

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 23 May 2024 at 7.30 pm in the Penn Chamber, Three Rivers, Northway, Rickmansworth.

Members of the Planning Committee:

Committee members to be appointed at Annual Council on 21 May 2024

*Joanne Wagstaffe, Chief Executive
Wednesday, 15 May 2024*

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| 1. APOLOGIES FOR ABSENCE | |
| 2. MINUTES | 5 - 8 |
| To confirm as being a correct record the minutes of the meeting of the Planning Committee on 18 April 2024. | |
| 3. DECLARATIONS OF INTEREST | |
| To receive any declarations of interest. | |
| 4. NOTICE OF OTHER BUSINESS | |
| Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items. | |
| 5. 23/1277/OUT - LAND AT TOMS LANE (NOS 114-118), TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE | 9 - 52 |
| Outline application for the erection of 5 self-build detached dwellings with associated access and parking (appearance, landscaping, layout and scale as reserved matters) | |
| Recommendation: That the application is delegated to the Head of Regulatory Services to grant outline planning permission, provided that Hertfordshire Ecology raise no objections to any further information submitted including the required reptile surveys, and following the completion of a Section 106 agreement and subject to conditions and any additional conditions recommended by Herts Ecology. | |

6. **23/1352/FUL - MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ** 53 - 86

Demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works.

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to grant planning permission subject to the conditions set out below, and any conditions requested by the LLFA:

7. **23/1618/FUL – LAND REAR OF 63 TOMS LANE, KINGS LANGLEY, WD4 8NJ.** 87 - 114

Change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block.

Recommendation: That planning permission be granted.

8. **23/1797/FUL - CEDAR HOUSE, SANDY LANE, NORTHWOOD** 115 - 160

Demolition of existing dwelling and buildings and erection of two storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works.

It is recommended:

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 an affordable housing review mechanism and private refuse collection, 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

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA), that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

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

R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R3:In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- 9. 23/1875/FUL - 20 BATCHWORTH LANE, NORTHWOOD, HA6 3DR** 161 - 184
- Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage at
- Recommendation: That planning permission be granted.
- 10. 23/2134/FUL - 29 RUSSELL ROAD, NORTHWOOD, HERTFORDSHIRE, HA6 2LP** 185 - 202
- Demolition of existing northern covered projection, and the construction of a single storey side and rear extension, conversion of garage into habitable accommodation and rear rooflight.
- Recommendation: That Planning Permission be granted.
- 11. 24/0120/FUL - PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE** 203 - 218
- Variation of Condition 1 (plans) pursuant to planning permission 23/1809/FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works.
- That planning permission be granted.
- 12. 24/0187/FUL - 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.** 219 - 228
- Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works.
- Recommendation: That Planning Permission be refused.
- 13. 24/0215/FUL - 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP** 229 - 264
- Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking.
- Recommendation: That planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordance housing contribution).

14. **24/0267/FUL - BURY LAKE, THE AQUADROME, FROGMOOR LANE, RICKMANSWORTH** 265 - 286

Construction of single storey detached 'Dry Zone' building at Bury Lake.

Recommendation: That subject to no new material considerations being raised and the recommendation of approval/no objection from the Environment Agency (EA) 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 EA.

15. **24/0338/FUL - 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP** 287 - 298

Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration.

Recommendation: That Planning Permission be granted.

16. **24/0426/FUL - STREET RECORD, SCHOOL MEAD, ABBOTS LANGLEY, HERTFORDSHIRE** 299 - 316

Alterations to existing parking including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs.

Recommendation: That Planning Permission be granted subject to conditions.

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

Exclusion of Public and Press

If the Committee wishes to consider any 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

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

Those who wish to register to speak are asked to register with the Committee Officers on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

Please note that the meeting will be livestreamed.

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THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, WD3 1RL, on Thursday, 18 April 2024 from 7.30 pm - 8.09 pm.

