hardstanding to the north to form a turning circle at the site is regrettable, it would be a limited addition to the existing hardstanding. This proposed area would replace an existing area of paraphernalia, timber structures (selling products) and areas of path for customers. Further with the proposed soft landscaping and planting around the site, it is considered to minimise the urbanising impact of the development, would preserve the openness of the site and thus no objections are raised in this regard. It is therefore considered that this aspect of the proposal would not have a greater impact on the openness of the Green Belt
- 7.3.11 The potential effectiveness of a proposed landscaping screen in further limiting any proposed visible bulk of the building from the adjacent highway is also recognised, but cannot be solely relied upon in isolation as a permanent feature. Therefore, having regard to this any proposed planting is not considered to negate the visual impact the proposed development would have on the openness of the Green Belt.
- 7.3.12 The provision of a food retailer would result in the provision of further increased on-site activity, noise, vehicles and traffic. It is however acknowledged that there is already a

degree of this given the existing use of the site which does not have any existing restrictions in terms of comings and goings. Given the proposal and acknowledged increase in activity it is considered appropriate to limit the hours of activity and external lighting, given the Green Belt location of the proposed development.

7.3.13 In summary, it is considered that the proposal would comprise of the redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development or conflict with the purposes of the Green Belt. The development is acceptable and in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the paragraphs 149 (g) of the NPPF 2023.

7.4 Design, impact on the character of the area

7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness.

7.4.2 Policy CP12 of the of the Core Strategy (adopted October 2011) states that development should, '...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.' The proposed development would only be allowed where proposals are of a scale, density and design that would not cause material harm to the qualities, character and amenity of the area in which it is situated.

7.4.3 The proposed retail building would be relocated slightly to the northwest of the existing building and therefore further away from the highway, which would be separated by an area of proposed landscaping. The application site is also located along a stretch of the A41. It is considered that the re-siting of built form to the northwest, away from the A41 and prominently infilling the existing 'L' shaped footprint would not result in a visually prominent form of proposed development. It is also noted, that given the relocation of the building to the north west and the site topography, that the land is on a lower land level than the adjacent highway and that land levels fall towards the north of the site, the proposed building would be sited lower than the existing pitched roofed building. This would further reduce the building visual impact and would result in the building being less apparent in the street scene.

7.4.4 The proposal would lead to the removal of ancillary buildings, the erection of a single building would amalgamate all of the built form on site, apart from the substation and plant slab to the north of the building. The design and appearance of the proposal would be single storey in nature and would comprise of one flat roofed building. It is noted that there would be an increase in the both the footprint and volume. However, the erection of a single building would largely amalgamate all of the built form on site and given the infill nature away from the highway would not appear to increase the sense of bulk and massing on site from the street scene.

7.4.5 The appearance of the proposed building would be of a retail/light industrial unit and appear of a more modern appearance than the existing building with aluminium panels and glazing and would also include mock timber cladding and green roof. Given the existing character of the area, which includes a petrol station and various building to the south, there is no distinct character within the surroundings. The proposed built form would be re-sited to the northwest away from the narrower northern section of the site, built at a lower land level than the existing building, the proposed building would not detract from the overall appearance of the site. Further, given the splayed nature of the site, the size and position of the proposed building further away from the highway including proposed soft landscape screening, it would not result in the building being more apparent in the street scene.

7.4.6 Specific details regarding materials would be secured by planning condition.

7.4.7 It is considered that the building has been designed sensitively as there is enough variety within the design to ensure it would integrate within the street scene and compliment the area's existing character. For these reasons, the development is considered acceptable and complies with Policies CP1 and CP12 of the Core Strategy.

7.5 Impact on neighbouring amenity

7.5.1 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect all development proposals to protect residential amenities whilst making efficient use of land respecting the distinctiveness of the surrounding area. Policy DM9 of the Development Management Policies LDD (adopted July 2013) 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 and planned development.

7.5.2 The site is positioned in a relatively open location within the landscape. There are two immediate neighbouring premises to the south of the site; The Quartermaster military store and Bean Here, a coffee shop. Further south is a single residential property; Glenthorn, sited to the south of the coffee shop, but at a distance of 105m from the proposed building, which would be constructed approximately 16m further north from the existing building.

7.5.3 It is not considered that any direct or detrimental impact to the residential amenities of this residential property will arise as a result of the proposed development and its use.

7.5.4 Whilst it is accepted that on-site vehicular movements will occur throughout the day it is not considered that the level of movements would arise in any unacceptable harm through noise and disturbance. However, a Parking and Delivery Management Plan is recommended and secured by condition to ensure deliveries occur at acceptable times.

7.5.5 It is accepted that given the scale of the development that the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further details concerning timing of construction activities and deliveries to avoid unacceptable impacts.

7.5.6 To summarise, given the siting and layout of the proposed building and site, it is considered that no other harm would arise to neighbouring amenity. The development is therefore considered to comply with Policies CP1 and CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD.

7.6 Impact on highway safety

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

7.6.2 During the course of the application further surveys, modelling and revised information following consultation with Hertfordshire Highways was requested with alterations proposed to the original proposed access and highway arrangement. All previous comments from the Local Highway Authority are attached in Appendix 1.

7.6.3 This included within the Transport Assessment addendum, updated visibility splays subject to clearance of trees, a revised swept path analysis demonstrating that no damage would occur to kerbs and would not conflict with other vehicles; updated pedestrian and cyclist visibility splays measured from crossings; a road safety audit.

7.6.4 *Visibility*

7.6.4.1 Visibility splays in accordance with the 40mph speed limit would be able to be achieved without obscurities along the site frontage, with an improvement over the existing arrangement. The visibility splays were revised to demonstrate that a maximum visibility splay of 79m could be achieved to the south from the site access, subject to the clearance of overgrown trees, including for pedestrians and cyclists. It was also demonstrated that a 120m visibility splay could be achieved for southbound travelling vehicles from the north. Both of which are considered acceptable and raised no objection for Hertfordshire Highways (See **Appendix B**).

7.6.5 *Access alterations*

7.6.5.1 The proposed access was updated during the course of the application to include a revised Swept Path Analysis to ensure no damage to the kerb with realistic manoeuvres and to not conflict with other vehicles. The revised access road would measure a minimum of 7.3m in width in accordance with Highway guidelines. The application site is currently served by a single vehicular access point which enables two way traffic accessed via a service road off the A41 Watford Road.

7.6.5.2 Additionally, the existing refuge for the stopping of vehicles would also be relocated to the south of the existing roundabout to ensure for turning manoeuvres of larger delivery vehicles. As part of the submission swept path analysis plans have been submitted which confirms that the maximum legal articulated vehicle will be able to access the site from the north and from the south and egress the site in forward gear.

7.6.5.3 It is acknowledged that proposed alterations would widen the existing access to accommodate articulated vehicles in both directions, which would tie-in with the existing highway arrangement and markings.

7.6.5.4 A 1m grassed verge is also proposed to the northern side of the highway, to prevent the visually impaired users from stepping straight onto the highway; all of which would be subject to a condition and a section 278 agreement.

7.6.6 *Pedestrian/Cycle Crossing*

7.6.6.1 A dedicated pedestrian and cycle crossing would be provided approximately 58m north of the proposed site access. The existing foot/cycle way to the eastern side of the A41 would also be extended to the relocated staggered crossing. This would include the extension of the shared use facility to ensure cyclists can re-join the carriage safely to the south of the proposed access. Consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing. (Paragraph 2.20 of the Transport Assessment Addendum) The revisions also included consideration of the Warner Bros Studios planning permission and the requirement to implement a Toucan crossing. (Paragraph 2.20 of the Transport Assessment Addendum) (See **Appendix C**).

7.6.7 *Trip Generation*

7.6.7.1 Whilst recognising that the proposed development falls within the same use, the level of vehicular activity would likely be more given the increase in visits from members of staff, deliveries and customers.

7.6.7.2 The submitted trip generation assessment which forms part of the Transport Assessment states that there will be an estimated +117 weekday and +140 weekend peak hour trips generated (08:00-09:00 and 17:00-18:00 weekday) and (11:00-12:00 weekend). Based on the existing lawful use of the site as an aquatic/garden centre, the proposed development is highly likely to result in higher trips than the existing use. The Highway Authority states that the trip generation and distribution exercise is sufficient and whilst an upload in trips is

noted and the access onto Watford Road would be intensified from the present usage. However, given the existing use commercial use of the site the Highways Authority do not consider that the traffic generation from the proposed foodstore would be significant enough to have a safety or severe impact on the surrounding highway network. Furthermore, National Highways do not object to the proposed development, who have commented that the scheme would not materially affect the safety, reliability and operation of the strategic road network.

- 7.6.8 The Highway Authority have recommended various conditions associated with the new access, visibility splays, parking and servicing areas, pedestrian access, electric car parking, cycle parking and highway offsite improvements. It is recommended that a Travel Plan is secured by condition so as to promote and encourage further sustainable modes of travel to and from the site. Furthermore, specific details of the proposed boundary treatment with regards to fencing and planting and including final levels will be subject to a condition for any approval.
- 7.6.9 A Construction Management Plan would be secured by condition and will require further details concerning construction vehicle numbers, routing, access arrangements, traffic management requirements, storage of materials, contractor parking, timing of construction activities, cleaning of site entrances, and the adjacent public highway.
- 7.6.10 There would also be no significant impact on highway safety as a result of access and trip generation. Hertfordshire Highways have been consulted and have no objection to the revised scheme, subject to conditions. The obligations will include a financial contribution to the Travel Plan (£6k per Travel Plan). There are no road safety concerns and it has been demonstrated that safe and suitable access can be provided.

7.7 Parking

- 7.7.1 With regards to parking, Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out the car parking requirements for the District. The existing site currently has parking for 75 vehicles. Access arrangements would utilise the existing access to the south entrance. The principal method of arriving by car would be accommodated by the existing car park, which would be reconfigured.
- 7.7.2 As noted, parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). The requirements are 1 space per 18sqm gross floor area for food superstores up to 2,500sqm retail floor area. When applied to the development (1457sqm), this results in a requirement to provide 81 spaces. In this case, 98 car parking spaces would be provided to serve customers and employees including 8 parent and child spaces, 7 staff spaces and two electric charging bays. The level of parking proposed would be considered acceptable.
- 7.7.3 In respect of cycling parking, Appendix 2 sets out that the requirements are 1 space per 150sqm gross floor area plus 1 long-term space per 10 maximum staff on site at any one time for food superstores up to 2,500sqm retail floor area. When applied to the development 9.7 plus 4 (40 staff) cycle spaces (14) should be provided. Externally, there would be a 5 cycle stands for 10 cycles, while none are currently provided internally. Whilst the external storage is lower than required, it is recognised that the development can be flexible to increase storage if demand requires. Therefore, no objection is held in this regard.
- 7.7.4 In light of the above, whilst recognising the shortfall in cycle provision against standards, for reasons discussed the level provided would be acceptable subject to the legal agreement and conditions.

7.8 Waste Management

- 7.8.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.8.2 The proposed development would result in the production of additional waste, arising from the demolition, ground works and construction stages and proposed use. As a result, waste matters will need to be considered as part of the proposed development and waste prevention, re-use, recycling and recovery options employed to minimise waste requiring disposal, in line with the waste hierarchy.
- 7.8.3 Due to the current and proposed commercial use of the application site, refuse and recycling is collected by a private contractor. As a result, it is considered that waste and recycling would continue to be collected by a private contractor. The details of which would be secured by a Waste Management Scheme.
- 7.8.4 In light of the above, subject to a condition regarding waste management the application would be in accordance with Policy DM10 of the Development Management Policies LDD.
- 7.9 Flooding and Drainage
- 7.9.1 The NPPF at paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.9.2 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs).
- 7.9.3 The application site lies within Flood Zone 1 and is at very low risk from surface water flooding (via the Environment Agency mapping). Whilst the banks and course of the River Gade is in Flood Zone 3, the proposed development area lies outside of this. As part of the application a flood risk assessment was undertaken, which also had regard to surface and ground water flow. The Environment Agency were consulted as part of the application and hold no objection to the proposal.
- 7.9.4 The Lead Local Flood Authority were also consulted as part of the application, and the application sets out that sustainable drainage measures would be implemented in the form of attenuation storage, which will ensure a significant reduction in surface water runoff rates when compared to the current situation with improved permeability across the site when compared to the current impermeable nature of the site. The canal and river trust were also

consulted on the application, what noted that the drainage system is installed and maintained as indicated, which would be subject to a condition.

7.9.5 The Lead Local Flood Authority, however, have raised concerns subject to further details. Further comments regarding the acceptability of the sustainable drainage measures are awaited from the LLFA. If the LLFA are to maintain their objection, planning permission should not be approved until their objection has been removed, and would be subject conditions.

7.10 Contamination

7.10.1 The application site falls within the Source Protection Zone 2 and a Zone 1 Inner Protection Zone lies approximately 150 metres to the south. The is not recorded as having had potentially contaminative use.

7.10.2 Policy DM9 of the Development Management Policies LLD states that the Council will only grant planning permission for development, on, or near to, on land suspected to be contaminated, where the Council is satisfied that:

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

7.10.3 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution health, living conditions and the natural environment.

7.10.4 The application was supported by a site investigation reports to identify possible constraints to the development relating to the ground conditions.

7.10.5 Environment Protection have been consulted and have commented that whilst there are a number of sites within 250m of the site that have had a previously contaminative use. Given this, number of conditions as requested and would be applied to any approval.

7.10.6 In light of the above, it is not considered the risk posed from contamination would be a barrier to restricting development, subject to conditions.

7.11 Impact on trees / landscaping

7.11.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.11.2 Due to the built-up nature of the application site the majority of trees and landscape features can be found along the perimeter of the site. The proposal would result in a loss some trees and an area of grassland. However, replacement trees are proposed as part of a landscaping plan.

7.11.3 A large number of new trees and soft landscaping areas will be introduced to compensate any loss including a green roof to the building. This has been shown indicatively via the submitted Soft Landscape Strategy Proposal and includes new trees along the eastern boundary with Watford Road (A41) comprising native trees and hedgerows, new mixed native hedgerows including ornamental planting beds and tree avenue to the store frontage. Areas of landscaping to the west of the building would retain areas of existing woodland blocks with additional infill tree planting with the inclusion of wildflower seeding to open areas and woodland edges.

7.11.4 The Landscape Officer has commented on the proposal and holds no objection, subject to compliance with the submitted tree protection methods statement and implementation of the proposed remedial landscaping scheme. In order to existing safeguard trees, it is considered important to recommend such conditions relating to tree protection and the request further details with regards to the submitted detailed soft landscaping proposed.

7.12 Wildlife & Biodiversity

7.12.1 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.

7.12.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.12.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application along with a Preliminary Ecological Appraisal. The appraisal concludes with a list of recommendations for biodiversity enhancements. Whilst the majority of the affected site is composed of buildings and hard surfaces, the proposal would also result in a loss of areas of deciduous woodland and grassland. Given the nature of the surrounding habitat the proposed development would include integrated bat and bird boxes, measures for hedgehogs and improvements to the waterside habitat. Herts Ecology had no objection to the findings subject to the incorporation of the mitigation measures to enable a biodiversity net gain, secured by a Landscape and Ecological Management Plan condition.

7.12.4 No lighting details have been proposed, which would be subject to a condition, in order to minimise light spill and direct light away from boundary vegetation in respect to the impact on wildlife.

7.13 Sustainability

7.13.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.13.2 The application has been supported by an Energy Usage & Sustainability Statement which confirms that the following design measures will be incorporated into the build; natural daylighting, energy efficient building fabric, low energy lighting, heat recovery ventilation, high efficient heating systems, sub-metering, building energy management system and solar panels (located on the roof) which combined will exceed the policy standard (carbon dioxide reduction 296.57%) and a (330.16% energy reduction). A condition will be attached to require that these measures are implemented in accordance with the submitted Energy Usage & Sustainability Statement.

7.14 Planning Balance

- 7.14.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)).
- 7.14.2 The development has been considered acceptable in accordance with the development plan meaning there is no requirement to consider any further balance. Planning permission should therefore be granted subject to the conditions and the S106 agreement. The obligations will include a financial contribution to the Travel Plan (£6k per Travel Plan). These are all considered to necessary to make the development acceptable in planning terms, are all directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 7.14.3 By granting planning permission there will be economic benefits from the creation of construction jobs including the provision of 40 jobs for the store for 144sqm of additional floorspace to an existing retail use. Additionally, a development on this scale will provide a number of indirect economic benefits to the local economy and other environmental factors across the site will be enhanced, from improving on-site drainage, providing greater soft landscaping and biodiversity opportunities. These factors should also weigh in favour of granting planning permission.
- 7.14.4 The above factors are all material considerations in their own right and would weigh in favour of the development. Clearly, significant benefits in favour of the development would arise from the scheme.
- 7.14.5 Further, it is recognised the economic benefit along with employment opportunity the proposed development would bring including the enhanced landscape and biodiversity opportunity. The proposal would provide a wider sustainable community benefit.

7.15 **Recommendation**

- 7.15.1 That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing a financial contribution towards the on-going monitoring of the Travel Plan), that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA (or appointed consultant):

C1 Time Limit

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 Plan numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: P001, P100, P101 Rev P4, P102 Rev P2, P103, P200, P201, P301, 187011-001I, 22-089-P-02, 22-089-SK-01 A, 187011-SK002 C, 187011-SK003 C, 187011-SK07 A, 187011-002 C.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard neighbouring amenity and preserve the character and appearance of the surrounding area in accordance with Policies CP1, CP6, CP7, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM7, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

C3 Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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

C4 Construction Ecological Management Plan (CEMP)

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This should outline how nearby Local Wildlife Site, the adjacent river Gade and protected species such as birds and water voles will be safeguarded during construction. It should include measures to prevent the spread of species listed on Schedule 9 of the Wildlife and Countryside Act. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. The CEMP shall include the following:

- A) Risk assessment of potentially damaging construction activity
- 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 including nesting birds.
- E) The times during which 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 if applicable.

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

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 biodiversity during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 Landscape and Ecological Management Plan (LEMP)

No development shall take place (including ground works, site clearance etc) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. This should give details of all the compensation and enhancement measures being utilised to ensure the development delivers a biodiversity net gain including those within the soft planting plan as well as habitat improvements taken from the recommendations within the biodiversity enhancement section of the Preliminary Ecological Appraisal by Greengage (report date September 2022). Including as a minimum following specific information should be provided:

1. Purpose and conservation objectives for the proposed works;
2. Details of the number type and location of native-species planting, and/or fruit/nut tree planting;
3. The areas to be sown or planted with specific seed mixes or specific species for biodiversity value;
4. location and type of integrated bat and bird boxes enhancement measures for hedgehogs and any other enhancement measures.
5. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity for a minimum of 30 years;

These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to deliver biodiversity net gain and landscape enhancements 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).

C6 Dust Management Plan

Prior to the commencement of the development hereby permitted, a Dust Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be incorporated to minimise dust caused by the permitted operations and to prevent the emission of dust from the site. The management of dust emissions shall thereafter be carried out in accordance with the approved plans.

Reason: This is a pre-commencement condition in the interests of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2019).

C7 Universal condition for development on land affected by contamination

Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with risks associated with

contamination of the site shall be submitted to and approved, in writing, by the local planning authority.

- i) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site including sources, pathways and receptors
 - o potentially unacceptable risks to arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

The scheme shall be implemented as approved.

Reason: This condition is a pre commencement condition to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Verification report and monitoring and maintenance programme

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.

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

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF (2023) and in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Materials

Before above ground works commence, samples and details of the types, colour and finish of all external materials, shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Only the materials as approved shall be used in the construction.

Reason: To ensure that the external appearance of the building and site in general is acceptable and preserves the character and appearance of the surrounding area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C11 Arboricultural Method statement & Tree Protection

No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Appendix One (Tree Plan) and Appendix Two (Tree Protection) within the Arboricultural Method Statement Drawing Number LALW/MS/01 Rev C.

The protective measures, including fencing, shall be undertaken in full accordance with Appendix One (Tree Plan) Drawing Number LALW/MS/01 Rev C and Appendix Two (Tree Protection Fencing) 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).

C12 Highway Improvements – Offsite (Design Approval) Part A

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 187011-001 Rev I have been submitted to and approved in writing by the Local Planning Authority.

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

C13 Highway Improvements – Offsite (Implementation / Construction) Part B

Prior to the first use the development hereby permitted, the offsite highway improvement works referred to in Condition 12 Part A of this condition shall be completed in accordance with the approved details.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C14 Travel Plan Statement

At least 3 months prior to the first use of the approved development a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C15 New Access

Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number 187011-001 Rev I. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C16 Visibility Splays

Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number 187011-001 Rev I. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C17 Provision of Parking and Servicing Areas

Prior to the first use of the development hereby permitted the proposed access /onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C18 Pedestrian Access

Prior to the commencement of the development hereby permitted, a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.

Reason: To protect highway safety and the amenity of other users of the public highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C19 Cycle Parking

Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting (including location of future provision) of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The external Sheffield cycle stands shall be erected and permanently retained thereafter. The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted July 2013).

C20 Hours

The site shall not be open to the public otherwise than between the hours of 7.00am to 23.00pm; Mondays to Saturdays and 10.00am to 18.00pm; on Sundays or National Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to preserve the openness of the Green Belt in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Parking and Delivery Management Plan

Prior to the commencement of the use hereby permitted, a Parking and Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking and Delivery Management Plan shall incorporate the delivery hours, servicing arrangements for the use and adequate provision for the parking of delivery vehicles within the site and shall be adhered to at all times.

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

C22 Energy measures

Prior to the first use of the development hereby permitted, the approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented and permanently maintained thereafter.

Reason: In order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C23 Hard and Soft Landscaping Scheme

Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping (including green roof), which shall also include details of all new trees including species type and initial planting height and all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping scheme shall follow the details approved as shown on drawings 22-089-P-02 and 22-089-SK-01 REV A.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

C24 External Lighting

No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

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

7.15.2 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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed,

returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town

and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

15 Highways: Storage of Materials

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

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

16 Highways: Obstruction of public highway land

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

17 Highways: Road Deposits

It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

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

18 Highways: S106 Agreement.

A Section 106 agreement will be required for the following: Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel Plan Guidance for Business and Residential Development: • Travel Plan The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2008) for schemes in the local area that accord with the three CIL tests.

19 Highways: Construction standards for works within the highway

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the

Highway Authority to obtain their permission and requirements. Further information is available via the website:

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

Appendix A – Highways Comments



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CH0242
County Hall
Pegs Lane
Hertford
SG13 8DE

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 14 October 2022
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

There is insufficient information supplied with this application to enable the Highway Authority to reach a recommendation. In the absence of the necessary information, the Highway Authority recommends refusal due to doubt over possible implications for highway safety, access and pedestrian and cyclist safety.

COMMENTS:

The applicant seeks planning permission for the following development:

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

The Highway Authority note the submission of documents, including an Interim Transport Assessment.

The Interim Transport Assessment contains a number of instances stating that a future Full Transport Assessment will be provided. However, these aspects cover key aspects which are essential to the Highway Authority reaching a view on the highways and transportation aspects of the proposals.

However, this notwithstanding, the Highway Authority has a number of concerns with respect to key aspects set out within the Interim Transport Assessment.

The Highway Authority note the submission of site layout plans as contained within Appendix B of the Interim Transport Assessment.

Access

The Highway Authority wishes to raise the below concerns with respect to the access drawing as presently shown:

- It is unclear how the proposed highway layout will tie-in to the existing layout for Hunton Bridge Roundabout and the existing pedestrian and cycle routes affected by the proposals;
- The uncontrolled (staggered) refuge crossing of the A41 for pedestrians and cyclists would be relocated further north to accommodate a longer right turn lane for the access T-Junction. No corresponding changes have been made to maintain the connecting (signed) pedestrian and cycle routes between the Grand Union Canal and Gypsy Lane;
- No crossing facility has been shown for the existing pedestrian and cycle route in the western verge, where it is crossed by the new access road alignment;
- No route for footway users has been clearly identified into the store.
- Lack of adequate facilities for footway users will increase the risk of conflict between footway users and road users;
- It is not known what boundary treatment is proposed for the development site. Inappropriate fencing/planting/level differences may increase the risk of conflict with other highway users and/or injury to footway users;
- No clear tie-in has been shown between the existing and proposed highway layouts. The central island at the southern end of the right turn lane for the development has not been shown, and no existing road markings have been indicated to the south of this T-junction.
- The existing road signs and markings approaching Hunton Bridge roundabout have not been shown on the drawings. It is not known what changes are proposed to accommodate the new markings that are indicated on the drawings. Inappropriate changes to the existing road destination markings may increase the risk of collisions occurring between road users;
- The access road junction with the A41 is on an uphill gradient at the give way line. No visibility splays (horizontal/vertical plane) have been shown for the junction. Delivery HGVs emerging from the access will take significantly longer to clear the junction area than customer vehicles;
- It is not known if adequate inter-visibility will be provided to and from the access junction, especially for larger vehicles. This will need to be tested in both the horizontal and vertical planes. Inadequate visibility may increase the risk of vehicle pull out type collisions at the junction;
- Two traffic lanes are shown in the access road at the give way line. A vehicle waiting next to another is likely to obstruct the visibility splay of the other driver (and vice versa);
- It is not known if the swept paths of HGVs turning at the junction can be accommodated such that the vehicles do not over-run the verge, central island or adjacent traffic lane;
- Improved information on a more accurate base plan, covering such design elements as; pedestrian and cycle routes, crossing points, site boundary treatments, proposed levels, visibility splays, road signs and markings; should be reviewed; and
- The Highway Authority would prefer an access road alignment to be shown as more perpendicular to the main carriageway.

As the above points illustrate, the Highway Authority has a number of concerns with respect to the technical information submitted. Engineering drawings should be supplied which satisfy the above concerns.

The Highway Authority also has plans as per the Local Cycling and Walking Infrastructure Plan, Watford Borough Council & Three Rivers District Council (December 2021) for a Toucan crossing in the immediate vicinity of the site which may be discussed in more detail with the Highway Authority and Local Planning Authority. The applicant should seek a solution to the pedestrian and cyclist arrangements that can take into account these plans.

However, this notwithstanding, the arrangement as shown on the supporting plans does not satisfactorily tie into the existing pedestrian and cyclist network to give the Highway Authority the confidence that proposed foodstore may be accommodated safely. Both pedestrians and cyclists will be disadvantaged with the applicant's plans to increase the access road width by which it will be necessary to cross three lanes of traffic.

The proposed changes to the junction layout and minor road access should be supported by the submission of a Stage 1 Road Safety Audit.

Layout

The document notes the following:

"It is noted that the current World of Water Aquatics site accommodates servicing and delivery movements via the existing access on the A41, therefore it is considered appropriate that movements for the Lidl foodstore would continue through this access. Full swept-path analysis will be provided in the full Transport Assessment to confirm that the required manoeuvres can occur."

The Highway Authority therefore await this revised information.

Further detail should also be provided with respect to cycle parking, including provision for cargo bikes as per LTN 1/20.

For internal pedestrian routes, the Highway Authority would seek that safe routes are marked out within the site to avoid pedestrian/vehicle conflicts.

Likewise, the plans should make the pedestrian routes to and from the adjoining footway on Watford Road clear. The Highway Authority has concerns that both within the site and across the amended access that pedestrians and cyclists have not been considered satisfactorily and this leads to concerns with respect to safety.

Modelling

The Highway Authority has concerns that the impact of the development has not been satisfactorily considered on the local highway network.

A number of instances are found in the Interim Transport Assessment that point to further work being required, as illustrated below:

"It should be noted that an initial capacity assessment was included within the Transport Scoping Note for the existing A41 / Watford Road junction. As part of the proposals at the time of writing the TSN, it was envisaged the existing junction would be retained in its current alignment for the proposed development. However, the updated proposals now show that the junction will be realigned

so that the approach to the bell mouth is of straighter alignment with marked left/right lanes on the carriageway. This is anticipated to be beneficial in terms of capacity compared to the previous alignment, however in order to provide a robust assessment an updated capacity model of this junction will be undertaken as part of the full Transport Assessment.”

The Highway Authority would expect that a linked junction assessment is undertaken which includes the site access and the A41/Watford Road junction.

“As summarised above, at the time of writing this report it has not been possible to undertake traffic surveys to determine the percentage increases at the offsite junctions listed in Table 5.2. However, using information obtained from DfT Traffic Count 36465 it has been possible to determine the percentage increases at the site access junction. During the AM Peak an increase of 38 vehicles equates to a percentage increase of 3.4% and in the PM Peak an increase of 106 vehicles equates to a percentage increase of 4.9%. Therefore, based on the above, this does not warrant a capacity model, however to be consistent with the scoping note and to provide a robust assessment of the junction, an updated model will be presented as part of the full Transport Assessment. Given the traffic will disperse from the site access and noting that the site surrounds the strategic road network, it is anticipated that the percentage increases will be minimal further afield and would not warrant any off-site modelling.”

“Due to the UK Summer Holidays, it has not been possible to undertake any traffic counts within the surrounding highway network. The Traffic Data Team at HCC were contacted to determine if traffic counts could be obtained. It was confirmed that an updated traffic count has been undertaken at ‘site 155’ in June 2022. Therefore, for the purpose of the full Transport Assessment this data will be obtained to undertake modelling at the site access.”

As noted above and within this response, the access junction (when the design has been reconsidered), should be assessed in accordance with the proposed changes and also consistent with the wider local highway network layout. Given the operation with the roundabout to the south, this should form part of a linked model in Junctions 9.

Summary

This response has identified fundamental issues with the access layout and insufficient supporting information to demonstrate that the development may be accommodated on the highway network.

As such, this leads to concerns with respect to highway safety, sustainability and how pedestrians and cyclists may be safely accommodated given the proposed changes to the access layout.

Given the aforementioned concerns, the Highway Authority does not recommend that planning permission be granted.

Signed
Oliver Sowerby

4 November 2022



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CH0242
County Hall
Pegs Lane
Hertford
SG13 8DE

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 1 March 2023
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

COMMENTS:

The Highway Authority note the submission of a revised access drawing, 187011-001 Rev E SITE ACCESS ARRANGEMENT, vertical alignment review drawing and an updated Transport Assessment.

The Highway Authority has previously provided comments on both the access design and Transport Assessment.

Detailed comments between the first submission and this revised submission were also supplied to the transport consultant and TRDC in February 2023.

However, with respect to drawing number 187011-001 Rev E, the following issues should still be addressed.

Visibility from the Site Access



Visibility from and to the amended access from the roundabout has not been maximised. The parapet for the subway under the A41 is the only practical limitation on improving this. **The roundabout is within a 50mph speed limit, reducing to 40 mph on the exit into the A41, so DMRB visibility does apply especially as this route is a primary distributor.** In notes provided by the applicant it is suggested that Manual for Streets is appropriate. The Highway Authority does not concur with this point.

The need for a Departure from Standards for visibility, to and from the access, is for HCC to consider and progress, provided suitable mitigation measures are incorporated into the proposals for the revised highway layout (e.g., ensure vegetation and signage does not obstruct the visibility that can be provided). It is still considered by the Highway Authority that a slight adjustment to the access and service road to be more perpendicular to the main carriageway, or moving the junction slightly to the north would assist both movements in/out of the site and visibility.

Swept path analysis for larger vehicles turning at the junction shows unrealistic manoeuvres which will have to be undertaken at very low speeds. Even then an articulated HGV turning left into the access over-runs the centre hatching. The swept paths shown for the other manoeuvres are equally unrealistic. Restrictions to inter-visibility at the junction means there is less time to decide when to start the turn. It is more likely that a large vehicle will over-run verge areas and/or tactile paving at the footway crossing point. A HGV should not be required to over-articulate itself to enter a site when it is on a busy road. The access geometry should be amended to ensure more realistic turning manoeuvres for large vehicles can be fully accommodated at realistic manoeuvring speeds.

Maximum achievable visibility splays to and from the access should be clearly shown with suitable works identified to ensure these visibilities can be provided and maintained.

Visibility for both pedestrians and cyclists should be shown where they cross the access road. The Highway Authority has some concern that the retaining wall as presently shown would restrict visibility.

The Highway Authority is not content with the alignment of the cycle route where it approaches the junction. On the northern side of the junction, the cycle route has a sharp bend which causes concern with respect to safety. All radius curves and visibility requirements should be in accordance with guidance contained within LTN 1/20.

An external Stage 1 Road Safety Audit appears to have been undertaken on behalf of the developer. The only document seen was a designer's response to this report (on an older design) The original report should be assessed for compliance with GG119. If compliant, HCC will review the report and provide the response as Overseeing Organisation for the public highway. If not, the Highway Authority would be obliged to reject the report as inappropriate and request that a GG119 compliant Stage 1 Road Safety Audit is provided from an appropriate organisation. However, this notwithstanding, it is recommended that a further Stage 1 RSA is undertaken when the comments supplied within this response are considered by the applicant in the junction design/highway layout.

Committed Development

The Highway Authority wishes to note the consented development for the Warner Bros. studios (22/0491/FUL).

Condition 11 of the decision notice sets out the following requirements:

Highway Improvements - A41 Toucan to the Hempstead Road underpass (HCC Highways)

A) Design Approval No on-site works above slab level for the new buildings shall commence until a detailed scheme for the provision of a toucan crossing of the A41 connecting the local cycle network improvements shown in the drawing 21134-MA-XX-XX-DR-C-1100 P02 to the A41 pedestrian/ cycle subway below the A41/ Hempstead Road roundabout have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction No new buildings shall be occupied until the improvement works referred to in part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP10 and CP12 of the Core Strategy (adopted October 2011). Separately, there is also the application submitted to TRDC for the Langleybury Studios (22/1945/FUL) which is yet to go to planning committee.

However, for Warner Bros site, the Highway Authority note the requirement for a Toucan crossing (to tie into the proposed cycle improvements), see below which is an approved drawing.



The Highway Authority would seek that the proposed Lidl development considers the requirement for a Toucan crossing at the point shown on the proposed plans.

Given the position of the access into the Lidl foodstore, it will be important to ensure that the committed Toucan crossing is fully considered in the design. The Highway Authority note also the sensitivity of the site's location to the junction to the south (in particular in terms of queuing) and have requested that a capacity analysis is undertaken.

Furthermore, and notwithstanding the Lidl proposals, the Highway Authority consider that the provision of a Toucan crossing at this location will ensure sustainable access to/from the proposed foodstore and the residential areas to the north-west, namely Abbots Langley and Leavesden. The inclusion of a Toucan crossing at this location would ensure that both pedestrians and cyclists may access the foodstore sustainably and safely and therefore encourage travel by sustainable modes. The applicant may wish to consider joint working on this matter with Warner Bros., although equally a solution that responds to the committed development scheme and the need to promote sustainable travel to the Lidl site may also be considered.

Summary

The Highway Authority has identified a number of issues with the access design leading to doubts with respect to highways safety.

This response has also set out that a key committed development should be taken into account when designing the proposed highway layout in order to ensure pedestrians/cyclists can cross Watford Road.

In summary, the Highway Authority recommends refusal owing to doubts with respect to highways safety and access layout.

Signed
Oliver Sowerby

22 March 2023



Mark Youngman
Development Management Group Manager
Hertfordshire County Council
Postal Point CH0242
County Hall
Pegs Lane
Hertford
SG13 8DE

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

Director of Planning

Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Hertfordshire
WD3 1RL

District ref: 22/1764/FUL
HCC ref: TR/14218/2022
HCC received: 18 July 2023
Area manager: James Dale
Case officer: Oliver Sowerby

Location

World Of Water Aquatic Centres Ltd Hempstead Road Watford WD4 8QG

Application type

Full Application

Proposal

AMENDED PROPOSAL

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities

Recommendation

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

CONDITIONS:

New Access

Prior to the first use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position shown on the approved plan drawing number 187011-001 Rev I. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason:

To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Visibility Splays

Prior to the commencement of the use hereby permitted, visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan number 187011-001 Rev I. The splay(s) shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason:

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

Provision of Parking and Servicing Areas

Prior to the first use of the development hereby permitted the proposed access /onsite car and cycle parking / servicing / loading, unloading / turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason:

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

Pedestrian Access

Prior to the commencement of the development hereby permitted, a scheme for pedestrian access from the proposed supermarket to all car parking spaces shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to first use of the development, the scheme shall be completed in accordance with the approved details.

Reason:

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

Electric Car Parking

Prior to the use of the development hereby permitted, the development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points.

Reason:

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

Cycle Parking

Prior to the first use of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority
The approved scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

Travel Plan

At least 3 months prior to the first use of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason:

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

Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason:

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

Highway Improvements – Offsite (Design Approval) Part A

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing number 187011-001 Rev I and have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

Highway Improvements – Offsite (Implementation / Construction) Part B

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

Reason:

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

HIGHWAY INFORMATIVES:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

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

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the

highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4) S106 Agreement. A Section 106 agreement will be required for the following:

Approved Travel Plan(s), with individual monitoring fees (and contributions for remedial actions should targets be missed), in accordance with the current HCC Travel Plan Guidance for Business and Residential Development:

- **Travel Plan**

The above contributions will come under the auspices of the Planning Obligations Guidance Toolkit for Hertfordshire (2008) for schemes in the local area that accord with the three CIL tests.

AN5) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

COMMENTS:

The applicant seeks planning permission for the following development:

Demolition of existing building and erection of retail food store, (Use Class E(a)), with associated access, parking and amenities | World Of Water Aquatic Centres Ltd Hempstead Road Watford Hertfordshire WD4 8QG

Introduction

The Highway Authority note the submission of materials in support of the planning application, including the Transport Assessment (Interim) dated September 2022, the Transport Assessment dated January 2023 and the final Transport Assessment Addendum, dated July 2023.

The Highway Authority note the extensive engagement with the applicant's transport consultant subsequent to the first submission in late 2022. The document dated July 2023 contains details of these discussions and may be referred to for additional commentary on the discussions surrounding the proposed site access. Given that the technical detail surrounding the access design is contained within this document, including comments made by the Highway Authority, these comments are not repeated in full in this response.

The review has comprised comments on the Transport Assessment and more specifically, the reconfiguration of the existing access which serves the World of Water site and the adjoining businesses/dwellings.

The Highway Authority has supplied technical comments on the applicant's proposed design, including a review of the Road Safety Audit materials, the latter which has compromised two iterations.

Sustainability

The development site is positioned adjoining a number of key roads.

The site is accessed from the A41 Watford Road which is a primary distributor road in the Hertfordshire roads hierarchy.

Immediately to the south of the site on the road network, the North Western Avenue Hempstead Road (Hunton Bridge), roundabout may be joined, which provides access to the M25 link/A41/A411.

The site is therefore well positioned to access the local and strategic highway network.

In terms of access to residential areas, the site is accessible to the residential areas of Abbots Langley, Leavesden and North Watford.

Right of Way ABBOTS LANGLEY 040 (Bridleway from footpath near Railway Bridge south to Hempstead Road) (A41) known as Gypsy Lane may be accessed on the opposite side of Watford Road to the site. Gypsy Lane provides a useful connection for pedestrians and cyclists to the residential areas in Abbots Langley.

The Highway Authority is content that notwithstanding the site's position relative to key distributor roads and the Strategic Road Network that the site does offer the potential to be accessed by walking and cycling trips.

Access

The site is presently accessed from a large priority junction which provides access to the World of Water aquatic centre, an adjoining café and military goods store and dwellings.



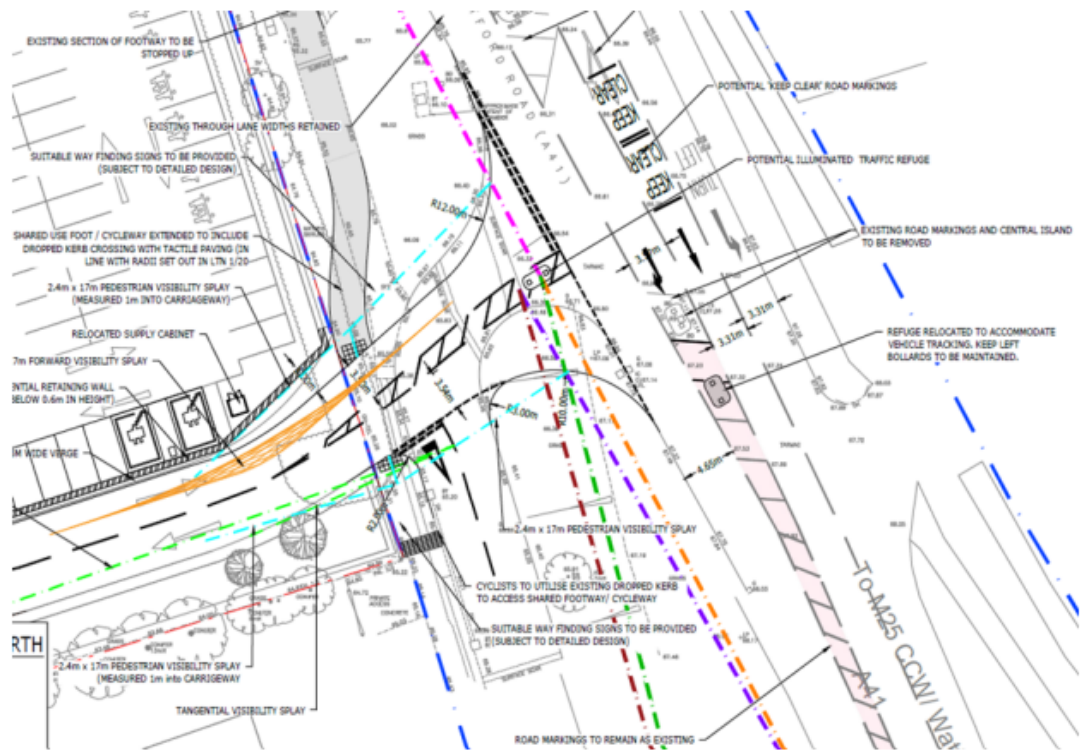
The above access presents a number of engineering challenges with the proposed foodstore usage to which the applicant's transport consultant has responded to, subsequent to comments made by the Highway Authority. This has included comments on visibility (both horizontal and vertical), vehicular access for large vehicles, geometry and turning into the site from both directions.

The Highway Authority has noted that safe and suitable access will need to be provided for goods vehicles servicing the proposed foodstore, that satisfactory visibility is ensured (in particular towards Hunton Bridge) and active travel is promoted.

Satisfactory access will also need to be maintained to the businesses/dwellings that are currently served from the service road.

The Highway Authority has also issued comments relating to ensuring that active travel is achieved, with a shared pedestrian/cycle route running through the junction.

The layout as proposed is considered acceptable in terms of highways safety and also seeks to enhance active travel.



As the above drawing illustrates, the side road (to the south) has been reconfigured to form a service road with a give way at its junction with the proposed foodstore access road. The Highway Authority has reviewed and commented on the swept path analysis supplied by the transport consultant in order to ensure that safe access may be ensured into the site.

The pedestrian/cycleway has been reconfigured to allow cyclists to join the shared section which is continuous to the north of the access road. To the south of the access road, cyclists may use the carriageway of the service road, before joining again a shared footway/cycleway which may be picked up underneath the roundabout going south.

It is also noted that the current uncontrolled crossing across Watford Road is to be moved a short distance to the north. This will facilitate an increased length of right turning lane into the proposed development site. The cycleway on both sides of Watford Road will be widened to tie into the proposed crossing. On the eastern side of Watford Road the existing footway/cycleway will be widened to 3m between the proposed uncontrolled crossing and Gypsy Lane.

The uncontrolled crossing has also been positioned (further to Highway Authority comments), so as to allow an upgrade to a Toucan crossing which will be facilitated by the Warner Bros. development. The uncontrolled crossing is illustrated on drawing number 187011-SK07B and should be provided as part of the off-site highways works.

Site Layout

The Highway Authority note the submission of the Proposed Site Plan, drawing number 2 0 1 2 - P 1 0 1 - S 2 - P 4.

The Highway Authority is content with the layout as proposed, although note that further detail should be supplied relating to the internal circulation for pedestrians from the car parking areas.

Parking

The location of the car parking provision within the site is broadly being retained from the existing use, however the car park will be reconfigured to provide 98 spaces in total. This is to include seven disabled bays, eight parents and child spaces, seven staff spaces and two electric vehicle charging bays. There are currently 82 spaces on the site and therefore the development will provide an uplift in parking across the site.

Cycle Parking

A total 10 bicycles spaces are provided in the form Sheffield cycle stands and therefore exceeds the minimum parking requirements. According to the Transport Assessment, "At this stage it is unknown on the number of staff on site at a given time, however it will be ensured that suitable internal space is provided to accommodate cycle storage."

The Highway Authority recommend the inclusion of a planning condition to detail the cycle parking. For staff cycle parking, this should be by way of a secure location.

Public Transport

The closest bus stops to the site are located on Hempstead Road (named the "Russell Lane" pair). This pair of bus stops provides access to service numbers 501/508 with a route between Hemel Hempstead and Northwood/Watford available to passengers.

A further bus stop pair is located on Hunton Bridge Hill (named "Hamilton Road"). This pair of bus stops provides access to service numbers H19/R9 although it is noted that the service pattern is very limited.

Kings Langley railway station is the closest train station, located at a distance of approximately 2.5km.

Given the site's location on the periphery of the urban area, it is considered that the site is reasonably accessible by public transport which will afford in particular staff the opportunity to travel by modes other than the private car.

Travel Plan

This site is located close to a large roundabout and busy main roads which could encourage car use and discourage use of active and sustainable modes to access the site. Notwithstanding the walking/cycling infrastructure available, bus services from stops nearby, and proximity of residential areas where customers and staff may come from, a robust Travel Plan will be required to seek to promote as many trips by sustainable modes as possible.

The Travel Plan does require some amendment and development before it is acceptable for this stage. Particular attention should be given to providing clarity on the interim mode shift target and inclusion of either Census data or data from another similar store to give indication of potential mode split. We also need a commitment to annual review of both measures and targets and we expect monitoring to continue even if targets are met in 2 surveys – we require monitoring for min 5 year period and attainment of agreed targets for this period. If targets are met this could indicate potential for further mode shift which could be discussed by between the Co-Ordinator and HCC.

Detailed comments are as follows:

- The Travel Plan has been called a Framework Plan but as the site will have a single land use, it is more appropriately called an Interim Travel Plan.
- There is only very limited reference to the national and local policy background – we do not require extensive coverage, but brief outline of the main documents and how they relate to Travel Planning is expected as these give a rationale for the plan and the form it takes. Reference should be made to our guidance and in the further development of the plan – please see www.hertfordshire.gov.uk/travelplans.
- Contact details are given for the developers, but details of the Travel Plan Ordinator will need to be provided on appointment along with those of a secondary contact in case of personnel changes. Details of time allocated to role and frequency on site will need to be provided once known.
- We also ask for a statement of commitment from a suitable member of company management towards the effective implementation of the Travel Plan – this gives us assurance that the plan will be given adequate support within the company.
- There is a good range of suggested measures to encourage use of sustainable modes. We would encourage promotion of the Intalink website which gives information re bus services in Hertfordshire (www.intalink.org.uk) and HCC website pages on walking and cycling within the county (Walking and cycling routes | Hertfordshire County Council, Hertfordshire Cycling | Hertfordshire County Council).
- Paragraph 4.6 p17 states that a realistic target is to reduce vehicular trips to 5% - I am assuming this means a reduction by 5% rather than to 5% but needs clarifying. If it is by 5% then this is at the lower end of potential mode shift mentioned as generally possible in paragraph 4.5. TRICS data included is only for vehicular trips so there is no indication of possible existing mode split. Whilst exact nos will not be known prior to baseline survey, an indication can be made through use of Census data and this can help guide relevant interim targets, or potentially data from another similar store.
- Paragraph 4.10 appears to suggest review of targets in alternate years, whilst paragraph 6.6 talks about annual monitoring report and consideration of remedial measures post-monitoring. We would expect annual review of both measures and targets post-monitoring to ensure plan remains appropriate and relevant.
- P27 paragraph 6.5 states monitoring will end if 2 consecutive surveys show targets have been met – we would expect surveys to continue to 5 years post store opening to ensure targets remain met and for consideration to be given as to whether further mode shift is achievable.
- Monitoring and evaluation fee of £1200 per year (for a 5 year plan) should be sought – so total of £6000.

The Highway Authority recommend the inclusion of a Travel Plan condition which will facilitate an updated version, in accordance with Hertfordshire County Council guidance and taking in the above comments to be prepared. Engagement may be made with HCC's Travel Plan team to this effect.

Trip Generation/Distribution

The trip generation and distribution exercise are satisfactory.

Based on trip rates set out above, a comparison of the overall net change in vehicle trip generation between the existing use and the proposed development is shown below in **Table 6.5** for weekday trip rates and **Table 6.6** for weekend trip rates.

| Site | Weekday AM Peak (08:00-09:00) | | | Weekday PM Peak (17:00-18:00) | | |
|--------------------------------------|-------------------------------|-----|-------|-------------------------------|-----|-------|
| | Arr | Dep | Total | Arr | Dep | Total |
| Vehicle Trip Generation (Net Change) | +25 | +20 | +45 | +60 | +57 | +117 |

Table 6.5 – Net Change Weekday Peak Hour Vehicle Trip Generation

| Site | Weekend Peak (11:00-12:00) | | |
|--------------------------------------|----------------------------|-----|-------|
| | Arr | Dep | Total |
| Vehicle Trip Generation (Net Change) | +71 | +68 | +140 |

Table 6.6 – Net Change Weekend Peak Hour Vehicle Trip Generation

As set out within the above extract from the TA, the access onto Watford Road will be intensified from the present usage. This notwithstanding, given the existing commercial usage of the site the Highway Authority is content (in the context of the necessary improvements to the access with Watford Road), that the traffic generation from the proposed foodstore will not have a significant impact on the adjoining local highway network.

Assessment

The Transport Assessment provides a capacity assessment of selected junctions on the adjoining local highway network. Analysis using the County's strategic transport model, COMET, has also been undertaken in terms of examining the net increase in trips on the adjoining local highway network and key junctions.

The Highway Authority is satisfied that the development may be accommodated on the local highway network and that levels of capacity are not materially affected on the tested junctions.

Off Site Infrastructure Works

As shown on the proposed site access plan, a number of off-site highways works will be necessary in order to make the development acceptable in planning terms and facilitate a safe and suitable access into the site. Aside from the reconfiguration works to the public highway in order to facilitate access into the proposed foodstore, the drawing also illustrates widening to the existing shared footway/cycleway.

The works also include the relocation of the existing uncontrolled crossing which is located in the near vicinity of the reconfigured site access. All such works will need to be undertaken via a Section 278 agreement.

Construction

The Highway Authority will require the preparation of a detailed Construction Traffic Management Plan (see planning condition). The plan should also detail how access to the existing businesses/dwellings will be maintained throughout this process and present a phasing plan for the execution of these works.

Contributions

As noted on the Three Rivers District Council website, the Local Planning Authority adopted a Community Infrastructure Levy (CIL).

As noted by TRDC, "The Community Infrastructure Levy (CIL) is a charge which allows the Council to raise funds from new developments for use on infrastructure to support the growth in the district. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (as amended). The money collected from the levy will be used to support development by funding infrastructure that the Council local community and neighbourhood need."

Given that TRDC has an adopted CIL, contributions to provide infrastructure to support the development more generally will be sought via this mechanism.

However, wherever possible, the Highway Authority will seek to secure highway works via planning Condition and s278 agreement.

First strand (works to be undertaken under s278):

- Access works to access road junction with Watford Road and adjoining service road;
- Widening of shared pedestrian/cycle route on both sides of Watford Road
- Changes to highway layout on Watford Road in the vicinity of the access junction;
- Relocation of uncontrolled crossing point on Watford Road.

Given that TRDC is a CIL Authority, contributions that would have previously been requested under a second strand (S106) framework will come under the auspices of the approved CIL charging schedule.

The only Section 106 contributions that the Highway Authority seeks relates to the Travel Plan (£6k per Travel Plan).

The Highway Authority note the adopted Guide to Developer Infrastructure Contributions. In accordance with Technical Appendix 1 of the toolkit, a Strand 2 contribution of £422 per job is required. The application form for the development sets out that the development will employ 40 persons which would equate to a required contribution of £16,880.

The South West Herts Growth and Transport Plan was developed in partnership with Three Rivers District Council, Watford Borough Council and Hertsmere Borough Council. It was endorsed by the Highways and Transport Panel in January 2020.

It is considered that a contribution towards the scheme as identified below could be fitting. Such a contribution would also be consistent with the emerging LCWIP.

| | | | |
|------|---|--|---|
| SM17 | - | A411 Hempstead Road and Grand Union Canal Corridor Cycleway Improvements | Cycle Lane (on or off road) along A411 Hempstead Road (Watford) plus enhance the section in front of West Herts College between A411 and High Street. Additional general improvements along the Grand Union Canal corridor and transfer improvements at Grove Mill Ln are to improve connectivity to the Towpath from the A411. |
|------|---|--|---|

Notwithstanding the above, it is considered that the off-site highways works and improvement to cycling infrastructure in the immediate vicinity of the site are not of sufficient value for the Highway Authority to request a Strand 2 contribution. The principal on and off-site highways works should be delivered via planning condition and Section 278 agreement.

Conclusion

The Highway Authority notes the submission of materials in support of a planning application for a proposed Lidl foodstore.

The Transport Assessment documentation is considered to satisfactorily present that the development may be accommodated on the local highway network in vehicle capacity terms.

The Highway Authority note the substantial change to the existing access arrangement to the World of Water site and adjoining service road which will require a Section 278 and completion prior to the first use of the development. The Highway Authority note also the relocation of the existing uncontrolled pedestrian crossing and improvements to the walking and cycling routes in the immediate vicinity of the site.

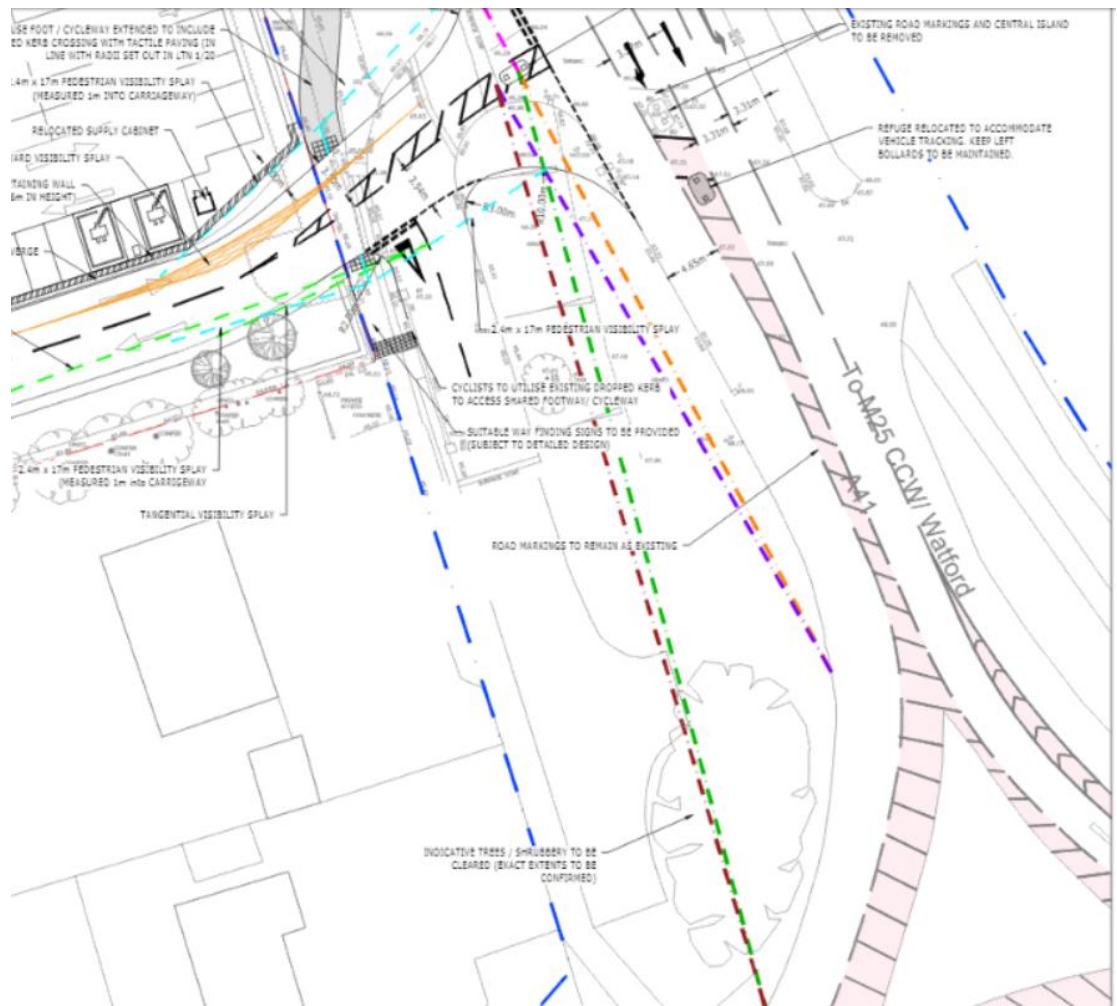
In summary, the Highway Authority does not wish to restrict the grant of planning permission subject to the aforementioned planning conditions and Advisory Notes.

Signed
Oliver Sowerby

28 July 2023

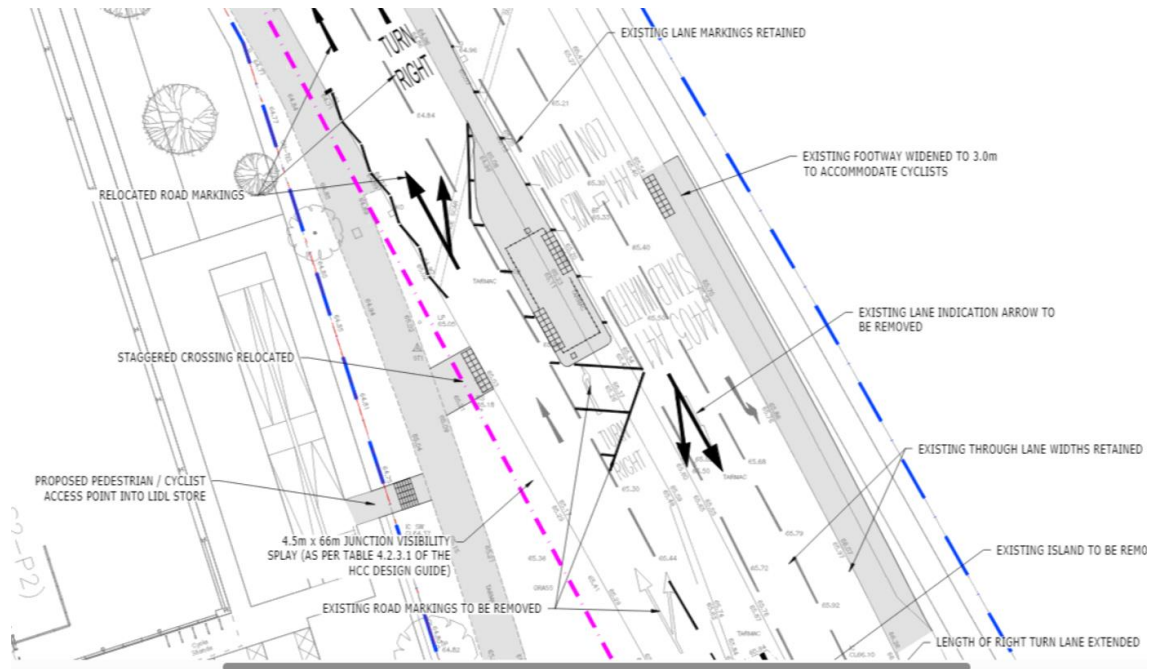
Appendix B – Visibility Splays

South of Access

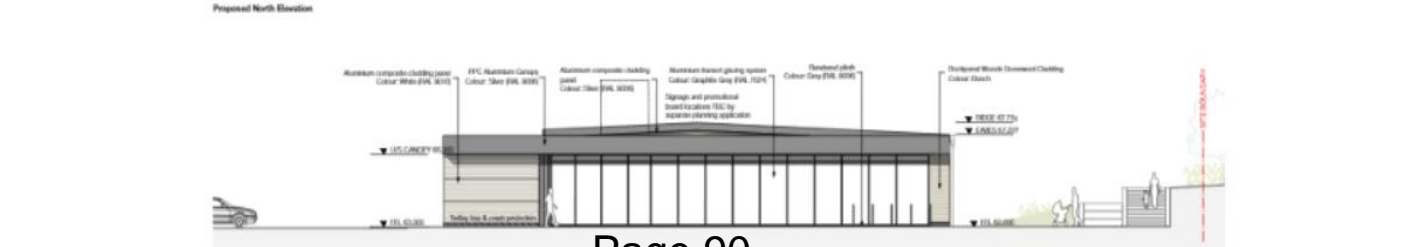
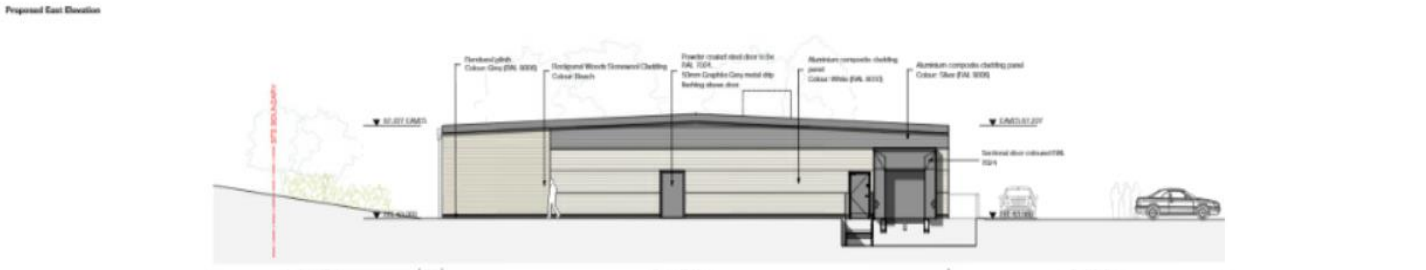
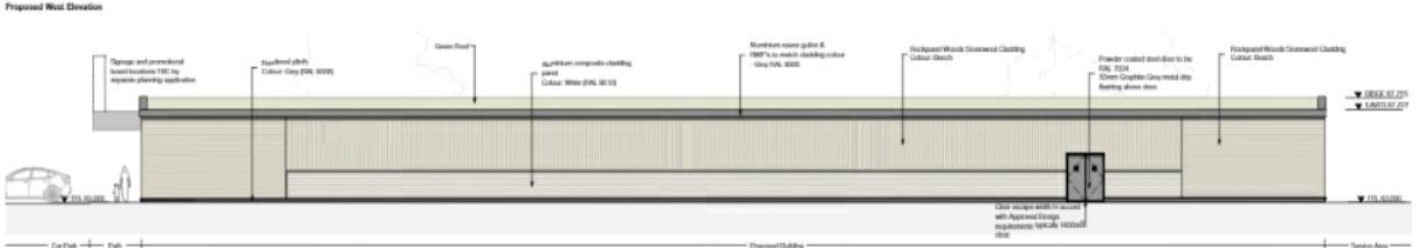
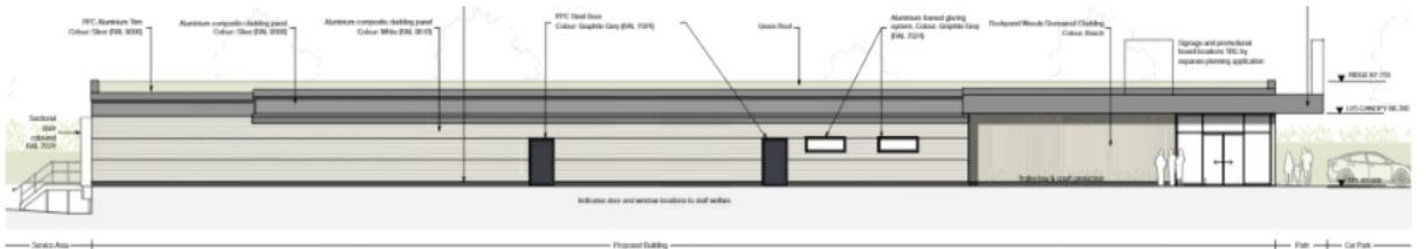
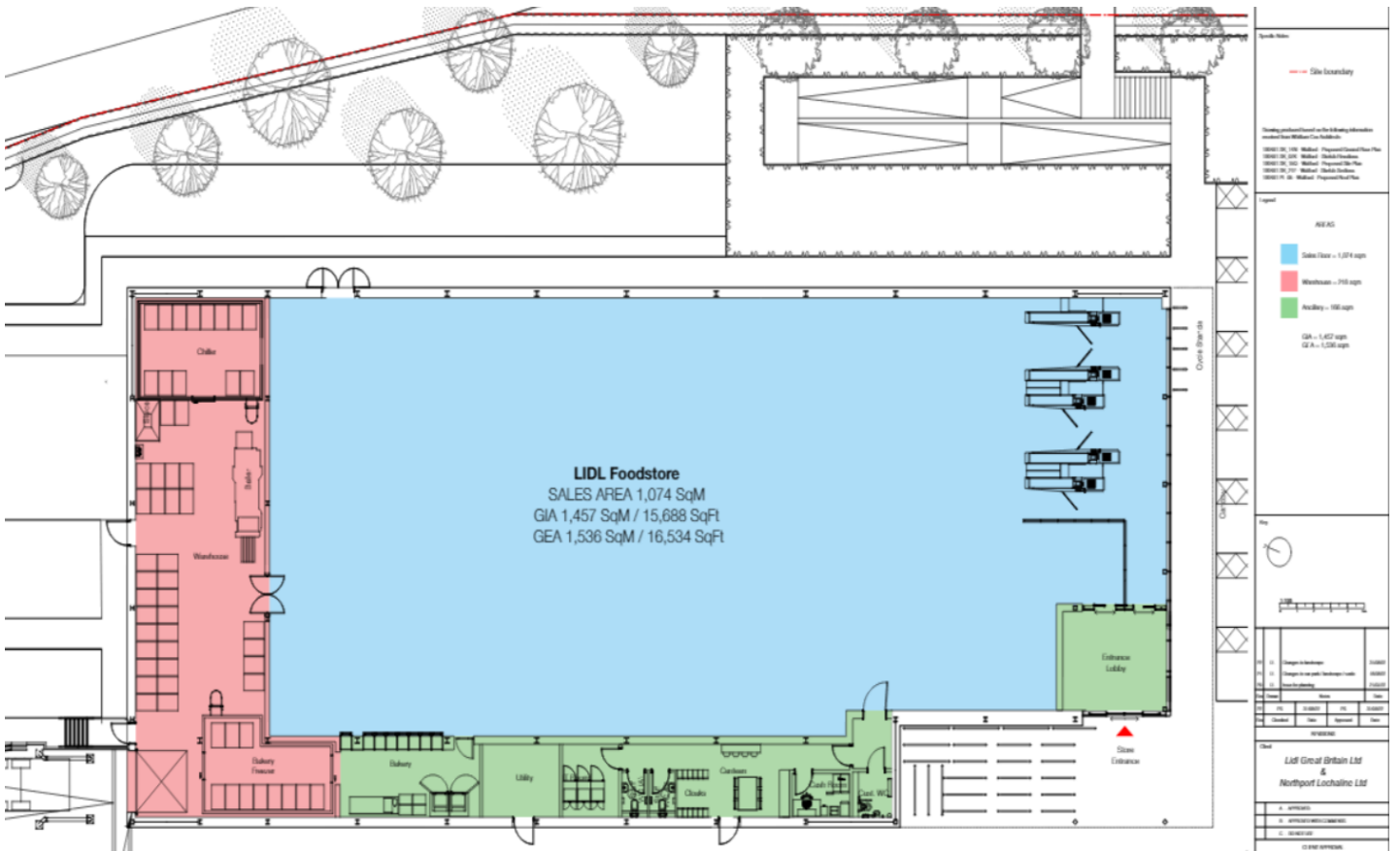


Appendix C

Pedestrian/Cycle Crossing

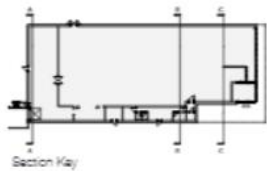


This page is intentionally left blank

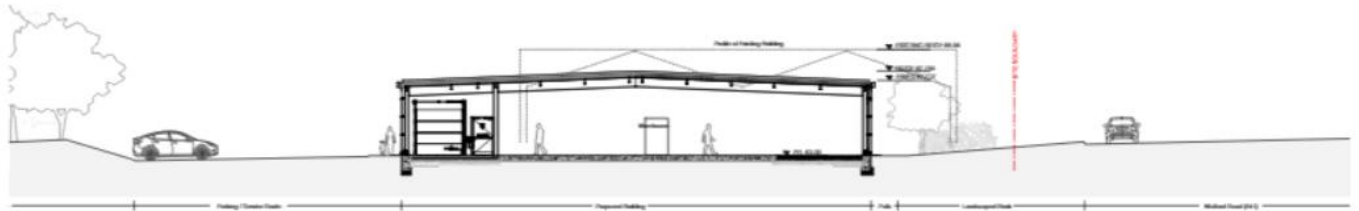


11.0 Proposed Scheme

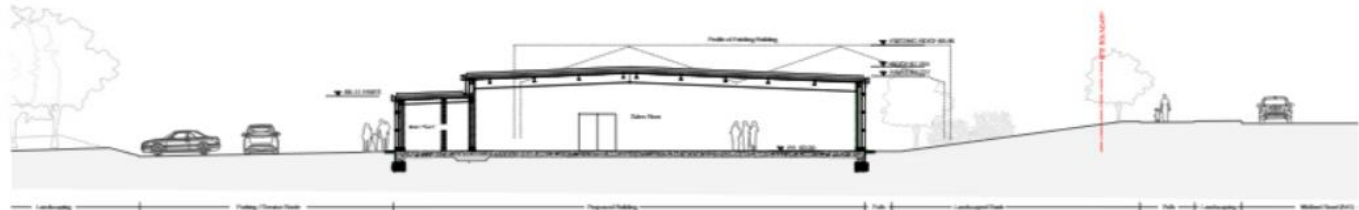
11.5 Proposed Site Sections



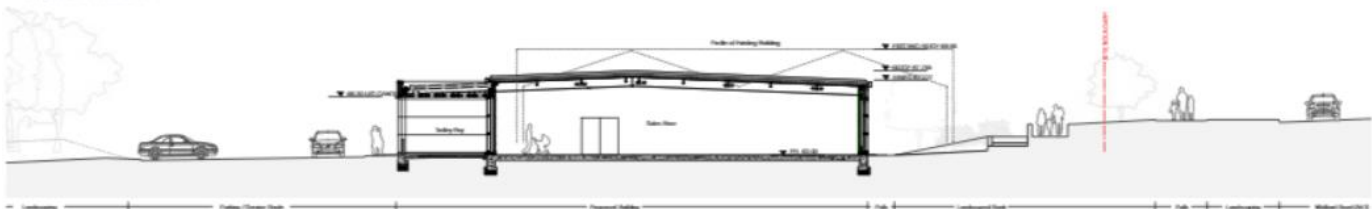
Section Key



Proposed Section AA



Proposed Section BB



Proposed Section CC

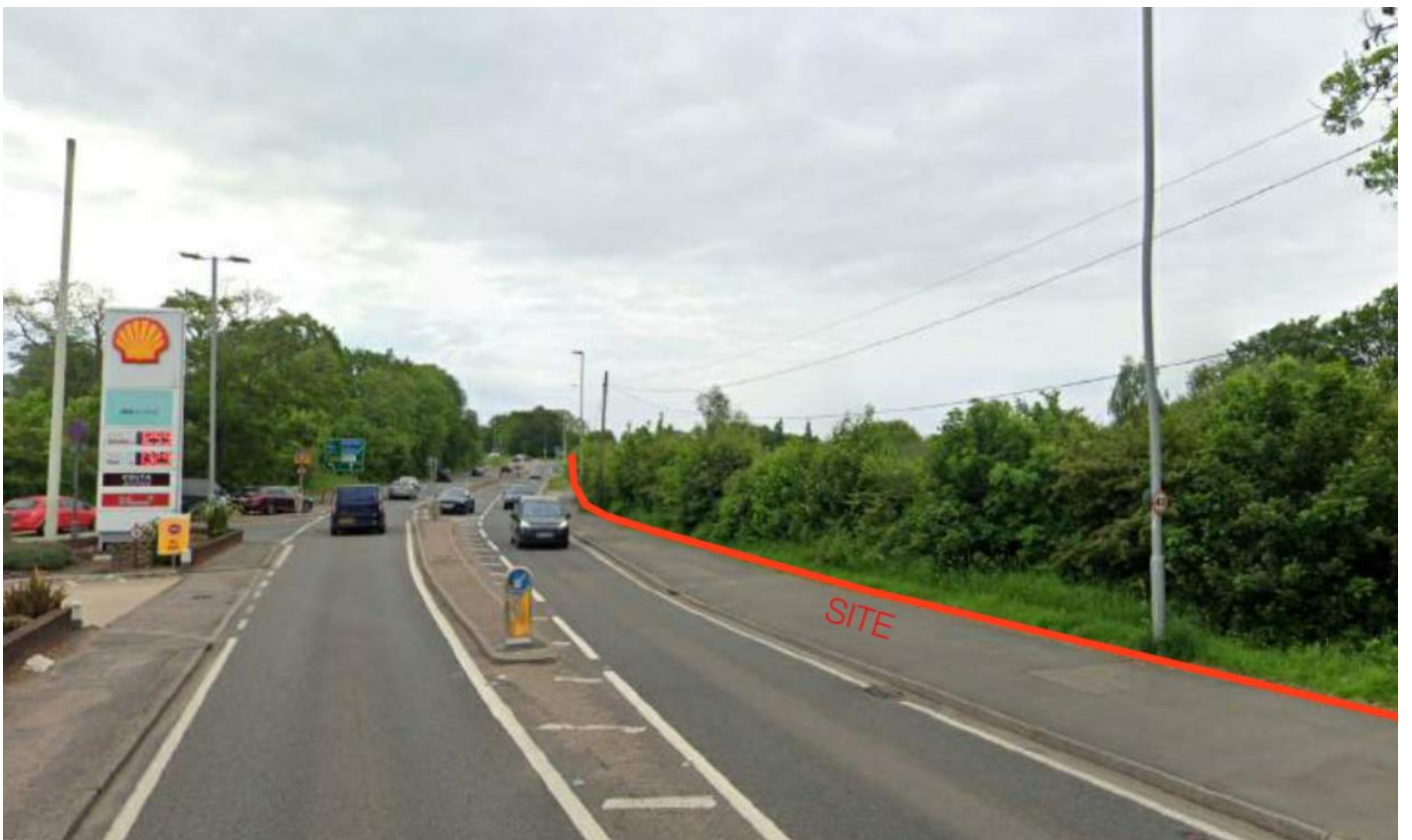
11.0 Proposed Scheme

11.4 Proposed Materials



Entrance Elevation









10.0 Visual Impact

10.1 Google Earth Views

The following pages assess the potential visual impact of the proposed building against the existing through importing the massing model into Google Earth.

In the key views shown the existing building largely (or entirely) obscures the proposed massing model, indicating little to no increased visual impact, which can be seen in red.

This technique was used throughout the design process in order to inform the scale, siting and profile of the proposed building, aiming to arrive the most minimal increase in visual impact achievable to preserve the openness of the green belt.

These images are indicative, illustrating the approach taken throughout the design process. For further information, please refer to the TVIA that forms part of this application.

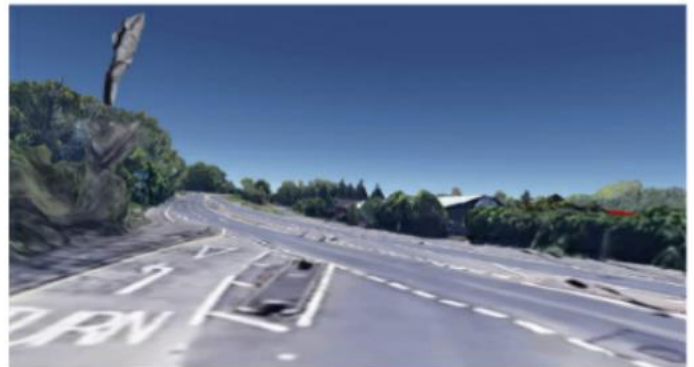


View 1 - Looking South Along Watford Road



View Key

Proposed building shown in Red



View 2 - Looking South Along Old Mill Road



View 3 - Looking North Along Watford Road



View 4 - Looking North Along Watford Road



View Key

Proposed building shown in Red



View 5 - Looking North along Watford Road



This page is intentionally left blank

PLANNING COMMITTEE – THURSDAY 16TH NOVEMBER 2023

23/0483/FUL: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

23/0484/LBC: Listed Building Consent: Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration at CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3JB.

Parish: Croxley Green
Expiry of Statutory Period: 21st June 2023
Extension agreed to 23rd November 2023

Ward: Dickinsons
Case Officer: Claire Wilson

Recommendations:

23/0483/FUL: That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a S106 Agreement (securing a monitoring fee), that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any conditions requested by the LLFA.

23/0484/LBC: That Listed Building Consent is granted subject to conditions as set out below.

Reason for consideration by the Committee: Planning application 23/0483/FUL has been called in by three members of the Planning Committee because of the access across the Green to the site. In addition, this planning application has been called in by Croxley Green Parish Council for the reasons set out at 4.1.2 below.

Whilst Listed Building Consent application 23/0484/LBC has not been called into Planning Committee, it is considered appropriate for the applications to be considered together.

To view all documents forming part of these applications please click on the relevant link below:

23/0483/FUL: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSUQFMUW00>

23/0484/LBC: <https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRWVSYQFMUY00>

1 Relevant Planning History

There is an extensive planning history with the most recent as follows:

- 1.1 14/2141/FUL: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.2 14/2142/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.3 16/0963/LBC: Listed Building Consent: Internal alterations to Croxley House resulting in a loss of 9 bedrooms, construction of new purpose built single storey care block within the adjacent walled garden to include 40 additional bedrooms and creation of additional parking. Application permitted.
- 1.4 16/0964/FUL: Variation of Condition 2 (Approved Plans) of planning permission 14/2141/FUL to allow alterations to the footprint and layout of the approved care home. Application permitted.
- 1.5 18/1738/LBC: Listed Building Consent: Reconstruction and repairs to boundary wall. Application permitted.
- 1.6 20/1868/FUL: Variation of Condition 2 (Approved Plans) and removal of Condition 6 (Panelling) pursuant to planning permission 16/0964/FUL to allow alterations to the approved layout to retain existing panelling. Application permitted.
- 1.7 20/1961/LBC: Listed Building Consent: Variation of Condition 2 (Approved Plans) and Condition 5 (Panelling) of Listed Building Consent 16/0963/LBC to allow alterations to the internal layout including alterations to the existing Panelling.
- 1.8 20/2366/LBC: Listed Building Consent: Construction of an outbuilding. Application permitted.
- 1.9 20/2371/FUL: Construction of an outbuilding. Application permitted.
- 1.10 21/2851/NMA: Non-material amendment to planning permission 20/1868/FUL: Alterations to wording of Condition 13 (parking and turning spaces) to allow for changes to the surface material and layout. Application permitted.
- 1.11 22/0746/ADV: Advertisement Consent: Installation of two freestanding directional signs at the junction of Croxley House, Sarratt Road and The Green. Application withdrawn.

2 Description of Application Site

- 2.1 Croxley House is a Grade II Listed Building located within the Croxley Green Conservation Area and the Metropolitan Green Belt. The building was previously in use as a residential care home accommodating 33 rooms, however, it is noted that the building has remained vacant since January 2021.
- 2.2 Croxley House is red brick, two storey building with a single storey projection to the east, set within a landscaped setting. It is noted that the building has been historically extended. The listing for the property describes it as:

Large house, now old people's home. c.1770, extended late C19 and C20. Red brick, once stuccoed. Shallow hipped slate roof. 9 bays, 1:2:3:2:1. 2 storeys. Garden front: central 3 bays project slightly with a full height bow window. 3 ground floor French windows. First floor glazing bar sashes with stone sills, all with gauged brick flat arched heads. Flanking bays have glazing bar sashes, 16 pane on first floor. Outer bays have blocked basement, plinth, glazing bar sashes and an oriel on the ground floor to right. Original end bays project slightly. Boxed eaves. Central axial and flanking cross axial stacks. Link to 3 bay C19

addition to right, porch to entrance with pilastered surround, corniced hood, sashes, roof hipped to right. 2 extruded stacks on right return. To left 4 bays, 2 phases of C20 additions. Entrance front: late C19 ground floor projection to central 3 bays. Entrance to left with keyed segmental head. Double sash to right with twisted colonnette mullion. Dentilled brick course below cornice. Outer bays set back, large stair window to left with Gothic glazing. Some 16 pane sashes to right. End bays project slightly. End stacks on main block. C19 block to left has a semi-circular bow, French windows, casements, dentilled brick eaves. Interior: moulded plaster ceiling, late C19 carved chimneypiece with caryatids. (VCH 1908: Pevsner 1977).

- 2.3 To the north of the building is an area of hardstanding used for parking, with large areas of soft landscaping beyond. Within the garden area to the north of the site, is the Well House which is Grade II Listed in its own right. The southern and eastern boundaries of Croxley House are formed by mixed vegetation and an existing brick wall which is acknowledged to be in a poor state of repair. The main entrance to Croxley House is located within the northern elevation of the existing building, facing away from The Green and towards the existing garden. To the south of the building adjacent to The Green is an existing area of soft landscaping.
- 2.4 In 2014, planning permission was granted for the construction of a new care block within the walled garden which provides 40 bedrooms, with ensuite wet rooms, communal spaces and administrative and staff facilities. This permission was amended in 2016, with the new building known as Clarendon Lodge opening in January 2021. It is noted that the planning permissions for the site also included internal alterations to the Listed Building to allow it to continue operating as a care home. However, it is understood that the works were not undertaken due to viability concerns. In addition, an Inspection was made by the Care Quality Commission in December 2020, with the full inspection report being published in May 2021 which found that Croxley House was inadequate.
- 2.3 Croxley House is served by an existing vehicular access road, accessed from The Green. This access road is shared with the existing care home known as Clarendon Lodge, which is located to the west of the site and has its own separate parking area.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission and listed building consent for the change of use of the existing building from a care home (Class C2) to a nursery (Class E (f)) including partial demolition of the existing extension and construction of two storey extension, provision of spiral stairs, ramp access, green roof, rooflights and vents, repair to boundary wall with associated parking and landscaping works, widening of existing access track, internal alterations, and alterations to fenestration.
- 3.2 It is proposed to change the use of the existing building from a residential care home to a children's nursery. The nursery would provide 122 places catering for children from the ages of 3 months to pre-school age (under 5). It is proposed that the nursery would operate Monday to Friday from 7am to 7pm all year round, with the exception of public and bank holidays. The submitted planning statement specifies that the new nursery would provide 43 full time equivalent jobs.
- 3.3 In order to facilitate the proposed use, internal alterations would be made to the existing building. This would include the removal of internal partitions to provide the new nursery spaces including a baby room, pre-toddler room, toddler room and preschool room as well as additional areas including a sensory room, kitchen, staff room and meeting rooms.
- 3.4 The building has been historically extended, and part of the proposal would involve the demolition of the existing two storey extension (the applicant has advised that this dates from the late 20th Century) located to the west of the building adjacent to the access road. The proposed extension would consist of two parts. The first is a two storey 'link' which

would have a width of 3m and a depth of approximately 8m. The front and rear building line of the link would be set back from the main front and rear elevation of the building by approximately 1.2m. The link would have a flat roof form 6.3m (when measured from the highest level adjacent to the extension on the southern elevation) which would set down from the eaves of the existing host building. In terms of design, the 'link' would consist of two casements of full height glazing with the flanking bays consisting of solid timber panels.

- 3.5 The second part of the extension would comprise a two storey extension linked to the main house via the 'link' extension described above, which would have a width of approximately 6.3m and a maximum depth of approximately 15.3m. The southern elevation of the extension would be in line with the main southern building line of the existing host building. The extension would have a flat roof form with a height of approximately 6.7m (when measured from the highest level adjacent to the extension). The extension would have a brick external finish with glazing to all elevations.
- 3.6 To the east of the building, there is an existing stepped roof form at two storey level described on elevation as a 'late Victorian addition'. As part of the development, the stepped roof form would be removed, resulting in the formation of one single consolidated flat roof form which would remain subordinate to the main roof form of Croxley House. The applicant is also proposing to remove the existing flat roofed porch canopy to the southern elevation.
- 3.7 To the north of the building an existing external stair case would be removed, and a new spiral stair case would be installed in the same location. Other external alterations to the main building include the removal of two concrete access hatches to the basement, removal of external lights, and the rationalisation of services and drainage runs. New steps would be installed to the south and northern elevations of the building.
- 3.8 To the south of the building, fronting The Green is an existing amenity area which mainly consists of grassland with pathways and railings evident. The applicant is proposing to subdivide this area to create three garden areas serving the separate nursery rooms, with the boundaries between the garden areas consisting of chestnut pale fencing. The applicant has advised in writing that the likely height of the fencing would be approximately 0.9m. The garden areas would remain as grassland. The woodland planting along the southern boundary would be enhanced with additional woodland planting.
- 3.9 To the north of the site, three new car parking areas are proposed. The main car park would be to the eastern side of the building and would have a depth of approximately 23m, and a width of approximately 16.2m. This car park would provide approximately 14 spaces. The two further car parking areas would provide 6 tandem spaces adjacent to the access, with a further five spaces centrally.
- 3.10 At present, Croxley House is accessed via a single access track from The Green. This is not of consistent width at present with the minimum width being approximately 3.3m closest to the entrance to the site, and approximately 4.1m closest to The Green/Sarratt Road. The applicant has confirmed that the majority of the track is approximately 3.5m as existing as evidenced on drawing SK07 which provides a comparison between the existing and proposed. The applicant is proposing to widen the access track to a consistent width of 4.5m. It would be re-surfaced; however, it would not contain any road markings. A new pedestrian access is proposed within the south eastern corner of the site and a new gate would be installed which would provide access to an internal footpath which would be located to the east of the building. Full details of the proposed gate have not been provided at this stage.
- 3.11 The proposals also include the restoration of parts of the historic boundary wall within the applicant's control, to prevent further damage and to restore the areas where damage has already occurred. The Design and Access Statement specifies that two sections of wall are recommended for restoration and referred to as a) leaning wall at the site entrance and b) collapsed wall on the eastern boundary. The leaning wall at the site entrance is currently

fenced off in the interests of safety. The details submitted specify that the proposed restoration will straighten the leaning pier and wall at the site entrance. With regard to section b), sections of the wall where in a poor state of repair are to be rebuilt using reclaimed materials. The Design and Access Statement specifies that all salvageable bricks will be reclaimed and used in repairs, and any new bricks required will be sourced to match the existing as closely as possible. The new works will be done in lime mortar to match the existing and lime washed as the existing to ensure a consistent finish to the wall. The coping where missing will be reinstated to match the existing.

3.12 Amended plans have been received during the course of the application. The amendments are as follows:

- Recessing the proposed 'link' extension from the southern and northern elevations of the building.
- Removal of the roof capping from the proposed two storey extension.
- The width of the proposed windows in the proposed extension have been revised to match the width of the window openings in the original house.
- The door within the southern elevation has been re-sited centrally to mirror the central door proposed to the eastern 'interwar addition';
- The fenestration to the western link has been revised to reduce the extent of glazing to this element. For both the northern and southern elevations, the link is divided into four equal bays within the flanking bays consisting of solid timber panels;
- The existing windows will be repaired and secondary glazing installed rather than replacement windows being sought.
- The stepped roof form within the eastern 'Victorian addition' has been revised to be a level flat roof form;
- The modern fenestration detail sought at ground floor level within the existing eastern extensions has been revised to be more traditional in appearance;

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [No objection to 23/0484/LBC].

4.1.2 Croxley Green Parish Council: [Objection to 23/0483/FUL]

Croxley Green Parish Council object to the application.

Although fully supportive of the change of use, great concerns are held over the access the site including the widening of the access track which results in the loss of village green space and the safety of road users at junctions. We believe that TRDC should commission an independent assessment of the Transport Statement, the Framework Travel Plan, and the Car Parking Management Plan.

Concerns are also held over The Green being used for construction related parking. The Construction Management Plan must include full provision for protecting The Green, both from overrun off the access road, and from overspill parking or material storage.

If the officer minded to approve the application, CGPC request that is called into the TRDC Planning Committee.

Officer comment: During the course of the application, amended documents have been received and therefore the Parish Council have provided additional comments as follows:

4.1.2.1 Croxley Green Parish Council object to the application. Although fully supportive of the change of use, we have the following concerns:

Inaccurate/insufficient study of vehicle movements on/off the site and would recommend using a Traffic Micro Simulation to assess how the junction would operate with vehicle movements on/off the site.

There is no contingency parking if the number of vehicles arriving at the same time exceed the stated 8 drop off spaces. A Cllr recently conducted an hour assessment of the number of drop offs at Croxley Park that has space for 72 children and witnessed 9 vehicles dropping off at the same time. Croxley House would have space for 122 children which suggests that more drop off parking spaces would be required.

Officer comment: In respect of the above, Herts Highways have been consulted and have fully assessed the application with regard to the impact on the highway. The off street car parking provision will be assessed within the analysis section of this report.

In addition, the applicant has provided the above comment:

In response to the Parish Council's recommendation for a Traffic Micro-Simulation, the application follows pre-application engagement with the Highway Authority to agree the scope of assessment which has been provided as part of the application to the satisfaction of the Highways Authority. There is no need to undertake Traffic Micro-Simulation given how low the traffic flows are, and it would be unreasonable to require it. The Highways Authority as the statutory consultee has not required this and has agreed with the applicants assessment that the volume of traffic generated by the proposals is so low as to have no material impact upon the highway.

Notwithstanding that we do not agree with the assumptions made by the Parish Council that there may be insufficient car parking, there is circa 35m of two-way road space between the entrance to the site (i.e. beyond the access Road to the Green) and the start of the drop-off/pick-up spaces, meaning that in the exceptional event of there being short periods of time when those spaces are taken, there is space for up to six additional cars to queue within the site, without any impact upon the Green, driveway across the Green or areas of landscaping/trees. Notwithstanding this, the application demonstrates that there is adequate parking provision to accommodate the drop-off/pick-up requirements of the development.

4.1.3 Three Rivers District Council Property Services: [Objection]

The Property Services Department, acting on behalf of Three Rivers District Council in its capacity landowner of the Croxley Green Common Objects to the Planning applications 23/0483/FUL & 23/0484/LBC.

Croxley Green Common is registered Common Land and belongs to Three Rivers District Council. With the exception of the current, narrow access track measuring 3.9 metres at its widest point, which is specifically excluded from the Common Land register, and is the proposed main access to the application site. Whilst the applicant has made contact with the Council via the Property Services Team, there is no agreement for an easement for access to the application site via the access track as shown on the application plan.

The Council's objections as landowner are raised on the following grounds:

- The access track, forming part of the application area is incompatible with the proposed increase in usage of the proposed development;
- The Applicant does not have an easement for access to the proposed development site;
- The Transport Assessment states that there will be an increase to average vehicle

- movements along the track, creating an average of 48 additional vehicle movements per hour. It is anticipated that during morning, lunch and early evening peak times there is likely to be a much greater frequency of traffic movements over the access track;
- The track is already heavily used by the operators and occupiers of Clarendon Lodge care home. The track is not constructed to withstand the levels of traffic it currently experiences, the proposed development would cause substantial detriment to the condition of the track;
- The design of the access track has evolved, from a simple cart track to a metalled surfaced track. The current condition of the access track is poor because it accommodates traffic it was never designed to;
- TRDC are solely responsible for the repair and maintenance of the track – additional traffic will place further burden upon the taxpayer;
- The design of the existing junction between the track and Baldwins Lane does not include suitable splay lines, this would result in overrunning of the Common Land;
- We are concerned that the levels of traffic accessing the site over the track will lead to increased risks of collisions and traffic congestion as it enters and leaves Baldwins Lane and already well-used junction, close to the crossroads junction with The Green;
- The proposal to widen the track to permit two-way traffic significantly alters the character of the track and adjacent Common Land;
- The suggested widening of the track from 3.9m to 4.8m would impinge upon the Common land and this is not permitted without the removal of the 'additional' land from the Common Land register, which only the Secretary of State can provide consent for;
- Existing pedestrian access is provided by the track and the application states there is no new pedestrian access however this is incorrect. Reference to a separate pedestrian access is referred to within the Design & Access statement. The applicant does not have an easement for this additional access.

The application raises significant concerns, which include the considerable increase in the volume of vehicle movements across the Common, which in our opinion risks negatively impacting upon the character of the Common and the surrounding Conservation Area. We therefore wish to register an objection on behalf of the Council as landowner.

Officer comment: The applicant submitted a written document providing a response to the above consultee comments. The applicant's comments are summarised below:

- The widening of the access is considered non-material in the context of the Green as a whole and will provide a benefit to its longer term management and maintenance;
- The easement to the access is a legal matter, and is not a material planning consideration;
- The vehicle movements within the Transport Statement have been misinterpreted. The Transport Statement identifies the peak hourly increase to be 35 vehicle movements (AM peak hour) and peak increase in flows at lunch time to be 13 vehicles with evening peak increase being 35 vehicles. This equates to approximately one vehicle every two minutes which is a low frequency of traffic in terms of road usage/capacity is not high flow. Flows throughout the rest of the day would be much lower due to the proposed nature of the use;
- The minor widening of the access road would allow two way traffic which is suitable to accommodate the above.
- The proposals include resurfacing of the track to ensure that it is in a suitable condition. Appropriate surveys and the construction specification of the track can be secured via a condition; so that works can be undertaken to ensure that an appropriate access is secured;
- With regard to the issue of the TRDC being solely responsible for the repair and maintenance of the track: This can be discussed and secured outside of planning to ensure that there is an appropriate management arrangement in place. It is the intention for the applicant to resurface the track when it is widened. A future repair and maintenance agreement can be secured via a legal agreement. Notwithstanding this,

on completion of the works, no further works are expected to be required for 20-30 years.

- With regard to the issue of the design of the existing junction not having suitable splay lines: There are suitable radii on each side of the access, with the access being circa 13m wide where it meets the public highway;
- With regard to the issue of increased risk of collisions and traffic congestion: As set on in HCC comments, ample visibility is available in all directions from the junction. There have only been two collisions of slight severity within the last five years near to the site but not fronting the access. The Highways Authority considers that the proposed development will not increase the risk of collision.
- With regard to the issue of road widening altering character: The widening would ensure a consistent width of the access road and would prevent vehicles from running onto the grass verge. There would be an improvement in the overall character.
- With regard to the issue of common land: The correct procedure is being followed. Planning permission is being applied for first and notice served accordingly. A separate application would be required to be made to the Secretary of State via the Planning Inspectorate. This matter is not a matter for consideration under this application.
- With regard to pedestrian access. All works are within the site boundary. The pedestrian access is to encourage walking, cycling and to reduce reliance on the car.

Officer comment: Following the receipt of this document, TRDC Property Services were reconsulted and their comments are summarised below:

- The Council objects to the principle of the removal of Common Land status from the adjoining land. Overrunning or damaging Common Land without the owner's authority is an unlawful act and can be punishable by prosecution.
- The fact that the Council as landowner objects to the widening of the track to facilitate the planning application is a material consideration.
- The Council objects to the increase in traffic levels intending to use the widened track.
- The track would need to be widened and substantially re-constructed (including substructure and base courses) in order to accommodate the increased frequency of the weight of the traffic proposed. Such substantial works and the resultant widening will substantially alter the character of the Common Land.
- Whilst it may be the opinion of the applicant that the works are minor, in the opinion of the Council, the proposed works would be substantial. Failure to adequately construct the track to a suitable standard would rapidly increase the deterioration and cause major inconvenience to existing users of the track. The Council has already spent £11,000 in the last three months repairing damage to the track.
- Notwithstanding the comments from the Highway Authority, the proximity of the access track to the acutely angled crossroad junction between The Green, Sarratt Road and Loudwater Lane remains a cause for concern. Whilst recognising that the visibility is good, the additional traffic movements and interaction with the surrounding highway network and track remain a safety concern.
- The applicant is correct that a separate application would need to be made to the Secretary of State via the Planning Inspectorate with regard to the Common Land status. However, the Council as landowner would have to apply to the Secretary of State and as indicated in earlier responses, the Council objects to the widening of the track and the removal of land from the Common Land designation.
- Whilst there are a series of defined pedestrian routes across The Green which radiate from the north eastern corner of the site, as far as the Council is concerned, there are no pedestrian rights of access to the application site as indicated. There is no desire to create or allow further access points between The Green and the application site.

Officer Comment: Rights of access (both vehicular and pedestrian) are not a material planning consideration. Planning permission can still be granted, with the rights of access remaining a civil/legal matter between the landowner and the applicant.

The application to remove land from the Common Register is a separate process which is not a consideration under this planning application. If members consider the application acceptable and are minded to grant planning permission, Three Rivers as landowner need to undertake the process of applying to the Secretary of State to remove the land in question from the Common Register under the Commons Act 2006: Section 16. It is emphasised that this is a separate process and therefore not a material planning consideration.

4.1.4 Three Rivers District Council – Planning Policy: [No objection]

The application seeks permission for the change of use of an existing Care Home (Use Class C2) into a Day Nursery (Use Class E(f)).

Policy CP1 'Overarching Policy on Sustainable Development' of the Core Strategy (2014) states that new development, in contributing to the sustainability of the District, needs to take account of protecting and enhancing existing community facilities and providing new facilities. The proposed Change of Use from a Care Home to a Day Nursery would provide a new community facility therefore, the proposal is compliant with Policy CP1. Policy DM12(c) states that where proposals are submitted for new or improved community facilities they should be accessible by sustainable modes of transport. The site is located within proximity to local bus services and local facilities along Baldwins Lane. Whilst Croxley Green Station is relatively accessible, this is still approximately a 15-20 minute walk away.

The application form states the existing site currently consists of a 33-bed care home; applying the Council's conversion ratio of 1.9 C2 bedrooms to 1 market dwelling means that the care home provides the equivalent of 13 dwellings on the site. Therefore, the application would result in a net loss of 17 C3 dwellings and would exacerbate the District's current local housing need figure of 633 dwellings per year. There would be an in-principle objection to a net loss in housing, given that Policy SA1 (Housing Site Allocations) states that permission will not be granted for development resulting in a net loss of housing.

Policy CP6 states that development will be supported where it provides employment opportunities and promotes skills and learning. The proposed Day Nursery would cater to 122 children's places, operating from Monday to Friday (0700 to 1900) which would contribute towards employment opportunities and the promoting of skills and learning. Subsequently the pre-application complies with Policy CP6. Policy CP6(g) also states proposed development should align economic growth with housing growth in the area in order to balance the provision of homes and jobs and reduce out-commuting. The proposed Day Nursery may positively contribute towards sustainable economic development as two residential development sites within proximity to Croxley House have been approved at appeal (20/1881/FUL and 20/0467/FUL). Therefore, the Day Nursery may serve nearby residential development.

Policy DM3(b) 'The Historic Built Environment' states Listed Buildings in the District should be preserved, including through Change of Use, which would preserve the character and historical interest of the building as well as ensure its continued use and viability. Croxley House is a Grade II Listed Building, and the proposed Change of Use would ensure the continued use of a Listed Building, as the site is currently vacant. However, the policy also states that demolition of a Listed Building will only be granted in wholly exceptional circumstances. In order to keep heritage assets such as Listed Buildings in use and thereby secure their contribution to the character and distinctiveness of the area, allowing alternative uses or sympathetic development or alteration may be acceptable, providing that the new extension would not adversely affect the character of the building, both internally and externally as well as in its wider setting.

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 application would exacerbate existing needs for older

persons' accommodation; however the care home is a vacant site and the submitted documents state that the existing care home has been found to be of inadequate quality in a Care Quality report.

Therefore, the proposal to redevelop the existing site into a Day Nursery would not result in an objection, as the provision of a new community facility which would contribute towards employment opportunities and the continued use of a Listed Building, outweigh the loss of vacant care home on the site.

4.1.5 Three Rivers District Council Conservation Officer: [Objection]

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183).

Internal alterations: It is positive that the modern internal partitions would be removed as a result of the proposed. The proposal results in the loss of some late nineteenth and early twentieth century fabric, however, the loss of fabric is minimal; this aspect of the scheme would not raise in principle objections when considering the benefits of the proposed improvements to the internal layout of the listed building.

Notwithstanding this, the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. The removal of modern partitions at first floor would be undermined by the creation of a lobby within the proposed staffroom. In addition, there are in principle concerns regarding the loss of historic fabric within the nineteenth century extension. This would undermine from the legible phasing of the building, detracting from the archaeological and architectural significance of the listed building.

Further information would be required relating to the proposed fan coils prior to agreeing the principle; services routes and outlet vents have the potential to affect the architectural and aesthetic interest of the property.

External alterations: The removal of clutter from the elevation would be positive. The proposed replacement staircase would be acceptable. However, there are in principle concerns regarding the proposed fenestration within the nineteenth/ early twentieth century link extension. The proposed fenestration would be overly modern and architecturally incongruous to the derivation of the extension and character of the property. This aspect of the scheme would also potentially result in the loss of the extensions original fenestration composition which would detract from the architectural and archaeological interest of the property. There is a lack of justification for this given this serves a WC.

The loss of historic fabric and erosion of the late nineteenth century and early twentieth century composition would detract from the legible phasing of the listed building, thus harming its archaeological and architectural significance. The proposed pre-cast concrete canopy would also appear at odds with the architectural context of the listed building, I recommend that this aspect of the scheme is omitted.

Proposed Extension: The existing extension derives from the late twentieth century; it is set over two storeys constructed of red brick with a hipped roof form. There would be no objection to the sympathetic replacement of the extension.

It has been previously noted that there would be no in principle objection to the replacement of the existing extension and there may be scope for a well-designed contemporary extension. However, the form, increased height and depth, roof detailing and fenestration of the proposed extension would result in a more bulky and prominent addition to the listed building. The visual impact of the extension is exacerbated by the two-storey link extension. Overall, the extension would architecturally compete with the host building and appear as an overly dominant addition.

There is a preference for the depth of the extension to be reduced by one bay which would work to reduce the mass. There are also concerns regarding the roof capping detailing of the extension, this appears to add unnecessary bulk and height to the extension. I recommend that the height of the extension is reduced so its sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance.

Pre-application advice noted there may be scope for a small, well-detailed single storey link. I recommend that the link is reduced in height, is recessed from the front and rear elevation and the timber frame omitted. This would result in a more discrete and lightweight extension.

The fenestration within the proposed extension would appear disproportionate to the windows and the wall to glazing ratio would also appear at odds with the host; I recommend that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor.

Windows: It is proposed to replace some historic windows, including some late-nineteenth and early-twentieth century windows. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building.

As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement. Replacement is only considered acceptable if it can be demonstrated that they are beyond economical repair. The condition survey demonstrates that some windows have areas of defects, however, they appear to be in a repairable condition.

There are concerns regarding the appearance of double glazing situated within the same elevation of single glaze; double and single glazing have different reflective properties which can detract from the appearance of the listed building. Additionally, double glazed windows would likely require thicker glazing bars to accommodate the additional glazing; this can detract from the character and architectural interest of the listed building. Furthermore, with regard to the leaded lights, there are concerns regarding the compatibility of double-glazed windows, as this would require stuck on lead comes which would result in an untraditional detail and finish. This loss of historic fabric and detailing would alter the appearance of the listed building and detract from its significance.

There may be scope to thermally upgrade the existing windows through draft proofing, inserting double glazing within existing frames (provided the existing glazing is not of historic interest and the frames are thick enough) or installing secondary glazing internally.

Please refer to page 62 and 63 of Historic England's Traditional Windows guidance which can be accessed here: <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

Landscaping: It is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge that there is an opportunity to improve the surface of the access track which is currently in a poor state of repair. However, the proposed widening of the access track raises concerns. Whilst this would only be a minor extension to the existing hardstanding, there is a lack of guarantee that this would resolve issues with cars driving onto the Green given the access road would still be a single track.

Conclusion: There are enhancements arising from this scheme, however, such enhancement would not completely outweigh the harm identified arising from other aspects of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

The proposal would be contrary to Section 16(2) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF, the level of harm to the listed building and conservation area is considered to be 'less than substantial' as per paragraph 202. Paragraphs 200 and 206 would also be relevant.

Officer comment: In response to the Conservation Officer's original comments, the applicant submitted amended plans and an additional addendum to their Heritage Statement. The Conservation Officer has assessed the submitted details and the following comments received:

4.1.5.1 Conservation Officer – Second Comment:

This application is for the change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition of existing single storey rear extension and construction of two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to boundary wall with associated parking and landscaping works; widening of existing access track, internal alterations and alterations to fenestration.

Croxley House is a Grade II listed building (list entry: 1348223). The property is located in the Croxley Green Conservation Area. The Grade II Well House is located within the immediate setting of Croxley House (list entry: 1296183). The property is located within the Croxley Green Conservation Area. Due to the openness of the Green, there are long views of Croxley House from within the conservation area, the area appraisal notes that Croxley House 'has a powerful presence at the northern end of section C and the whole area'.

This is the second consultation within this application.

The existing twentieth century extension to the west elevation, by virtue of its scale, form and appearance, makes a neutral contribution to the significance of the listed building. It is of a modest scale and appearance, utilising materials that relate to the host. This ensures that it does not visually detract from or compete with the host building.

Extension

As noted within previous advice there would be no principle objection to the removal of the existing extension and its replacement with a sensitively designed extension that preserves the significance of the listed building. However, the proposed extension due to its scale, massing, form and appearance would result in a visually prominent and dominant addition

that would architecturally compete with the listed building, impacting the ability to appreciate its architectural interest.

The scale, form and massing of the proposed extension would result in a more bulky and dominant extension when compared to the existing extension. The CGIs within the Heritage Note illustrate how the increased massing and depth would result in a visually prominent and competing addition. Furthermore, the height of the extension would sit above the eaves of the host building, this would result in an awkward relationship between the host and the extension.

I acknowledge that the existing extension projects beyond the principal elevation building line, however, those elements that do are single storey which does minimise their visual impact. The proposed extension would sit flush with the principal elevation building line and whilst this does better respect the principal elevation building line, the footprint removed from the front would be added onto the rear (north) at ground and it is also proposed to increase the footprint at first floor. The increase in depth and massing results in an overly dominant addition.

The host building is predominantly brick with sash windows (typically six over six with the ground floor windows larger than the first-floor windows). Comparatively the windows within the proposed extension would be larger than that within the host building and would be all the same size. Additionally, the wall to glazing ratio within the extension would relate poorly to the host building, with large areas of glazed openings with concrete lintels and cills and very little brick detailing. The proposed extension would fail to respond to the proportions of the host building, resulting in a disjointed appearance between the extension and host. It is important that the extension remains subordinate to the listed building, not just in height but also in appearance and massing.

Whilst there may be scope for a contemporary approach to an extension, it is important that any extension harmonises with and is complimentary of the host building. It was recommended within previous advice that the depth of the extension should be reduced by one bay and that the height of the extension should be reduced so it sits below the eaves of the host building with a simple parapet; this would result in a more subservient scale and appearance. It was also recommended that the fenestration references the size of the existing windows and reflects the window hierarchy between ground and first floor. I acknowledge that the concrete lintels at first floor are slightly large than within the initial scheme, however, this does not go far enough to address concerns.

As noted previously, there may be scope for a small, well-detailed single storey link. However, the 'link' element of the proposed extension does not appear as a link due to its height, width, and thick framing. A link would typically be a small, single storey, connecting structure that has minimal framing to ensure it remains as discrete as possible. I acknowledge that the 'link' has been set back from the front (south) elevation, but this does not address fundamental concerns regarding the height. The scale of the 'link' coupled with the large amounts of glazing exacerbates the visual impact of the extension.

The amendments to the proposed extension are minor and do not address previous concerns raised. The scale and massing, combined with the form and appearance of the proposed extension would contrast and compete with host building, detracting from its primacy and pre-eminence. This would undermine the ability to appreciate and understand the listed building's architectural interest and thereby detract from its significance. The west elevation and south elevation are visible from several views within the Conservation Area. Given the visual prominence of the proposed extension, compounded by its scale and appearance, it would also fail to preserve or enhance the character and appearance of the Conservation Area.

External alterations

The overly modern glazing in the nineteenth century extension has been omitted, and the proposed fenestration within this section is acceptable. The proposed works to the eastern, late Victorian and interwar extensions and removal of a modern windows at ground floor to the north elevation do not raise an objection. The lowering of cills within the 'later/ extended wings' appears to result in the unnecessary loss of historic fabric.

Internal alterations

Previous advice stated the derivation of the ground floor wall where a platform lift would be inserted has not been determined; further information should be provided on this aspect prior to agreeing the principle of its demolition. This aspect has not been addressed and it is now proposed to remove additional fabric at ground and first floor to provide wider entrance to the proposed extension.

There is still a preference to remove the lobby entrance to the staff room; the benefits of removing modern partitions to improve the floorplan would be undermined by this aspect. There are also some concerns that the proposed layout for the stairs, platform lift and storeroom as this would result in fireplaces/chimney breasts being within ancillary spaces and covered over, further information should be provided to understand the impact of these works.

Landscaping

As per previous advice, it is proposed to increase the hardstanding to accommodate additional parking. This would result in the loss of verdant landscaping within the immediate setting of the listed building and there is still a preference for the hardstanding to be reduced. I acknowledge that layout has also be dictated by the existing mature trees which do make an important contribution to the Conservation Area and setting of the listed building. The carparking may be considered acceptable depending on the surface treatment; I recommend that the landscaping is softened with less formalised bays.

I acknowledge the benefit of removing the railings. However, the existing steps and ramps are being replaced, not removed in entirety. The existing pathway to the front is separated from the listed building by planting, which works to soften the appearance of hardstanding. Comparatively, the proposed steps and ramps would be more visually prominent due to their scale and would abut the listed building. Whilst concerns have not been raised regarding this aspect, the removal of existing steps and ramps cannot be considered an enhancement taking into consideration their proposed replacement.

Advice provided within the first consultation response relating to this application (provided on 09/05/2023) regarding the access track remains relevant.

Heritage Benefits

As noted within previous advice, there are enhancements arising from this scheme, however, such enhancements would not completely outweigh the harm identified arising from other aspects of proposal. Such heritage benefits should not be considered a substitute for a sympathetically designed extension.

It is acknowledged that the building is currently unoccupied, and the proposal does present an opportunity to bring it back into use. However, I consider there to be scope for a more sensitive scheme. It has not been demonstrated that the proposed use is the one that would cause the least harm to the listed building's significance or that the extension, in its current form, appearance and scale, is fundamental to securing the listed building's optimum viable use.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the

level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199. Paragraph 200 would be relevant.

Officer comment: In response to the Conservation Officer's objections, the applicant has provided the following statement:

We do not agree with the harm alleged by the proposed extension and link and highlight that the link is lower than the roof of the existing extension and represents an improvement over the clumsy and poorly designed existing extension. Fundamentally, we believe that the significant benefits, including heritage and wider public benefits, outweigh the harm, and the balance is tipped by our different assessment of the extension. Even if there is still a low level of residual heritage harm, that would need to be weighed against the benefits of the scheme.

The statement that it is considered that there is scope for a more sensitive scheme is immaterial. There is no fallback option and no alternative scheme for this building. The building has been vacant for an extended period with no other viable scheme or occupier being brought forward. Alternative, vague and untested schemes or designs cannot be put forward as a reason for refusing the current, very detailed scheme that would secure the future of the building and provide significant heritage benefits, reversing the fortunes of the building which has deteriorated into a state of disrepair.

It is also noted that following on from discussions with officers, the applicant has submitted further amendments. Planning Officers have considered the amended plans, and documentation provided and are of the view that the proposals do overcome the Conservation Officer's concerns. This shall be discussed within the analysis section.

4.1.6 Three Rivers District Council Tree and Landscape Officer: [Objection]

Recommend: Refusal

The site is within the Croxley Green Conservation Area and Metropolitan Green Belt, and there are numerous trees on-site protected by Tree Preservation Order (TPO239). The location also borders a local wildlife site (08/013).

The site is situated at the northern end of The Green, an extensive area of Common Land, within the parish of Croxley Green. It comprises of a country house within landscaped gardens, that is accessed via a single-track road across The Green. The house is partially screened from The Green by mature trees, but is a prominent feature due to the flat, open nature of The Green. The grounds of the house are relatively extensive, and contain many mature trees, in particular two very large and impressive specimen Cedars close to the northern facade of the building. To the south and eastern boundary of the site the trees form a continuous shelter belt along Little Green Lane.

The proposed redevelopment and change of use from a residential care home to a children's day nursery would indicate that there will be a significant increase in the number and frequency of vehicle movements, with significant numbers entering, exiting, and moving around the site on a daily basis.

Even with the re-design of the landscape around the building, the relatively narrow entrance with a sharp right-hand turn into the site, would appear to be unsuitable for large numbers of vehicles. This may be further exacerbated by the shared access for the neighbouring residential care home, whose service entrance opens on the driveway and could lead to additional traffic congestion during deliveries.

In addition, due to the number and proximity of mature trees on the site, the amount of parking that can be provided for the pick-up and drop off of children is severely limited and

could lead to over spill parking in unauthorised areas, including The Green. This could be damaging for protected trees on the site, particularly the prominent Cedars, leading to additional encroachment into Root Protection Zones and /or future applications for additional parking provision.

The plans indicate that the access road across The Green would be widened to accommodate two vehicle lanes. This may require some encroachment into the adjacent Common Land that is owned by a third party (TRDC), which the applicant presumably has a right of access over. It is not clear from the plans whether permission has been sought for this or whether this would be granted by the landowner. As a result, it may not be possible to widen the access road to accommodate additional traffic. The widening and formalising of the road (such as curbing and road markings) could also have an urbanising effect and have some visual landscape impact on The Green.

A new pedestrian access point at the southeast corner of the site is also proposed. This would require some surface and level improvements of the existing informal path on The Green to make it accessible for parents and young children, again this would require permission from the landowner. The transport statement includes details of highways improvements on Little Green Lane associated with the neighbouring Killingdown Farm development. This suggests that the intention may be for Little Green Lane to be used for parking by users of the nursery to gain access to the site via the pedestrian entrance. Hence development of an entrance in this location, could also result in additional traffic and congestion issues on Little Green Lane, particularly once the residential development at Killingdown Farm is completed.

Refusal is recommended due to the sensitivity of the surrounding landscape, and its limited ability to accommodate the increased traffic generated by the proposed development, without it resulting in unacceptable impacts to protected trees and the visual amenity of The Green and the Croxley Green Conservation Area.

Officer comment: In response, the applicant submitted a letter in response to the Landscape Officer's objections and the comments are summarised as follows:

- The comments relate to transport matters and not landscape. The proposed development will not result in significant vehicle movements around the site on a daily basis. The nursery use will be limited to five days a week, with movements limited to certain times of the day.
- The comments in relation to access are a transport matter and have been reviewed by HCC who have raised no objection. The entrance width to the site will be 4.5m and at the northwestern corner of Croxley House there will be a passing width of 6m. This is more than adequate for a safe passage of two way traffic.
- No evidence has been provided to suggest that parking will overspill in unauthorised locations.
- The landscape proposals have been designed with the inclusion of physical measures to ensure that vehicles cannot encroach upon the landscape and root protection areas. The landscape levels ensure no dig construction over the roots of trees. Installation of a permeable surface in place of the current impermeable tarmac over the roots of prominent cedars will be of benefit to the trees.
- Right of access is not a material planning consideration. The applicant is following the correct procedure by first applying to for planning permission for the widening of the road.
- There will be no curbing and road markings and the road will not be formalised. This would be secured by planning condition.
- No surface or level improvements to the existing informal path on the Green are required or proposed. Therefore, no permission from the landowners are required.

The Landscape Officer has provided the following comments in relation to the additional information, raising concerns:

- 4.1.6.1 The additional information provided by the applicant reiterates the transport and parking studies previously submitted, which confirms that there will be additional vehicle movements in around the site, focused on peak times at the beginning and end of the day, but that this will not negatively impact trees and the landscape. Despite this concerns still remain over the possible impact during peak times, and particularly during times of inclement weather when there may be increased drop offs by car.

The applicant's studies at other sites suggest that the parking provision should be adequate for this location, although there does not appear to be any suitable space to increase parking provision, without an impact on trees and the landscape if this is not the case.

The information indicates that the access road across The Green to the site is not a planning consideration. This suggests that if planning permission were granted, the site could operate without any need to widen or upgrade the existing access road, which as previously mentioned could be detrimental to the landscape of The Green.

The information also indicates that the pedestrian entrance to will not require any level or surface improvements across The Green, this would suggest that access to the site by pedestrians with young children maybe undesirable during the winter and spring months and during periods of unsettled weather, due to muddy and wet conditions and overhanging vegetation, which as above may increase drop offs by car during these times.

If the application is approved, a detailed tree protection method statement should be required. This would need to be closely integrated with detailed landscaping plans to ensure that trees are fully protected during construction. There should also be a specific condition requiring arboricultural supervision on-site during key phases, such as demolition, excavation and laying of new surfacing. A long-term landscape plan should also be required setting out how new planting will be successfully established and how different areas will be maintained into the future.

- 4.1.7 Hertfordshire County Council – Highway Authority: [No objection]

Recommendation: Recommended Amended Details

Comments: In order for HCC as the Highway Authority to feel satisfied with the application an amendment is requested. It is outlined within the Transport Assessment that the width of the access route into the site is to be widened to 4.5m rather than the 4.8m which was requested within the pre application advice. The 4.8m is once again requested as this will ensure that two cars can pass comfortably, as shown in Manual for Streets figure 7.1. Without an appropriate width, which ensures that wing mirrors are accounted for, which figure 7.1 does not, it is likely that vehicles would overrun the common land, causing more damage than an additional 0.3m widening would.

Furthermore, it is unclear the exact current width of the proposed internal footway which connects to the new pedestrian crossing. According to drawing number AR-00003 Rev P01, the footway is approximately 1.3m wide. A 2m would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Once these amendments and clarifications have been made, HCC as the Highway Authority will be in the position to submit a full response.

Officer comment: The applicant discussed the proposals directly with Herts Highways and the following comments were received:

4.1.7.1 Hertfordshire County Council – Highway Authority (Second comment)

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

Construction Management Plan / Statement

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

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

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

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

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

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

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

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any

rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN5) Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consents that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Comments/Analysis

Description of Proposal

Change of use of existing building from care home (C2) use to a nursery (Class E) including partial demolition, construction of extension; ramp access; repairs to boundary wall with associated parking and landscaping works; and widening of existing access track, and alterations to fenestration

Site and Surroundings

The Green is a classified C local distributor route subject to a 30mph speed limit which is highway maintainable at public expense. The access is close to the junction of The Green with Sarratt Road, which is also a classified C local distributor, and Loudwater Lane, which is an unclassified local access route, all of which are subject to a 30mph speed limit and

are highway maintainable at public expense. The site is located on the north-western edge of Croxley Green, fronting the green itself. Therefore, the area to the front of the site on which the access route is located, is an area of common land, CL035.

The closest bus stop to the site is located on The Green, approximately 575m to the south of the site. The nearest train station is Croxley which is approximately 1.2km from the site and is served by the Metropolitan line. Both of these lengths exceed the recommended walking distances for walking to transport connections outlined in Planning for Walking (CIHT). Therefore, the site would not be considered to be in a sustainable location in relation to sustainable transport links. A Travel Plan has been provided in relation to improving the sustainability and active travel options to the site; comments relating to the Travel Plan are discussed below.

Travel Plan

A Travel Plan has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be generally acceptable for this stage of the application. Nevertheless, a full TP would need to be updated and secured via a Section 106 planning obligation. A Full Travel Plan will be required to be in place from first occupation until 5 years post full occupation. A £1,200 per annum index-linked RPI March 2014 Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.

Full guidance is available at: www.hertfordshire.gov.uk/travelplans or for more guidance contact: travelplans@hertfordshire.gov.uk

The submitted travel plan (TP) will need the following additional information, prior to approval:

- Secondary contact details should be provided along with full travel plan coordinator details once appointed.
- Time allocated to TPC role and where they are based should be specified in the travel plan.
- Please include detail on how cycle repair kits will be promoted/ claimed. How will active travel information be promoted outside of the travel information packs? Will the information be displayed on site (posters or notice boards)?
- Number of cycle parking spaces and type of cycle parking should be specified in the travel plan.
- Targets should be set for each year for the five years of travel plan monitoring.
- More detail is required for monitoring method. Monitoring surveys should take place annually for 5 years (staff surveys, facilities).
- A travel plan review should take place annually and a report should be submitted to HCC within 3 months of data collection.
- The travel plan should be secured through S106 and evaluation and support fee should be paid to HCC.

Access and Parking

The application makes use of the existing access into the site which is a bellmouth shared with the newly renovated care home, Clarendon Lodge. The driveway route is a surfaced concrete structure which runs through the common land. In the highways pre application advice, which was provided by HCC in July 2022, the widening of the existing driveway was discussed. HCC as the Highway Authority recommended that the driveway was widened to a width of 4.8m to ensure that two modern sized cars can pass each other comfortably

without the need to divert onto the common land. Within the Transport Statement, it is stated that the proposed width for the driveway is to be 4.5m. 4.8m would be preferred to ensure that not only cars, but larger vehicles such as vans have the ability to pass each other, without having to overrun the common land. Although it is acknowledged that within an email from the transport planner that 4.5m would be the limit for the widening of the driveway to ensure as little works as possible occur on the common land. As it is not highway land and 4.5m would technically be plausible according to Manual for Streets, HCC as the Highway Authority would not maintain refusal on this matter. However, it is to be noted that using this smaller width, some overrunning of the common land would be expected, especially due to the large increase in trips to and from the site which has also been shown in the Transport Statement. A swept path showing two vehicles passing on the access route has been provided in appendix D of the Transport Statement although it is noted that the vehicles used are small cars. It would, however, ultimately be up to the secretary of state to approve of any works on the common land.

Regarding the aforementioned trip rate from the site, in section 5 of the Transport Statement the existing and proposed trip rates from the site have been outlined. Hertfordshire County Council as Highway Authority can only recommend the refusal of planning permission or object to the proposals in the context of paragraph 111 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following consideration of the anticipated trip generation for the development, the number of vehicle trips associated with the proposed use would not be considered to be severe nor significant enough on its own to recommend refusal from a highways perspective. It is acknowledged that the trip rate at the site during the AM and PM peak will increase by a substantial, but not severe, amount, as shown in table 5.5 within the Transport Statement, contrary to paragraph 7.119 of the Planning Statement which says that there are 'low traffic volumes anticipated'. Furthermore, the site access route is shared with the recently redeveloped Clarendon Lodge. Hence, the previous points made in relation to the need for vehicles to be able to pass one another with ease on the access route into the site from the common.

The application does not propose any alterations that will impact upon the visibility splays from the existing access and due to the location of the access through common land, ample visibility is available in all directions from the nearby junction. It is noted there have been two collisions of a slight severity within the last 5 years nearby the site, but none fronting the access. One of which at the junction of Loudwater Lane and Sarratt Road, and another at the junction of The Green and Baldwins Lane.

Regarding pedestrian access, a separate pedestrian access is proposed to the existing vehicular access. As shown on drawing number 00003 Rev P01, the pedestrian access into the site is proposed in the southeast corner through the boundary treatment. A site visit confirms that the existing boundary treatment at this location is a wooden fence which has collapsed slightly, so there would not be any demolition to the historical wall required. The proposed pedestrian access would link up to an informal pathway which runs through the common land which would connect to a crossing point which is to be installed through contributions connected to the development at the adjacent Killingdown Farm site. In the initial interim response, it was noted that the internal footway at the site was shown to be approximately 1.3m wide. A 2m wide footway would be recommended to ensure that two buggies or two wheelchairs have the ability to pass one another. 1.5m would be the absolute minimum if 2m is not possible along the entirety of the footway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking arrangements for the site have been shown on drawing number 00003 Rev P01 and within the Parking Management Plan. There is to be a total of 25 parking spaces within the site, with 8 of these being specific drop off spaces. Within the proposed block plan, drawing number 00003 Rev P01, it is not made clear which spaces

are specifically for drop off only. Drop off for the site should not occur within the highway, so HCC as the Highway Authority are supportive of the specific drop off spaces within the site. 17 of the parking spaces would be allocated for staff use. In terms of the parking layout, the 6 spaces which are located next to the proposed bin store do not seem fully accessible as vehicles in the rear 3 spaces would become blocked in by the front 3 spaces, which could cause concerns about congestion within the site. The other parking areas have the sufficient 6m behind the spaces which ensure that vehicles can manoeuvre in and out of spaces. Within the Transport Statement, electric vehicle parking has been applied using TDRC parking standards creating 5 charge points and a further 5 spaces with passive charging provision.

Cycle parking has been provided at the site with 4 long term spaces. These spaces should be covered and secure, the proposed plans do not make it evident that they are. HCC as the Highway Authority would be supportive of any increase to the number of cycle parking spaces to encourage the use of sustainable and active transport.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location. A refuse store has been outlined in the proposed block plan, drawing number 00003 Rev P01. A refuse vehicle will have to enter the site to collect any waste as per current arrangements according to the Planning Statement. Within the Transport Statement, appendix G shows a 12.1m entering and being able to turn around within the site. It is to be noted that due to the minimal proposed widening of the access route a refuse vehicle and car would not be able to pass each other without overrunning the common land.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. Appendix H of the Transport Statement shows a swept path drawing which indicates that a fire tender can enter and turn around within the site in order to leave in forward gear.

Construction Management

A Construction Management Plan (CMP) has been requested via condition to ensure that the common land is not negatively impacted by the demolition and construction at the site.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application, subject to the above conditions and Travel Plan requirements.

4.1.8 Thames Water: [No objection]

Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

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

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

4.1.9 Hertfordshire County Council - Lead Local Flood Authority: [Objection]

This application is for a change of use of existing building from a Care Home (C2) to a nursery (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green

roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

We are concerned about the lack of sufficient and clear information pertaining to this sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking suitable evidence as to why they cannot be used.

We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG o Policy DM8 – Flood Risk and Water Resource.

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

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

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

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

Officer comment: The applicant submitted additional drainage information and the following comments were received from the LLFA:

4.1.9.1 Hertfordshire County Council - Lead Local Flood Authority (Second comment): [Objection]

This application is a Full Planning application for a change of use of existing building from a Care Home (C2) to a nurse's quarters (Class E). This includes a partial demolition of an existing single storey extension and construction of a two-storey front extension including spiral stairs, ramp access, green roof, rooflights and vents. Additionally, this application includes repairs to boundary wall, parking and landscaping works, widening of an existing track and internal alterations.

The LLFA acknowledge that a BRE365 testing report has been submitted for this re-consultation. However, several comments made on the original application have not been addressed. Furthermore, the report should be updated in consideration of the infiltration testing. We are still concerned about the lack of sufficient and clear information pertaining to the sites drainage strategy. Clarification on the drainage methods and outfalls is required. Alongside this, the drainage hierarchy has been poorly followed, with several methods lacking sufficient evidence as to why they cannot be used. Finally, this application needs to explore the incorporation of above ground SuDS into the proposal and the measures for pump failure.

- We object to this planning application in the absence of an acceptable Drainage Strategy. The development does not comply with local policies, NPFF or PPG.
 - o Policy DM8 – Flood Risk and Water Resource

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

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

Informative

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Hertfordshire Lead Local Flood Authority and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

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

4.1.10 Herts Footpath Section: No comments received.

4.1.11 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above.

Summary of advice

- There is sufficient ecological information to enable determination.
- The ecological information describes a biodiversity net gain (BNG) of at least 10%.
- The recommendations and enhancements in the ecology report should be followed.
- Bat roosts are present. Condition for evidence of a bat licence, or confirmation of a valid licence, to be sent to the LPA.

- Secure an Ecological Management Plan (EMP) and Construction and Environmental Management Plan (CEMP) by condition.
- The EMP should describe details of the precise impact to the grassland Local Wildlife Site (LWS) from the access widening works and any subsequent bespoke compensation / mitigation.

Comments

The application is supported by a comprehensive ecological report:

- Ecological Appraisal (EA), March 2023 prepared by Greengage

The site was visited in August 2022 and is approximately 0.96ha. It comprises the Grade II listed Croxley House (currently a vacant care home) and associated outbuildings set within hard and soft landscaped grounds (with hardstanding, woodland, scattered trees, hedgerow, neutral grassland, introduced shrubs and a small ornamental pond). Several trees in the grounds are protected by a Tree Preservation Order. Existing access is via the road from The Green.

Trees

There are 40 individual trees and 4 groups of trees on site. I am pleased to see the majority will be retained where possible; however three trees are proposed for removal and this loss should be compensated for. The Landscape Plan shows replacement and enhancement native-species planting, extension of the broadleaved woodland, and creation of an orchard - which are all welcomed.

Local Wildlife Site (LWS)

The open grassland (the Green) directly south of the site is designated as a non-statutory Local Wildlife Site (LWS) for its neutral and acidic grassland interest. The LWS covers 9.49ha and runs south away from the application site. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site.

Slight widening (and upgrading) of the existing access road is proposed and Photos 25 and 26 on page 66 in the Heritage Statement show the proposed widening. The edges of the LWS grassland at the road appear compacted and degraded. In the scheme of things, I consider the loss of approximately 0.044% of LWS grassland in this area to be minimal and of little concern.

However, I am concerned about how much of the LWS grassland will be impacted during the access improvement works by construction vehicles, storage of materials, etc. Details, including compensation / mitigation for any loss of or damage to LWS grassland, are not provided and will be required by the LPA for approval at the appropriate stage of the planning process. The EA states that: "Confirmation of the exact area to be affected will be provided at detailed design stage with appropriate bespoke compensation to be incorporated as required" (para 1, page 29) - this information needs to be secured and approved by the LPA. The EA goes on to say: "However, this could take the form of restoration of acid grassland in areas currently classified as other neutral grassland" – which would be an acceptable option to Herts Ecology. Again, details (on methodology, management and maintenance) need to be secured and approved by the LPA. This information should be included in the EMP (see below) secured by condition.

In addition to the above, care should also be taken to avoid adverse effects from dust and pollution, etc., on the habitats remaining on site and the adjacent LWS grassland from the various construction stages. A Construction and Environmental Management Plan (CEMP) should be produced by condition:

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.

Surveys and report

Sufficient protected species surveys were completed in 2022 and no further surveys are considered necessary for the planning process. Overall, the ecological report provides an adequate assessment of the impact of the proposals and is based on appropriate survey methods and effort. The likelihood of an adverse ecological impact is negligible-low, but the report suggest reasonable precautionary measures to ensure that legally protected species are not harmed. These are in section 5.2 of the EA and should be followed.

As bats were confirmed to be roosting in the main building, a licence from Natural England will be required to proceed lawfully with proposals that will affect the bats and their roosts. Issuing of the licence will rely on up-to-date survey information, and a licence can only be applied for once planning permission has been granted. So if updated surveys are required by Natural England, they will need to be factored into the development timescale (they need to be undertaken between May and September).

For the planning process and this application, I advise seeing evidence of the bat licence, or confirmation of a valid licence, by condition:

Works to the main house shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or*
- b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.*

Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm.

The recommendations also include the need for an Ecological Management Plan (EMP), a CEMP (see above), wildlife sensitive lighting, and biodiversity enhancements - and these should also be followed.

The EMP should be secured by condition:

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

- a. A Description and evaluation of the features to be managed.*
- b. Ecological trends and constraints on site that might influence management.*
- c. Aims and objectives of management.*
- d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).*
- e. Prescriptions for management options.*
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).*
- g. Management responsibilities.*
- h. Ongoing monitoring and remedial measures.*

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site.

BNG

The report demonstrates at least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Although not yet mandatory, this is commendable and I have no doubt that the proposed measures and suggestions, if secured in the EMP, will provide meaningful net gain.

- 4.1.12 Herts and Middlesex Wildlife Trust: No comments received.
- 4.1.13 National Amenity Society: No comments received.
- 4.1.14 TRDC Environmental Health (Commercial): [No objection]

Air Quality: I have reviewed the Air Quality Assessment prepared by BWB (Document ref. 232404-AQA-0001). An assessment of construction phase impacts has been undertaken and mitigation measures have been recommended to minimise emissions. With the implementation of these measures, the impact of construction phase dust emissions is considered to be not significant.

The predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of a an AQMA, therefore dispersion modelling was not undertaken. Air quality impacts as a result of additional road traffic emissions associated with the site are considered to be not significant.

The measures proposed as part of the development (discussed in section 6 of the Air Quality Assessment) that may be beneficial to air quality are welcomed.

I would recommend that a condition requiring the submission of a dust management plan be applied to any permission granted. The dust management plan should incorporate the recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment.

Land Contamination: Online historical mapping shows that the site had been developed by the mid-19th century, Croxley House is shown on the map published in 1868, there do not appear to have been any significant changes on site until the early 1960s, the site is labelled

Croxley House (Old People's Home) on the map published in 1961, however, the layout of the site remained unchanged.

The site does not appear to have had a previous potentially contaminative use. The residential use of the site is unlikely to have given rise to anything more than diffuse anthropogenic contamination. Any unexpected contamination encountered during the development shall be reported to the LPA. Based on this, the following contaminated land condition is recommended on this and any subsequent applications for the site.

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

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

4.1.15 Affinity Water: No comments received.

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

The Environmental Noise Assessment prepared by Entran Limited, has been demonstrated that indoor noise levels would meet the standards set out within the Building Bulletin BB 93 Acoustic Design of Schools: Performance Standards. Since the building and its grounds will be used as a nursery, Environmental Health do raise concerns that the noise assessment has not considered the impact of noise associated with 122 preschool children utilising the outdoor gardens which you can expect would include shouting, screaming, and crying. Although justification for this has been provided within the assessor's comments in paragraph 1.4, the noise from children should be considered as part of the noise assessment.

Based on the information, provided Environmental Health do not wish to restrict planning permission but we would ask for an additional noise assessment to be completed which assesses the potential impact of noise associated with 122 preschool children utilising the outdoor spaces.

Officer response: With regard to the Environmental Health Officer's comments; the following comments were received from the applicant:

We have received the below response from our noise consultants in relation to the request for an additional noise assessment. We would be grateful if EH could review this and confirm if they are happy with the AGP noise level as a suitably cautious value and that the below methodology is accepted.

To reiterate our previous comment, there are no residential facades immediately overlooking the outdoor nursery space. The nearest residential façades are at the care home, approximately 40m south west of the garden area (based on the ground floor plan obtained from planning application 16/0964/FUL). The care home rooms are partially or completely screened by the Clarendon Lodge building. The main care home amenity area is completely screened as it is sited within an enclosed courtyard. Additionally, we would not expect 122 children to be outside shouting, screaming, and crying at all times.

Turning to the noise from the garden area - There is no generally adopted source level for children playing outdoors. As a cautious consideration, I suggest we might adopt a level such as the average level attributed to outdoor AGP sports pitches as provided by Sport England (typical sports sessions - football, hockey, rugby, including perimeter strike boards). This level is given as 58 dB at 10m from the halfway sideline.

If we apply this as a continuous LAeq,T at 10m from the boundary of the garden, applying a simple $10 \cdot \log r$ distance correction results in an indicative level of 52 dB at the nearest residential façade. The residential facades appear to be either inwards facing or screened by the Clarendon Lodge and Croxley House buildings. If we apply a cautious -5dB correction for partial screening we arrive at a value of 47 dB LAeq,T. A further -15 dB due to partially open windows gives a level of 32 dB LAeq,T. The residential criteria for daytime resting is 35 dB LAeq,16hr with a desirable guideline value of 50 dB for outdoor amenity space. Both of these values would be attained at the nearest residential façade, based on the calculation above.

With further reductions due to distance and screening the noise levels at Clarendon Lodge are unlikely to be significantly high.

Officer comment: The Environmental Health Officer has provided further comments as follows:

4.1.16.1 Having reviewed the comments from the noise consultant provided below, my concerns around the potential impact on Clarendon Lodge have been satisfied. As such, I do not have an objection to the proposal.

4.1.17 National Grid: No comments received.

4.1.18 TRDC Environmental Protection: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No of responses received: 106 in support.
1 objection.

4.2.3 Site Notices for both applications: Expiry: 13.05.2023

Press notices for both applications: Expiry 06.05.2023

4.2.4 Summary of Responses: [Objection]

No objection to principle of change of use, however, the proposed elevations/extensions are not in keeping with a Grade II Listed property.

4.2.5 Summary of Responses: [Support]

Will provide much needed childcare for local residents in a wonderful setting.

Will bring a now disused building and bring it back to life and modern standards.

The site is large and offers a space for children to learn without the need for mass redevelopment.

The development will provide investment in the fabric of Croxley House and the immediate surrounding area.

The benefits to the local economy and community are also clear, providing additional jobs and supporting productivity of parents who are then able to return to work.

Support application to support the provision of high- quality childcare in our local community.

Imperative to ensure children have the best possible start to life and for parents to be able to access high quality childcare provision in order to work and support local infrastructure.

Boys and Girls Croxley is a valuable addition to the existing Croxley Community, support this much needed asset to the local community.

Boys and Girls Nursery are a well known local organisation who are integral to the local economy, community, childcare solutions and lifeline to working parents;

Boys and Girls Nursery is a wonderful place and want to ensure it has a secure long term future in our community.

The documents propose a long term solution to a local business which supports the local community. Local nurseries have faced a lack of support when most needed such as Morris Minors.

As a member of staff and as a parent of a child attending this nursery, I full support the application.

The Council has a duty to support the application especially in view of the new government policy giving free childcare to 1 and 2 year olds.

The demand for places will increase as the government's plans for extended 'free; childcare come into place.

There are few places where childcare facilities are able to be set up locally.

Imperative to provide access to early years provision, to ensure that children have best start to life, and for parents to be able to access high quality childcare to return to work and support the local infrastructure. Without this, does the Local Authority have alternative plans to support working parents and support the growth and education of the youngest stakeholders in the community.

Childcare in the areas is sparse at best and with new development in the area, the need for more options will increase.

There is a long waiting list at the Nursery in its current location and the local population is only set to increase due to the large development approved at Killingdown Farm.

The Council has let 2 local nurseries close recently for example Morris Minors (rated Outstanding by Ofsted), which closed as they could no longer lease the building. I hope the Council will compensate for this by supporting Boys and Girls application to ensure their long term future.

The plans are sympathetic to the existing building and will provide a fantastic setting for the children.

Having worked for the company for more than 10 years, 7 of which were with the current Croxley Branch, I can say with confidence that the renovations and changes will be made with respect to the character of the existing building.

The proposal gives minimal impact to the area that would have otherwise been there in its previous uses. Any impact there may be, will be outweighed by the benefits they will provide.

Childcare in the area is sparse at best and with new development in the area (Killingdown Farm) the need for options will increase.

Without nurseries in our area; there would be a significant reduction in childcare provisions, job losses and local people having to look further afield to find childcare provisions.

New location will be an improvement to the facility that if not approved would be a great loss to the community.

Large site and would offer a great place for children to learn and grow without the need of mass redevelopment.

Will make use of a disused building and bring it back to life and modern standards.

Research shows that high quality Nursery Education and care has positive and long lasting impacts on our children's outcomes.

Benefits to the economy including additional jobs and supporting parents who are then able to return to work.

- 4.2.6 Herts County Council (Children's Services): Whilst not formally consulted by TRDC, Children's Services provided comments in support of the application.

I am writing this email in support of the above applicants planning application.

As a local authority we have the statutory requirement to ensure that working parents have access to good quality childcare to enable them to work and or study. In this area of Three Rivers there is a need for childcare which is currently provided by your applicant for working parents. If this childcare provision planning application was to be rejected this will have a detrimental impact on those parents currently in receipt of this childcare and impact on their working ambitions.

Long term this planning application will support the governments ambitious childcare expansion plans for working parents.

5 Reason for Delay

- 5.1 To allow for issues identified by officers and consultees to be addressed and further amendments to be sought.

6 Relevant Planning Policy, Guidance and Legislation

- 6.1 National Planning Policy Framework and National Planning Practice Guidance

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. 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 Legislation

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

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

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

6.3 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, CP2, CP3, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM8, DM9, DM10, DM11, DM13 and Appendices 4 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018). Policies CA1, CA2, H01, H03, RE3.

6.4 Other

The Croxley Green Conservation Area Appraisal

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

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

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The Core Strategy (adopted October 2011) sets out a Spatial Vision which states that, looking forward to 2026 and beyond, the District will remain a prosperous, safe and healthy place where people wanted and are able to live and work. The priorities for the future are amongst other things, to provide growth required to support local communities and provide for their needs in the most sustainable way possible, to improve access to housing and affordable housing and to recognise opportunities to improve and enhance the built, historic and natural environment wherever possible. In order to implement and deliver the Local Development Framework's Vision, Strategic Objectives have been identified which include; to balance the community's need for future homes and jobs by providing sufficient land to meet a range of local housing needs.
- 7.1.2 Policy CP2 (Housing Supply) of the Core Strategy states that providing sufficient housing to meet the needs of local communities in a sustainable way is one of the key challenges facing Three Rivers. It further states that, amongst other things, development in the District, needs to provide an adequate and continuous supply of housing, provide a range of types and sizes of homes to meet needs at an appropriate density; and address local affordability issues. Policy CP3 (Housing mix and density) sets out that the Council will require housing proposals to take into account the range of housing needs in terms of the size and types of dwellings as identified by the Strategic Housing Market Assessment and subsequent updates. This includes the provision of housing for the elderly, and supported and specialist housing which will be encouraged in suitable and sustainable locations.
- 7.1.3 Policy SA1 (Housing Site Allocations) of the Site Allocations LDD (adopted 2014) states that, in view of the need for new housing in Three Rivers, the benefits of building new homes in Three Rivers would be undermined if the stock of existing housing were to reduce. Therefore, the Council's starting point is to protect existing housing in the District. Furthermore, it is noted that the LPA cannot currently demonstrate a 5 year land housing supply.
- 7.1.4 The existing building historically provided an elderly person's care home accommodating 33 bed spaces. However, the most recent planning permission for Croxley House, resulted in alterations to the existing building and a reduction in the number of bed spaces within Croxley House itself to 24 beds. In addition, the permission included, the provision of a new 40 bed care home facility known as Clarendon Lodge being located immediately adjacent to the host building. This permission has been implemented and is therefore a material planning consideration. It is noted that Care Homes do contribute towards the District's housing stock and when applying the Council's conversion rate of 1.9 C2 bedrooms to 1 market dwelling, it would mean based on the most recent permission, that the current proposal would result in the net loss of 13 residential dwellings. In addition, it is acknowledged that there is a need for facilities such as care homes within the District. This is clearly stated in the Croxley Green Neighbourhood Plan which states that housing proposals should consider the needs for priority groups, one of which is identified as the *'aging population which specially design accommodation including residential homes'*. Consequently, the proposed development would result in an objection due to the net loss of housing, and elderly persons accommodation which would be contrary to Policies CP2 and CP3 of the Core Strategy (adopted October 2011) and Policy SA1 of the Site Allocations Document.
- 7.1.5 With regard to the loss of elderly persons accommodation, it is noted that Croxley House has remained vacant since January 2021. The supporting information sets out that Croxley

House as currently existing does not meet the required care standards and legislation. In addition, the last Inspection Report published by the Care Quality Commission in May 2021 (visit undertaken in December 2020) identified that the overall rating for the care home was inadequate. Officers have visited the site and viewed the building internally; and have observed that the corridors are narrow, that there is not level access with varying floor level changes throughout the building. Some of the rooms within the building are considered small, and do not have full ensuite facilities. Prior to its closure, planning and listed building consents (see para 1.3 and 1.4 above) were granted for works to the existing Listed Building to allow the building to meet modern standards. The works included the widening of existing corridors, the provision of level access and internal alterations to create rooms which met current care standards. However, the changes proposed resulted in a reduction in bedrooms from 33 to 24. It is understood that these changes were never implemented due to viability concerns regarding the changes and the loss of bedrooms.

- 7.1.6 Following the closure of the Care Home, Croxley House was marketed from 4th November 2021-4th May 2022. Whilst it is not considered that this is a significant period of time, there is not a set period defined in National or Local Policies as being suitable for marketing a property. Furthermore, it is noted that during this period a total of 112 enquiries were received, there were 31 viewings and a total of 9 offers. The supporting information highlights that the majority of initial interest was from residential developers, however, the general feedback was that there were concerns regarding the listed status of the building, its layout and that it would be too challenging to convert it into residential dwellings. Other developers considered the possibility of a conversion to 9 flats, however, the overall cost of conversion raised concerns that such a development would not be deliverable. An initial offer was accepted from a residential developer, however, this offer was subsequently withdrawn due to funding issues. The supporting information also notes that enquiries were received from care providers, some of which withdrew interest due to the location of the building as it is now adjacent to the new care home 'Clarendon Lodge'. Other care providers raised concerns that due to the buildings' listed status and the cost of modernisation, that the development would not be viable. As such, weight must be given to the significant length of time that the building has remained vacant for, the length of time the building was marketed for and that the existing building is not fit for purpose for use as a modern care home.
- 7.1.7 Whilst the net loss of housing is acknowledged, Policy SA1 (Housing Site Allocations) does state that permission will not be granted for development resulting in the net loss of housing unless conversion to other uses is necessary to provide a small-scale facility and provided that the surrounding residential area is not adversely affected. In this case, the applicant is seeking planning permission to change the use of the building to a nursery. The supporting information provided by the applicant sets out that the redevelopment of Croxley House would provide a new setting for the existing Boys and Girls Nursery which currently operates from Croxley Business Park. The existing nursery offers 72 registered places (the nursery caters for 72 full time equivalent spaces on site at one time) and serves local residents within the district and surrounding areas. The current site at Croxley Business Park is within the freehold of Watford Borough Council and the current nursery only has a three year lease on the site. The site owner is not considering a long term nursery use of the site, and has instead signalled an intension to redevelop the site for employment purposes. Therefore, there is a need to relocate the existing nursery and for it to remain local in order to continue to serve existing users of the nursery.
- 7.1.8 Furthermore, the existing nursery at Croxley Business Park is operating at capacity, and it is understood from the supporting information that the owners turn away 25-30 enquiries per month, with their existing site in Rickmansworth also turning away 40-55 enquiries per month. Therefore, there is a demonstrated demand for this type of child care within the area. The applicant also notes the closure of another local pre-school within the area, St Oswalds Preschool in Croxley Green was operating at capacity and closed in 2022 which, along with the ongoing construction of other housing developments in the vicinity will likely increase

the demand further. Herts County Council have also provided comments in support of the application stating that in this area there is a need for childcare which is currently provided by the applicant for working parents. The Development Officer at HCC notes that the loss of the nursery would have a detrimental impact on existing parents currently in receipt of this childcare and their working ambitions. It is understood that the applicant has searched for some time for other suitable sites to accommodate the nursery use. However, for varying reasons, these sites have not been deemed as suitable. Croxley House is viewed by the applicant to provide the best location and setting for this use as well as providing space to cater for existing and future demand.

- 7.1.9 The applicant suggests that the proposed development would provide a community facility in accordance with Policy DM12 of the Development Management Policies LDD. The supporting text to Policy DM12 does not set out schools to be a community use and it is viewed that a nursery/preschool would also fall under this category. In addition, the supporting text to Policy DM12 states that the Council '*will support in principle the implementation of strategies by partner organisations to address deficiencies and to realise enhancements of education, health and cultural facilities which are vital community facilities and measures to make better use of existing facilities.* Policy DM12 also states that '*where development proposals are submitted for new or improved community, leisure or cultural facilities, they should be accessible by sustainable modes of transport*'. In accordance with Policy DM12 of the Development Management Policies LDD, the proposal does seek to address a shortage of places for early years education. In addition, the site occupies an edge of settlement location and is therefore considered accessible. Furthermore, the NPPF, seeks to promote healthy and safe community and states the following at paragraph 93:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (not limited to):

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;*

- 7.1.10 It is also noted that in the March 2023 Budget, the government announced that they would be extending free childcare to support more parents being able to return to work after their parental leave ends. At present, parents who work more than 16 hours a week, and earning less than £100,000 are entitled to 30 hours free childcare for children ages 3-4. This will be extended so that working parents of all children over 9 months will be entitled to 30 hours of childcare and this will be rolled out in a staggered approach, commencing in April 2024. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work. The Development Officer at HCC has also stated that 'long term, this planning application will support the government's ambitious childcare expansion plans for working parents'. Consequently, it is considered that the loss of such a service would be highly regrettable and that the redevelopment of Croxley House as proposed by this application would ensure that the service would be retained for the benefit of the community in accordance with the provisions of the NPPF.

- 7.1.11 In summary, it is considered that significant weight must be afforded to the fact that the site has been vacant for a considerable length of time, and that the building as existing is not fit for its purpose as care home. It is also noted that prospective buyers have raised concerns about the potential use of the building for a residential use because of its listed status and

current condition. Indeed officers note that often the conversion of a house, particularly a listed house, can result in the original plan form being lost into discreet flats which does not preserve the significance of listed buildings. Whilst the loss of housing is acknowledged, Policy SA1 does allow for this where conversion to other uses is necessary to provide a small scale facility. In this case, the building has been vacant for two years, and it has been demonstrated that the provision of a nursery in this location would provide a service to residents of the district and the wider locality. The importance of such a service has been signalled by the Government in the 2023 budget and its announcement to extend free childcare provision from April 2024. Consequently, based on the site circumstances, it is considered that using the existing building as a nursery would outweigh the loss of dwellings, and the lawful use of the site as a care home particularly given it is highly unlikely that the existing building would be used as a care home in the future. Consequently, the principle of the proposed use is acceptable, subject to the relevant material planning considerations outlined below.

7.2 Impact on the Green Belt

7.2.1 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.

7.2.2 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.

7.2.3 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.*

7.2.4 Paragraph 150 of the NPPF also advises that 'other forms of development are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land in it. One of the forms of development identified by paragraph

150 as falling within this criteria is *'the reuse of buildings provided that the buildings are of permanent and substantial construction'*. In addition, paragraph 150 also sets out that engineering operations are appropriate so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

7.2.5 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 "As set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain exceptions, some of which are set out below". Relevant to this current application is B) Extensions to buildings in the Green Belt which states that extensions which are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

7.2.6 Policy DM2 of the Development Management Policies LDD also relates to 'reuse- and conversion of buildings in the Green Belt. This sets out that the following:

The Council will only support applications for the re-use/conversion of buildings in the Green Belt where:

- iv) the form, bulk and general design of the building is in keeping with the surroundings
- ii) any proposal by way of alterations/extensions, parking/turning areas, modifications to access or landscaping does not have a significant adverse effect on the openness of the Green Belt and does not appear excessively prominent
- iii) the scale of the proposed use is not likely to have a detrimental effect on the locality (e.g. by noise, smell or bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land)
- iv) the building is suitable for reuse/conversion without extensive alteration, rebuilding and or extension

7.2.7 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 between the two. It is considered, accordingly, that Policy DM2 is in accordance with the NPPF and may be afforded weight.

7.2.8 The proposed use: The applicant is seeking to change the use of Croxley House to a nursery accommodating 122 spaces. As per paragraph 150 of the NPPF, the reuse of buildings in the Green Belt can be considered appropriate provided that the buildings are of permanent and substantial construction' and that the openness of the Green Belt is preserved. In this case, Croxley House is an existing Grade II Listed Building of substantial construction and consequently, it is considered in principle, the building is suitable for conversion to an alternative use. As set out in paragraph 7.2.6, Policy DM2 of the Development Management Policies LDD sets out a number of criteria for the conversion of buildings to be assessed against and these shall be discussed below:

7.2.9 With the exception of the extension which shall be discussed later, the main part of Croxley House would remain relatively unaltered externally. The main alterations to the existing building would include alterations to fenestration detail. In addition, there would be a focus on decluttering the site, through the removal of some of the existing outbuildings on the site, the removal of metal railings, the removal of a number of obsolete features fixed to the building and the rationalising of services and drainage runs. Such alterations are not considered to adversely affect the openness of the Green Belt and thus no objections are raised to these external alterations. The decluttering of the site through the removal of outbuildings is considered to be a benefit to the openness of the Green Belt and would enhance the visual amenities of the site. In addition, the plans include alterations to the

existing eastern link, resulting in the removal of the existing stepped roof form and creation of a single flat roof form. This alteration would result in reduction in overall height, bulk and massing and is viewed to minimise harm to the Green Belt.

- 7.2.10 The proposed development would also include landscaping alterations in order to facilitate the nursery use. The garden to the south of the building would be altered to provide separate play spaces for children of different ages. The plans indicate that the area would generally consist of soft landscaping with additional planting adjacent to the southern boundary. In addition, some of the existing tarmac pathways within the existing garden area to the south would be removed, and further soft landscaping reinstated. These alterations would be considered appropriate and would not impact on the visual amenities or openness of the Green Belt. In order to provide separate play spaces, the plans do indicate the subdivision of the existing garden with 'demountable chestnut pale fencing' of modest height which would be softened with planting. Whilst it is acknowledged that the provision of new fencing would generally be considered inappropriate, its actual harm to the Green Belt is limited given it would be low level, would be dismountable, and would have an open appearance which would respond to the rural setting of the site. It would also be positioned within a well enclosed site. As such, officers do not consider this aspect of the proposed landscaping to be detrimental to the visual amenities of the Green Belt in accordance with Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies LDD.
- 7.2.11 In addition, the applicant is proposing to make alterations to the existing hard surfacing on site. This would include the removal of a number of pathways in and around the site which would be considered a benefit and an enhancement to the openness of the Green Belt. However, the proposal also includes the creation of new car parking areas to the north of the building. These would constitute an engineering operation under paragraph 150 of the NPPF which would be considered as appropriate providing that this would retain the openness of the Green Belt. Consequently, one must also assess whether this aspect of the proposal would preserve the openness of the Green Belt.
- 7.2.12 The Car Park: The main car park would be sited on existing garden land located to the north of the existing host building. In addition, the plans include formalising existing hardstanding to the north of the building in order to facilitate drop off bays. The area of land in which the main car park would be sited would be largely free from built form with the exception of some low-key ancillary structures. The northern boundary of the site also adjoins open fields, and therefore the character of this area of the site and its surroundings are considered to be predominately open. The proposed car park would extend some 23.5m in depth into the garden land, and with its rectangular footprint would appear urbanising within this open and verdant setting. Whilst it is recognised that the laying of hardstanding can be considered appropriate, in this case, it is viewed that the proposal by reason of its siting, depth and subsequent use for parking would fail to maintain the openness of the Green Belt. Consequently, this aspect of the proposal would conflict with the central purposes of including land in the Green Belt.
- 7.2.13 The applicant has put forward that the proposals as a whole, will result in the total area of impermeable and permeable surfaces decreasing from 2,617sqm to 1,954sqm, a reduction of approximately 25%. Whilst this reduction is acknowledged, the applicant is proposing to remove relatively low key pathways that have a more limited visual impact on the Green Belt. In contrast, the proposed car parks would introduce a large extent of hardstanding in one location projecting into an open part of the site. In addition, to introducing formal hardstanding into this area of the site, it is considered that the presence of a number of parked vehicles would have a physical and visual impact on openness. As such, it is viewed that the proposal would fail to fall within exception (b) of paragraph 150 of the NPPF, as the proposal would result in the spread of urbanising development, to the detriment of the open character of the Green Belt. Consequently, it is viewed that the proposed use would involve alterations to landscaping which would fail to preserve the openness of the Green Belt. As such, very special circumstances would be required in order to outweigh the harm caused by this aspect of the proposal.

- 7.2.14 Alteration to access road: The existing building is served by a narrow access road which extends across the existing common. It is low key in its appearance, with no road markings, and does not have a visual impact at present on the openness of the Green Belt.
- 7.2.15 In order to serve the proposed use, the applicant is proposing to make alterations to the existing road, which would involve increasing its width from its existing maximum width of 4.1m to a maximum width of 4.5m, and undertaking resurfacing works. The alterations to the access road would constitute an engineering operation. Under paragraph 150 of the NPPF, such operations are considered to be an appropriate form of development so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 7.2.16 The submitted plan demonstrates that the widening would be minimal when viewed in the wider context of The Green; and consequently, officers consider that the modest increase in width would not result in a spatial or visual impact to the openness of the Green Belt and consider that this alteration would not materially impact on the Green Belt in this location. Furthermore, whilst the road would be re-surfaced in order to ensure a suitable condition; it would not be formally marked in any way which would prevent the visual appearance of the road from being urbanised or unduly prominent within this semi-rural context. Given the minimal alterations, it is not considered that the visual appearance of the road would appear dissimilar to the existing situation. A condition could be attached to a consent to require full details of the proposed surfacing of the access road to be submitted prior to any works. As such, no objection is raised to the physical widening of the road from a Green Belt perspective. The proposed development is therefore considered to be acceptable and in accordance with paragraph 150 of the NPPF and Policy CP11 of the Core Strategy.
- 7.2.17 Use of the access road: As set out above, the alterations to the access road are required in order to facilitate the provision of two-way traffic to and from Croxley House and the adjacent care home. Whilst, no objection is raised to the physical alteration of the road, one must also consider whether the actual use of the road would result an impact to the openness of the Green Belt. Policy DM2 of the Development Management Policies sets out that the scale of a proposed use should not have a detrimental impact on the locality e.g., by bringing heavy traffic into narrow lanes or involving uses not appropriate to the Green Belt or areas of open land.
- 7.2.18 At the present time, the existing access only serves Clarendon Lodge, the new care home sited adjacent to Croxley House (due to the currently vacant status of the host building). However, it is noted that the implemented planning permission for Clarendon Lodge would have allowed for the use of the access road to serve both buildings as care homes. The Transport Statement does not set out the total trip generation for the authorised use of both buildings had the most recent planning permission been implemented in full (64 bed spaces). Instead, the Transport Statement only sets out the trip generation for the pre-existing 33 bed care home operating from Croxley House historically. Paragraph 5.5 of the submitted Transport Statement sets out *that 'the weekday trip generation associated with the existing 33 bed care home should only generate approximately 68 vehicle two way trips a day of which less than 5 vehicles two way trips would be generated during the AM peak and 4 vehicle two-way trips during the PM Peak'*. However, as set out, the actual trip generation associated with 64 beds operating across both sites would be increased relative to the above figures.
- 7.2.19 The Transport Statement notes that the trip generation associated with a nursery would be increased relative to the lawful use of the site as a care home. Paragraph 5.10 of the Transport Statement notes that the weekday trip generation association is therefore anticipated to generate approximately 237 vehicle movements of which 40 would be generated during the AM Peak and 30 in the PM Peak. Paragraph 5.11 of the Transport Statement goes onto say that *'over the course of the period analysed from 0700-20.00 there is a total increase of 173 vehicle movements, this equates to an average increase of 13 vehicle movements an hour'*.

- 7.2.20 Based on the above, it is therefore acknowledged that there would be a significant intensification of use of the access road. However, it is considered that the impact on the Green Belt would be minimised by the nature of the proposed use of the site. The nature of the use of the building as a nursery means that whilst vehicle movements would be significantly intensified at certain peak times of the day, the use of the access road would be minimal at other points during the day, with no use of the road to facilitate the nursery use after staff had left for the day. Furthermore, the nursery would not operate at the weekend, which means that there would be no vehicle movements associated with the use for two days of the week. On balance, it is therefore acknowledged that whilst there would be an intensification of use, given the nature of the intensification, it is not considered that this would result in significant adverse harm to the openness of the Green Belt.
- 7.2.21 Proposed Extension: The proposed development would also involve the demolition of an existing two storey extension located to the west of the building and its replacement with a two storey extension. As set out above extensions are generally considered to be an appropriate form of development, so long as they are not disproportionate in scale to the original building. In this case, Croxley House has historically been subject to significant extensions to both sides of the existing building. Cumulatively, these extensions are considered to be disproportionate in size to the original building. Consequently, it is therefore acknowledged that although the proposed extension would constitute a replacement extension, given the cumulative extent of extensions on site, it would still represent an inappropriate form of development which would be harmful to the Metropolitan Green Belt and thus in accordance with national policy, very special circumstances would be required. However, one must also consider whether there would be actual harm to the openness of the Green Belt in terms of its siting and design.
- 7.2.22 In terms of floor space, the existing extension to be demolished has a floor space of approximately 240square metres, whilst the proposed extension would have a floor space of approximately 246 square metres. The submitted Planning Statement also notes that the replacement extension will result in a minimal decrease in the overall building footprint from 711 square metres to 708 square metres. It is therefore acknowledged that the proposed replacement extension would not significantly increase the built form on the site. With regard to its siting, the proposed two storey extension would be located in a similar location to existing. It would be no wider than existing and therefore would not result in a further spread of development towards the access road in what is considered an open part of the site. Consequently, it is not considered that there would be increased harm in this regard. The plans also indicate that the extension would not project further forward than the existing front wall of the building when viewed from The Green. In contrast, the existing extension projects forward of the main building line at ground floor level and the Planning Statement notes that there is a very small reduction in the gross external footprint at ground floor level.
- 7.2.23 However, it is acknowledged, that the two storey extension would project further to the north of the site relative to the existing extension. As such, there would be a further spread of development to the north of the site. However, on balance, it is not considered that this would result in significant actual harm to openness given that proposed extension would not project beyond the building line of the deepest single storey element which is located to the other side of the building. As such, it is viewed that there would still some containment of built form to the north, and the development would not significantly encroach into the verdant setting to the north.
- 7.2.24 Turning to the appearance, the existing extension has a hipped roof form which steps down from the main roof form. In contrast, the proposed two storey extension would have a flat roof form which would be of lesser height; it is therefore considered that this has resulted in in some reduction to the upper bulk and massing of the roof level. It is also noted that during the course the application, the originally proposed capping at roof level has been removed from the plans which creates a more subservient appearance. The design also includes a 'link' element which would be recessed from the main front and rear building line of the

extension and the main building, this has the effect of further breaking up the visual massing and bulk of the built form, particularly when viewed from The Green.

- 7.2.25 It is therefore considered that the proposed extension would not result in significantly increased actual harm to the openness of the Green Belt relative to the existing extension. However, given the cumulative extent of extensions on site, the proposed extension would still be considered as a disproportionate addition and thus inappropriate development for which very special circumstances would be required.
- 7.2.26 Summary: In summary, it is considered that the existing building is suitable for re-use as a nursery. The external modifications to the building are generally viewed to be modest and would not have an impact on the openness of the Green Belt. Likewise, the alterations to the landscaping (alterations to the garden area to the south of the building and pathways) and access road are considered to be appropriate forms of development that would not have an impact on the openness of the Green Belt. Whilst it is acknowledged that there would be some intensification of use of the access road, it is considered that the increased activity is balanced by the fact that the activity would be lessened during other parts of the day, and that the nursery would not be used in the evenings or at weekends.
- 7.2.27 However, it is considered that the provision of a car park to the rear of the site would constitute an inappropriate form of development which would be harmful to the openness of the Green Belt. In addition, due to the historic level of extensions already on site, the proposed extension (whilst acknowledged to be a replacement) would be a disproportionate addition which would therefore be considered as inappropriate. In accordance with National and Local policy, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. 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. Therefore, it is necessary for this report to consider whether any other harm exists, before considering whether any very special circumstances exist to outweigh that harm (if identified) in addition to the harm by reason of inappropriateness. This shall be considered at the end of the analysis.

7.3 Impact on Heritage Assets.

- 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'. 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'.
- 7.3.2 The host building is a Grade II Listed Building and also located within the Croxley Green Conservation Area and as such Policy DM3 of the Development Management Policies LDD is relevant. With regard to Listed Buildings, it advises:

The Council will preserve the District's Listed Buildings and will only support applications where:

i) The extension/alteration would not adversely affect its character as a building of special architectural or historic interest both internally or externally or its wider setting

ii) any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability.

- 7.3.3 With regard to Conservation Areas, Policy DM3 of the Development Management Policies LDD, advises that development will only be permitted where:
- i) is of a design and scale that preserves or enhances the character or appearance of the area*
 - ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context*
 - iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges*
 - iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention*
 - v) Does not harm important views into, out of or within the Conservation area*
 - vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area*
 - vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.*
- 7.3.4 The Croxley Green Conservation Area Appraisal is also relevant and sets out the following with regard to Croxley House:
- 'Opposite Killingdown Farmhouse stands the grand grade II listed late eighteenth century Croxley House. This substantial red brick house has a powerful presence at the north end of Section C and the whole area. In the recent past, Croxley House has been extended using appropriate materials. However, the wall which surround the entire house and estate, being not only an integral part of the Conservation Area but also the curtilage of a Listed Building, has been allowed to deteriorate and decay and is now in an appalling condition.....*
- In the grounds of Croxley House stands an important Grade II listed well house, complete with its original winding gear. Opposite the well house, and possibly part of an original farm stands an unlisted barn with visible timber framing. This barn is sadly at risk, a portion of having already collapsed at the time of writing'.*
- 7.3.5 The Croxley Green Neighbourhood Plan also refers to Croxley House as dominating the northern end of The Green.
- 7.3.6 Proposed Extension: The proposed development includes the replacement of an existing two storey extension which derives from the late twentieth century. It is set over two stories and is of red brick construction with a hipped roof form. This extension is located to the west of the existing building, adjacent to the existing access road and is highly visible in long views from The Green. It is acknowledged that the existing extension has a poor and awkward relationship with the form of the original building and arguably detracts from the appearance of the Listed Building. As such, the Conservation Officer has raised no objection to its demolition and the principle of a replacement extension in the same location subject to an appropriate design.
- 7.3.7 The proposed two storey extension would also be located to the west of the building and is referred to as the 'Western Pavilion', with the applicant seeking a contemporary approach to its design. The proposed extension would have a flat roof form and would be linked to the main body of Croxley House by a two storey glazed 'link' element. The Conservation Officer has raised no objection to the principle of a contemporary design approach, however, did raise an objection to the original plans, considering that the increased height, depth, roof detailing and fenestration detail would result in a more bulky and prominent extension. The extension was considered to be excessively deep, with the bulk being further exacerbated by its overall height. The proposed roof capping indicated on the original drawings was considered to add further unnecessary bulk to the extension, thereby

increasing its prominence. The height of the extension was indicated as sitting above the height of the eaves of the existing host building, which resulted in the extension as having an awkward appearance.

- 7.3.8 Furthermore, the glazed 'link' was also considered to be a prominent addition by reason of its depth, height, width and design. The 'link' failed to appear as a discrete addition, and failed to function as ancillary link between the extension and host building. Rather than appearing as a subservient addition to the Listed Building, the extension as originally proposed was viewed to have a competing and prominent appearance. The proposed development therefore was viewed to adversely affect the special character of the Grade II Listed Building and would have undermined its significance, contrary to Policy DM3 of the Development Management Policies LDD. Furthermore, as already highlighted, the existing host building dominates the northern end of The Green and this area of the Croxley Green Conservation Area, with the western and southern elevations in particular being prominent from a number of long range view points. Consequently, for the reasons highlighted, it was considered that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Policy DM3 of the Development Management Policies LDD.
- 7.3.9 In response, an initial set of amended plans were received in July 2023. The amendments included the reduction in the depth of the glazed 'link', the removal of the roof capping and alterations to the proposed fenestration detail within the extension. However, the Conservation Officer continued to raise objections, stating that the extension would still be a more bulky addition. In addition, the Conservation Officer raised concerns in relation to the fenestration detail, stating that the windows within the extension would be larger than the host building; therefore the wall to glazing ratio proposed resulted in a poor relationship with the host building. With regard to the amendments to the 'link'; the Conservation Officer considers that it fails to function in this way due to its excessive height, width and its thick framing. It would fail to appear as a discrete structure, and whilst the reduction in depth is noted, it is not considered that this in itself addresses the concerns in relation to its overall height, width and its relationship with the existing building. Furthermore, it was considered that the scale of the link as currently proposed coupled with the large extent of glazing further exacerbates the visual prominence of the extension.
- 7.3.10 Following further discussions with officers, the applicant submitted further amendments in October 2023. The fenestration detail within the extension has been further revised, such that the width of the proposed windows within the main extension would match the width of the window openings in the original building. The location of the door has also been sited centrally such that it mirrors the central door in the existing eastern extension. In addition, the fenestration within the proposed 'link' has been reduced in scale. For both the northern and southern elevations, the link would be divided into four equal bays, with the flanking bay consisting of solid timber panels, with a solid timber cill added at ground floor level.
- 7.3.11 The removal of the roof capping as originally proposed has resulted in a reduction in bulk and results in the roof form being read to be more in line with the eaves of the existing building. Furthermore, the proposed building line of the southern elevation would project no further forward than the main southern building line, which is viewed to be an enhancement relative to the existing situation where the existing extension projects forwards, and sits awkwardly against the existing host building. Whilst it is acknowledged that the existing main projecting element is at ground floor level only, this still results in an unsightly and awkward relationship with the existing host building and is also visible from within the wider Conservation Area. The proposed extension should also be viewed in conjunction with other external alterations to the southern elevation. The applicant is proposing to remove the existing stepped roof form over the existing 'late Victorian addition' to the east of the building and a linear flat roof form would be created. Consequently, this creates a more balanced appearance to the building and emphasises the original core of the host building.

- 7.3.12 The revised fenestration detail would appear more modern, however, would reflect the widths of the existing openings within the building, such that the visual appearance would not compete with the detailing of the existing Listed Building. With regard to the proposed link, it is acknowledged that the Conservation Officer has raised concerns regarding a two storey addition in this location, however, officers consider that its visual impact would be minimised given it would be of lower height than the main body of the extension and would be of reduced depth and would be recessed such that it would not be viewed to be competing with the Listed Building. Furthermore, the reduced extent of glazing and the addition of timber panels, would further reduce its visual prominence and it is officers view that it would appear more discrete. It is therefore considered that the proposed amendments have overcome concerns, and it is not considered that the proposed development would significantly adversely impact on the visual appearance of the Listed Building and would conserve the character and appearance of the Croxley Green Conservation Area. A condition shall be attached to any consent requiring full details of external materials to be submitted and approved in writing.
- 7.3.13 External Alterations: Alterations to fenestration detail are proposed as part of the application. Windows make an important contribution to significance of a listed building. Whilst some windows may not be original, they may still be historic and contemporary to various construction phases of the listed building. They are therefore of architectural and archaeological interest and contribute positively to the significance of the listed building. As per best practice guidance set out by Historic England, there is always a preference to repair windows that contribute to the character of the listed building over replacement.
- 7.3.14 The original plans proposed alterations to glazing within the 19th century extension. The Conservation Officer raised objections to this, considering that it was overly modern and did not reflect the character of the host dwelling. This aspect of the proposal has now been omitted and thus no objections are raised in this regard. Likewise no objections are raised to the alterations to the eastern, late Victorian and interwar extensions, with the removal of modern windows in the ground floor northern elevation raising no objections. However, the plans still include the proposal to lower cill heights within the later extended wings, and the Conservation Officer considers that this would still result in the unnecessary loss of historic fabric. In response, the applicant has stated that the intension is to salvage the bricks so that they can be used to block the up the non original window in the northern elevation. The blocking of the window is considered to be an enhancement as it will enhance the appearance of the building elsewhere. As such, it is not considered that the proposal would result in significant harm due to a further heritage benefit to the external appearance of the building.
- 7.3.15 Other external alterations include the removal of railings associated with the previous use of the site. There is a heritage benefit in this regard as it results in the removal of visual clutter around the building which at present detract from the setting of the Listed Building and the visual amenities of the Conservation Area. The submitted Design and Access Statement Addendum Document (October 2023) also highlights that over time, the existing building has accumulated varying components fixed to the façade, including rainwater pipes, soil vent pipes, external lights and two concrete access hatches to the basement. It is acknowledged that the piecemeal nature of these additions results in a cluttered appearance which further detracts from the appearance of the Listed Building. The removal of these obsolete features and rationalising services and drainage runs would allow historic features such as the existing bow window to become unobstructed. These alterations would therefore enhance the character and appearance of the Listed Building and must therefore be viewed as a further benefit of the proposal.
- 7.3.16 In addition, the proposals also include the replacement of existing steps and ramps. The existing are acknowledged to be unsympathetic additions, however, the Conservation Officer has objected to their replacements considering that these would be visually prominent due to their scale and their siting as abutting the existing building. However, whilst the concerns are acknowledged, officers consider that the proposal would still result in a

reduction in visual clutter to the building itself and across the site. Officers consider that the provision of steps to the northern and southern elevations of the building would not significantly detract from the character and appearance of the Listed Building and that this would still represent an enhancement relative to the existing appearance of the building.

7.3.17 Internal Alterations: The former use of the building as a care home has resulted in unsympathetic internal alterations of the Listed Building to facilitate the use. As such, the removal of modern partitions within the building is welcomed and viewed as an enhancement to the building. However, the original comments received note that the derivation of the ground floor wall where a platform lift would be inserted has not been determined. In addition, the Conservation Officer notes that the plans also now include the removal of additional fabric at ground and first floor level to provide a wider entrance into the proposed extension. In response, the October 2023 addendum to the Design and Access Statement advises that this area has been partially opened by removing the render to expose the underlying brickwork. This has revealed a patchwork of older brick, modern brick and infilled openings- where historic brickwork survives, it is damaged and incomplete. As such, it is officer's view that it would be unreasonable to object to the proposed changes in this regard. In addition, some concerns were raised with regard to chimney breasts being covered over as a result of some of the internal changes. The Addendum to the Design and Access Statement October 2023, specifies that the chimney breasts would not be covered over.

7.3.18 With regard to internal alterations, the Conservation Officer notes there would be a preference to remove the lobby area to the staff room at first floor level. In response to this, the applicant has advised the following:

'This once large room has been subdivided and compartmentalised into seven different rooms, including Three WCs and two bedrooms as well as a corridor. The proposal is to removal all of this, aside from one small entrance lobby. In heritage terms, this is a material enhancement.

The proposed staff room at first floor level is located above the primary heritage room and three existing risers required to access this room. A door is required for this space for the purpose of fire safety and to allow the space to be private for staff. As a consequence, a lobby is required at the top of the stairs. This small lobby does not impact the internal elevation where the windows are located and thus the room can still be read as a whole.'

7.3.19 Officers consider that the removal of a number of existing partition walls to open up the majority of the room would be an enhancement relative to the existing situation and the justification for this is noted. As such, it is not considered reasonable to object to this element of the proposal.

7.3.20 Landscaping: Policy DM3 of the Development Management Policies LDD requires development to 'protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area. The main landscaping alterations would include the provision of a car park to the north of the building. This area currently functions as a garden, and forms part of the setting of the Listed Building. The Conservation Officer notes that the proposal would result in the loss of verdant landscaping within the immediate setting of the building and as such there would be a preference for a reduction in the amount of hardstanding, although the comments received acknowledge that the layout of the car parking has been dictated by the location of the existing trees. As such, the Conservation Officer has confirmed that the car parking may be considered acceptable depending on the surface treatment, and that less formalised bays would be preferred. In response, the applicant has advised that the bays would be marked by low key red pavements, surrounded by landscaping. In addition, they have advised that it would not be practical for parking bays to be unmarked, however, that it may be possible to soften the markings of the bays further so that they would appear less formal. In summary, subject to a condition to provide further details of the surfacing of the

car park and its markings, it is not considered that the car park would result in significant demonstrable harm to the setting of the Listed Building to justify refusal.

- 7.3.21 With regard to the access road, the Conservation Officer considers that there is an opportunity to improve the appearance of the access track which is considered to be in a poor state of repair. The original comments received from the Conservation Officer raised concerns in relation to the widening of the access track given that this would not guarantee that vehicles would not encroach onto The Green. However, the Conservation Officer does acknowledge that the widening of the access road would be minimal and as such, it is officer's views that the physical widening of the road would not have any material impact on the character of Conservation Area. In addition, it is acknowledged that the use of the building as a nursery would result in an increased use of the access road. However, as already set out, the peaks in traffic would be contained to certain times of the day and there would be no use at the weekends or in the evenings when the nursery would be closed. It is therefore acknowledged that whilst there would be an intensification of use of the access road, given the nature of the use of the building, it is not considered that this would result in detrimental harm to the character and appearance of the Conservation Area and therefore on balance, no objections are raised in this regard.
- 7.3.22 Reinstatement of the boundary wall: The boundary of Croxley House consists of a historic brick wall. Certain parts of the wall are in a poor state of repair, and as such, the submitted Design and Access Statement proposes works to two areas of the wall within the application site and the applicant's control, referred to as Section A and Section B. Section A consists of an area at the site entrance where the wall is leaning and is currently fenced off in the interests of safety. Section B consists of an area to the east of the site where certain areas of the wall are part collapsed and in a poor state of repair. The works would therefore involve works to repair and restore the brick wall to its original form using reclaimed bricks, and matching mortar. This is viewed positively and would contribute positively to the visual amenities of the Conservation Area and to the setting of the Grade II Listed Building. It is considered that full details of any new brick work and of the mortar mix can be secured via condition.
- 7.3.23 Summary: Paragraph 197 of the NPPF states that '*in determining applications, local planning authorities should take account of:*
- *The desirability of sustaining and enhancing the significance of the heritage assts and putting them to viable uses consistent with their conservation;*
 - *The positive contribution that the conservation of heritage assts can make to sustainable communities including their economic vitality and*
 - *The desirability of new development making a positive contribution to local character and distinctiveness*
- 7.3.24 Croxley House is currently vacant and is in need of maintenance and repair works. The redevelopment for use as a nursery (which is already an established business) would secure and safeguard the viability and future of the Listed Building and would ensure that it continues to contribute positively to the Conservation Area. Significant weight should be attached to putting the building to a viable use and to maintaining the building for the future. Furthermore, in accordance with (b) of Paragraph 197 of the NPPF, it is considered that the use of the building as a nursery would ensure that the Heritage Asset is able to make a positive contribution to a sustainable community including their economic vitality (as set out economic benefits of an approval on this site would be job creation and in addition assisting parents in returning to their workplace)
- 7.3.25 The proposed development would involve the replacement of an existing two storey extension. No objection is raised to the demolition of this extension as it is not considered to enhance the appearance of the building for the reasons set out above. Whilst the Conservation Officer has raised no objections to a contemporary form of design, concerns were raised with regard to the bulk, massing and visual appearance of the extension with

particular reference to the fenestration detail. The October 2023 amendments to the scheme are considered to address the concerns raised, by reducing the bulk of the extension and ensuring that the fenestration detail aligns more closely with that in the original building. In addition, the scheme also would result in significant enhancements to the building including the removal of unsightly railings and ramps within the grounds of Croxley House. The plans would also result in the removal of a number of obsolete features across the elevations of Croxley House and the rationalising services and drainage runs. The above are all viewed to be enhancements and would weigh in favour of the scheme. In addition, the amended plans indicate the rationalisation of the stepped roof form to the existing link to the eastern extension which is viewed positively.

- 7.3.26 With regard to the landscaping alterations, officers do not consider that the alterations to the access road would materially change the physical appearance of the track and its relationship with the wider Conservation Area or the host building. Furthermore, due to the nature of the proposed use as a nursery, whilst there would be some intensification of use during certain times of the day, for significant times of the week, the use in comparison to existing use as a care home would not materially increase to a significant degree. As such, it is not considered that the increase in traffic movements would have an urbanising impact on the Conservation Area.
- 7.3.27 It is therefore considered that the proposals when viewed in their totality would preserve the character and appearance of the Grade II Listed Building and the character and appearance of the wider Conservation Area. The development is therefore considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.
- 7.4 Impact on amenity of neighbours
- 7.4.1 Policy CP12 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.
- 7.4.2 The development would result in a material change of use of the existing building, through the provision of a 122 place nursery. It is acknowledged therefore, that this would result in an intensification of use of the site by reason of increased comings and goings from the site during the week and through the increased use of the building and associated outside spaces to the north and south of the buildings. The nearest neighbour to the site, is located to the west and is the existing care home known as Clarendon House. Policy DM9 of the Development states that *'the Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments'*.
- 7.4.3 Due to the adjacent noise sensitive use, an environmental noise assessment has been submitted with the application. This concludes that the noise levels arising from the proposed use is unlikely to be significant. Any increase in the ambient noise levels would also be minimised as the eastern part of Clarendon Lodge contains ancillary support facilities including the reception and office. In addition, the external amenity space serving the building is located within a central enclosed courtyard with adequate screening which further minimises harm to the enjoyment of this neighbouring amenity area. The Environmental Health Officer has been consulted and has confirmed that no objections are raised to the proposed development. In addition, a condition shall be attached to any consent, requiring details of any additional plant and machinery associated with the development to be approved in writing by the LPA.
- 7.4.4 It is acknowledged that the proposed development would result in increased vehicular movements to and from the site. However, the generation in traffic in itself would not result

in harm to residential amenity. Whilst there would be increased vehicular movements in the morning and evening, the latest pick-up time would be 7pm which would also minimise impacts on adjacent residents. In addition, there would be limited vehicular movements at the weekend given that the nursery would be a use operating Monday to Friday only. A condition shall be attached to any planning permission which would restrict the opening days/and hours of use of the nursery.

7.4.5 It is noted that to facilitate the development, the existing extension to the west of the building would be demolished and replaced with a new two storey extension. Due to the existing access road, it is not considered that the development would result in any increased harm to Clarendon Lodge relative to the existing situation. Due to the siting of Croxley House, it is also not considered that any other nearby residents would be affected by the proposed development.

7.4.6 In summary, it is not considered that the proposed development would result in harm to the residential amenity of nearby residents. The proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

7.5 Highways

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

7.5.2 The site is served by an existing driveway accessed from The Green; and it is proposed to widen this as part of the works to a maximum proposed width of 4.5m. Herts Highways advised in their initial comments that the preferred width to allow the passing of two way traffic would be 4.8m, as this would ensure that vehicles would not encroach onto the adjacent common land. In response, the applicant has advised that 4.5m would be the limit for widening works to ensure minimum works to the adjacent common land. A swept path analysis has been provided which demonstrates the ability for two small vehicles to pass one another on the access road. The Highways Officer continues to note that due to the increase in trip numbers, there would be some likely overrunning of vehicles onto the common, however, the Highways Officer also notes that given this is not highway land, a width of 4.5m would be technically plausible according to the Manual for Streets and thus Herts Highways would not maintain refusal on this issue. Officers also consider that given vehicles would be able to pass one another on the access road, it would not be reasonable to maintain refusal on this ground.

7.5.3 The Highways Officer acknowledges that the proposed use would generate a significant increase in trip numbers in comparison to the existing lawful use of the building as a care home. However, the Highways Officer also emphasises as per paragraph 111 of the NPPF, refusal can only be recommended where there would 'be an unacceptable impact on highway safety', or the residual cumulative impacts on the road network would be 'severe'. Whilst the Highways Officer acknowledges that the trip rates during the AM and PM peaks would increase by a substantial number, this would not be severe and thus would not generate a highways reason for refusal. Furthermore, officers also note that at other times of the day, and at the weekends, there would be more limited vehicle movements from the site.

7.5.4 During the course of the application, TRDC Property Services as landowner have raised concern regarding the safety of the access and whether there is adequate visibility from the access road. In response to this issue, Herts Highways note that there would be no alterations to the access which would impact upon the visibility splays. Due to the location

of the access through common land, it is considered that there is ample visibility available in all directions. As such, the proposal is acceptable and in accordance with Policy CP10 of the Core Strategy in this regard.

- 7.5.5 A Travel Plan has been submitted to support the promotion and maximisation of sustainable travel options to and from the site. The Highways Officer considers that this is generally acceptable for this stage of the application, however, a full travel plan would need to be updated and secured via a S106 Agreement. This would be required to be in place from first occupation of the bursary until 5 years post occupation. The Highways Officer has advised that a £1,200 per annum index RPI March 2014 Evaluation and Support fee should be secured via the S106 agreement in accordance with HCC Travel Plan Guidance. Were the development to be considered acceptable, this could all be secured via a S106 agreement and thus no objection is raised in this regard.
- 7.5.6 The Highways Officer has raised no objection to the proposed pedestrian access at the south east corner of the site. The new access would link to an informal footway on the Green which would then connect to a new crossing point to the adjacent Killingdown Farm site. With regard to the internal access pathways, the Highways Officer initially noted that a 2m wide pathway would be recommended to ensure that two buggies could pass one another, however, 1.5m would be the minimum recommended. In response, the applicant has confirmed that the pathway would be 1.5m wide and thus this is viewed as acceptable
- 7.5.7 In summary, the Highways Officer has raised no objection to the development, and although acknowledges that there would be a substantial increase in trip numbers at certain times of the day, this would not result in any severe impact to the highway network. Furthermore, the existing access to The Green from the site would not be altered, and there is ample and safe visibility. The adequate visibility from the site has been confirmed by the Highways Officer. Whilst it would be preferable for the existing driveway to be increased to a width of 4.8m, a width of 4.5m would still allow vehicles to pass. It is acknowledged that the Highways Officer notes that there would still be likely overrunning of vehicles on to common land in certain instances, however, this is the case at present. The increase in width and the condition of the driveway would be improved which would be a benefit. Officers therefore consider that it would be unreasonable to refuse planning permission on this basis. The development is therefore considered acceptable and in accordance with the provisions of the NPPF and Policy CP10 of the Core Strategy.

7.6 Car Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD states that Development should make provision for parking in accordance with the parking standards and, the zone based reductions set out in Appendix 5 until such time as set standards are revised. Appendix 5 states that for nursery schools and play groups, 1 car parking space should be provided per 4 pupils.
- 7.6.2 As noted previously, the development would result in the creation of a 122 space nursery, thus generating the requirement for 30.5 car parking spaces. The submitted plans indicate that there would be a total of 25 spaces provided on site, which would be provided through the creation of a new car park to the north of the building. The proposals would therefore result in a shortfall of 5.5 car parking spaces contrary to Policy DM13 and Appendix 5 of the Development Management Policies LDD. In terms of their allocation, the submitted Planning Statement specifies that 17 of the spaces would be allocated for staff use, with a further 8 spaces allocated as drop off/collection spaces.
- 7.6.3 The Planning Statement seeks to provide justification for the proposed level of parking, setting out that proposed parking level has been informed by parking surveys at their other local nursery sites, at both Croxley Business Park and in Rickmansworth. It is noted that the Croxley Green site currently has a total of 27 spaces, and across the two days surveyed the maximum stress was 52% (14 cars parked). At the Rickmansworth site, there are 20

spaces, and the parking stress was 90% (18 cars parked). Paragraph 7.1.20 of the Planning Statement sets out that following:

'When factoring in the capacity of the surveyed nurseries, the survey suggests that the peak demand at the application site could be up to 25 spaces, as a worst case. Therefore, the provision of 25 spaces is considered adequate to ensure that all parking associated with the use can be accommodated on site.'

7.6.4 In addition, paragraph 7.1.22 of the Planning Statement provides justification for the 8 drop off spaces provided, stating the following:

'The provision of 8 drop off and collection bays will be sufficient to accommodate up to 48 drop offs/collections per hour, based on an average turnaround time/duration of stay on site of 10 minutes (which is considered generous based on the operator's experience). This is well in excess of the anticipated peak hour demand, which is 23 vehicles, including staff. As a sensitivity test, if we were to assume 15 minutes for drop off/collection, the 8 bays could accommodate 32 cars per hour, therefore the 8 bays would still be more than required in order to accommodate drop off and collection activity.'

7.6.5 At paragraph 7.1.21, the applicant also refers to the zonal reduction in parking standards as outlined in Appendix 5 of the Development Management Policies LDD. Policy DM13 states that the standards for car parking (except for C3 Residential) may be adjusted according to which zone the proposed development is located in. In this case, the application site is located outside of any of the defined parking zones. However, the applicant considers that given the site is directly adjacent to parking zone 3, the parking requirement can be adjusted to 50-75% of the demand. This would therefore result in a reduced number of spaces of 16-23 spaces, with the proposed parking being proposed at 25. In addition, the applicant states that the site of the nursery is better located in relation to the catchment area of the nursery that it would replace. As such, there would be the possibility that some children in close proximity to Croxley House would arrive and leave on foot. It is noted that a car parking management plan has also been provided which sets out a number of measures to ensure that parents and staff are aware of parking arrangements and details of the nursery travel plan which would also discourage car use.

7.6.6 Taking all of the above into consideration, officers are of the view that the applicant has provided significant evidence as to why the parking levels proposed including the number of drop off bays would be appropriate for the use of the site. It is also acknowledged that a zonal reduction was applied in determining the appropriate parking level for the new care home under application 14/2141/FUL, it is therefore considered that it would be reasonable to take into account the zonal reduction at the current time. As such, on balance, the proposed car parking provision is considered to be acceptable and in accordance with Policy CP12 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.7 Wildlife and Biodiversity

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

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.7.3 The Ecology Officer notes that the application is supported by a comprehensive ecological report. It is noted that the majority of trees would be retained on site, although 3 trees are proposed for removal and this loss should be compensated. The submitted Landscape Plan indicates the replacement and enhancement of native species planting, extension of the broadleaved woodland, and creation of an orchard. The Ecology Officer notes all of the above are welcomed.
- 7.7.4 The open grassland (the Green) directly to the south of the site is designated as a non-statutory Local Wildlife Site for its neutral and acidic grassland interest. The grassland supports some scarce and locally uncommon species; however, the main interest that supports the most important plants is in the triangular centre of this extensive site, some 140m from the application site. As part of the current application, the existing access road would be widened. The Ecology Officer notes that the existing LWS grassland at the road are compacted and degraded. Consequently, the loss of approximately 0.044% of the grassland in this location to be minimal and of little concern. Notwithstanding this, concerns are raised in relation to how much of the grassland will be impacted upon during the works by construction vehicles and storage of materials. Details relating to compensation/mitigation for any loss or damage are not provided at this stage. The Ecology Officer has suggested that this could be secured via a condition requiring an Environmental Management Plan to be submitted prior to the commencement of development.
- 7.7.5 It is noted from the submitted information, that bats have been confirmed to be roosting in the existing building and therefore a licence will be required from Natural England to proceed with any works. The Ecology Officer has advised that confirmation of a valid licence from Natural England should be secured via a condition. In addition, it is suggested that an Ecological Management Plan should be submitted in order to secure ecological enhancements and management of the site for the future.
- 7.7.6 The Ecology Officer has also noted that the report demonstrates a least 10% biodiversity net gain for both area (habitat) and linear (hedgerow) uplift. Whilst it is acknowledged that this is not yet mandatory, the measures are welcomed and this net gain can be secured through the suggested Ecological Management Plan.
- 7.7.7 In summary, subject to conditions, it is not considered that the development would not result in any harm to any protected species or the adjacent Local Wildlife Site. The development is considered acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.8 Trees and Landscaping

- 7.8.1 Policy DM6 of the Development Management Policies LDD advises that 'proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate'
- 7.8.2 The Landscape Officer has not raised an objection in respect of direct damage to trees which could result from the development. However, the Landscape Officer has raised objections noting that due to the presence of mature trees on site, the areas for drop off and pick up would be limited which could lead to over spill parking in unauthorised areas. The Landscape Officer notes that this raises concerns regarding potential damage to mature trees on site, in particular the prominent Cedar trees on site, due to additional encroachment into root protection areas. This may also result in future applications for further on site parking. The applicant has responded to these concerns noting that the frequency of traffic would not be high flow in terms of road usage, and advises that the proposed parking is sufficient to accommodate the demand for parking on site.

- 7.8.3 In response to these concerns, and as set out above, officers do consider that there would be sufficient on site car parking provision for the proposed use and thus there should not be overspill into unauthorised areas. It is considered that it would be unreasonable to refuse planning permission on the basis of what may occur in the future. It would be speculative to assume that there would be unauthorised parking on other areas of the site and within the wider vicinity. In addition, the applicant has noted in their response to the Landscape Officer's comments, that the landscape proposals have been designed to include physical measures (such as additional planting around the car parking bays) to ensure that vehicles cannot further encroach into the landscaped setting of the site. Furthermore, a car parking management plan has been submitted which details how parking would be managed should the development be considered acceptable. Therefore, this objection/concern can be addressed by condition as encouraged by the NPPF (para 55).
- 7.8.4 With regard to the landscape setting of The Green, the Landscape Officer raises concerns that the widening and formalising of the access road (including the provision of curbing and road markings) would have an urbanising impact and therefore some landscape impact to The Green and its character. In response to these concerns, officers consider that the widening of the access road would be minimal and it is not considered that this would result in a significant urbanising impact or spread of development into the landscape. Furthermore, the applicant has clarified that there will be no curbing or road markings, and thus the existing access would not be formalised. As such, officers consider that there would be limited impact on the landscape.
- 7.8.5 With regard to the pedestrian access, the applicant has also confirmed that no surface or level improvements to the existing informal path on The Green is proposed. The proposal for a pedestrian access to the site are contained within the red line of the site. The Landscape Officer has reviewed the additional information submitted by the applicant and has raised concerns that given there would be no surface level improvements in this area, that pedestrian access would be undesirable during increment weather conditions. This would lead to more drop off and pick ups by car. Officers again emphasise that there is deemed to be reasonable on site parking to accommodate the proposed use and it would be unreasonable to refuse planning permission on the basis of what could occur in the future.
- 7.8.6 In summary, whilst it is acknowledged that the Landscape Officer continues to raise concerns regarding impact to the trees due to concerns relating to parking, and access, officers consider that it would be unreasonable to refuse planning permission based on speculation. The Landscape Officer has advised that if permission is granted then this should be subject to conditions, including a detailed tree protection method statement and detailed landscaping plans. In addition, the Landscape Officers considers that there should be a specific condition relating to arboricultural supervision during key stages of development to ensure that trees on site are sufficiently protected. The proposed development is therefore considered to be acceptable and in accordance with Policy DM6 of the Development Management Policies LDD.

7.9 Contamination and Pollution

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

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

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

- 7.9.2 An Air Quality Assessment has been submitted as part of the application which includes an assessment of construction phase impacts. Mitigation measures have also been recommended to minimise emissions. The Environmental Health Officer notes that with the implementation of these measures, the impact of construction phase dust emissions is not considered significant.
- 7.9.3 The Environmental Health Officer notes that the predicted trip generation for the proposed development does not exceed the relevant screening criteria for a development outside of an AQMA, therefore dispersal modelling was not undertaken. The Environmental Health Officer does not consider that air quality impacts as a result of additional traffic emissions associated with the site as significant. A condition has been suggested requiring the submission of a dust management plan which incorporates recommended mitigation measures detailed in Table 5.5 and Table 5.6 of the Air Quality Assessment should be submitted prior to the commencement of development.
- 7.9.4 With regard to contamination, the site does not appear to have had any previously contaminative uses and thus no objections are raised in this regard. A condition has been suggested which requires the reporting of any unexpected contamination.
- 7.9.5 In summary, subject to conditions, no objections are raised in relation to contamination and pollution control. The development is considered in accordance with Policy DM9 of the Development Management Policies LDD (July 2013).
- 7.10 Sustainability
- 7.10.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.10.2 Policy DM4 of the 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.
- 7.10.3 The applicant has submitted an Energy Statement; this sets out that the existing building is Grade II Listed and consequently, there are limitations on improvements works that can be undertaken. The submitted Energy Statement proposes a range of measures including; the provision of low energy light fittings, replacement windows and the provision of a VRF heat pump. The conclusion indicates that the development will achieve a 77% reduction in CO2 emissions, which exceeds the target of 5% set out in Policy DM4 of the Development Management Policies LDD. During the course of the current application, the Conservation Officer raised an objection in relation to the provision of replacement windows due to the impact on the Grade II Listed Building. As such, the proposals have been revised to include the provision of secondary glazing to minimise the harm. A further statement has therefore been submitted by the applicant stating that the proposed change would not have a significant impact on the proposed development from complying with the above standards and a reduction of 76% is still proposed.
- 7.10.4 Were the development to be considered acceptable, a condition shall be added to any consent, requiring the development to be undertaken in accordance with the Energy Statement.

7.10.5 It is noted that the block plan indicates the location of the VRF heat pump which would be housed in a timber enclosure. No objections are raised to this in principle, however, full details of the appearance of the store shall be secured by condition.

7.11 Flood Risk and Drainage

7.11.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development.

7.11.2 Throughout the application process, the submitted drainage strategy has been reviewed by the LLFA. Concerns have been raised with regard to the lack of clear and sufficient information pertaining to the site's drainage strategy. It was viewed that the report should be updated in consideration of infiltration testing, and that the application should explore the incorporation of the above ground SuDS into the proposal and measures for pump failure. At the time of writing, the updated information was under review by the LLFA. In the event that the LLFA consider that the drainage scheme is acceptable, a condition could be attached requiring the development to be undertaken in accordance with the drainage strategy. In addition, a maintenance and management condition would also be required to ensure it remains operational throughout the lifetime of the development. The committee shall therefore be updated verbally on this matter.

7.12 Refuse and Recycling

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

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

7.12.2 The submitted Transport Statement is accompanied by tracking plans which demonstrate that a refuse vehicle can enter and turn around within the site and thus the Highways Officer has raised no objection in this regard.

7.12.3 The submitted plan indicates a proposed refuse store which would be located to the north west of the building; the siting of the refuse store is considered to be acceptable and would have no impact on the residential amenity of the neighbouring care home. Full details of the appearance of the store have not been submitted, however, these could be reserved via a condition.

7.13 Very Special Circumstances.

7.13.1 The proposed development would consist of a number of elements to facilitate the proposed use. Some of these elements including the external alterations to the building, alterations

to the landscaping and access road, have been found to be appropriate forms of development which would not impact on the openness of the Green Belt. However, the proposal would also include an extension to the existing building and the provision of a new car park to the north. It was concluded that due to the number of historic extensions to the building, that the new extension would be a disproportionate addition to the original building and therefore would be considered an inappropriate form of development by definition. Likewise, whilst the proposed car park would constitute an engineering activity which can be considered appropriate under the exceptions set out in paragraph 150, it is viewed that level of hardstanding would result in an urbanising spread of development which would be harmful to the openness of the Green Belt. As such, the development would constitute an inappropriate form of development; and in addition, there would be some actual harm to openness. The car park would encroach into a currently open part of the site and therefore to a limited extent, the development would fail to safeguard the countryside from encroachment.

7.13.2 The NPPF makes it clear that inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF advises that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Very special circumstances are not defined and determining whether very special circumstances exist is a matter of judgement and will depend on the facts and circumstances of the individual application.

7.13.3 Within their Planning Statement, the applicant has put forward a number of very special circumstances which they consider should be afforded weight in the decision-making process as follows:

- Community: The provision of much needed nursery places to serve the local community;
- Heritage: Benefits including safeguarding the future viability, use and maintenance of the Listed Building;
- Economic: Benefits including the provision of jobs and training for students and apprentices; as well as the creation of jobs during the construction phase;
- Landscape: The reduction in the number of structures on site; increasing permeability and the openness of the site as a whole.
- Biodiversity: A biodiversity net gain of 10.25% would be achieved.

7.13.4 Community: The applicant has put forward in their Planning Statement, that significant weight should be afforded to the provision of nursery places including funded and special educational needs and disabled places which would serve the community within the local area. The supporting information set out by the applicant indicates that the existing nursery which currently provides 72 places is being forced to relocate; and without an alternative location, this would close, leaving the children on the register without childcare. In addition, the re-development of Croxley House would allow the nursery to deliver additional places for the community. It is acknowledged that there is a significant demand for nursery places. The supporting information sets out that the existing sites both in Croxley Green and in Rickmansworth are forced to turn away numerous enquiries on a weekly basis and that St Oswalds Nursery has also closed which has exacerbated the demand further. Paragraph 93 of the NPPF sets out that planning policies and decisions should 'guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day need' and to 'ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'. Officers consider that the application has demonstrated that there is a significant demand for places locally, and that further residential development within the area (including adjacent to the site at Killingdown Farm), will further exacerbate this demand. Therefore, in

accordance with Paragraph 93, there is a requirement to guard against the loss of this valued facility as well as a need to allow development to ensure that the facility is retained.

7.13.5 Furthermore, the importance being attached to the provision of early years places is demonstrated by the Government's announcement within the March 2023 Budget that they would be extending free childcare to support more parents being able to return to work after parental leave ends. At present, parents who work more than 16 hours a week, and earning less than £100,000 are entitled to 30 hours free childcare for children ages 3-4. This will be extended so that working parents of all children over 9 months will be entitled to 30 hours of childcare and will be rolled out in a staggered approach, commencing in April 2024. This therefore emphasises the importance being placed upon childcare provision centrally in order to help more parents return to work which would be considered as an economic development. The requirement to facilitate more parents being able to return to work and indicates that this will further exacerbate the demand for places. Taking this into consideration, officers consider that significant weight should be attached to the need to provide early years places and that this would weigh in favour of the development.

7.13.6 Heritage: The submitted Planning Statement states that; 'significant weight should be given to the overall heritage-specific benefits, including the alteration and extension of the listed building and alternative use that will help safeguard its future viability, use and maintenance'. Croxley House has been vacant since the former care home closed in January 2021 and it is clear from the site visit made by officers that it is in need of maintenance and repair works. It is noted that the building was marketed but was deemed to be unsuitable for residential use by a number of developers. The redevelopment of the site, would secure and safeguard the long term future of the building. The works proposed include the removal of clutter from the existing building, repair works to fenestration; repair works to the historic boundary wall and the removal of impermeable hardstanding. In addition, the internal works to the building would include removing modern partitions and works to restore the building to its original plan form. Paragraph 197 of the NPPF states the following with regard to heritage assets:

In determining applications, local planning authorities should take account of:

- (a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.*

7.13.7 Based on the above, Officers are in agreement that significant weight should be given to the need to secure the future of Croxley House as a Grade II Listed Building and to prevent it from falling into a state of disrepair. In accordance with paragraph 197 of the NPPF, it is considered that the proposed development would enhance the heritage asset whilst putting the host building to a viable use, and that it would allow the building to make a positive contribution to the community.

7.13.8 Economic Benefits: It is acknowledged that there would be economic benefits as a result of the development. As set out in paragraph 7.21 of the Planning Statement, 'notwithstanding construction phase jobs and training, some weight should be given to the provision of jobs and training for students and apprentices'. The new nursery facility would provide 43 full time equivalent roles, with additional apprentices and students. In addition, the submitted information sets out that Boys and Girls Nursery work alongside local colleges and universities to support students, and that apprentices are also employed and trained in house. Furthermore, as emphasised above, the development would enable more parents to return to work which is also viewed to be an economic benefit of the scheme. As such, it is viewed that moderate weight must also be applied to the economic benefits of the scheme.

- 7.13.9 Landscape: The applicant states that some weight should be given to the overall reduction of hardstanding and structures on the site and the increase in permeability. Officers acknowledge that the proposal would remove additional structures on the site and therefore there would be some increase in openness. Likewise, there would be the removal of a number of pathways within the site. Given that the proposal would also involve the introduction of a new car park, it is viewed that neutral weight would be attached to the landscaping benefits of the scheme.
- 7.13.10 Biodiversity and Sustainability: The proposed development would result in a biodiversity net gain of approximately 10.25% which is viewed positively and would weigh in favour of the development. Likewise, the proposal would result in a 76% reduction in carbon emissions compared to the required standard, thus exceeding the target of 5% identified in Policy DM4 of the Development Management Policies LDD; again, this weighs in favour of the development.
- 7.13.11 Summary: In summary, it is considered that some aspects of the proposal are viewed to be inappropriate forms of development. The proposed extension when viewed in conjunction with previous extensions on site would be a disproportionate addition and would be by definition harmful. However, due to its siting and form, it is viewed that the actual harm to the Green Belt would be limited. In addition, the proposed car park is also viewed to be inappropriate and would introduce development on to an otherwise open area of the site, and therefore there would be some actual harm to the openness.
- 7.13.12 As set out above, it is considered that the benefit of providing early years places should be given significant weight, as should the benefit of securing the viable future of an existing vacant listed building. There would also be other benefits as set out above, including a biodiversity net gain and improvements to the sustainability of the site which weigh in favour of the scheme. It is therefore considered that the above collectively combine to constitute very special circumstances which would outweigh the identified harm to the Green Belt, to enable planning permission to be granted subject to conditions.
- 7.14 Planning Balance/Conclusion: As set out, officers are of the view that the above has demonstrated that there are very special circumstances which would outweigh the identified harm to the Green Belt. Furthermore, it is not considered that there is any other identified harm which would justify refusal. Subject to conditions and the completion of a S106 Agreement to secure sustainable transport contributions, the development is considered acceptable.

8 Recommendation(s)

- 8.1 23/0483/FUL: That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a S106 Agreement (securing a sustainable transport contribution), that the application 23/0483/FUL be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to conditions as set out below and any conditions requested by the LLFA:

- 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:

CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100

Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02, 2205-028 SK07 (Existing and Widened Access Road).

Reason: For the avoidance of doubt, in the proper interests of planning, the character of the Listed Building and Conservation Area and the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM4, DM6, DM8, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Croxley Green Conservation Area Appraisal and Croxley Green Neighbourhood Plan.

- C3 No development shall take place until the widening works to the access road have been undertaken in accordance with the approved plans.

Reason: To prevent unacceptable harm to Common Land and the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to any works to the access track, full details of the surfacing and construction methodology shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken only in accordance with the approved details.

Reason: To protect the visual amenities of Green Belt and the Croxley Green Conservation Area in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway

g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

h. Provision of sufficient on-site parking prior to commencement of construction activities;

Reason: This is a pre commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP10 of the Core Strategy (adopted October 2011).

- C6 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).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location 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. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out 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).

- C8 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: This is a pre-commencement condition to ensure sensible working practices which protect ecology on and adjacent to this site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. A description and evaluation of the features to be managed.
 - b. Ecological trends and constraints on site that might influence management.
 - c. Aims and objectives of management.

d. Appropriate management options for achieving aims and objectives (for example but not limited to enhancements such as woodland and grassland management (including LWS grassland), native species planting, creation of an orchard, plants of benefit for biodiversity, bat and bird boxes and other features for hedgehogs and invertebrates).

e. Prescriptions for management options.

f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).

g. Management responsibilities.

h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the ecological impacts of the biodiversity present are properly addressed on this site, and on the adjacent Local Wildlife Site in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the commencement of development, a Dust Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Dust Management Plan should incorporate the recommended mitigation measures set out in Table 5.5 and 5.6 of the Air Quality Assessment (Document ref 23249404-AQA-0001) and the approved Dust Management Plan should be adhered to throughout the construction and operation of the development.

Reason: This is a pre-commencement condition to minimise any construction impacts and the amenity of other users of the public highway and rights of way in accordance with Policies CP9 and CP10 of the Core Strategy (adopted October 2011).

- C11 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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 DM13 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C14 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C16 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C18 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C19 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C20 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C21 Works to the main house shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

a) evidence of a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or

b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. Development shall then proceed in accordance with that licence and in accordance with the approved ecological report (Ref: Ecological Appraisal, March 2023 by Greengage) unless otherwise agreed in writing with the LPA.

Reason: To ensure protected species (bats) are protected from harm in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C22 Prior to the first use of the development, a management and maintenance agreement to ensure the ongoing maintenance of the road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent unacceptable harm to the Common Land and the Conservation Area in accordance with Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C23 Prior to the first use of the development, full details of the size and appearance of refuse and recycling facilities as indicated on plan CRXH-GTA-XX-00-DR-AR-00003 Rev P03 on the premises have been submitted. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM10 of the Development Management Policies document (adopted July 2013).

C24 Prior to the first use of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan

Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

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

- C25 The buggy store shall not be constructed until full details of the proposed buggy store including its size and appearance have been submitted and approved in writing by the Local Planning Authority. The buggy store shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM3 of the Development Management Policies document (adopted July 2013).

- C26 Prior to the first use of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

Reason: To ensure that the nearby noise sensitive uses are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C27 Prior to the first use of the development, full details shall of the size and appearance of housing for the ASHP shall be submitted and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM4 of the Development Management Policies document (adopted July 2013).

- C28 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013).

C29 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and to meet the requirements of Policies CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 No external lighting shall be installed on the site or affixed to any buildings on the site unless and until the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed only in accordance with the approved details.

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

C31 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

C32 The premises shall only be used as a nursery/preschool (Class E (f) and for no other purposes (including any other purpose in Class E) of the Schedule to the Town and Country (Use Classes) Order (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

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

C33 The use shall not take place other than between the hours of 07:00 and 19:00 each weekday, and not at all on Saturdays, Sundays and Bank Holidays.

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

- C34 The number of children attending the nursery/preschool at any one time shall not exceed 122.

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

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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). 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. 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.
- 14 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 15 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

- 16 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.
- 17 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the right of way network becoming routinely blocked (fully or partly) the applicant must contact the right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 19 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.
- 110 Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community

Safety(CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

- I11 Common Land: The existing access route crosses land which forms part of registered common land CL035, Croxley Green. The applicant shall be responsible for obtaining any necessary consent that may be required in accordance with the provisions of The Commons Act 2006 (or as subsequently amended). Further guidance can be obtained on the Government website at <https://www.gov.uk/common-land-village-greens> N.B. The applicant may need to consult with and obtain permission from other interested parties and there is guidance on the Government website at <https://www.gov.uk/guidance/carrying-out-works-on-common-land> and on the County Council's website at: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/common-land-and-town-and-village-applications/common-land-and-town-and-village-green-applications.asp>
- I12 Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailingtravelplans@hertfordshire.gov.uk

8.2 23/0484/LBC: That Listed Building Consent 23/0484/LBC 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: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- C2 Before any building operations above ground level hereby permitted are commenced, samples of materials to be used on the external finishes and surface finishes shall be made available for inspection on site and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 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 DM3 of the Development Management Policies LDD (adopted July 2013).
- C3 Prior to any building operations above ground level, sample panels of 1 square metre minimum shall be erected on site to show areas of new exterior walling. These panels

shall indicate brick, brick bond, mortar mix, colour and pointing profile. The development shall be implemented in accordance with the approved details.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the installation of the new steps and ramps, full details of their proposed finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the commencement of works to the existing brickwork, a sample panel of 1 square metre shall be re-pointed at ground floor level. This sample shall indicate the brick, mortar mix, colour and pointing profile. In addition, a single repair to cut out and replace a spalled brick shall be completed to demonstrate the method and proposed brick replacement. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to their first installation on site, details (including sections and elevations at scales between 1:20 and 1:1 as appropriate) of proposed new windows, doors, timber and glazed link, eaves, fascias, verges and cills to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details and shall be permanently maintained as such.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

- C7 No works to the boundary wall shall take place until samples of the new bricks, details of the new pointing including mortar, and a written specification setting out the method to be used for the proposed works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved under this condition.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to the installation of the pedestrian access gate, full details including scaled plans of the pedestrian gate including its appearance, material and method of fixing shall be submitted to and approved in writing by the Local Planning Authority. The gate shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance

with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies document (adopted July 2013)

- C9 Prior to the commencement of repair works, a full schedule of works to the façade and roof form shall be submitted to an approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to repair works to the internal fabric of the building, full details of 'making good' the exposed areas revealed by demolition works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to the installation of the green roof, a rolling schedule of landscaping maintenance and review shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangement for its implementation. The green roof shall be maintained in accordance with the approved schedule.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C12 All new rainwater goods shall be metal and painted black.

Reason: To safeguard the character and appearance of the heritage asset in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). 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>).

- I2 The applicant is reminded that the development subject to this grant of Listed Building Consent must be carried out in accordance with the submitted documents including:
CRXH-GTA-XX-00-DR-AR-00001 Rev P01, CRXH-GTA-XX-00-DR-AR-00002 Rev P01, CRXH-GTA-XX-00-DR-AR-00003 Rev P03, CRXH-GTA-XX-00-DR-AR-00100 Rev P01, CRXH-GTA-XX-00-DR-AR-00110 Rev P03, CRXH-GTA-XX-00-DR-AR-12100 Rev P03, CRXH-GTA-XX-01-DR-AR-00101 Rev P01, CRXH-GTA-XX-01-DR-AR-00111 Rev P03, CRXH-GTA-XX-01-DR-AR-12101 Rev P03, CRXH-GTA-XX-B1-DR-AR-00099 Rev P01, CRXH-GTA-XX-B1-DR-AR-00109 Rev P03, CRXH-GTA-XX-B1-DR-AR-12099 Rev P03, CRXH-GTA-XX-RF-DR-AR-00102 Rev P01, CRXH-GTA-XX-RF-DR-AR-00112 Rev P03, CRXH-GTA-XX-RF-DR-AR-12102 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00200 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00201 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00202 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00210 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00211 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00212 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-00300 Rev P01, CRXH-GTA-XX-ZZ-DR-AR-00310 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12200 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12201 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12202 Rev P03, CRXH-GTA-XX-ZZ-DR-AR-12300 Rev P03, 071-100 REV 02
- I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.









PLANNING COMMITTEE - Thursday 16th November 2023

23/1182/RSP- Retrospective: Loft conversion including hip to gable roof extension with rear dormer window and front rooflights at 17 Winchester Way, Croxley Green, Rickmansworth, Hertfordshire, WD3 3QE

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 02.10.2023
Extension agreed to: 23.11.2023

Ward: Durrants
Case Officer: Aaron Roberts

Recommendation: That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Croxley Green Parish Council unless Officers are minded to refuse for the reasons set out at 4.1 below.

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

[23/1182/RSP | Retrospective: Loft conversion including hip to gable roof extension with rear dormer window and front rooflights | 17 Winchester Way Croxley Green Rickmansworth Hertfordshire WD3 3QE \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1182/RSP-Retrospective-Loft-conversion-including-hip-to-gable-roof-extension-with-rear-dormer-window-and-front-rooflights-17-Winchester-Way-Croxley-Green-Rickmansworth-Hertfordshire-WD3-3QE)

1 Relevant Planning and Enforcement History

- 1.1 08/0264/FUL - Two storey front extension and two storey and single storey rear extension with raised rooflight. Permitted and implemented.
- 1.2 23/0024/COMP – Enforcement Enquiry: Loft Conversion including rear dormer. Pending.

2. Description of Application Site

- 2.1 The application site is located on the northern side of Winchester Way, Croxley Green, a residential street characterised by primarily two-storey semi-detached dwellings. The application site contains a two-storey semi-detached dwelling finished in pebbledash (with a brick finish to the front at ground floor level).
- 2.2 The application dwelling has been extended via two storey front and rear projections and single storey rear extensions. Within the rear garden there is an outbuilding.
- 2.3 The attached neighbouring dwelling to the east, No.19 Winchester Way is a two-storey semi-detached dwelling finished partially in pebbledash and partially in red brick. It has been extended to the rear via a single storey rear extension. This neighbouring dwelling has a similar building line as the host dwelling and sits along a similar land level.
- 2.4 The neighbouring dwelling to the west, No.15 Winchester Way is a two-storey semi-detached dwelling finished partially in white render and partially in red brick. It has been extended via a single storey side extension. This neighbouring dwelling has a similar building line as the host dwelling and sits along a similar land level.

3. Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for a loft conversion including hip to gable roof extension with rear dormer window and front rooflights.
- 3.2 The loft has been converted and serves a bedroom, shower room and eaves storage. In order to facilitate the loft conversion, the pre-existing hipped roof has been extended to form a gable. Within the rear roofslope a flat roof rear dormer has been constructed flush with

the western flank elevation of the dwelling. The dormer has a width of approximately 4.6m, depth of 3.1m and height of 2.6m. Within the rear elevation of the dormer there are two windows. The dormer is finished in a cement render finished in anthracite grey.

3.3 Within the western flank elevation at second floor level, a window has been inserted serving the stairwell. This windows is obscurely glazed and non-opening.

3.4 Within the front roofslope there are two rooflights.

4. Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection, Called in to Planning Committee unless Officers are minded to refuse]

“Croxley Green Parish Council objects to the application. The application will have an overbearing and adverse visual effect on the Character Area in which it is located and therefore does not comply with Policy CA2 of the Croxley Green Neighbourhood Plan. If the officer is minded to approve, CGPC requests that the application is called into the TRDC planning committee”.

4.1.2 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted on 11.09.2023: 6

4.2.2 Responses received from 27.07.2023 consultation: 1 objection

4.2.3 Summary of Responses:

- Does not know of any other hip-gable roof extensions or rear dormers in Winchester Way;
- The application could set a precedent;
- When viewed from No.19, the development looks obtrusive and overlooks;
- Grey cladding does not match the colour of the existing roof so it does not blend in appropriately.

4.2.4 Site Notice not required

4.2.5 Press Notice not required

5. Reason for Delay

5.1 Committee cycle.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In 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”.

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, CP9, CP10 and CP12.

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA2 and Appendices B and C are relevant.

Other

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

7. Planning Analysis

7.1 Overview

7.1.1 In March 2023 an enforcement enquiry was received relating to a loft conversion and the construction of a rear dormer window.

7.1.2 Following a site visit it was ascertained that the works that had taken place did not comply with Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because the materials used were not considered to comply with the requirements of the Condition at Class B.2(a) which states: “*the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse*”. The dormer window complies with all other parts of Class B.

- 7.1.3 As such, the owner was informed that as the development was not considered 'permitted development', it did not benefit from deemed planning permission and therefore an application for express planning permission would be required to formalise the works. This part retrospective planning application has therefore been submitted in response to the enforcement investigation to date.
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene
- 7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. With specific regard to the proposed development, the Design Criteria at Appendix 2 of the DMP LDD sets out that with regards to hip-to gable alterations, this type of extension is discouraged in the case of semi-detached houses as it is considered that it can unbalance the pair and result in a loss of symmetry. In some cases, roof forms in a street may be uniform and therefore this type of alteration may erode the group value of the street. With regards to dormer windows, Appendix 2 states that they should be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall.
- 7.2.3 Policy CA2 of The Croxley Green Neighbourhood Plan requires that domestic extensions should seek to conserve and enhance the character of the area through the control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. Appendix C states that in the case of semi-detached houses any side extension should take account of the effect on the street-scene of a lop-sided extension, roof extensions should not involve the raising of the roof ridge, a change from hip roof to gable (other than a "Sussex hip" or "half hip").
- 7.2.4 The streetscene of Winchester Way is generally characterised by two-storey semi-detached dwellings, however, these dwellings are varied in terms of their materials and extent to which they have been extended.
- 7.2.5 The existing roof form has been altered from a hipped roof form to a gabled roof form. The adjoining neighbour at No.19 Winchester Way has not undertaken a hip to gable enlargement and as such the proposed development would alter the symmetry of the pair. However, given the varied nature of Winchester Way, including dwellings with various materials and both front and rear extensions, it is not considered that in the wider setting the roof alteration appears unduly prominent or incongruous so as to result in harm to the character of the streetscene. The application dwelling itself has been extended via a two-storey front and rear projection, whilst the adjoining neighbour, No.19 Winchester Way has not. It is considered that the pre-existing extensions already un-balance the pair of semi-detached dwellings. Furthermore, there are examples of hip-to-gable roof alterations and associated rear dormer within the streetscene, for example at No.34 Winchester Way. Section 7.2.8 will discuss what could potentially be undertaken via "permitted development".
- 7.2.6 It is acknowledged that Croxley Green Parish Council have objected to this element of the proposal and it is noted that the roof alteration from a hip roof form to a gable contradicts the guidelines set out in Appendix C of The Croxley Green Neighbourhood Plan. However, given the varied nature of the streetscene and that a similar roof alteration (albeit with a dormer finished in different materials) could be carried out under permitted development, it is not considered that the hip to gable alteration would detrimentally impact the character of the dwelling or streetscene as to justify the refusal of planning permission.

- 7.2.7 The dormer is visible from the streetscene given that it is set flush with the western flank elevation, however, it is not considered that the dormer is excessively prominent given its location to the rear of the dwelling and the existence of other rear dormers in the vicinity, for example at 34 Winchester Way.
- 7.2.8 Under Schedule 2, Part 1, Class B of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* it is possible to implement hip-gable roof alterations and construct a rear dormer as long as certain requirements and conditions are met. Given that the application dwelling is semi-detached, the cubic content of the original roof space can be increased by up to 50m³. In this case, the combined cubic increase of the roofspace as a result of the hip-to-gable roof alteration and rear dormer is approximately 29.9m³, significantly less than the 50 cubic metres allowed under permitted development. However, in this case, the development fails to meet Condition B.2 (a) which states that “*the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse*”. Whilst it is acknowledged that the cladded finish means that the dormer is not finished in materials similar to the main dwelling and as such is not considered to be permitted development, the visible part of the dormer (from the streetscene) is finished with pebbledash to match the main dwelling. Given the location of the cladded element to the rear of the dormer (not readily visible from the streetscene) and the varied materials and finishes along the streetscene, it is not considered that the cladded rear dormer detrimentally impacts upon the character of the host dwelling or wider streetscene to justify the refusal of planning permission.
- 7.2.9 The front rooflights are not considered to have a detrimental impact on the character or appearance of the dwelling or wider street scene given their relatively minimal scale.
- 7.2.10 The development therefore does not result in unduly prominent additions and is acceptable with regard to its impact on the host dwelling, street scene and wider area. The development complies with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted Dec 2018).
- 7.3 Impact on neighbours
- 7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The hip to gable extension has increased the bulk of the roof form and brought the built form closer to No.15 Winchester Way. However, the application dwelling is set off the shared western boundary by approximately 1.1m and No.15 (not including the car port structure) is set approximately 1.3m from the shared boundary. Given the separation between the application site and No.15, it is not considered that the formation of the gable end has resulted in demonstrable harm to the residential amenity of No.15 through being an overbearing form of development or loss of light. The rear dormer is set minimally off the eastern boundary and set flush with the western flank elevation. Given that the dormer does not extend beyond the roofslope, it is not considered that it results in an unacceptable loss of light or overbearing impact to either neighbour. With regards to overlooking, the windows within the rear of the dormer are orientated towards the private garden space of the application dwelling and do not result in additional overlooking compared to the pre-existing circumstances, given the presence of first floor windows. As such, it is not considered that the proposed rear dormer would result in any adverse impact on the residential amenity of any neighbouring dwelling.

7.3.3 Within the western flank elevation at second floor level, a window has been inserted serving the stairwell. This window is obscurely glazed and non-opening. As such, it is not considered that this window results in a perceived sense of or actual overlooking.

7.3.4 Given the location of the front rooflights and their orientation towards the sky, it is not considered that they result in overlooking.

7.3.5 As such it is not considered that the development results in such unacceptable harm to neighbouring amenity to justify the refusal of planning permission.

7.4 Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of 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 The development has increased the number of bedrooms from 3 to 4, therefore 105sqm of private amenity space is required. Following the works, the site has retained approximately 90sqm of amenity space (including summerhouse in rear garden). Whilst this figure does not strictly accord with the guidance, the amenity space is still considered to be sufficient. The site is also in close proximity to Barton Way Park to the south (approximately 120m). As such, the scheme is considered acceptable in this regard.

7.6 Parking

7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document.

7.6.2 The development has increased the number of bedrooms within the dwelling from 3 to 4 and therefore the site requires three parking spaces. The front drive can accommodate two vehicles, which results in a shortfall of one parking space. However, the site is located within a sustainable location within Croxley Green, close to local amenities and transport connections. A local parade of shops and amenities in New Road is 0.4 miles away and the nearest bus stops are approximately 100m away (travelling towards Rickmansworth and Watford). Given the above, it is not considered that a shortfall of one parking space would justify the refusal of planning permission.

7.7 Trees and Landscaping

7.7.1 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.

7.7.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value have harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.8 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.8.2 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.

7.9 Planning Balance

7.9.1 It must be noted that whilst a lawful development certificate was not submitted, under permitted development a similar hip to gable alteration could be constructed.

7.9.2 As set out in paragraph 7.1.2 of this report, the dormer window complies with all other parts of Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) apart from Condition B.2 (a) which relates to materials being similar to the dwelling.

7.9.3 As such, if the dormer was constructed in materials to match the dwelling, then it is considered that the loft conversion including hip to gable roof extension with rear dormer window and front rooflights would fall under the remit of permitted development.

7.9.4 On this basis, it is considered that a legitimate fall-back position exists for the structure on site. As set out above, officers consider that the materials used to clad the dormer window do not result in demonstrable harm to the character or appearance of the dwelling or wider area, and on that basis the proposal is considered acceptable.

8. **Recommendation**

8.1 That retrospective planning permission be GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 The development hereby permitted shall be maintained in accordance with the following approved plans: A(SV)000, A(20)100, A(SV)100.

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) and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

C2 The window in the second-floor western flank elevation, serving the stairwell shall be permanently retained 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.

Reason: To safeguard the amenities of the occupiers of No.15 Winchester Way 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 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 and side roofslope of the proposed extensions hereby approved.

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

8.2 Informatives:

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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>.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

This page is intentionally left blank





PLANNING COMMITTEE – THURSDAY 16TH NOVEMBER 2023

23/1221/RSP - Part Retrospective: Change of use of land as an amendment to the residential curtilage, associated landscaping changes including formal garden areas, hard standing for vehicular access and parking and installation of entrance gate and pillars at Batchworth Heath Farm House, Batchworth Heath, Rickmansworth, Herts, WD3 1QB

Parish: Batchworth Community Council
Expiry of Statutory Period: 20.07.2023
(Extension of Time: tbc)

Ward: Moor Park and Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee because of concerns relating to the urbanising impact on the Green Belt and the wider rural character of the area.

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=RY2Y0GQFGGE00>

1 Relevant Planning History

- 1.1 13/1161/CLED - Certificate of Lawfulness Existing Development: Internal alterations and use of the First Floor Farm Office for residential purposes, incidental to main dwellinghouse Batchworth House, in breach of condition 4 of planning permission 8/303/91 - Permitted 27.08.13.
- 1.2 14/0384/CLED - Certificate of Lawfulness Existing Use: Use of Batchworth House as a domestic residential dwelling in breach of condition 1 of planning permission 8/688/90 - Permitted 08.05.14.
- 1.3 15/0055/PDE - Prior Approval: Single storey rear extension (maximum depth 8 metres, maximum height 4 metres and eaves height 3 metres) - No objection 05.02.15.
- 1.4 15/0340/CLPD - Certificate of Lawfulness Proposed Development: Single storey side and rear extensions and dormer windows to roof - Permitted 07.04.15.
- 1.5 15/0534/CLPD - Certificate of Lawfulness Proposed Development: Single storey pool hall outbuilding - Permitted 11.05.15.
- 1.6 16/0601/CLPD - Certificate of Lawfulness Proposed Development: Two storey rear extension - Permitted 12.05.16.
- 1.7 16/2008/FUL - Demolition of north side of dwelling and erection of two storey side extension to south - Permitted 22.12.16.
- 1.8 16/2009/FUL: Demolition of existing garage block and construction of a replacement garage block including annexe accommodation. Application permitted.
- 1.9 18/1168/FUL: Demolition of existing garage block and construction of replacement block including annexe accommodation. Application permitted. Permission implemented.

- 1.10 18/2194/FUL: Alterations to existing building to include centralising two storey front gable projection, provision of front porch, removal of dormer windows, alterations to fenestration detail and internal alterations – Application permitted
- 1.11 19/0497/FUL - Variation of Condition 3 (materials) pursuant to planning permission 18/2194/FUL to change brick specification from Golden Cheddar to Sevenoaks Yellow Stock – Permitted May 2019, permission implemented.
- 1.12 23/0301/RSP - Retrospective: Installation of ground source heat pump with associated dry cooler – Permitted April 2023.

Enforcement History

- 1.13 20/0150/COMP – Extensive works including construction of car park – Pending Consideration.

2 Description of Application Site

- 2.1 The application dwelling is a large, detached dwelling which was formerly an agricultural dwelling forming part of Batchworth Heath Farm. It was originally approved as an agricultural dwelling under permission reference W/756/66 with the detailed design approved under application 8/67/85. An ancillary annexe is located perpendicular to the main dwelling to the north. The application dwelling and annexe sit within a large field located to the west of Batchworth Heath Farm which is accessed via London Road. The field forms part of the wider site under the ownership of the applicant. The full extent of land ownership is outlined in blue on the submitted Location Plan 2740 01/002.
- 2.2 A series of planning permissions and lawful development certificates have been granted in recent years relating to substantial extensions and alterations to the property and its general refurbishment. The original annexe was demolished, and a replacement rebuilt following planning permission 18/1168/FUL and later varied under application 19/0497/FUL. To the rear of the dwelling is a half-crescent shaped, flat roofed outbuilding/pool house granted under application 15/0534/CLPD. The dwelling and associated ancillary buildings have an exposed yellow brick exterior with the dwelling and annexe building incorporating a grey tiled roof. Works to the buildings are complete with the dwelling now occupied. The site is accessed via a private road from Batchworth Heath.
- 2.3 The application dwelling is within the Metropolitan Green Belt and the boundary of the Batchworth Heath Conservation Area is approximately 125m to the east of the application site.

3 Description of Proposed Development

- 3.1 Part retrospective planning permission is sought for the change of use of land from agriculture to residential curtilage, associated landscaping changes including formal garden areas, hardstanding for vehicular access and parking and installation of entrance gate and pillars. At the time of submission, the works occurred to date include the formation of the area to be laid to lawn and the hardstanding surround in addition to the hardstanding to the rear of the outbuilding. The access drive has also been formed.
- 3.2 The proposed change of use and expansion of the residential curtilage would increase from 3,299sqm to 3,980sqm (an increase of 601sqm). The proposed change seeks to better rationalise the shape of the amenity space to include areas immediately surrounding the house, specifically an area of formal lawn to the north of the dwellinghouse and annexe for ancillary use incidental to the enjoyment of the dwellinghouse.
- 3.3 It is also proposed to erect vehicular entrance gates with a pedestrian side gate along the access track leading from the service road to the property. When combined, the entrance gates would have a width of 7m. The pillars would measure 2.1m in height and the proposed

entrance gates measuring 2.2m high due to the curved design. The gates would be set back 4.6m from the service road. The pillars would be constructed using yellow brick to match the external appearance of the main dwelling and annexe.

3.4 The application submission also included an external lighting plan however this has now been omitted from the proposed list of plans for consideration.

3.5 A Plant Schedule prepared by TOR & Co. dated July 2023 supports the application and provides details of the proposed planting.

3.6 Amended plans were also received to indicate the proposed boundary treatments and remove pathways shown to the rear of the outbuilding and to the south connecting to the access road.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: Objection

Batchworth Community Council objects to this application for the following reasons:

- 1. The application proposes putting in 50 lights around the property not including the water feature 2 and the 3 on the gates. This number is far in excess of what is required for safe passage around the area.*
- 2. The wrought iron gates and pillars are too urbanizing for a country position. The same security could be afforded with wooden posts and gates which would blend better with the adjacent fencing.*
- 3. The driveway when reconstructed should be of traditional permeable material not tarmac.*
- 4. There are buildings, marked paths and designated areas outside the curtilage that appear connected to the house. We would seek confirmation that these will not become subject to another retrospective application and in the case of the building to the south, will be taken down when the construction is complete.*

4.1.2 National Grid: No objection received. Advisory comments provided.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 2

4.2.2 No of responses received: 0.

4.2.3 Site Notice: Posted 16.08.2023 Expired 07.09.2023

5 Reason for Delay

5.1 Committee Cycle.

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 (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

6.2.1 National Planning Policy Framework and National Planning Practice Guidance

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”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4 Chapter 13.

6.2.2 The Three Rivers Local Development Plan

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

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

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

6.3 Other

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

7 Planning Analysis

7.1 Background/Enforcement Investigation

7.1.1

Following a complaint to the council an enforcement investigation was opened, referenced 20/0150/COMP. Following a site visit it was evidenced that tarmac and hardstanding had been laid providing internal access roads from the service road leading to a large car parking area in the northern corner of the site and an outbuilding placed used as a site office. The council were advised that the access, hardstanding and outbuilding were required to provide a contractor's compound and parking during the construction phase of the development of the main dwelling and were permitted by Schedule 2, Part 4, Class A of the General Permitted Development Order 2015 (as amended) which permits temporary buildings and structures required temporarily in connection with and for the duration of operations being carried out at a property.

- 7.1.2 The unauthorised hardstanding and outbuilding are located outside of the red line of the application site but fall within the wider site outlined in blue on the location plan, owned by the applicant. Works to the dwelling and annexe are complete and thus works have begun to remove the hardstanding. A Hardstanding Plan was provided during the course of the application process to indicate the extent of the hardstanding and what has been removed. The removal of hardstanding and outbuilding do not form part of this application but will be dealt with as part of this ongoing enforcement case.
- 7.2 Impact on Green Belt
- 7.2.1 The application site located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale and help to ensure that development occurs in locations allocated in development plans.
- 7.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.2.3 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. The NPPF further advises that 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 harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.2.4 The NPPF also states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development. Paragraph 149 would be relevant to the proposed gates and pillars; however, they would not fall within any of the exceptions.
- 7.2.5 In respect of the proposed change of use and laying of new hardstanding, paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;**
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);** and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 7.2.6 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Whilst Policy CP11 was

adopted prior to the NPPF in 2012, it is considered to reflect the guidance within the NPPF 2012 and the most updated version (2023) and therefore can be afforded weight.

- 7.2.7 Policy DM2 of the Development Management Policies LDD sets out that the Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported. Policy DM2 is a part of the statutory Development Plan for Three Rivers and post-dates the 2012 NPPF (it was adopted following examination in 2013). It was therefore adopted at a time when national planning policy in respect of development in the Green Belt was very similar as it is today (i.e. very limited difference between 2012 NPPF and current NPPF in respect of Green Belt). On this basis, it is considered that weight can be given to DM2 in decision making terms.

Residential Curtilage

- 7.2.8 Curtilage¹ is defined as ‘...land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.’ In some cases the extent of the curtilage will be clearly defined, for example with a fence or a wall. In other cases, the boundary may not be as clear and might need to be assessed. In the case of Batchworth Heath Farm House, the curtilage or garden associated to the dwelling prior to construction works was clearly demarcated by the line of trees and hedging positioned in a crescent formation outlined in red as evidenced in Figure 1 below. The proposed expansion of the residential curtilage is indicated in red on the snapshot of the proposed curtilage plan TOR-4 REV-A evidenced at Figures 2 and 3 below which gives a general indication of the differences between the existing boundaries of the site and that proposed. NB. Neither images in the Figures below are to scale and are indicative of the general outline.



Figure 1: Image obtained from Google Earth dated April 2017 showing pre-existing condition of site.

¹ Definition taken from Ministry of Housing Communities and Local Government ‘Permitted Development rights for householders Technical Guidance (September 2019)

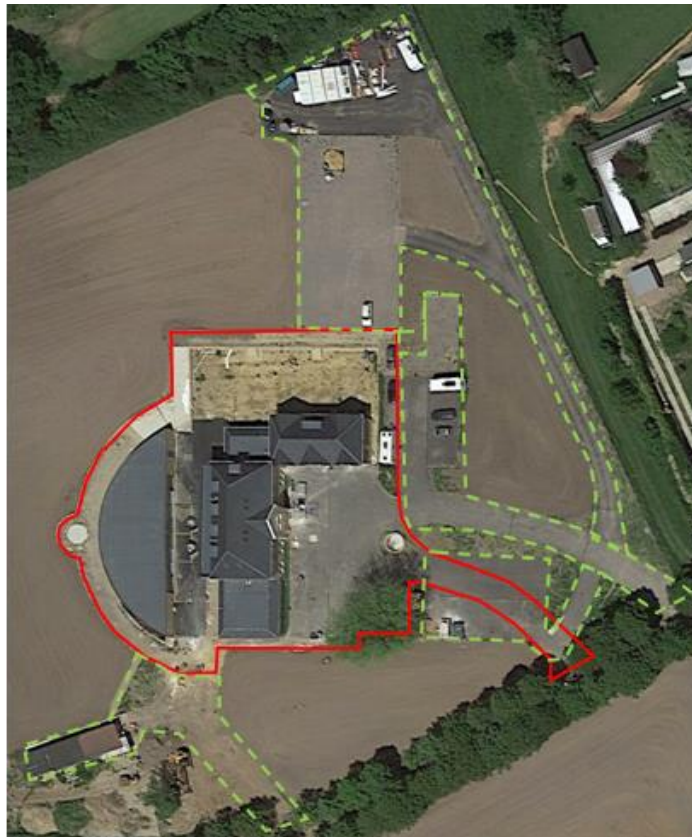


Figure 2: Image obtained from Google Earth dated June 2021 showing approximately extent of proposed curtilage (red) and unauthorised hardstanding to be removed (dashed green) as part of the enforcement case 20/0150/COMP.

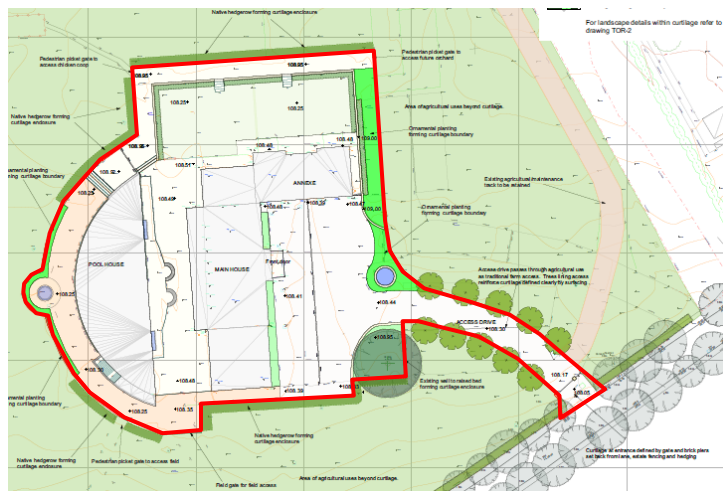


Figure 3: Screen grab of proposed curtilage plan TOR-4 REV-A.

7.2.9 Substantial weight is given to any harm to the Green Belt as set out at paragraph 148 of the NPPF. As listed above the NPPF at paragraph 150 lists certain forms of development which are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This does include material changes of uses and engineering operations such as removal and creation of areas of hardstanding.. In addition to inappropriateness by definition, it is also important to address whether additional harm would arise through the development's impact on openness and whether any conflict would exist with any of the five purposes of including land in Green Belts. Openness in the context of the Green Belt requires a judgement based on the circumstances of the case and a number of matters may need to be taken into account.

These include but are not limited to spatial and visual aspects. The essential characteristics of the Green Belt are its openness and permanence.

- 7.2.10 Policy DM2 of the DMP LDD states that the Council will safeguard the countryside from encroachment, therefore proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported.
- 7.2.11 Whilst the proposal would result in an extension to residential curtilage amounting to approximately 600sqm, the expansion would largely infill the space and square-off the area to the north of the dwelling and the protruding section of the existing residential curtilage north of the annexe as evident in Figure 1 above. The expansion would not extend beyond the northern most part of the pre-existing residential curtilage. Thus, whilst there would be an expansion into part of the open agricultural field, the overall impact would be somewhat limited and read in conjunction with an existing domesticated area of land surrounded by a wider agricultural field. Other small-scale changes to the residential boundary are proposed which includes an area behind the rear of the outbuilding to provide a pathway and to the south of the dwelling; however, these alterations would have limited impact in comparison to existing. Furthermore, a combination of native hedgerow and ornamental planting would form the curtilage boundary and provide a sensitive soft landscaped barrier defining the residential curtilage from the wider agricultural field. The application is supported by a Planting Schedule prepared by Tor & Co. dated July 2023 which provides details of the type of hedgerow and other soft landscaping to be planted. A condition is suggested the development to be implemented in accordance with these details.
- 7.2.12 It is acknowledged that both national and local planning policy seeks to prevent encroachment into the countryside through development. Notwithstanding this, the impact of the curtilage extension is suitably mitigated by the backdrop of the existing curtilage and the squaring-off of the northern aspect would be relatively minimal in scale in the context of the existing lawful extent of curtilage and wider field. In addition, there would be clear defensible boundaries created where currently none exist following the removal on unprotected vegetation. Therefore, whilst recognising there would be an increase in curtilage into an open field, given its positioning, extent and the fact its viewed in conjunction with the existing irregular layout of the pre-existing curtilage, the development is therefore considered to have a negligible impact and therefore it not considered to conflict with the purposes of the Green Belts and would be acceptable when assessed against Policy DM2. Whilst acceptable, it is suggested that conditions are attached removing Permitted Development rights and control of any external lighting to preserve the openness of the Green Belt.

Engineering Operations

- 7.2.13 The proposed development does include areas of hardstanding around the edges of the residential curtilage extension (**N.B.** this does not include the areas of hardstanding outlined dashed green within Figure 2 above). The formation of the hardstanding constitutes an engineering operation. Policy DM2 of the Development Management Policies LDD (adopted July 2013) replicates Government guidance contained in the NPPF; it is silent in regard to engineering operations. As detailed above at paragraph 7.2.5, engineering operations is listed at paragraph 150 of the NPPF as not inappropriate in the Green Belt. The hardstanding would not have a harmful impact on openness by virtue of its limited extent and is considered acceptable.

Entrance Gates and Pillars

- 7.2.14 Policy DM2 sets out 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.

- 7.2.15 The construction of front boundary walls and gate does not fall within any of the exceptions detailed within paragraph 149 or 150 of the NPPF as such the front boundary walls and gate would constitute inappropriate development within the Green Belt and by definition are harmful to the Green Belt. It is also necessary to consider the harm arising from the pillars and gate in terms of their potential impact on the openness of the Green Belt.
- 7.2.16 The introduction of the gates and pillars are uncharacteristic features within this part of Batchworth Heath which is very open in character. Whilst the applicant draws attention to other examples of walls, pillars and metal gates – notably The Gate House to the west of the application site – this site is located within a more built-up area of Batchworth Lane and therefore is read in a different context to that of the application site. Whilst the proposal does incorporate soft landscaping to mitigate the impact of the development, it is not considered enough and the introduction of the pillars and gates would still have an impact on the openness of the Green Belt.
- 7.2.17 In summary the introduction of pillars and gates do not fall within any of the exceptions to inappropriate development as set out in the NPPF, as such the proposed development would constitute inappropriate development in the Green Belt, thus, by definition is harmful to the Green Belt. Inappropriate development should only be approved where very special circumstances have been demonstrated sufficient to outweigh the harm to the Green Belt. These will be considered later in the report at Section 7.9 below.

7.3 Impact on Character and Street Scene

- 7.3.1 Policy CP1 of the Core Strategy seeks to promote development 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'.
- 7.3.2 Given the extent of the proposed extension of the curtilage and the existing site circumstances, the areas of hardstanding around the perimeter of the expanded residential curtilage including the increase in curtilage, would not have an adverse impact on the street scene and upon the rural character of the area.
- 7.3.3 Due to the siting of the pillars and gate they would only be visible from the service road on the close approach the site and would not be visible from wider public vantage points. The pillars and gate are of modest height. Amended plans were received during the application process to set these features further back within the site; with the highest features now set in 4.6 metres from the service road. Notwithstanding this, this part of Batchworth Heath is generally rural in character with trees, hedging, vegetation and timber post and rail fencing lining either side of the service road. The proposed gates and pillars, despite the increased setback distance, would introduce urbanising features to the site which would appear incongruous within the context of the rural character of this part of Batchworth Heath. As such, the development would be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

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 Given the nature of the proposal and the location of the application site relative to surrounding neighbouring properties, it is not considered that the proposal would result in harm to the residential amenities of surrounding neighbouring amenity.

7.5 Amenity Space Provision for future occupants

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD states that ‘amenity space must be provided within the curtilage of all new residential developments’. The Design Criteria at Appendix 2 provides indicative levels of amenity space which should be attained as individual gardens.
- 7.5.2 The dwellinghouse contains 10 bedrooms which would require 231sqm of amenity space based on the indicative standards. The proposed development would enable the dwellinghouse to benefit from a private amenity space which would exceed the standards set out above. This includes usable space in the form of a formal lawn area measuring approximately 670sqm which would be sufficient for the occupants of the dwelling. The amenity space is acceptable in respect of providing a goods standard of external amenity space, enhancing the living conditions of the occupants.
- 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application. The site is not in or located adjacent to a designated wildlife site.
- 7.7 Trees and Landscaping
- 7.7.1 No trees would be affected as a result of the proposed development. The proposed development does include landscaping works including planting a new hedgerow. The application is supported by a Planting Schedule prepared by Tor & Co. dated July 2023 which provides details of the type of hedgerow and other soft landscaping to be planted. A condition is suggested the development to be implemented in accordance with these details.
- 7.8 Highways, Access and Parking
- 7.8.1 Policy CP10 of the Core Strategy (adopted October 2011) requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.8.2 The proposed development would not increase the parking requirements for the dwelling. The dwelling originally approved contained 10 bedrooms – not including the annexe. The dwelling would continue to benefit from a large formal driveway to the front of the dwelling which would largely remain unchanged which would provide sufficient off-street parking provision in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 7.9 ‘Very Special Circumstances’
- 7.9.1 Paragraph 148 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green

Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.9.2 Within this report it has been identified that the proposed gates and pillars would not fall within any of the exceptions listed within paragraph 149 and are therefore constitute inappropriate development. The gates and pillars also fail to preserve the openness of the Green Belt and introduce an incongruent form of development within the rural character of the area.
- 7.9.3 When considering whether any very special circumstances exist, the brick pillars are 2.1 metre high with the pillars which are 0.1m higher than what would otherwise be granted deemed planning permission under the Town and Country (General Permitted Development) Order 2015 (as amended) by Schedule 2, Part 2, Class A. Currently there are not controls restricting the applicant's ability to construct walls, gate, pillars or other means of enclosure under Permitted Development. Despite the identified harm arising from the proposed gates and pillars, it is considered that the fallback position should be given substantial weight as a material planning consideration. It is considered that the fallback positioned would amount to very special circumstances which outweighs the identified harm to the Green Belt through its inappropriateness, harm to openness and harm to the rural character of the area and therefore planning permission should be granted.

8 Recommendation

- 8.1 That **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of 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: TOR-1, TOR-2 REV-B, TOR-4 REV-A, Drwg. No.3 and 2440 01/002.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF (2023).

C3 The proposed development hereby permitted shall be implemented in accordance with the Planting Schedule prepared by Tor & Co. dated July 2023 and the Landscape Proposals Plan referenced TOR-2 REV-B.

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the Green Belt and wider rural area and to provide an adequate and appropriate defined boundary between the residential curtilage and the open countryside in accordance with Policies CP1 and CP12 of the

Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 The residential curtilage of the dwelling as shown outlined in red on Plan TOR-4 REV-A shall be implemented and maintained in terms of its location, depth and width in accordance with this plan.

Reason: To ensure that the land is satisfactorily maintained to restrict any encroachment into the adjacent field for residential use to prevent any unacceptable impact on the openness of the Green Belt including any conflict with the purpose of Green Belts, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

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

- C6 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 E - provision of any building or enclosure

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.

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 Metropolitan Green Belt, in accordance with Policies CP1 CP11, and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM2 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 who will be happy to advise you on building control matters and will protect your interests throughout your build project

by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). 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 Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 14 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 or by contacting National Grid on 0800688588.







This page is intentionally left blank

PLANNING COMMITTEE - 16 November 2023

23/1569/FUL - Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works at Garages Adjacent 13 To 23, Pollards, Maple Cross, Hertfordshire

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 24.11.2023 (Agreed Extension)

Case Officer: Claire Westwood

Recommendation: That planning permission be granted subject to conditions.

Reason for consideration by the Committee: The applicant is a joint venture company with Three Rivers District Council, and the application is on Three Rivers District Council owned land.

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

[23/1569/FUL | Demolition of existing garages and erection of 3 storey \(plus roof accommodation\) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. | Garages Adjacent 13 To 23 Pollards Maple Cross Hertfordshire \(threerivers.gov.uk\)](#)

1 Relevant Planning History

1.1 No relevant planning history at application site.

Garages rear of 22 – 32 Pollards

1.2 23/1570/FUL - Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works. Pending consideration.

2 Description of Application Site

2.1 The site is located to the south eastern side of Pollards, perpendicular to two existing three-storey flatted blocks (1-11 and 13-23) and opposite a further three-storey block (10 – 32 Pollards). The immediate area is characterised by three-storey flatted blocks with gable ends and shallow sloping roofs and two storey semi-detached and terraced dwellings. There are balconies evident on some existing flatted blocks.

2.2 The site currently contains a single block of 10 flat roofed garages of brick construction sited adjacent to the rear site boundary where the garages share a wall with four storage sheds (outside of the site) which it is understood are leased to tenants of the existing adjacent flats.

2.3 There is vehicular access from Pollards with a dropped kerb across the full site frontage. There are no significant land level changes within/adjacent to the site.

3 Description of Proposed Development

3.1 Planning permission is sought for the demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

3.2 The proposed building would be set back from the highway by 7.2 metres. It would extend for the full width of the site and would be set flush with the rear site boundary. The proposed

building would have a width of 27 metres and depth of 8.7 metres. The building would be 3 storeys with a 4th floor of accommodation provided at roof level, served by front and rear dormer windows. The building would have a ridge height of 12.6 metres and eaves height of 9 metres. To the front elevation 2 dormer windows are proposed, each would have a width of 11.7 metres, height of 2 metres and depth of 2.9 metres. A single rooflight would be sited between the front dormer windows. To the rear, a single dormer window is proposed with a width of 26 metres, height of 2 metres and maximum depth of 2.9 metres. The central section of the rear dormer would be slightly recessed, set back further from the eaves. Fenestration is proposed to all elevations, although to the rear elevation no fenestration is proposed at ground floor level where the building would adjoin the existing adjacent storage sheds. Fenestration to the upper floors to the rear would include recessed balconies to the flank and rear elevations.

3.3 In terms of materials, the Design and Access Statement describes a buff multi brick to match the neighbouring dwellings. Windows will have dark grey frames and the roof will be formed from a mix of dark zinc standing seam to the dormers and grey concrete tiles.

3.4 The flats would each provide an open plan kitchen, living and dining area; 2 bedrooms and bathroom. Each flat would also have a 7sqm balcony. The flats would be accessed via a door within the centre of the front elevation which would lead to a central communal stair core. To either side of the front entrance door a brick structure is proposed. One would provide a bike store and the other would provide refuse/recycling storage. The structures would be 4.7 metres wide, by 2.4 metres high and 1.8 metres deep. They would be of brick construction to match the material proposed for the flats, with a green roof to each. To the front of the flats 8 car parking spaces are proposed, 4 to either side of the main entrance. A narrow planted buffer would be provided between the rear of the spaces and front elevation of the flats.

3.5 The application is accompanied by:

- Application form.
- Existing and proposed plans.
- Visuals.
- Tree Constraints Plan.
- Arboricultural Impact Assessment.
- Tree Removal Plan.
- Tree Protection Plan.
- Affordable Housing Statement.
- Energy Statement.
- CIL Form.
- Transport Assessment.
- Preliminary Ecological Appraisal.
- Phase 1 Environmental Report.

3.6 Amended plans were received during the application which proposed minor adjustments to the window design to allow secure nighttime ventilation at ground floor level. As the changes did not materially change the size or siting of the openings, re-consultation was not undertaken. Additional information (Sightline Assessment) was also provided in response to the initial comments from Hertfordshire Highways who have been reconsulted.

4 Statutory Consultation

4.1.1 Landscape Officer: [No objection]

Recommend: Approval. The submitted plans given some indication of new landscaping to the parking area of the proposed development, additional information and details should be required by condition.

4.1.2 Hertfordshire Ecology: No response received.

4.1.3 Housing Officer: [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.

Although social rented properties should be provided in the first instance, it is encouraging to see that the affordable rent properties proposed will be capped at the local housing allowance. On the basis that the development will provide family sized, 100% affordable housing for the district that fulfils our current main requirement, I can confirm that I generally support this application.

4.1.4 Hertfordshire County Council – Highway Authority: [No objection]

4.1.4.1 Initial Response: [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 recommends that permission be refused for the following reasons:

The proposed parking layout at the development does not have the adequate visibility splays from each of the parking spaces. Insufficient visibility greatly impacts the safety of the highway and therefore infringes upon Policies 1 and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

Comments/Analysis

Description of Proposal

Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

Site and Surroundings

Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages are not highway land. The closest bus stop to the site is approximately 270m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk.

Highway Impact

No visibility splays have been provided with the application, however, from drawing splays onto the proposed block plan, drawing number 050, the required visibility splay of 2.4m x 43m would be interrupted. The 2.4m x 43m visibility splays which are required for the speed and classification of the route, as outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice and Manual for Streets, are as clear as can be given the geometry of Pollards, under the existing use. However, although no highway works are proposed, as shown on drawing numbers 050 and 100, the proposed cycle parking and bin store would interrupt the visibility splays for the adjacent parking spaces. Additionally, the proposed at each end of the parking spaces, which is shown in drawing number 700 but not dimensioned, would be within the visibility splays and appears to be above the height of 600mm. Visibility splays should remain clear from a height of 0.6m and 2m to ensure that children can be seen walking on the adjacent footway by vehicles egressing the site. Without these splays, the proposed parking arrangement, and therefore, the development would not be considered safe.

It is also to be noted that the proposed footway shown to be approximately 1.2m, although located within the private land of the site, should still comply with HCC standards and should measure 2m wide, or 1.5m as an absolute minimum as outlined in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice.

Conclusion

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

4.1.4.2 Further comments: [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 subject to the following condition:

1) Construction Management Plan / Statement

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

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

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

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Comments/Analysis
Description of Proposal

Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works.

Site and Surroundings

Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages are not highway land. The closest bus stop to the site is approximately 270m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk. Given the location within an existing residential area, the site does provide options for a number of active travel methods.

Access and Parking

The application proposes to make use of the existing vehicular access into the site formed by a dropped kerb, no changes are proposed meaning no highway works are required. The amended site plan, drawing number 050 Rev A, moves the proposed bin and cycle stores further back into the site meaning that they are no longer located in the visibility splays for the parking area. Additionally, according to the Sightline Assessment document, the boundary walls at the site have been reduced to be less than 0.6m in height, further ensuring that the visibility splay from the parking spaces are not interrupted. A speed survey has now been provided within the Sightline Assessment which indicates that the 85th percentile speed past the site is 16mph, drastically reducing the length of the required visibility splay to 18m. These splays are shown on drawing number P2762/TN/2, and are unobstructed. The proposed, unadopted, footway fronting the site has been increased from 1.2m in width to around 1.6m in width according to drawing number 050 Rev A, this is a more suitable width, being just above the minimum width outlined within Roads in Hertfordshire. There have not been any collisions on Pollards, nor the surrounding network within the residential area, within the last 5 years.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that there are 8 proposed parking spaces to the front of the site, the equivalent of one space per flat. 8 secure and covered cycle parking spaces have been provided in the site, and with the amended plans no longer sit within the visibility splays. Electric vehicle charging is also to be provided at the site in each space. Regarding displaced parking from the existing garages, the Transport Statement suggests that of the 20 garages to be demolished across both Pollards sites, 14 are in use. According to the TA, 14 of those garages in use, 5 live within the parking survey extent and therefore this would be the estimated maximum number of expected displaced vehicles. In the event that this number is higher, the parking stress survey mentioned within the TA, and provided within the appendix figures, indicates that much of the surrounding area has unrestricted parking with a parking stress of 62%. It is therefore likely that on street parking would be available without causing the parking stress to increase to an unacceptable level.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste further than 30m to this location. Due to the location of the proposed bin store these distances at the site are not exceeded.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the footprint of the flats being within this 45m.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.5 Crime Prevention Design Advisor: [No objection]

Thank you for sight of planning application 23/1569/FUL, Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking, and landscaping works.

I am content that security and crime prevention have been considered for this application and it is the client's intention to build to the Secured by Design standard.

4.1.6 Environmental Protection: [No objection] (Comments relate to 23/1569/FUL and 23/1570/FUL)

The block of flats we have no issues with, the 2 properties behind the flats as long as the access road and junction with pollards are kept clear from parked vehicles there shouldn't be any issues my only concerns are the number of vehicles that are in that area.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 41

4.2.2 No of responses received: 3 (2 objections, 1 comment)

4.2.3 Site Notice: Expired 20.10.2023 Press Notice: Not required.

4.2.4 Summary of Responses:

Comment:

This development is suitable for the inclusion of integrated Swift bricks within the walls of the new building.

Objection:

Disagree with parking survey, cars are currently parked everywhere.

Insufficient parking.

Will make a congested area worse.

Dangerous for children to play.

Overlooking, will directly overlook existing flats and garden.

Too close to existing buildings.

Loss of sunlight.

Highways concerns.

How much pavement left for pedestrians?

Potential damage to existing property (storage sheds).

Impact and disturbance from building work.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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.

6.2 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 PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The NPPF (2023) advises that planning policies and decisions should promote efficient use of land, making efficient use of previously developed land.
- 7.1.2 The Spatial Vision within the Core Strategy looks forward to 2026 and beyond, and sets out the priorities for the future which include “to improve access to housing and affordable housing for communities across the whole district”. In order to implement the vision, the Core Strategy sets out a number of objectives which include (S2) “to make efficient use of previously developed land”, (S4) “to balance the community’s need for future homes...by providing sufficient land to meet a range of local housing needs...” and (S5) “To increase levels of affordable housing in the District...”.
- 7.1.3 The site is located within Maple Cross, identified as a Secondary Centre in the Core Strategy (adopted October 2011). Policy PSP3 of the Core Strategy sets out that development in Secondary Centres will a) focus future development predominantly on sites within the urban area, on previously development and b) will provide approximately 24% of the District’s housing requirements over the plan period.
- 7.1.4 Policy CP2 of the Core Strategy states that applications for windfall sites will be considered on a case by case basis having regard to:
- i.The location of the proposed development, taking into account the Spatial Strategy
 - ii.The sustainability of the development and its contribution to meeting local housing needs
 - iii.Infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv.Monitoring information relating to housing supply and the Three Rivers housing target.
- 7.1.5 As noted above, the Spatial Strategy states that in Secondary Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. Secondary Centres should between provide for approximately 24% of the District’s housing requirements. The site is situated in an urban location on previously developed land. The proposal therefore complies with Policy PSP3 of the Core Strategy (adopted October 2011), the Three Rivers Spatial Strategy and the National Planning Policy Framework’s (NPPF) core planning principle of encouraging the effective use of previously developed land. However this is subject to consideration against other material planning considerations as discussed below.
- 7.1.6 The loss of garages is considered in the parking section below.

7.2 Housing Mix

- 7.2.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site

factors. The nature of the proposed development means that it would provide 8 x 2 bedroom dwellings. Whilst the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy, it is considered that a development of this nature, which proposes two new houses, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing

- 7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**.
- 7.3.2 Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution (Policy CP4(e)). Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document and are based on the net habitable floor area (449sqm) x £550 per sqm (Rickmansworth South and Maple Cross) which would result in a financial contribution of £246,950 plus indexation of £145,700.50 (based on the RPI as of July 2023), so a total contribution of £392,650.50 in this case.
- 7.3.3 However, in the case of this application the applicant is a Registered Housing Provider whose model is to provide 100% affordable housing on site. Whilst commuted payments are general practice on small schemes that deliver market housing, the Affordable Housing SPD does not preclude small schemes (less than 10 units) from providing affordable housing on site.
- 7.3.4 The application is accompanied by an Affordable Housing Statement which sets out the eight flats are proposed to be provided as Affordable Rented units, with the rents capped at Local Housing Allowance (LHA) rates, in lieu of Social Rents. It is proposed that the rent be capped at LHA rates in perpetuity to ensure that the development remains affordable.
- 7.3.5 Where affordable housing is to be provided on site, Policy CP4 requires 70% Social Rent and 30% Shared Ownership. It is however acknowledged that Policy CP4 is now out of date with regard to tenure, but if read together with the First Homes Ministerial Statement (24 May 2021) and subsequent PPG, a policy compliant scheme should secure 45% affordable housing with a 70%/25%/5% split between Social Rent, First Homes and Shared Ownership respectively.
- 7.3.6 The application is for 8 dwellings, so 45% of this would be 3.6, rounded to 4 dwellings. As only 4 affordable dwellings would be required it would be difficult to apply a 70/25/5 split, however, it is acknowledged that the highest percentage requirement is for Social Rent.
- 7.3.7 As noted above the application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. The applicant's affordable housing statement explains that there are no first homes or shared ownership homes due in part to the funding mechanisms being used to deliver this housing. Funding has been received via the Local Authority Housing Fund are critical to make the development viable. These require homes to be provided for Ukrainian and Afghanistan families who have arrived in the UK under various resettlement and relocation schemes.
- 7.3.8 When compared to Social Rent it is recognised that the proposed Affordable Rental tenure means the rental values are increased from approximately 50% of the market rent up to 80% of the market rent. However, it is proposed that the Affordable Rent be capped at LHA rates which means that it would 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 that

a typical 2 bedroom flat for rent in Maple Cross is £1,400 per month (£323/week), at 80% the rent would be £1,120 per month (£258/week). However, with the rents capped at LHA (which would remain in perpetuity), the rent would be £1,000 per month (£230.14/week). This means that the average home would cost £120 less per month compared to 80% Affordable Rent, and representing 71% of the Market Rent. This rent includes all service charges that would normally be applied separately through a Social Rent.

7.3.9 In summary, the proposal would exceed the 45% affordable housing policy requirement, providing 100% of the proposed dwellings as affordable housing. The scheme proposes to deliver the affordable housing as Affordable Rented units on site. Whilst the proposed rental product is not specified within Policy CP4, it is a recognised affordable rental product and would be capped at LHA rates. The provision of 100% affordable housing weighs in favour of the scheme. Similarly, the provision of affordable housing on site rather than a commuted payment (£246,950 plus indexation which may be subject to viability) would respond more quickly and directly to the identified pressing need for affordable housing in the District and weighs in favour of the development. It is also noted that the Housing Development Officer is generally supportive of the proposal to provide 100% Affordable Rent capped at LHA. Therefore, the proposed delivery of a 100% affordable housing scheme, with all units delivered on site as affordable rent, is considered to be acceptable.

7.4 Character & Appearance

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

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

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

7.4.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
- iii. The generation of excessive levels of traffic
- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.4.4 Points ii, iii and iv are referred to in the relevant sections below.

7.4.5 Firstly, no objection is raised on character grounds to the demolition of the existing flat roofed garages that occupy the site.

7.4.6 The proposed block would front the street and would not represent tandem development.

- 7.4.7 The existing character of this part of the street is three-storey flatted blocks with gable ends, shallow sloping roofs and some balconies evident. In terms of layout, the proposed building would have a footprint which would be comparable with that of existing development in the area. The proposed building would front the street in a similar way to the four existing flatted blocks within this central area that front Pollards and Bradbery, set back a similar distance from the highway. It is considered that the proposed layout would reflect existing development and would not result in harm to the character of the area.
- 7.4.8 The development would however appear as four-storeys due to the design and extent of accommodation to be provided at roof level. It would have a ridge height of 12.6 metres and eaves height of 9 metres. It is acknowledged that this would introduce a building of greater mass and bulk than existing, the neighbouring three-storey buildings have ridges of approximately 10 metres height. It is also noted that the building's prominence may be increased due to its forward siting relative to its two immediate neighbours. However, whilst it would be visible, it would be set back from the road to the frontage and to the flanks, and given the variation in building heights in the area and spacing it is not considered that it would appear excessively prominent within the street scene.
- 7.4.9 The building would include gables to the flanks which would be reflective of the design of the existing flats. The proposed roof level accommodation would be served by dormer windows, these are not an existing feature within the area. Guidance within Appendix 2 requires that dormer windows are subordinate, set down from the ridge, back from the rear wall and in from the flanks. Two dormer windows are proposed to front elevation. These would be wide, however, they would be set in from both flanks, set down a good distance from the ridge, set back from the rear wall and with space between them. The rear dormer is a single feature, it would occupy a significant proportion of the roof width but like those to the front, it would be set down considerably, set in from each flank and set back from the rear wall. The central section has also been stepped to break up the linear form. It is considered that the dormers would be subordinate within the host roof. Existing flatted blocks in the area include a mix of recessed and projecting balconies. The proposed development includes balconies which would not therefore be out of character, however, they would be recessed thereby not increasing the external mass of the building.
- 7.4.10 Additionally, in terms of materials the Design and Access Statement refers to the use of a buff coloured brick which is reflective of existing materials within the area. Windows are proposed to be dark grey frames, with the roof formed of dark zinc standing seam to the dormers and grey concrete roof tiles. The indicated materials are considered acceptable, however, details/samples would be required by condition of any grant of consent.
- 7.4.11 The proposed flats would have hardstanding to the front to provide parking. There is limited opportunity for soft landscaping, however, a buffer is proposed between the parking area and building which is welcomed. Additionally green roofs are proposed to the two ancillary structures (cycle and refuse stores). Full details of the cycle and refuse stores have been provided with the application and therefore further details are not required by condition.
- 7.4.12 In summary, the proposed development would make efficient use of previously developed land. The proposed building is considered to be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area. The development would therefore accord with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.5 Impact on Neighbouring Amenity
- 7.5.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly

sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.

- 7.5.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations.
- 7.5.3 Flats 1 – 11 are located to the south-east of the application site, orientated at 90 degrees to the application site and proposed building. As the proposed building would be set forward of this neighbour and given the spacing that would be retained (5.6 metres between the two closest corners) it is not considered that there would be harm by virtue of overshadowing or loss of light to these neighbouring flats. There are no flank openings in this adjacent block facing the application site. There are windows and balconies to the rear of Flats 1 – 11 and it is acknowledged that the outlook from these would change, however, there is no right to a view in planning terms and the proposed building would be sited at an oblique angle to the existing openings with their direct outlook remaining over the amenity space serving the existing blocks. Windows are proposed to the rear of the proposed building and there would therefore be opportunity for views towards the existing flats (1 – 11), however, as noted above the relationship would mean views would be at an oblique angle with no back to back or direct facing relationship and as such it is not considered that the development would result in demonstrable harm through overlooking of Flats 1 – 11.
- 7.5.4 Flats 13 – 23 are located to the south-west of the site. They face the same direction as the proposed flats and the front elevation of the existing flats would be roughly level with the rear elevation of the proposed building with 3 metre spacing between. Given the relative siting it is not considered that there would be harm by virtue of overshadowing or loss of light to these neighbouring flats. It is also noted that the existing flats (13 – 23) are favourably sited to the south-west. There are no flank windows within the adjacent block that would be overlooked by the proposed development. The proposed building would include flank openings which would face towards the area to the front of the adjacent building. It is not considered that the flank openings would facilitate overlooking of habitable rooms. The rear openings proposed would not facilitate overlooking of Flats 13 – 23 given the set back nature of this adjacent building.
- 7.5.5 Flats 14 – 24 are located to the south of the site with a distance of approximately 25 metres between the rear of this building and the application site. The rear elevation of the proposed building would face the rear of this existing building, however, the buildings are staggered such that it is not a direct back to back relationship for the full width of either building. The spacing would be less than the 28 metre guidance figure referenced in Appendix 2, it is also acknowledged that this refers to 2-storey development. However, it is an indicative figure and regard also has to be had to the site circumstances. The site is within an urban area with a degree of existing overlooking between existing flatted blocks and it is not considered that the proposed development would result in overlooking of Flats 14 – 24 that would result in such demonstrable harm justifying refusal of planning permission.
- 7.5.6 To the rear no ground floor openings are proposed but windows and balconies are proposed over all upper levels. These would face an existing communal amenity space used by neighbouring existing flats. Whilst there would be overlooking of this area, given the existing flats all overlook this area it is not private and it is not considered that the proposal would result in demonstrable harm through overlooking. The existing storage sheds that adjoin the site boundary provide separation such that it is not considered that the proposed building would be overly dominant to those using the communal amenity space. The relationship between the proposed building and amenity space would be comparable to the relationship between this space and the existing flats.

- 7.5.7 Windows and balconies to the front would be separated from properties opposite by the highway and the front to front relationship, intervening road and separation is such that it is not considered that unacceptable overlooking would be facilitated.
- 7.5.8 The rear elevation would adjoin the existing storage sheds but would not affect the use of these buildings which are outside of the application site. Concerns regarding impact of construction on these buildings is noted, however, the grant of planning permission does not convey consent required by other legislation such as building regulations.
- 7.5.9 In summary, whilst it is acknowledged that there would be a change in outlook, it is considered that the development would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities, or result in demonstrable harm through overshadowing or loss of light, and the proposal would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Quality of Accommodation for Future Occupiers
- 7.6.1 Whilst TRDC does not have its own internal spaces standards, the Design and Access Statement confirms that the proposed flats have been designed to meet national space standards, ensuring a good quality of accommodation for future occupiers.
- 7.6.2 The development is designed so that each dwelling would benefit from a private balcony of 7sqm. Amenity space standards are set out in Appendix 2 of the Three Rivers Local Plan (adopted July 2013) and specify a requirement for 31sqm for 2 bedroom flats. This would result in a total requirement for 248sqm to serve the proposed development. As noted above each flat would benefit from 7sqm amenity space in the form of private balconies. No communal amenity space is provided. The development would therefore result in a shortfall of 24sqm per flat (184sqm in total).
- 7.6.3 The site is located within close proximity to publicly accessible open space including Beechen Wood (5 minutes), Beechen Wood Play Area (4 minutes), Hornhill Road Play Area (10 minutes) and Denham Way Play Area (16 minutes).
- 7.6.4 The shortfall in amenity space is acknowledged, however, the provision of balconies to each unit would ensure that each flat had a private and easily accessible outdoor area. As noted above there are also publicly accessible facilities within short walking distance. It is not considered that the shortfall in amenity space would result in such demonstrable harm to the amenity of future occupiers to justify refusal of planning permission.
- 7.6.5 In terms of privacy, as set out above, the site is within an urban area with a degree of existing overlooking between existing flatted blocks. However, it is considered that the siting of the proposed building and spacing around it is such that future occupiers would be afforded a good degree of privacy.
- 7.7 Safety & Security
- 7.7.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example, promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.
- 7.7.2 The Crime Prevention Design Advisor has confirmed that the development complies with Gold Secured by Design requirements.

7.8 Trees & Landscape

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

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

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

7.8.3 The application is accompanied by an Arboricultural Impact Assessment (AIA) which has been reviewed by the Landscape Officer. The AIA notes that there are no on site trees and no off-site trees within the vicinity that would be affected by the proposed development. The Landscape Officer therefore raises no objections and no conditions regarding tree protection are required.

7.8.4 The Landscape Officer notes that some limited soft landscaping is indicated on the proposed block plan. It is considered appropriate to require further details by condition to ensure that the landscaping proposed is acceptable and enhances the development. Subject to condition, the development is considered to accord with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.9 Highways & Access

7.9.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.9.2 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.9.3 The application is accompanied by a Transport Assessment.

7.9.4 HCC as Highways Authority (HCCHA) raised an initial objection, however, following the receipt of amended/additional information HCCHA have confirmed that they raise no objection subject to a number of informatives. HCCHA also request that a Construction Management Plan (CMP) be secured via condition.

7.9.5 HCCHA noted that Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. There is a footway to either side and opposite the site but there is not one fronting the site itself and the existing area fronting the garages is not highway land. The closest bus stop to the site is approximately 270m away

on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.2km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 900m walk. Given the location within an existing residential area, the site does provide options for a number of active travel methods. Having regard to the above HCCHA comment that they are satisfied that the site is in a suitably sustainable location for the size of development, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

- 7.9.6 The application proposes to make use of the existing vehicular access into the site formed by a dropped kerb, no changes are proposed meaning no highway works are required. The amended site plan, drawing number 050 Rev A, moves the proposed bin and cycle stores further back into the site meaning that they are no longer located in the visibility splays for the parking area. Additionally, according to the Sightline Assessment document, the boundary walls at the site have been reduced to be less than 0.6m in height, further ensuring that the visibility splay from the parking spaces are not interrupted. HCCHA also note that a speed survey has now been provided within the Sightline Assessment which indicates that the 85th percentile speed past the site is 16mph, drastically reducing the length of the required visibility splay to 18m. These splays are shown on drawing number P2762/TN/2, and are unobstructed. The proposed, unadopted, footway fronting the site has been increased from 1.2m in width to around 1.6m in width which HCCA consider a more suitable width, being above the minimum width outlined within Roads in Hertfordshire. HCCHA also note that there have not been any collisions on Pollards, nor the surrounding network within the residential area, within the last 5 years.
- 7.9.7 In relation to refuse collection, HCCHA refer to Manual for Streets Paragraph 6.8.9 which states that waste collection vehicles must be able to get within 25 metres of the bin storage location and residents must not have to carry waste for more than 30 metres to this location. HCCHA note that these distances would not be exceeded and raise no objection in this regard.
- 7.9.8 In relation to emergency vehicle access, HCCHA note that in accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45 metres from the edge of the highway so an emergency vehicle can gain access. HCCHA note that this is the case at this site with all of the footprint of the flats being within this 45m.
- 7.9.9 In summary, HCCHA has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, raise no objections on highway grounds. The application is considered to accord with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) in this regard.

7.10 Parking

Loss of Existing Garages

- 7.10.1 The application site is currently occupied by 10 garages which are proposed to be demolished to facilitate the proposed development. The garages are not proposed to be replaced, with the 8 parking spaces proposed as part of the application intended to serve the proposed dwellings (parking for the proposed dwellings is discussed below).
- 7.10.2 The application is accompanied by a Transport Assessment (TA) which has considered the implications of the loss of the existing garages in terms of the potential displacement of parking. The TA includes a parking survey. Regarding displaced parking from the existing garages, the TA suggests that of the 20 garages to be demolished across both Pollards sites, 14 are in use. According to the TA, of the 14 garages in use, 5 are used by people who live within the area of the parking survey and therefore this would be the estimated maximum number of expected displaced vehicles. In the event that this number is higher,

the parking stress survey mentioned within the TA, and provided within the appendix figures, indicates that much of the surrounding area has unrestricted parking with a parking stress of 62%. HCCHA therefore consider it likely that on street parking would be available without causing the parking stress to increase to an unacceptable level.

- 7.10.3 It is noted that application 23/1570/FUL for 2 x 4 bedroom dwellings following demolition of 10 garages to the rear of 22 – 32 Pollards is pending consideration. The applications are separate applications and must be considered individually on their own merits. However, it is relevant to note that the TA submitted (as referenced above) was undertaken as a joint TA in relation to both sites and therefore considers the cumulative impact of the loss of both sets of garages (20 in total). As noted above, the TA identified sufficient capacity of unallocated on-street spaces to accommodate any displaced parking.

Proposed Development

- 7.10.4 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) set out the car parking requirements for the District. The proposed development of 8 x 2 bedroom flats would result in a requirement for 16 spaces of which 8 should be assigned. The proposal includes 8 car parking spaces so provides the requisite number of allocated spaces, however, there would be an overall shortfall of 8 spaces. As noted above, the submitted TA demonstrates availability of unallocated on-street spaces which it is considered would accommodate any vehicles displaced from the existing garages. The availability of on-street parking is also considered sufficient to overcome the shortfall in parking on site. It is assumed that the 8 spaces would be allocated as 1 space per flat and a Parking Management Plan is suggested via condition to ensure details of allocation/management are provided.
- 7.10.5 The submitted Transport Assessment sets out that an Electric Vehicle Charging Point (EVCP) will be provided for each dwelling. Whilst there is no current policy requirement, the provision of EVCP is supported by both TRDC and HCCHA. As the EVCP is not detailed on the submitted plans, it is considered appropriate to require further details via condition.
- 7.10.6 A secure cycle store is proposed to the front of the building. This would provide cycle parking for each flat which would exceed the Policy requirement for 1 space per 2 units.

Parking Conclusion

- 7.10.7 In summary, the proposed development would provide 8 parking spaces to serve the proposed development, thereby providing the required number of allocated spaces. It is considered that there is sufficient capacity of unallocated parking spaces within the vicinity of the existing garages to accommodate any vehicles displaced as a result of the loss of the 10 garages in addition to the shortfall in parking (8 spaces) to serve the proposed development. Cycle parking for the proposed development would exceed standards and details of EVCP would be secured via condition. Subject to conditions the proposed level of parking is considered acceptable and would not result in demonstrable harm and the development is therefore considered acceptable in this regard in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.11 Sustainability

- 7.11.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.

7.11.2 An Energy Statement has been submitted with the application which demonstrates that the proposal would far exceed the current policy, achieving a 66% reduction in carbon emissions against the Building Regulations Part L (2021). A condition on any grant of consent would require compliance with the approved Energy Statement.

7.12 Wildlife & Biodiversity

7.12.1 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.

7.12.2 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to” (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.

7.12.3 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.

7.12.4 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.

7.12.5 The PEA notes that habitats on site are considered to be of mostly negligible ecological value with the presence of protected species therefore negligible to low potential. No further surveys are considered necessary, however, mitigation and precautionary measures are suggested, including careful consideration of lighting. The PEA makes other recommendations in relation to construction, including that any trenches or holes are covered or mammal ladders provided, and in relation to the completed development eg. provision of bird boxes. Compliance with the PEA would be a condition on any grant of consent.

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

7.13 Refuse & Recycling

7.13.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

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

7.13.2 The submitted layout plan indicates that an area for refuse and recycling storage would be provided to the front of the building which would provide sufficient storage for the required number of bins and would be easily accessible for collection from Pollards.

7.13.3 Environmental Protection have raised no objection to the details provided, the roadside collection would reflect the existing collection arrangements of neighbouring flatted blocks. HCC as Highway Authority also consider the arrangements to be acceptable.

7.14 Conclusion

- 7.14.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.14.2 The proposal would result in an uplift of 8 dwellings. The additional dwellings would therefore add to the district's housing stock and thus would weigh in favour of the development. The units would be provided as Affordable Rented units, with rates capped at LHA to ensure that they remain affordable in perpetuity. The development would make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The development would be on previously developed land and would not result in demonstrable harm to the character or appearance of the area or residential amenity of neighbouring occupiers. The proposed dwellings would exceed national space standards with private balconies provided. There would be a shortfall in amenity space, however, this is not considered to result in demonstrable harm justifying refusal of planning permission. No objections are raised on highways safety grounds. There is capacity within the vicinity of the site to accommodate any displacement following the loss of the existing garages and the level of parking to serve the proposed dwellings is considered acceptable subject to conditions. The development would far exceed the requirements of Policy DM1 in relation to carbon emissions.
- 7.14.3 It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 **Recommendation**

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

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

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

C2 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 010, 020, 030, 101 (1st and 2nd Floor), 101 (3rd Floor and Roof), 300, 050 A, 100 A, 200 A, 400 A.

Reason: For the avoidance of doubt in the proper interest of planning and to meet the requirements of Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 AFFORDABLE HOUSING: No development shall take place until a scheme for the provision of eight flats to be constructed on the site pursuant to the planning permission as Affordable Housing 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 eight x two-bed flats which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. 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;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- iv. 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.
- v. 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)
- vi. 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 England 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) 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) 4 (four) 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 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

C4 CONSTRUCTION MANAGEMENT PLAN: No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

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

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C5 LANDSCAPING: No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including details of the proposed green roofs. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out 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).

- C6 MATERIALS: 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).

- C7 PARKING MANGEMENT PLAN: A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details following occupation of the units and maintained thereafter.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C8 ELECTRIC VEHICLE CHARGING POINTS (EVCPs): Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C9 LIGHTING: No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

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

- C10 ENERGY STATEMENT: The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C11 **BICYCLE STORAGE**: No dwelling shall be occupied until its secure cycle storage as shown on plans 50 A and 400 A has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C12 **REFUSE STORAGE**: The development shall not be occupied until the approved refuse scheme as shown on plans 50 A and 400 A has been provided and these facilities should be retained permanently thereafter.

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

- C13 **ECOLOGY RECOMMENDATIONS**: The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Syntegra Consulting June 2023 (ref. 23-10798).

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

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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 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.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 Swifts are one of four red-listed species of conservation concern. The applicant is encouraged to consider the integration of a swift brick(s) within the development. More information can be found on the RSPB website and via www.swiftmapper.org.uk

16 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

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

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

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

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

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

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

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.

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.

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

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 19 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

- 110 Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

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

APPENDIX A

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
 - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”

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

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
 - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
 - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes³.

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

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure

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

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

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

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

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

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

have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

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

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

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

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

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016,

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

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

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

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000⁷. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

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

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021⁸, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

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

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

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

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

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

Table 3.

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

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

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021¹³.

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

Affordable Housing Requirements in Three Rivers

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

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

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

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

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

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

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

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

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

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

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

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

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

Affordable Housing Provision in Three Rivers

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

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

2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:

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

¹⁹ Sites with completions in the monitoring year 2021/22

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

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

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

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

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

²⁰ Includes refused and approved applications. Excludes prior approval developments.

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

Relevant Appeal Decisions

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

²¹ See footnote 3.

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

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

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

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

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

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

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

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

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

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

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

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

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

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

Decision Date 5th May 2019:

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

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

Decision Date 16th August 2019:

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

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

Decision Date 10th December 2019

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

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

Decision Date 9th March 2020

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

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

Decision Date 7th May 2020

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

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

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

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

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

Decision Date 8th February 2021

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

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

Decision Date 18th February 2021

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

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

Decision Date 4th March 2021

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

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

Decision Date 15th June 2021

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

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

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

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

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

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

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

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

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

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

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

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

Decision Date: 23rd September 2022

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

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

Decision Date: 27th October 2022

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

Conclusion

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

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

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

Sources Used:

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

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

March 2023





PLANNING COMMITTEE - 16 November 2023

23/1570/FUL - Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works at Garages Rear Of 22 To 32, Pollards, Maple Cross, Hertfordshire

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 24.11.2023 (Agreed Extension)

Case Officer: Claire Westwood

Recommendation: That planning permission be Approved subject to conditions.

Reason for consideration by the Committee: The applicant is a joint venture company with Three Rivers District Council, and the application is on Three Rivers District Council owned land.

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

[23/1570/FUL | Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works. | Garages Rear Of 22 To 32 Pollards Maple Cross Hertfordshire \(threerivers.gov.uk\)](#)

1 Relevant Planning History

1.1 No relevant planning history at application site.

Garages adjacent to 13 – 23 Pollards

1.2 23/1569/FUL - Demolition of existing garages and erection of 3 storey (plus roof accommodation) block comprising eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. Pending consideration.

2 Description of Application Site

2.1 Pollards is part of a series of residential streets which connect to Hornhill Road. Pollards is approximately 0.75km south of Maple Cross which provides local services and is defined as a Secondary Centre. Rickmansworth town centre is approximately 4km to the east of the site.

2.2 The application site is located to the north of Pollards to the rear of a three-storey flatted block (10 – 32 Pollards). The immediate area is characterised by three-storey flatted blocks with gable ends and shallow sloping roofs and two storey semi-detached and terraced dwellings.

2.3 The application site currently contains a single block of 10 flat roofed garages of brick construction located towards the western boundary of the site. The application site is roughly rectangular in proportions and orientated broadly north to south with a width of approximately 20 metres and length of approximately 27 metres and total area of approximately 564 square metres.

2.4 There is a public right of way to the west which runs from Hornhill Road to Chalfont Lane to the north. The application site is outside of but adjoins the Metropolitan Green Belt to the north-west.

- 2.5 The vehicular access to the site is to the south of the site. There are no significant land level changes within/adjacent to the site. A number of trees are located along the western and northern edges of the site.
- 2.6 To the east of the site are existing three-storey flats (10-32 Pollards) with the amenity space to the rear of these flats adjoining the application site boundary. Refuse bins are also located within this area. The southern edge of the site is defined by Longlees, a private road within the ownership of Three Rivers District Council (TRDC) which serves the application site and the rear garages of properties along Pollards. To the opposite side of the access road are two-storey semi-detached dwellings fronting Pollards and positioned in a staggered orientation

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing garages and erection of a pair of semi-detached 4 bedroom houses with associated bin and bike storage, parking and landscaping works.
- 3.2 The proposed building would be sited with the front elevation facing south-west. It would be set back approximately 12 metres from the south-west boundary, 2.5 metres from the eastern boundary, 4.7 metres from the western boundary and 10 metres from the rear (northern) boundary.
- 3.3 The dwellings would be 2 storeys with additional accommodation provided at roof level, served by gables to the flanks, front and rear dormer windows and a central crown roof section. A single storey front projection to both dwellings would provide an entrance to each dwelling. The building would have a total width of 10.9 metres and depth of 10.5 metres at ground floor level. The first floor would have a reduced depth of 8.5 metres. The building would have an eaves height of 5.8 metres and ridge height of 9 metres. The front dormer windows to each dwelling would have a height of 1.8 metres and width of 2.9 metres. A front rooflight is also proposed to each dwelling. The rear dormer window would be a single form with a height of 1.7 metres, width of 9.4 metres and depth of 2.3m.
- 3.4 The dwellings would each provide an open plan kitchen, living, dining area and WC at ground floor; 2 bedrooms and 1 bathroom at first floor; and 2 further bedrooms and a shower room at second floor level. Each dwelling would therefore have a total of 4 bedrooms.
- 3.5 In terms of materials, the Design and Access Statement describes a buff multi brick to match the neighbouring dwellings. Windows will have dark grey frames and the roof will be formed from a mix of dark zinc standing seam to the dormers and grey concrete tiles.
- 3.6 Each dwelling would benefit from a private rear garden. To the frontage of the site, 5 car parking spaces are proposed. Both dwellings would also benefit from secure cycle storage and refuse and recycling storage to their flanks. A timber bin store, 2.2 metres wide by 1.2 metres high and 0.95 metres deep is proposed for each dwelling. Adjacent to each bin store a powder coated secure cycle cabinet is proposed, each with a width of 1.8 metres, height of 1.4 metres and depth of 0.9 metres. Each cycle cabinet can accommodate 3 bicycles.
- 3.7 The application is accompanied by:
- Application form.
 - Existing and proposed plans.
 - Visuals.
 - Tree Constraints Plan.
 - Arboricultural Impact Assessment.
 - Tree Removal Plan.
 - Tree Protection Plan.

- Affordable Housing Statement.
- Daylight and Sunlight Assessment.
- Energy Statement.
- CIL Form.
- Transport Assessment.
- Preliminary Ecological Appraisal.
- Phase 1 Environmental Report.

4 Statutory Consultation

4.1.1 Landscape Officer: [No objection]

Recommend: Approval. The submitted plans indicate that five trees would be removed to facilitate the development. However, the trees in question are either C or U grade (poor quality) and their removal could be mitigated by replacement planting. The tree report suggests some replacement tree planting could be carried out in the vicinity and the plans give some indication of new landscaping and tree planting to the parking area of the proposed dwellings. However, additional information and details of remedial landscaping and tree planting should be required by condition.

4.1.2 Hertfordshire Ecology: No response received.

4.1.3 Housing Officer: [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.

Although social rented properties should be provided in the first instance, it is encouraging to see that the affordable rent properties proposed will be capped at the local housing allowance. On the basis that the development will provide family sized, 100% affordable housing for the district, I can confirm that I generally support this application.

4.1.4 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.

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments/Analysis

Description of Proposal

Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking and landscaping works.

Site and Surroundings

Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is access via a private access route which serves the garages on Pollards; this route is not highway maintainable. There is a public right of way (PRoW) Rickmansworth Footpath 008 which runs past the rear of the site and connects to Chalfont Road and Hornhill Road. The site also connects to the footway which runs along Pollards. The closest bus stop to the site is approximately 350m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.3km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 1km walk. The Highway Authority are satisfied the site is in a suitably sustainable location for the size of development, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application does not propose to alter the access onto the highway from the private access route to the garages. The proposed dwellings do not have an impact upon the existing available visibility splay from the access; this being the required splay of 2.4m x 43m according to Roads in Hertfordshire. Due to the proposed parking for the dwellings fronting the access route for the garages, there are not any proposed dropped kerbs onto the highway, as shown on drawing number 1050. There have not been any collisions close to the site within the last 5 years. The changing use of the site from garages to two dwellings is unlikely to create a significant increase in trips to the site.

In relation to parking, ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that there are a total of 5 parking spaces are provided for the two dwellings; each of these measuring 2.4m x 4.8m, the standard size outlined within Manual for Streets. There is a suitable space behind the parking spaces which shall permit for manoeuvring. Electric vehicle charging, as stated within the Transport Assessment, shall be provided with one charger per dwelling. The TA refers to two sites on Pollards together, but it is assumed that each dwelling within this proposal shall have a charging point. Any EV charging should be included at the site in line with TRDC emerging standards and updated Building Regulations. Cycle parking/storage has been provided within the private gardens of the dwellings, with two spaces each, as outlined in the TA.

Regarding the demolition of the ten garages, and therefore, potential displaced parking, a parking survey has been undertaken by the applicant and is supplied within the TA. The parking survey was conducted overnight, as would be expected, and counts the number of on-street unallocated spaces which are suitable for parking which are within approximately 200m of the existing garages. The parking survey states that on average there are 178 parking spaces available. Additionally, it is noted that the existing garages measure approximately 2.4m wide according to the TA, which would not be considered wide enough under standards outlined in Manual for Streets nor Roads in Hertfordshire to allow for parking a modern car, as the width for a new garage must be a minimum of 3m. Therefore, it can be considered that the loss of ten garages may not necessarily result in the loss of ten in use parking spaces. The proposed dwellings do not impede on any of the other garages which are located along the access route to the rear of Pollards.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not have to carry waste for more than 30m to this location. The TA provides a swept path drawing, P2762/4b, which indicates a refuse vehicle (although the one in the drawing is smaller than that used by TRDC) would reverse into the access route to collect waste. Refuse vehicles generally do not reverse into sites and would collect waste from the highway. The waste collection arrangement must ultimately be considered appropriate by TRDC as the waste management authority; although it is likely that a refuse vehicle will be able to collect waste from the highway due to the edge of the site being within 25m.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. The proposed dwellings exceed this distance by approximately 1.5m, however, it is possible for an emergency vehicle to reverse up to 20m into a site or access route if required.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.5 HCC Footpath Section: No response received.

4.1.6 Crime Prevention Design Advisor: [No objection]

Thank you for sight of planning application 23/1570/FUL, Demolition of existing garages and erection of two 4 bed houses with associated bin and bike storage, parking, and landscaping works., Garages Rear Of 22 To 32 Pollards Maple Cross.

I have had a meeting with Black architecture, and I am content that security measures have been considered and it is the client's intention to build the development to the police preferred security standard Secured by Design.

4.1.7 Environmental Protection: [No objection] (Comments relate to 23/1569/FUL and 23/1570/FUL)

The block of flats we have no issues with, the 2 properties behind the flats as long as the access road and junction with pollards are kept clear from parked vehicles there shouldn't be any issues my only concerns are the number of vehicles that are in that area.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 21

4.2.2 No of responses received: 2 (1 objection and 1 comment)

4.2.3 Site Notice: Expired 20.10.2023 Press Notice: Expired 27.10.2023

4.2.4 Summary of Responses:

Comment:

This development is suitable for the inclusion of integrated Swift bricks within the walls of the new building.

Objection:

Proposed houses would be detrimental to the area.
Would impact natural environment.
Impact on trees.
Limited parking, existing problems exacerbated.
Visual impact.
Currently overlook woods, this would be affected.
Impact on privacy.

5 **Reason for Delay**

5.1 No delay.

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

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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.

6.2 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 PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The NPPF (2023) advises that planning policies and decisions should promote efficient use of land, making efficient use of previously developed land.

7.1.2 The Spatial Vision within the Core Strategy looks forward to 2026 and beyond, and sets out the priorities for the future which include “to improve access to housing and affordable housing for communities across the whole district”. In order to implement the vision, the Core Strategy sets out a number of objectives which include (S2) “to make efficient use of previously developed land”, (S4) “to balance the community’s need for future homes...by providing sufficient land to meet a range of local housing needs...” and (S5) “To increase levels of affordable housing in the District...”.

- 7.1.3 The site is located within Maple Cross, identified as a Secondary Centre in the Core Strategy (adopted October 2011). Policy PSP3 of the Core Strategy sets out that development in Secondary Centres will a) focus future development predominantly on sites within the urban area, on previously development and b) will provide approximately 24% of the District's housing requirements over the plan period.
- 7.1.4 Policy CP2 of the Core Strategy states that applications for windfall sites will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy
 - ii. The sustainability of the development and its contribution to meeting local housing needs
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv. Monitoring information relating to housing supply and the Three Rivers housing target.
- 7.1.5 As noted above, the Spatial Strategy states that in Secondary Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. Secondary Centres should between provide for approximately 24% of the District's housing requirements. The site is situated in an urban location on previously developed land. The proposal therefore complies with Policy PSP3 of the Core Strategy (adopted October 2011), the Three Rivers Spatial Strategy and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land. However this is subject to consideration against other material planning considerations as discussed below.
- 7.1.6 The loss of garages is considered in the parking section below.
- 7.2 Housing Mix
- 7.2.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide 2 x 4 bedroom dwellings. Whilst the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy, it is considered that a development of this nature, which proposes two new houses, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 7.3 Affordable Housing
- 7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**.
- 7.3.2 Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution (Policy CP4(e)).

Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document and are based on the net habitable floor area (112.22sqm) x £550 per sqm (Rickmansworth South and Maple Cross) which would result in a financial contribution of £61,721 plus indexation of £36,415.39 (based on the RPI as of July 2023), so a total contribution of £98,136.39 in this case.

- 7.3.3 However, in the case of this application the applicant is a Registered Housing Provider whose model is to provide 100% affordable housing on site. Whilst commuted payments are general practice on small schemes that deliver market housing, the Affordable Housing SPD does not preclude small schemes (less than 10 units) from providing affordable housing on site.
- 7.3.4 The application is accompanied by an Affordable Housing Statement which sets out the two dwellings are proposed to be provided as Affordable Rented units, with the rents capped at Local Housing Allowance (LHA) rates, in lieu of Social Rents. It is proposed that the rent be capped at LHA rates in perpetuity to ensure that the development remains affordable.
- 7.3.5 Where affordable housing is to be provided on site, Policy CP4 requires 70% Social Rent and 30% Shared Ownership. It is however acknowledged that Policy CP4 is now out of date with regard to tenure, but if read together with the First Homes Ministerial Statement (24 May 2021) and subsequent PPG, a policy compliant scheme should secure 45% affordable housing with a 70%/25%/5% split between Social Rent, First Homes and Shared Ownership respectively.
- 7.3.6 The application is for 2 dwellings, so 45% of this would be 0.9, rounded to 1 dwelling. As only 1 affordable dwelling would be required it would not be possible to apply a 70/25/5 split, however, it is acknowledged that the highest percentage requirement is for Social Rent.
- 7.3.7 As noted above the application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. The applicant's affordable housing statement explains that there are no first homes or shared ownership homes due in part to the funding mechanisms being used to deliver this housing. Funding has been received via the Local Authority Housing Fund are critical to make the development viable. These require homes to be provided for Ukrainian and Afghanistan families who have arrived in the UK under various resettlement and relocation schemes.
- 7.3.8 When compared to Social Rent it is recognised that the proposed Affordable Rental tenure means the rental values are increased from approximately 50% of the market rent up to 80% of the market rent. However, it is proposed that the Affordable Rent be capped at LHA rates which means that it would 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 that a typical 4 bedroom home for rent in Maple Cross is £2,450 per month (£565/week), at 80% the rent would be £1,960 per month (£452/week). However, with the rents capped at LHA (which would remain in perpetuity), the rent would be £1,695 per month (£391.23/week). This means that the average home would cost £265 less per month compared to 80% Affordable Rent, and representing 69% of the Market Rent. This rent includes all service charges that would normally be applied separately through a Social Rent.
- 7.3.9 In summary, the proposal would exceed the 45% affordable housing policy requirement, providing 100% of the proposed dwellings as affordable housing. The scheme proposes to deliver the affordable housing as Affordable Rented units on site. Whilst the proposed rental product is not specified within Policy CP4, it is a recognised affordable rental product and would be capped at LHA rates. The provision of 100% affordable housing weighs in favour of the scheme. Similarly, the provision of affordable housing on site rather than a commuted payment (£61,721 plus indexation which may be subject to viability) would respond more quickly and directly to the identified pressing need for affordable housing in the District and weighs in favour of the development. It is also noted that the Housing Development Officer

is generally supportive of the proposal to provide 100% Affordable Rent capped at LHA. Therefore, the proposed delivery of a 100% affordable housing scheme, with all units delivered on site as affordable rent, is considered to be acceptable.

7.4 Character & Appearance

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

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

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

7.4.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
- iii. The generation of excessive levels of traffic
- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.4.4 Points ii (access), iii (traffic levels) and iv (residential amenity) are referred to in the relevant sections below.

7.4.5 Firstly, no objection is raised on character grounds to the demolition of the existing flat roofed garages that occupy the site.

7.4.6 In terms of layout, the proposed development would be served by an existing garage block access creating a small no-through road off Pollards. The proposed building would be sited with the front elevation facing south-west. Dwellings fronting Pollards generally follow a linear form, but are stepped and there is also a mix of flats and two-storey properties. As such, whilst the development would be sited to the rear of existing buildings, given its siting and orientation it would not create a back to back relationship and is therefore not considered tandem development. It is not considered that a layout introducing a development to the rear of existing buildings would be out of character when considering the existing varied pattern of development.

7.4.7 The proposed dwellings would appear as 2.5 storeys due to the inclusion of dormer windows in the roofspace to facilitate the proposed second floor level accommodation. However, given the existing three-storey flatted development within the immediate vicinity, the height proposed would not be out of character. The siting of the dwellings to the rear is also such that they are not read within the existing street scene. There would be views of the

development along the access road and from the adjacent public footpath, however, it is not considered that the development would appear prominent.

- 7.4.8 Front dormers are proposed to both dwellings with a single rear dormer across the rear. Guidance within Appendix 2 requires that dormer windows are subordinate, set down from the ridge, back from the rear wall and in from the flanks. The front dormer windows would comply with the above guidance. Whilst the rear dormer window would be a single form and thereby not set in from the central shared boundary, it would be set down from the ridge, back from the rear wall and in from both the outer flank walls of the dwelling. As such it is considered that the rear dormer would appear subordinate and would not be excessively prominent or harmful to the character of the proposed dwellings or area.
- 7.4.9 In terms of materials, the Design and Access Statement refers to the use of a buff coloured brick which is reflective of existing materials within the area. Windows are proposed to be dark grey frames, with the roof formed of dark zinc standing seam to the dormers and grey concrete roof tiles. The indicated materials are considered acceptable, however, details/samples would be required by condition of any grant of consent.
- 7.4.10 The proposed dwellings would have hardstanding to the front to provide parking, with additional hardstanding to the flanks and immediate rear of the dwellings, with the remainder of the private rear gardens laid to lawn. The hard and soft landscaping would provide an appropriate setting for the dwellings. Secure refuse and cycle stores would be sited to the flank of each dwelling. Full details have been provided with the application and therefore further details are not required by condition.
- 7.4.11 In summary, the proposed development would make efficient use of previously developed land. The proposed dwellings would be of an appropriate form, scale and siting and subject to conditions (eg. materials) would not appear excessively prominent or result in demonstrable harm to the character or appearance of the area. The development would therefore accord with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Impact on Neighbouring Amenity

- 7.5.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.
- 7.5.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.
- 7.5.3 There are no neighbours to the immediate north or west of the site.
- 7.5.4 To the east of the site are existing three-storey flats (10-32 Pollards) with the amenity space to the rear of these flats adjoining the application site boundary. Refuse bins are also located within this area. The proposed building would be sited a minimum of 2.5 metres from the eastern boundary (front right corner of right hand dwelling). The proposed building would be 12 metres from the rear of the existing flats at the front corner, increasing to 20 metres to the rear due to the relative orientation of the buildings. Whilst it is acknowledged that there would be some change in outlook experienced by occupiers of the flats, there is no right to a view in planning terms, and given the relative siting and separation it is not considered that the proposed development would result in overshadowing or loss of light to

the existing flats. This view is supported by the conclusions of the Daylight and Sunlight Assessment submitted with the application.

- 7.5.5 Appendix 2 refers to a back to back distance of 28 metres 'in the interest of privacy'. The relationship between the existing flats and proposed dwellings would be a back to flank relationship rather than back to back. There would be no habitable room glazing in the proposed flank that would overlook the existing flats and the narrow glazed panel in the eastern elevation serving the stairwell of Unit 2 can be conditioned to be obscure glazed in the interests of safeguarding privacy. The orientation of the proposed building relative to the existing flats is such that it is not considered that the rear glazing at either first or second floor level would result in overlooking. Views would be oblique only and given the spacing would not result in demonstrable harm.
- 7.5.6 The southern edge of the site is defined by Longlees, a private road within the ownership of Three Rivers District Council (TRDC) which serves the application site and the rear garages of properties along Pollards. To the opposite side of the access road are two-storey semi-detached dwellings fronting Pollards and positioned in a staggered orientation. The closest to the application site is No. 2, the flank boundary of which adjoins the access road. Whilst there would be comings and goings associated with the proposed development, it is not considered that these would be greater than those associated with the existing lawful use of the site (garages). The front corner of Unit 2 would be 22.5 metres from the rear corner of No. 2 at the closest point. The spacing is such that it is not considered that the proposed development would result in overshadowing or loss of light to the existing dwelling. This view is supported by the conclusions of the Daylight and Sunlight Assessment submitted with the application.
- 7.5.7 In terms of overlooking, the proposed dwellings would face towards the flank boundary of No. 2 so there would be no back to back relationship. It is also relevant to note that the front and rear elevations would not be directly facing, with oblique views only directed towards the rear part of the neighbouring gardens rather than the rear of the dwelling or private amenity space to the immediate rear of the dwelling. Therefore whilst it is acknowledged that there would be some change to outlook, it is not considered that the proposed development would result in demonstrable harm to the amenity of neighbouring dwellings by virtue of overlooking.
- 7.5.8 In summary, whilst it is acknowledged that there would be a change in outlook, it is considered that the development would not facilitate overlooking of neighbouring properties to the detriment of their residential amenities, or result in demonstrable harm through overshadowing or loss of light, and the proposal would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.6 Quality of Accommodation for Future Occupiers

- 7.6.1 Whilst TRDC does not have its own internal spaces standards, the Design and Access Statement confirms that the proposed dwellings have been designed to meet national space standards, ensuring a good quality of accommodation for future occupiers.
- 7.6.2 The development is designed so that each dwelling would benefit from a private rear amenity space. Amenity space standards are set out in Appendix 2 of the Three Rivers Local Plan (adopted July 2013) and specify a requirement for 105sqm for 4 bedroom properties. Both dwellings would benefit from private gardens of 100sqm. The area to the immediate rear of each dwelling would measure 80sqm, with additional usable patio space provided to the flank (the figure excludes the areas for refuse/cycle storage). Whilst the total provision (100sqm) would fall slightly short of the 105sqm requirement, the shortfall would not be significant and it is considered that both dwellings would benefit from a good sized private amenity space.

7.6.3 In terms of privacy, the front and rear windows of the proposed dwellings would not be overlooked to any significant degree. Flank openings are to stairwells only so there would be no overlooking of habitable rooms. There would be some mutual overlooking between the properties from the rear windows, however, this is not uncommon relationship in a suburban area and is not considered harmful.

7.7 Safety & Security

7.7.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example, promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.7.2 The Crime Prevention Design Advisor has confirmed that the development complies with Gold Secured by Design requirements.

7.8 Trees & Landscape

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

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

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

7.8.3 The application is accompanied by an Arboricultural Impact Assessment (AIA), AIA plan, tree constraints plan, tree protection plan and Arboricultural Method Statement (AMS) and the submitted details have been reviewed by the Councils Landscape Officer.

7.8.4 The application site is laid to hardstanding with 10 flat roofed garages, however, there are 5 trees within the application site towards the western boundary. These are read against the back drop of the woodland to the west and north but are of low individual amenity value (4 x category C and 1 x category U). In order to facilitate the proposed development the 5 trees are proposed to be removed. Whilst the development proposes soft landscaping to the rear, this would be in the form of lawn and planted beds within the proposed rear gardens and there is insufficient space within the site to re-provide the 5 trees here. The submitted AIA suggests that the loss of trees could be mitigated for by replacement planting elsewhere within the local area and this approach is supported by the Landscape Officer who raises no objections to the loss of the existing category C and U trees subject to replacement planting off-site. Whilst no details of off-site provision have been provided, this can be secured via a Grampian condition and the applicant also raises no objection to this approach.

7.8.5 There are a number of trees outside of but within close proximity to, the application site. The submitted details include an Arboricultural Method Statement and Tree Protection Plan to ensure that off-site trees in the vicinity of the site are safeguarded during the development.

7.8.6 In summary, the trees to be lost are of low amenity value. The site is read against the backdrop of the existing woodland to the west and north and as such the loss of the on-site trees would not detrimentally affect the visual amenity of the area. The loss of trees would be compensated for by replacement planting off-site. The proposal would also introduce some soft landscaping within the rear gardens of the proposed dwellings, reducing the extent of hardstanding compared to that existing. Adjacent off-site trees would be protected during development through compliance with the Arboricultural Method Statement and installation of Tree Protective Fencing. As such subject to conditions the development would comply with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.9 Highways & Access

7.9.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.9.2 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.9.3 The application is accompanied by a Transport Assessment.

7.9.4 HCC as Highways Authority (HCCHA) have been consulted and have confirmed that they raise no objection subject to a number of informatives. Whilst not requested by HCCHA, officers also consider that a condition requiring a Construction Management Plan (CMP) to be submitted for approval would be appropriate.

7.9.5 Pollards is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is accessed via a private access route which serves the garages on Pollards; this route is not highway maintainable. There is a public right of way (PRoW) Rickmansworth Footpath 008 which runs past the rear of the site and connects to Chalfont Road and Hornhill Road. The site also connects to the footway which runs along Pollards. The closest bus stop to the site is approximately 350m away on Downings Wood and is a stop for the 321 Sapphire, R1, R2 and W1 buses. The nearest train station to the site is Rickmansworth, although it would not be considered to be within an accessible walking distance as it is 4.3km away. The nearest shop is the Morrisons Daily in Maple Cross which is approximately a 1km walk. Having regard to the above HCCHA comment that they are satisfied that the site is in a suitably sustainable location for the size of development, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

7.9.6 The application does not propose to alter the access onto the highway from the private access route to the garages. The proposed dwellings do not have an impact upon the existing available visibility splay from the access; this being the required splay of 2.4m x 43m according to Roads in Hertfordshire. Due to the proposed parking for the dwellings fronting the access route for the garages, there are not any proposed dropped kerbs onto the highway, as shown on drawing number 1050. HCCHA note that there have not been

any collisions close to the site within the last 5 years. They also do not consider that the change of the use of the site from garages to two dwellings would create a significant increase in trips to the site and note that the proposed dwellings do not impede on any of the other garages which are located along the access route to the rear of Pollards.

- 7.9.7 In relation to refuse collection, HCCHA refer to Manual for Streets Paragraph 6.8.9 which states that waste collection vehicles must be able to get within 25 metres of the bin storage location and residents must not have to carry waste for more than 30 metres to this location. The submitted Transport Assessment provides a swept path drawing, P2762/4b, which indicates a refuse vehicle reverse into the access route to collect waste. Whilst HCC Highways queried the size of vehicle that would be able to reverse, TRDC Environmental Protection have confirmed that their collection vehicles would be able to reverse into the site for the purposes of refuse collection assuming that the access is free of parked cars. The proposed parking spaces are the to the front of the dwellings and are not proposed to be sited along the access.
- 7.9.8 In relation to emergency vehicle access, HCCHA note that in accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45 metres from the edge of the highway so an emergency vehicle can gain access. The proposed dwellings exceed this distance by approximately 1.5 metres, however, it is possible for an emergency vehicle to reverse up to 20 metres into a site or access route if required.
- 7.9.9 In summary, HCCHA has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, raise no objections on highway grounds. The application is considered to accord with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) in this regard.

7.10 Parking

Loss of Existing Garages

- 7.10.1 The application site is currently occupied by 10 garages which are proposed to be demolished to facilitate the proposed development. The garages are not proposed to be replaced, with the 5 parking spaces proposed as part of the application intended to serve the proposed dwellings (parking for the proposed dwellings is discussed below).
- 7.10.2 The application is accompanied by a Transport Assessment (TA) which has considered the implications of the loss of the existing garages in terms of the potential displacement of parking. The TA includes a parking survey. HCC as Highways Authority (HCCHA) note that the parking survey was conducted overnight, as would be expected, and counts the number of on-street unallocated spaces which are suitable for parking which are within approximately 200 metres of the existing garages. The parking survey states that on average there are 178 parking spaces available. Additionally, the TA states that the existing garages measure approximately 2.4 metres in width which HCCHA acknowledge would not be considered wide enough under standards outlined in either Manual for Streets or Roads in Hertfordshire, to allow for parking a modern car, as the width for a new garage must be a minimum of 3 metres. HCCHA therefore consider that the loss of 10 garages may not necessarily result in the loss of 10 usable parking spaces.
- 7.10.3 It is noted that application 23/1569/FUL for 8 x 2 bedroom flats following demolition of 10 garages adjacent to 13 – 23 Pollards is pending consideration. The applications are separate applications and must be considered individually on their own merits. However, it is relevant to note that the TA submitted (as referenced above) was undertaken as a joint TA in relation to both sites and therefore considers the cumulative impact of the loss of both sets of garages (20 in total). As noted above, the TA identified sufficient capacity of unallocated on-street spaces to accommodate any displaced parking.

Proposed Development

- 7.10.4 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) set out the car parking requirements for the District. The proposed development of 2 x 4 bedroom houses would result in a total requirement for 6 car parking spaces. The proposal includes 5 car parking spaces which would result in a shortfall of 1. Whilst there would be a slight shortfall, the shortfall is not considered to result in demonstrable harm justifying refusal of planning permission.
- 7.10.5 The submitted Transport Assessment sets out that an Electric Vehicle Charging Point (EVCP) will be provided for each dwelling. Whilst there is no current policy requirement, the provision of EVCP is supported by both TRDC and HCCHA.
- 7.10.6 Both dwellings would benefit from a secure cycle storage shed, providing cycle storage in accordance with standards.

Parking Conclusion

- 7.10.7 In summary, it is considered that there is sufficient capacity of unallocated parking spaces within the vicinity of the existing garages to accommodate any vehicles displaced as a result of the loss of the 10 garages. The proposed development would provide 5 parking spaces to serve the 2 dwellings, the shortfall of 1 space would not be so significant as to result in demonstrable harm and the development is therefore considered acceptable in this regard in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

7.11 Sustainability

- 7.11.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 7.11.2 The development proposes a low carbon ASHP. An Energy Statement has been submitted with the application which demonstrates that the proposal would far exceed the current policy, achieving a 64% reduction in carbon emissions against the Building Regulations Part L (2021). A condition on any grant of consent would require compliance with the approved Energy Statement.

7.12 Wildlife & Biodiversity

- 7.12.1 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.
- 7.12.2 Policy CP1 of the Core Strategy (adopted October 2011) advises that; "all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to" (amongst other things) (f) "protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats".

- 7.12.3 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.12.4 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.12.5 The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA notes that habitats on site are of high ecological value and there is moderate potential of the presence of protected species. Buildings on site are considered to have negligible suitability for roosting bats, however, a dead tree within the site is thought to have moderate suitability for roosting bats. The PEA recommends that this tree is felled under the supervision of a licensed bat ecologist. The site has moderate potential to support commuting/foraging bats and nesting birds and therefore the PEA recommends that works are undertaken outside bird nesting season. The PEA makes other recommendations in relation to construction, including that any trenches or holes are covered or mammal ladders provided, and in relation to the completed development eg. careful consideration of lighting and provision of bird boxes. Compliance with the PEA would be a condition on any grant of consent.
- 7.12.6 Subject to compliance with the PEA, the development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.13 Refuse & Recycling

- 7.13.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

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

- 7.13.2 The submitted layout plan indicates that an area for refuse and recycling storage would be provided adjacent to both dwellings which is considered appropriate and would provide sufficient storage for the required number of bins.
- 7.13.3 In relation to collection, as noted above, TRDC Environmental Protection have confirmed that their collection vehicles would be able to reverse into the site for the purposes of refuse collection assuming that the access is free of parked cars. The proposed parking spaces are the to the front of the dwellings and are not proposed to be sited along the access.

7.14 Conclusion

- 7.14.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.14.2 It is acknowledged that the proposal would result in an uplift of 2 dwellings. The additional dwellings would therefore add to the district's housing stock and thus would weigh in favour of the development. The units would be provided as Affordable Rented units, with rates capped at LHA to ensure that they remain affordable in perpetuity. The development would make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The development would be on previously developed land and would not result in demonstrable harm to the character or appearance of the area or residential amenity of neighbouring occupiers. The proposed dwellings would exceed national space standards with private rear amenity spaces provided. The small shortfall in amenity spaces against standards (10sqm) is not considered to result in harm. No objections are raised on highways safety grounds. There is capacity within the vicinity of the site to accommodate any displacement following the loss of the existing garages and the level of parking to serve the proposed dwellings is considered acceptable. The proposed development would introduce soft landscaping to the site and the loss of existing low amenity value trees would be mitigated by replacement planting off-site. The development would far exceed the requirements of Policy DM4 in relation to carbon emissions.
- 7.14.3 It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 Recommendation

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

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

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

C2 PLANS: The development hereby permitted shall be carried out in accordance with the following approved plans: 1001; 1010; 1020; 1050; 1100; 1200; 1400.

Reason: For the avoidance of doubt in the proper interest of planning and to meet the requirements of Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 AFFORDABLE HOUSING: No development shall take place until a scheme for the provision of two dwellings to be constructed on the site pursuant to the planning permission as Affordable Housing 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 two x four-bed dwellings which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. 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;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- iv. 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.
- v. 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)
- vi. 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 England 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) 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) 4 (four) 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 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

- C4 **OFFISTE PLANTING:** The development authorised by this permission shall not begin until the Local Planning Authority has approved in writing details of replacement planting to take place off-site to mitigate the loss of 5 trees on the application site. The details shall include the location of the proposed planting and the species and planting type.

If any of the planting approved by this condition is removed, die or becomes 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 mitigate the loss of trees on site in the interests of amenity. It is required to be a pre commencement condition to enable the LPA to assess the replacement planting before any works take place, and to ensure appropriate mitigation is provided 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).

C5 CONSTRUCTION MANAGEMENT PLAN: No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C6 LANDSCAPING: No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out 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).

- C7 TREE PROTECTION & METHOD STATEMENT: The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on Tree Protection Plan Sheet 01 (Appendix 5 of AIA) 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.

The development shall be carried out in full accordance with the approved Arboricultural Method Statement (AMS) as set out at Appendix 5 of the approved Arboricultural Impact assessment.

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

- C8 MATERIALS: 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).

- C9 BOUNDARY TREATMENTS: Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C10 LIGHTING: No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

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

- C11 OBSUCRE GLAZING (UNIT 2): Before the first occupation of Unit 2 hereby permitted, the flank glazing serving the stairwell shall be fitted with purpose made obscured glazing. 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).

- C12 ENERGY STATEMENT: The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C13 BICYCLE STORAGE: No dwelling shall be occupied until its secure cycle storage as shown on plans 1050 and 1400 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C14 REFUSE STORAGE: The development shall not be occupied until the approved refuse scheme as shown on plans 1050 and 1400 has been provided and these facilities should be retained permanently thereafter.

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

- C15 BIRD NESTING SEASON: No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

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

- C16 ECOLOGY RECOMMENDATIONS: The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal prepared by Syntegra Consulting July 2023 (ref. 23-10798).

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

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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 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.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 16 Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx
- 17 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible.

Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

- 19 Swifts are one of four red-listed species of conservation concern. The applicant is encouraged to consider the integration of a swift brick(s) within the development. More information can be found on the RSPB website and via www.swiftmapper.org.uk

- 110 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

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

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

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

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

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

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

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.

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.

APPENDIX A

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG* [2015]) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
 - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”

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

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
 - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
 - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes³.

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

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure

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

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

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

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

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

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

have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

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

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

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

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

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016,

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

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

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

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000⁷. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

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

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021⁸, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

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

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

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

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

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

Table 3.

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

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

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021¹³.

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

Affordable Housing Requirements in Three Rivers

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

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

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

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

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

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

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

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

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

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

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

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

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

Affordable Housing Provision in Three Rivers

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

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

2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:

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

¹⁹ Sites with completions in the monitoring year 2021/22

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

2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.

2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

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

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

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

²⁰ Includes refused and approved applications. Excludes prior approval developments.

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

Relevant Appeal Decisions

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

²¹ See footnote 3.

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

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

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

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

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

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

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

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

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

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

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

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

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

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

Decision Date 5th May 2019:

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

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

Decision Date 16th August 2019:

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

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

Decision Date 10th December 2019

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

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

Decision Date 9th March 2020

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

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

Decision Date 7th May 2020

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

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

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

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

- **APP/P1940/W/20/3259397 24 Wyatts Road**
Decision Date 8th February 2021

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

- **APP/P1940/W/20/3260602: 8-10 Clarendon Crescent, Croyley Green**
Decision Date 18th February 2021

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

- **APP/P1940/W/20/3244533 2 Canterbury Way**
Decision Date 4th March 2021

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

- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**
Decision Date 15th June 2021

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

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

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

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

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

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

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

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

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

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

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

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

Decision Date: 23rd September 2022

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

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

Decision Date: 27th October 2022

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

Conclusion

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

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

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

Sources Used:

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

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

March 2023

This page is intentionally left blank











This page is intentionally left blank

PLANNING COMMITTEE - 16 November 2023

23/1619/FUL - Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking and landscaping works at GARAGES BETWEEN 83 AND 89 THE QUEENS DRIVE

Parish: Chorleywood Parish Council

Ward: Penn and Mill End

Expiry of Statutory Period: 20 November 2023

Case Officer: Adam Ralton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is a joint venture company with Three Rivers District Council, and the application is on Three Rivers District Council owned land.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1J0W9QFH5P00>

1 Relevant Planning History

- 1.1 18/0322/FUL: Demolition of existing garages and construction of three linked two storey buildings consisting of a total of 6 flats for temporary accommodation with associated car parking and landscaping. Approved July 2018. Planning permission was not implemented and has expired.

2 Description of Application Site

- 2.1 The application site is located to the north western side of The Queens Drive, south west of its junction with Quickwood Close. The site contains five linked single storey flat roofed garage blocks, containing a total of 22 garages. They are arranged broadly in a U-shape, facing The Queens Drive, with a large concrete forecourt area and access drive. The closest parts of the garages to The Queens Drive are set approximately 20 metres back from the road.
- 2.2 The application site is located on the outside of a bend in The Queens Drive. The site is bound by The Queens Drive to the south-east, No. 83 The Queens Drive to the south, No. 89 The Queens Drive to the north east, and a narrow band of woodland forming part of Pheasants Wood to the west and north with the M25 immediately beyond this woodland. The land to the rear, including Pheasant's Wood, is within the Green Belt. The woodland is identified in the Local Plan as Open Space and a Local Wildlife Site.
- 2.3 The Queens Drive is characterised primarily by two storey semi-detached and terraced dwellings. The dwellings generally have pitched or hipped tiled roofs, and the majority benefit from at least one off-street car parking space within a front forecourt area. The neighbouring houses have ground to ridge heights of approximately 8.1 metres.

3 Description of Proposed Development

- 3.1 This application proposes the demolition of all existing garage buildings and the construction of a two storey building containing six two-bedroom flats.
- 3.2 The submitted plans show the building would be brick built and be two storeys high with a pitched roof. The building would be approximately 8.5 metres high to the ridge and 5.6 metres to eaves. It would be approximately 24 metres wide and 12 metres deep. The front

elevation would contain three gable roof forms. The larger front windows would be surrounded by projecting frames and would have brick panelling at first floor level.

- 3.3 The proposed building would be set approximately 24 metres back from the edge of the footway along The Queens Drive. The existing vehicular access would be widened to provide entrance to a new parking forecourt containing 10 car parking spaces. Bin and bicycle stores are proposed to the southern boundary of the site, and soft landscaping areas proposed to be introduced to both sides of the front forecourt and between the spaces.
- 3.4 The existing footpath to the north of the site through to the rear would be retained.
- 3.5 The application is accompanied by the following supporting documents:
- Affordable Housing Statement.
 - Biodiversity Net Gain Report (LC Ecological Services, August 2023).
 - Design and Access Statement (Black Architecture August 2023).
 - Ecological Appraisal (LC Ecological Services, August 2023).
 - Energy Statement (Etude, August 2023).
 - Noise and Vibration Impact Assessment Report (KP Acoustics, March 2023).
 - Phase 1 Desktop Study Report (Opus, December 2017).
 - Transport Statement (RGP, August 2023).
 - Tree constraints impact assessment and tree protection method statement for new dwellings (B.J.Unwin Forestry Consultancy, August 2023).

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Object]

Whilst the Committee wishes to support the creation of further Affordable Housing in the Parish, due to key elements of the proposed design which will impact both residents of the new homes and the existing residents of The Queens Drive, it had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

The positioning of the flats towards the rear of the site will result in considerable adverse impact on resident of the new homes from noise and pollution from the M25. The proposals include no clear commitment to how these will be mitigated, particularly for the bedrooms at the rear of the properties. For this application to be acceptable, the Committee feel that the resolution to this needs to be fully identified / documented and committed to as part of the application.

The impact on the privacy of the neighbouring properties (83 and 89 The Queens Drive) through overlooking of the existing properties bedrooms from the first-floor living accommodation of the new homes. The plans show angled glazing surrounds to the outer flats, but examining the sight lines indicate that this is not sufficient to provide appropriate privacy for the existing dwellings, particularly bearing in mind the close proximity of the new properties to the existing homes. This could be resolved by increasing the angling of these first-floor windows and, rather than using surrounds, using fully angled glazing units.

The small windows to the front of the first-floor flats should be obscured to provide proper privacy to 83 and 89 Queens Drive.

It is proposed that the bin store for the new flats will be in close proximity to the front door of 83 The Queens Drive. To prevent a negative adverse impact on existing residents

through rubbish odours, this store should be move further back, possibly swapping with the cycle store.

The site provides for only 10 parking spaces, despite Appendix 5 of the Development Management Policies requiring 2 per dwelling, i.e. 12 in total. This site is not in close proximity to amenities or public transport; therefore it is not acceptable to reduce the requirement below existing policy. It must also be considered that this site is in a sensitive position, on a right angle bend in the road where street parking introduces significant risk for road users due to lack of visibility.

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 Hertfordshire Constabulary – Designing out Crime: [No objection]

Thank you for sight of planning application 23/1619/FUL, Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed 4 person flats with associated bin and bike storage, access, parking, and landscaping works. Garages Between 83 And 89 The Queens Drive Mill End.

I have had a meeting with the architects, and I am content that security has been considered for this application and it is the client's intention to build to the police preferred minimum security standard Secured by Design.

4.1.3 Hertfordshire County Council – Highway Authority: Interim Response

In order for HCC as the Highway Authority to consider the application to be in line with LTP4 policies, it is requested that an amendment is made to alter the realignment/extension of the existing bellmouth, as outlined in the Transport Assessment, to be the installation of a dropped kerb. If alterations are proposed to the access, it would be preferred that those alterations are in line with LTP4, especially policies 1 and 5, and therefore put pedestrian movements above those of vehicles. Under HCC Policy and Guidance, a dropped kerb would be suitable for the number of proposed dwellings at the site and would ensure that pedestrian movements have priority passing the site. The maximum size of a dropped kerb is 7.2m as outlined within the Residential Dropped Kerb Policy and Roads in Hertfordshire: The Highway Design Guide: Section 4. It is noted that the scheme has been previously approved with materially similar plans, however, these plans were submitted prior to the adoption of LTP4; thus, HCC policies have changed.

4.1.3.1 Hertfordshire County Council – Highway Authority (Second Response): [No objections]

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

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained at a width of no greater than 7.2m (made up of six flat kerbs and two ramped kerbs) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) 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> or by telephoning 0300 1234047.

Comments/Analysis

It is noted that an application at the site under reference 18/0322/FUL for the construction of three linked two storey buildings consisting of a total of 6 flats was previously approved.

Description of Proposal

Demolition of existing garages and construction of two storey block comprising of 6no. 2 bed person flats with associated bin and bike storage, access, parking and landscaping works

Site and Surroundings

The Queens Drive is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is currently a block of garages set back

behind the existing dwellings fronting The Queens Drive in a residential area. The site is located in the north-western corner of Rickmansworth, approximately 2km from the centre of the town. A parade of shops is located within 1km south of the site on Berry Lane. There are a number of bus stops within 500m of the site, these being stops for the R1, R2 and 321 Sapphire buses. Rickmansworth station is approximately 2.5km from the site and is served by Chiltern Railways and the Metropolitan line. The site is therefore within a suitable area for the size of development and provides options for active travel from the site to local facilities.

Access and Parking

The now amended application proposes to alter the existing access into the site from the existing bellmouth to a dropped kerb. The use of a dropped kerb ensures the proposed development is in line with LTP4 by giving priority to pedestrian movements along the footway fronting the site. The dropped kerb has been shown to be 6.8m wide on drawing number 2023/7170/003 Rev P1. This would not be standard size that HCC would construct and therefore, when the access would be altered via S278, it will be constructed to an HCC standard size, the closest being 6.3m or 7.2m. The proposed development of the garages does not impact upon the existing available visibility splays from the access, which is not to change position. These splays are clear and wholly within highway land for the required area of 2.4m x 43m, as outlined within Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice. There have not been any collisions fronting the access within the last 5 years.

The proposed 6 dwellings are to replace the existing 22 garages, the garages are described within the Transport Statement as “many of which are currently in-use”, although it is also stated that “the majority of the tenanted garages are used for the purposes of storage” likely due to them being smaller than the now required dimensions for garages to allow a modern car to fit. A trip generation assessment has been provided for the proposed use but not for the existing use. However, the number of proposed dwellings by comparison of the number of existing garages would likely have a negligible difference in trips. The proposed trips shown in Figure 6 of the Transport Statement would not have a significant, nor severe, impact upon highway capacity, especially during the peak periods.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that 10 parking spaces are proposed at the site according to the TA. It is noted that the site is located within parking zone 4 of TRDC parking zones, meaning that 75-100% of the parking provision at the site is required. The 100% parking standard would be 6 assigned spaces, the provision at the site is above this. The Design and Access Statement says there is to be electric vehicle charging provision in 6 of the parking bays. Cycle parking is provided in a secure communal store within the site, capable of storing “at least 6 cycles” according to the TA.

In terms of potential displaced parking caused by the demolition of the garages, the TA includes an assessment of on-street parking stress. The survey suggests that 18 of the 22 garages are occupied and therefore a maximum of 18 displaced cars are to be expected. The stress survey was undertaken overnight, as would be expected, and is reported that there is space for up to 47 additional parked vehicles. Therefore, any displaced parking is likely to be accommodated within the local area on routes which do not have parking restrictions.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m to that location. The TA states that these distances are not to be exceeded and that refuse collection shall occur on-street in line with the current refuse collection methods for the other dwellings along The Queens Drive.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the proposed flat's footprint being within this 45m. As stated in the TA, the width of the proposed access is also wide enough to allow for an emergency vehicle to enter if absolutely required, although no swept path drawing has been provided.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application subject to the above condition.

4.1.4 Herts Ecology:

Not received at the time of drafting report. Comments received will be reported at committee.

4.1.5 National Grid:

Not received at the time of drafting report. Comments received will be reported at committee.

4.1.6 National Highways:

Not received at the time of drafting report. Comments received will be reported at committee.

4.1.7 Three Rivers District Council – Environmental Health: [Comment received]

I have reviewed the Phase 1 Desk Study Report prepared by Opus (Report ref. E-E1711.00/LJE/SH).

The preliminary risk assessment has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that an intrusive investigation be undertaken.

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

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

Collection would be from the road with the bin store as near to the boundary as possible and 1 x 1100 for refuse and 1 x 1100 for recycling.

4.1.9 Three Rivers District Council – Housing Development Officer: [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.

Although social rented properties should be provided in the first instance, it is encouraging to see that the affordable rent properties proposed will be capped at the local housing allowance. On the basis that the development will provide 100% affordable housing for the district that fulfils our current main requirement, I can confirm that I generally support this application.

4.1.10 Three Rivers District Council – Tree and Landscape Officer: [No objections]

Recommend: Approval

The submitted plans indicate that a small number of poor-quality trees will need to be removed to facilitate development. Some replacement planting, including new trees, to the front of the proposed development is indicated, further details of numbers, sizes and species should be required by condition.

4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Displayed 10 October 2023, expires 31 October 2023.

4.2.2 Number consulted: 28

4.2.3 No of responses received: 5 responses received, comprising 3 objections and 2 comments.

4.2.4 Summary of objections:

- Proposal will not respect the character of the area.
- Site would be better suited to householder properties such as two or three bedroom to storey dwellings
- Wildlife would be impacted
- Occupants of garages would be impacted and have to find alternative space for their vehicles. More vehicles on the road would lead to safety issues and overcrowding and higher risk of accidents.
- Residents could face health impacts due to proximity to M25.
- Access is on a dangerous bend where cars are already driven at speed.
- More residents will use already stretched local amenities ie schools.
- Construction would impact neighbours, including their views and enjoyment of their gardens.
- Neighbours would be overlooked
- Flats are not in keeping with the area.
- Properties are set back from the line of existing and will be an eyesore for neighbours, impacting use of their gardens.
- Six individual properties will create large amount of refuse and require large waste management area which will result in smells for neighbours.
- Recommend more flats are built at Pollards site and 2x 4bed semi-detached houses at Queens Drive which would be in line with existing properties and be more suited to the area.

4.2.5 Summary of comments:

- Will 25% of units be First Homes in line with National and TRDC planning policy? [Officer response: Affordable housing is assessed within the appraisal below]
- The development is suitable for the inclusion of integrated swift bricks within the walls of the proposed building. The submitted Biodiversity Net Gain report proposes a swift brick, however the generalist external nest box proposed does not comply with the British Standard and is unnecessary. Recommend 4 integrated swift bricks are proposed.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, 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 DM1, DM2, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 The Spatial Vision within the Core Strategy looks forward to 2026 and beyond, and sets out the priorities for the future which include “to improve access to housing and affordable housing for communities across the whole district”. In order to implement the vision, the Core Strategy sets out a number of objectives which include (S2) “to make efficient use of previously developed land”, (S4) “to balance the community’s need for future homes...by providing sufficient land to meet a range of local housing needs...” and (S5) “To increase levels of affordable housing in the District...”. The application site is located within Mill End, which is identified as a Key Centre in the Core Strategy’s Spatial Strategy. Policy PSP2 sets out that development in Key Centres will “Focus future development predominately on sites within the urban area, on previously developed land”. The supporting text sets out that there is scope for continued infilling within the urban areas, primarily on previously developed land, subject to the protection of existing residential and historic character and amenities.
- 7.1.2 Policy CP1 of the Core Strategy sets out the overarching policy on sustainable development and sets out that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to “make efficient use of land by guiding development onto previously developed brownfield land”. The application site is not allocated for housing within the Site Allocations LDD, and as such is not identified as part of the District’s housing supply. However it is a previously developed brownfield site. The site is therefore to be considered a windfall site. Policy CP2 of the Core Strategy states that applications for windfall sites will be considered on a case by case basis having regard to;
- i. the location of the proposed development, taking into account the Spatial Strategy;
 - ii. the sustainability of the development and its contribution to meeting local housing needs;
 - iii. infrastructure requirements and the impact on the delivery of allocated housing sites; and
 - iv. monitoring information relating to housing supply and the Three Rivers housing target.
- 7.1.3 Having regard to the Spatial Strategy within the Core Strategy, the application site is within Mill End which is identified as a Key Centre where future development should be focussed on previously developed land. The proposed development would be located on previously developed land and would make efficient use of that land. Therefore no objections are raised to the principle of developing this land.
- 7.1.4 When considering the principle of the development, it is also considered important to give some consideration to the planning history. It is acknowledged that planning permission 18/0322/FUL was granted at this site for the construction of three buildings, each containing two flats. Those flats were specifically proposed to be used to provide temporary accommodation. Regardless of the proposed use of the buildings, the principle of developing the site was considered acceptable as part of the consideration of that planning application, subject to other considerations. That planning permission was not implemented and has now expired, and it therefore carries only very limited weight. However given the site circumstances and development plan have not changed, the conclusions reached during the assessment of that application are considered to be of some relevance when considering the current scheme.

- 7.2 Impact on the character and appearance of the street scene and locality, and on the adjacent Green Belt
- 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'.
- 7.2.1 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 point will be assessed separately below]
 - iii. The generation of excessive levels of traffic; [This point will be assessed separately below]
 - iv. Loss of residential amenity; [This point will be assessed separately 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.)
- 7.2.2 The application site contains single storey flat roofed garage buildings, and is in an area characterised primarily by two storey pairs of semi-detached dwellings, with some terraces of three or four dwellings also found. The development of this site is not considered to comprise tandem development but a modern addition to the existing two storey built form. The proposed building is set further back in its plot than the adjacent houses, and this reflects the siting of the existing built form of the garages. The development in terms of its siting in the plot is considered acceptable.
- 7.2.3 The proposal utilises the front part of the plot for soft landscaping and car parking, and the rear for amenity space. The front part would therefore be similar to the existing which comprises garages and forecourt with some areas of soft landscaping. The footprint of the building would be greater than that of neighbouring buildings, however spacing is retained all around the building such that it is not considered to appear cramped within the plot. The building would appear wide and approximately 0.4m taller than neighbouring buildings, however it would be set back into the plot which mitigates any adverse impact of this height and width.
- 7.2.4 The proposed building would have three front gable projections, which would visually split the building into three parts. Rainwater goods would help to emphasise the vertical divide between the buildings. This would give the building more of the appearance of a terrace of three houses, rather than a single solid block of flats. The multiple entrances to the building would be visible, within the under-croft entrance porch, but its setback into the elevation would minimise its prominence.
- 7.2.5 In terms of materials, few details are given but the drawings suggest red brick and grey windows. They are unclear regarding the colour of the roofing tile. The proposed material pallet appears to be generally acceptable, and the full details would be secured by condition.

- 7.2.6 It is noted that the previously approved scheme included three detached buildings with spaces between them. The current scheme proposes one single building, which would have a greater frontage width overall. However given its setback and its design, it is not considered that the proposed building would result in an adverse impact on the character or appearance of the street scene or the wider locality.
- 7.2.7 The proposed development would be visible from the Green Belt to the rear of the site. However, due to the separation distance (approximately 6 metres from the boundary), that the site is previously developed and that the built form would be set back from the Green Belt boundary further than the existing garage buildings, it is not considered that the proposal would have any adverse impact on the openness of the Green Belt.
- 7.2.8 In summary, it is considered that the proposed building would be of a layout and appearance that would not have a detrimental impact on the character or appearance of the area. The proposal would accord with Policies CP1 and CP12 of the Core Strategy and DM1 of the Development Management policies LDD.
- 7.3 Housing Mix
- 7.3.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 7.3.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide 6 x 2 bedroom flats. Whilst the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy, it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 7.4 Affordable housing
- 7.4.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**.
- 7.4.2 Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution (Policy CP4(e)). Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document and are based on the net habitable floor area multiplied by £550 per sqm (Rickmansworth South and Maple Cross) plus indexation.
- 7.4.3 However, in the case of this application the applicant is a Registered Housing Provider whose model is to provide 100% affordable housing on site. Whilst commuted payments are general practice on small schemes that deliver market housing, the Affordable Housing

SPD does not preclude small schemes (less than 10 units) from providing affordable housing on site.

- 7.4.4 The application is accompanied by an Affordable Housing Statement which sets out that the six flats are proposed to be provided as Affordable Rented units, with the rents capped at Local Housing Allowance (LHA) rates, in lieu of Social Rents. It is proposed that the rent be capped at LHA rates in perpetuity to ensure that the development remains affordable.
- 7.4.5 Where affordable housing is to be provided on site, Policy CP4 requires 70% Social Rent and 30% Shared Ownership. It is however acknowledged that Policy CP4 is now out of date with regard to tenure, but if read together with the First Homes Ministerial Statement (24 May 2021) and subsequent PPG, a policy compliant scheme should secure 45% affordable housing with a 70%/25%/5% split between Social Rent, First Homes and Shared Ownership respectively.
- 7.4.6 The application is for 6 dwellings, so 45% of this would be 2.7, rounded to 3 dwellings. Applying the 70%/25%/5% split would require the provision of two social rented dwellings and one first home.
- 7.4.7 As noted above the application proposes 100% of the houses delivered to be Affordable Housing, delivered as Affordable Rent. The applicant's affordable housing statement explains that there are no first homes or shared ownership homes due in part to the funding mechanisms being used to deliver this housing. Funding has been received via the Local Authority Housing Fund and this is critical to make the development viable. These require homes to be provided for Ukrainian and Afghanistan families who have arrived in the UK under various resettlement and relocation schemes.
- 7.4.8 When compared to Social Rent it is recognised that the proposed Affordable Rental tenure means the rental values are increased from approximately 50% of the market rent up to 80% of the market rent. However, it is proposed that the Affordable Rent be capped at LHA rates which means that it would be affordable for households on no, or low, earned incomes if they are eligible for LHA. The cap at LHA rates would remain in perpetuity. The applicant has provided a worked example within their Affordable Housing Statement to demonstrate the difference in affordability:

As a worked example, assuming the typical 2 Bedroom Flat for rent in Mill End is £1,400 per month (£323/week), at 80% the rent would be £1,120 per month (£258/week).

However, with the rents capped at LHA the monthly rent would be £1,000 per month (£230.14/week). This means that the average 2 bed flat would cost £120 less per month compared to 80% Affordable Rent, and representing 71% 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 close to the Affordable Rent figures of 80% of Market Rent.

- 7.4.9 In summary, the proposal would exceed the 45% affordable housing policy requirement, providing 100% of the proposed dwellings as affordable housing. The scheme proposes to deliver the affordable housing as Affordable Rented units on site. Whilst the proposed rental product is not specified within Policy CP4, it is a recognised affordable rental product and would be capped at LHA rates. The provision of 100% affordable housing weighs in favour of the scheme. Similarly, the provision of affordable housing on site rather than a commuted payment would respond more quickly and directly to the identified pressing need for affordable housing in the District and weighs in favour of the development. It is also noted that the Housing Development Officer is generally supportive of the proposal to provide 100% Affordable Rent capped at LHA. Therefore, the proposed delivery of a 100% affordable housing scheme, with all units delivered on site as affordable rent, is considered to be acceptable.
- 7.5 Impact on amenity of existing neighbouring properties

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'.

7.5.2 Privacy

7.5.2.1 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".

7.5.2.2 The proposed building would be a minimum of 8.6m from the attached garage at No. 83 and 10.2m from the rear wall of the main house. The proposed building would have no side-facing windows and its rear-facing windows would face toward the rear amenity area serving the building. Therefore, any privacy impacts to No. 83 would be limited to the front facing windows in the proposed building. At ground floor level, the front facing windows would have no views of No. 83 due to the boundary treatments. At first floor level, the front facing windows would both serve living/dining rooms. The larger window serving this room would have an external projecting frame 0.7m deep which would act to screen most views from the first floor window toward No. 83. Some oblique views would be visible from the smaller window, which is located in a smaller enclosed corner of that room, toward the rear garden and rear facing windows of No. 83, however such views would be oblique and limited to one small window in a corner of a room. It is noted that the front elevation faces broadly south east and No. 83 faces broadly west. Given the separation and the relationship between the buildings, it is not considered that the proposal would result in any demonstrable harm to the amenities of the occupants of No. 83.

7.5.2.3 In respect of the impact on the privacy of No. 89, the ground floor windows in the proposed building would not impact privacy due to the presence of boundary treatment, and the rear facing windows face the communal amenity space. There are no side facing windows. Of the two front-facing windows, the window closest to No. 89 features the same projecting frame referenced above which would restrict views from that first floor room toward No. 89. The second window serving that room would be set further from No. 89. Given the minimum distance of 8.5m between buildings, the orientation of the buildings, and the boundary treatments, it is not considered that the proposal would result in any demonstrable harm to the privacy of the occupants of No. 89.

7.5.3 Visual Impact

7.5.3.1 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".

7.5.3.2 The proposed building would be 2.6m from the boundary with No. 83 at the front corner. No. 83 has a rear garden approximately 10m wide and 30m deep. The proposed building would be visible from rear-facing windows and the rear amenity area at No. 83. However, it is noted that the main aspect/outlook from the property is toward the west, with the building visible in wider views from the neighbouring property. The proposed building would splay away from the neighbouring garden and overall given its separation from the house at No. 83 and its garden, the size of the garden at 83 and the splayed layout, it is considered that whilst visible the proposed building would not be excessively prominent or appear overbearing when viewed from No. 83.

7.5.3.3 The proposed building would be approximately 1.8m from the boundary with No. 89 at its closest point (front corner) and then splays away from the boundary. The rear elevation of No. 89 faces north/north-west. The proposed building would be visible from the rear garden and from the rear-facing windows at No. 89. Given the separation distance and the splay of the building relative to the boundary, it is not considered that the proposal would appear overbearing when viewed from No. 89.

7.5.3.4 It is of note that planning permission was granted for two storey built form adjacent to the boundary with each neighbour as part of the previous application at this site. The building subject of the current application is on the whole further from the boundary with No. 89, and closer to the boundary with No. 83. In respect of the relationship with No. 83, whilst closer, it is considered that the orientation is such that the actual visual impact would be comparable to the approved scheme.

7.6 Quality of accommodation for future occupants

7.6.1 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.

7.6.2 Privacy and Outlook

7.6.2.1 The rear facing windows to the proposed building would not be overlooked and would provide views over the communal garden.

7.6.2.2 The front facing windows to the development would be set back from The Queens Drive and would not be overlooked from the main frontage area. It is noted that they would be set beyond the rear wall of the neighbouring houses at Nos. 83 and 89 The Queens Drive. It is noted that those neighbouring dwellings are angled away from the application site, and this layout, combined with the projected frames to the larger front facing windows, ensure future occupants would not be overlooked. The windows would all have a suitable outlook.

7.6.3 Amenity Space

7.6.3.1 Section 3 of Appendix 2 sets out the Amenity Space requirements for new development. it sets out that one bed flats should provide 21 square metres, with 10 square metres for each additional bedroom. This application proposes six 2-bedroom flats, and therefore is required to provide a total of 186 square metres of outdoor amenity space.

7.6.3.2 The amenity space to the rear of the site would have an area in excess of 200 square metres, therefore providing sufficient area. The area of amenity space immediately rear of the building would include some defensible space for occupants of the ground floor flats to ensure some privacy and separation from the main communal area. The space would measure approximately 6m deep, and be enclosed by 1.2m steel chainlink fence with the rearmost part of the garden enclosed by 1.8m high close boarded fence with 0.5m trellis. Therefore, the garden would be secure and useable and provide sufficient space for future occupants.

7.6.4 Acoustic environment

7.6.4.1 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.

7.6.4.2 The application site is around 6m from the boundary with the M25 motorway, with the rear elevation of the building itself around 16 metres at its closest. The carriageway of the M25 is approximately 10 metres beyond that point. The motorway is at a lower level to the site with a tall timber fence on the boundary with the motorway. As a result of the proximity to the M25, the application has been accompanied by a Noise and Vibration Impact Assessment. This sets out that measured noise levels allowed a robust glazing specification to be proposed which would provide internal noise levels for all residential environments in accordance with the relevant standards with no further mitigation measures required. These are to be secured by condition. In respect of vibration, the report found that measurements of traffic vibration indicates that levels are below the threshold of human perception.

7.6.4.3 It is acknowledged that the rear garden area would not benefit from the same protection from noise as the internal environment. Nevertheless it is important to note that the M25 is some distance from the site and the site is in a residential area with other residential gardens backing onto the M25 just as close as the application site. Given the intervening distance, it is considered that the communal amenity space would remain useable.

7.7 Highways

7.7.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.7.2 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.7.3 The application is accompanied by a Transport Assessment.

7.7.4 HCC as Highways Authority (HA) have been consulted and have confirmed that they raise no objection subject to a condition requiring the vehicular access to be provided, and subject to a number of informatives. Whilst not requested by the Highway Authority, officers also consider that a condition requiring a Construction Management Plan (CMP) to be submitted for approval would be reasonable and necessary given the constrained nature of the site and its close proximity to neighbouring properties.

7.7.5 Within their assessment, the HA note that there would be a negligible difference in trips between the proposed six dwellings and the use of the existing 22 garages. They also acknowledge that any displaced car parking is likely to be accommodated in the local area on routes without parking restrictions.

7.7.6 The HA note that in accordance with Manual for Streets, to ensure emergency vehicle access the entirety of the footprint of a dwelling must be within 45m from the edge of the highway, and the development complies with this requirement. The proposed access is wide enough for an emergency vehicle to enter if required.

7.7.7 Therefore, on the basis of the HA's response, the proposal is considered to provide a safe and adequate means of access with no adverse impact on highway safety or the free flow of traffic.

7.8 Parking

7.8.1 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 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings.

7.8.2 This application proposes six 2-bedroom flats, with a parking requirement of 12 spaces (6 assigned). The proposed layout includes 10 car parking spaces which would represent a shortfall of 2 parking spaces.

7.8.3 The application is accompanied by a Transport Assessment which considers car ownership statistics within the area, and finds that average car ownership based on 2011 census data is between 1.40 and 1.43 cars per property. Based on that ratio, it could be projected that the site could generate demands for between eight and nine cars, and the proposed 10 spaces would be sufficient to accommodate these, with visitor spaces too.

7.8.4 In addition, the Transport Assessment also includes a survey of on-street parking demands. It notes that the site contains 22 garages, of which four are currently vacant and 18 occupied, although some of those are used for storage purposes rather than to accommodate a car. On street parking stress surveys were undertaken in May 2023, based on an area 200m from the site with a lawful capacity of 100 cars. This found between 52 and 53 cars parked in the area overnight, showing space for at least 47 cars to park lawfully on the street. This shows that the street could accommodate 18 displaced cars from the garages with capacity still remaining. Even accounting for 18 displaced cars from garages and the shortfall of two on-site car parking spaces, demands in the survey area would increase to 73 cars, meaning there is still space for 27 cars to park. On the basis of the evidence supplied, it is considered that the car parking provision on site is acceptable.

7.8.5 It is noted that a similar exercise was undertaken during the course of the previous application, which proposed six parking spaces for the six flats, therefore having a shortfall of six. That application was approved on the basis of the evidence provided. Overall, it is considered that the car parking spaces proposed are sufficient.

7.9 Sustainability

7.9.1 Paragraph 152 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate" and that it should " support renewable and low carbon energy and associated infrastructure".

7.9.2 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.

7.9.3 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.

7.9.4 The submitted Energy Statement identifies that the proposal is currently forecast to achieve a 61% reduction in carbon emissions over Part L1 of the 2021 Building Regulations, and the proposal would therefore exceed the requirements of DM4. This would be achieved via a fabric first approach, along with air source heat pumps and the use of mechanical ventilation with heat recovery.

7.10 Tree and Landscaping

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

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

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

7.10.3 There are no protected trees in or adjacent to the site. The Tree and Landscape Officer has been consulted and acknowledges that whilst some poor quality trees are proposed for removal, replacement planting is shown on the plans. This will be secured by condition.

7.10.4 Tree protection information has been submitted showing how the retained trees to the rear of the site would be protected during construction works and it is considered reasonable and necessary to ensure the trees are protected in accordance with this document. Subject to conditions, the proposal is considered to comply with DM6.

7.11 Wildlife and Biodiversity

7.11.1 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.

7.11.2 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.

7.11.3 The application is accompanied by an Ecological Appraisal. This notes that the proposal would result in the loss of hardstanding bare ground tall ruderals and buildings but would ensure the retention of broad-leaved woodland which is part of a corridor suitable for commuting and foraging mats. Measures to prevent impacts to bats during and after construction are recommended primarily relating to lighting design. The report recommends the submission of a Construction and Ecological Management Plan and this will be secured by condition. The provision of bird boxes, interplanting of the woodland with native shrubs and providing a hedgehog house are all recommended and would be subject of a condition.

7.11.4 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 for major applications and April for non-major). The requirement for 10% BNG is, therefore, not yet enshrined in planning law.

7.11.5 The applicant has submitted a Biodiversity Net Gain report. This details that based on the proposed creation of habitats the scheme is predicted to achieve a gain of 72.93%. This is based on the creation of 0.031ha of vegetated garden and 0.049ha of urban trees to be planted comprising 12 small trees. These would be secured by condition. In addition, one swift box and one bat box are recommended and these will be secured by condition.

7.11.6 On the basis of the matters above which would be secured by condition, it is considered that the proposed development would comply with the requirements of DM6 and would conserve and enhance biodiversity.

7.12 Safety and Security

7.12.1 Policy CP1 of the Core Strategy (adopted October 2011) advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example, promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.12.2 The Designing out Crime officer has reviewed the plans and is content that security has been considered for the application and that it is the applicant's intention to build to the minimum security standard of secured by design. This is considered to comply with CP1 and CP12.

7.13 Flood Risk, Drainage and Ground Conditions

7.13.1 The scale of the development is such that there is no statutory requirement for a Sustainable Drainage Scheme (SuDS) to be submitted. Similarly, the site is located within Flood Zone 1 and as such a Flood Risk Assessment is not required to be submitted. Policy DM8 of the Development Management Policies document stipulates 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.

7.13.2 The existing site contains large areas of hard standing and single storey garage buildings. The proposal would introduce buildings with drainage provision and soft landscaping would also be introduced to the site. As such it is considered that drainage would be improved and the development would not therefore result in any greater risk of flooding within the site or neighbouring properties.

7.13.3 It is acknowledged that the site is within a source protection zone. Comments have not been received from Affinity Water on this application at the time of writing. However as part of the previous application, Affinity Water raised no objections subject to the development works being undertaken in accordance with relevant British Standards and Best Management Practice. The Environment Agency raised no objections to the previous application, and due to changes to consultation requirements since the previous application, have not been consulted as part of the current application. The Environmental Health Officer has raised no objections subject to a standard contaminated land condition.

7.14 Refuse and Recycling

7.14.1 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

7.14.2 The submitted plans indicate a communal refuse area adjacent to the proposed parking area and adjacent to the boundary with No. 83 The Queens Drive. The store would measure approximately 4.8 metres in width and would be enclosed by 1.8 metre high timber fencing, to match the height of the boundary fence. The proposed store is of sufficient size to accommodate the bins necessary for a development of this size, and is an acceptable distance (12m) from the highway for collection. Whilst the store would be adjacent to the garden of No. 83 The Queens Drive, the height of the enclosure is such that it would not be clearly visible from this neighbouring dwelling and is not considered to appear overbearing or visually intrusive. The proposed refuse and recycling storage arrangements are considered acceptable.

7.15 Conclusion

7.15.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.15.2 It is acknowledged that the proposal would result in an uplift of six dwellings. The additional dwellings would therefore add to the district's housing stock and thus would weigh in favour of the development. The units would be provided as Affordable Rented units, with rates capped at LHA to ensure that they remain affordable in perpetuity. The development would make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The development would be on previously developed land and would not result in demonstrable harm to the character or appearance of the area or residential amenity of neighbouring occupiers. The proposed dwellings would exceed national space standards with amenity space provided. No objections are raised on highways safety grounds. There is capacity within the vicinity of the site to accommodate any displacement following the loss of the existing garages and the level of parking to serve the proposed dwellings is considered acceptable. The proposed development would introduce soft landscaping to the. The development would far exceed the requirements of Policy DM4 in relation to carbon emissions.

7.15.3 It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 **Recommendation**

8.1 That 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: Drawing Nos. 1001, 1010, 1050 A, 1055 A, 1060 A, 1070 A, 1071, 1100, 1101, 1200, 1400 and 2023/7170/003 P1.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Affordable Housing (Pre-commencement)

- C3 No development shall take place until a scheme for the provision of six flats to be constructed on the site pursuant to the planning permission as Affordable Housing 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 six x two-bed flats which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. 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;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- iv. 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.
- v. 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)
- vi. 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 England 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) 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) 4 (four) 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 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

Construction Management Plan (Pre-commencement)

- C4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This is a pre commencement condition 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).

Construction Environmental Management Plan (Pre-commencement)

- C5 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) 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) including resulting from chemicals and dust and noise suppression.
- 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).

Tree Protection (Pre-commencement):

- C6 The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme as shown on Tree Retention and Protection Plan QDTRP-Aug23 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.

The development shall be carried out in full accordance with the approved Tree Constraints, Impact Assessment and Tree Protection Method Statement by B.J.Unwin Forestry Consultancy Ltd (dated 21 August 2023).

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).

Contaminated Land (pre-commencement)

- C7 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A site investigation, based on the findings of the Phase 1 Desk Study Report prepared by Opus (Report ref. E-E1711.00/LJE/SH), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any

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

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

Materials (Before above ground works)

- C8 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials for the building 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).

Ecological enhancements (Pre-occupation, for submission)

- C9 Prior to the first occupation of the development hereby permitted, details of the ecological enhancement measures to be installed at the site as recommended at Section 5.4 of the submitted Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and maintained as such thereafter.

Reason: In the interests of biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

Landscaping (Pre-occupation, for submission)

- C10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location 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. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping including the 12 new trees shown on the approved plans and referenced in the Biodiversity Net Gain report, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out 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).

Parking to be provided (Pre-occupation)

- C11 Prior to the first occupation of the development hereby permitted, the parking and turning spaces as shown on drawing 1055 Rev A shall be provided on site and retained thereafter only for the parking of vehicles associated with this development and visitors.

Reason: This is a condition in the interest of highway safety and traffic movement and to meet 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).

Bicycle storage (Pre-occupation)

- C12 No dwelling shall be occupied until its secure cycle storage as shown on plans 1050 and 1400 has been provided. The storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Bin store (Pre-occupation)

- C13 The development hereby permitted shall not be first occupied until the refuse storage area as shown on plan no. 1400 has been implemented in full, and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

Boundary treatments (Pre-Occupation)

- C14 Prior to the first occupation of the development hereby approved, the boundary treatments shown on Drawing 1055 Rev A shall be installed in accordance with that drawing and permanently maintained 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).

Contamination

- C15 Following completion of measures identified in the approved remediation scheme and prior to the first 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 the National Planning Policy Framework and Policy DM9 of the Development Management Policies LDD (2013).

Unidentified contamination

- C16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Energy Statement (Pre-occupation):

- C17 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

Lighting details (Before installation)

- C18 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity of the lighting. The lighting shall be installed only in accordance with the approved details and retained as such thereafter.

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

Noise mitigation (Compliance)

- C19 The development shall be completed in accordance with the construction methodology and mitigation measures as set out within the submitted Noise and Vibration Impact Assessment Report 16721.NVA.02 including window design and ventilation.

Reason: To ensure that occupiers of the development are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013)

Bird Nesting Season (Compliance):

- C20 No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

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

8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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 Affordable Housing – Definitions:

The following terms (and those related to them) referred to at Condition C3 shall be defined as set out below:

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

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

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

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

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

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

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.

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.

APPENDIX A

Evidence Relating to the Application of the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
 - a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”

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

- 1.5 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
 - A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
 - The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
 - In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.
- 1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.
- 1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.
- 1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.
- 1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes³.

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

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure

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

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

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

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

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

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

have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

⁴ Includes refused and approved applications. Excludes prior approval developments.

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

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

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

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

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

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

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016,

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

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

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

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000⁷. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

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

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021⁸, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

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

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

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

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

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

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

Table 3.

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

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

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021¹³.

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

Affordable Housing Requirements in Three Rivers

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

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

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

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

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

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

Affordable Housing Need - To Rent

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LHNA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

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

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

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

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

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

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

Affordable Housing Provision in Three Rivers

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

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

2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:

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

¹⁹ Sites with completions in the monitoring year 2021/22

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

- 2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.
- 2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

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

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

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

²⁰ Includes refused and approved applications. Excludes prior approval developments.

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

Relevant Appeal Decisions

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

²¹ See footnote 3.

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

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

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

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

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

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

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

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

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

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

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

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

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

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

Decision Date 5th May 2019:

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

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

Decision Date 16th August 2019:

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

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

Decision Date 10th December 2019

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

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

Decision Date 9th March 2020

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

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

Decision Date 7th May 2020

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

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

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde**
Decision Date: 21st October 2020
“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”
- **APP/P1940/W/20/3259397 24 Wyatts Road**
Decision Date 8th February 2021
“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”
- **APP/P1940/W/20/3260602: 8-10 Clarendon Crescent, Croyley Green**
Decision Date 18th February 2021
“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”
- **APP/P1940/W/20/3244533 2 Canterbury Way**
Decision Date 4th March 2021
“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”
- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**
Decision Date 15th June 2021
“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required

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

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

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

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

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

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

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

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

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

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

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

Decision Date: 23rd September 2022

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

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

Decision Date: 27th October 2022

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

Conclusion

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

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

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

Sources Used:

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

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

March 2023

This page is intentionally left blank

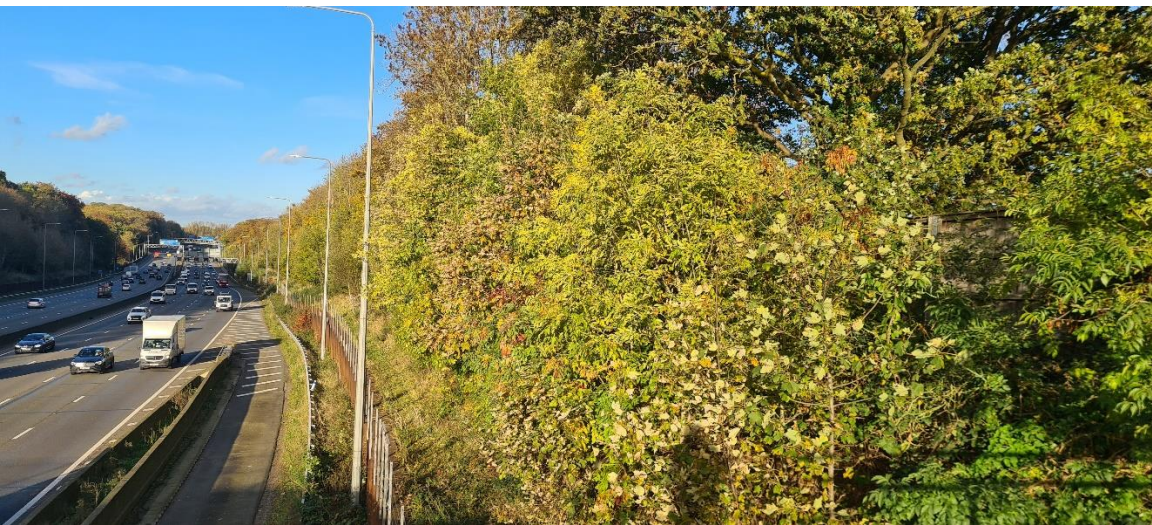
The Queens Drive – 23/1619/FUL



View of existing alley between garages and neighbouring property



View of footpath to rear, showing timber fence alongside M25



View of M25 showing it set at a lower level to the land on the right (beyond which sits the application site)



View south-west toward the site along The Queens Drive



View of the existing garage blocks.



Google Aerial image showing the site relative to neighbouring buildings and the M25



Birds-Eye images from bing.com showing site



Image from google street view with garage site on left



Image from Google street view with garage site on right
<https://maps.app.goo.gl/gMkALKR1Fwyv7rVH9>