Present: Councillors

Sara Bedford, Chair
Steve Drury, Vice-Chair
Matthew Bedford
Ruth Clark
Andrea Fraser
Philip Hearn
Khalid Hussain
Stephen King
Chris Lloyd
Debbie Morris
David Raw

Officers in Attendance:

Lauren Edwards, Senior Planning Officer
Tom Norris, Planning Officer
Kimberley Rowley, Head of Regulatory Services
Claire Westwood, Development Management Team Leader
Anita Hibbs, Committee Manager

PC61/23 APOLOGIES FOR ABSENCE

None received.

PC62/23 MINUTES

The minutes of the Planning Committee held on 14 March 2024 were confirmed as a correct record and signed by the Chair of the meeting.

PC63/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC64/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC65/23 23/1897/FUL - WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP

Claire Westwood, Team Leader advised that there was no update on this application, instead the Officer provided a brief overview.

Members will recall that planning application 22/0491/FUL was approved in February 2023 following a Committee resolution to grant planning permission in December 2022. The current application (23/1897/FUL) seeks minor material amendments to the approved scheme by varying the approved plans set out in condition 2 of 22/0491/FUL, these minor amendments

are set out at 3.15.3 of the committee report; by varying the triggers for the delivery of conditions 4, 10 and 32; as well as a minor amendment to condition 19.

Conditions 4 (vehicular access completion), 10 (Highway Improvements – Local Cycle Network) and 32 (Decked Car Park Provision) are highways conditions that are proposed to be varied to expedite the delivery of 4 off the 11 Sound Stages previously approved (22,558sqm). Hertfordshire Highways have been consulted and their comments are included in full in the committee report, however, in summary they raise no objection to the proposed variation.

Condition 19 which is also proposed to be varied relates to Noise. The EHO has reviewed the suggested amended wording and raises no objection as they consider that the condition will ensure that nearby residential properties are not subjected to excessive noise and disturbance.

Application 22/0491/FUL was approved subject to a number of pre-commencement conditions. The applicant has sought to provide some of that information upfront with this current application to “discharge” a number of conditions (see 3.15.28) and this is discussed in full in the report and the relevant conditions are updated where appropriate.

In relation application 22/0491/FUL it was concluded that the significant economic and social benefits, collectively combined to constitute material considerations of sufficient weight to provide ‘very special circumstances’ that clearly outweighed the identified harm to enable planning permission to be granted subject to conditions and a S106 Legal Agreement. These conclusions are considered to remain relevant to the current S73 Application.

The S106 completed for 22/0491/FUL included a clause which secures that all of the planning obligations secured will automatically bind any new planning permission issued pursuant to Section 73. Therefore, as there are no new planning obligations, a Deed of Variation to the S106 Agreement is not required in this case.

The applicant, Mr. Bisoni, spoke in support of the application.

In response to a question raised regarding the wording of the recommendation of this application, the Officer advised that the recommendation is a standard wording, and it was not influenced by Members in any way, and it also reflects the wording of the application 22/0491/FUL, when that came to committee previously. The Officer further advised that the issue of the referral to the Secretary of State for the Department is set out under 7.21 of the report, and proceeded to read out the paragraph to the committee for clarification.

Councillor Steve Drury moved, seconded by Councillor Stephen King that the application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2024.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 7 For, 0 Against and 4 Abstention.

RESOLVED:

That the application be referred to the Secretary of State for the Department for Levelling Up, Housing and Communities in accordance with the Town and Country Planning (Consultation) (England) Direction 2024.

Provided the Secretary of State does not call in the application for their own determination, the APPLICATION BE DELEGATED TO THE HEAD OF REGULATORY SERVICES TO VARY CONDITIONS 2, 4, 10, 19 AND 32 AND GRANT PLANNING PERMISSION 23/1897/FUL.

PC66/23 23/1916/FUL – OPEN SPACE ADJOINING COLLEGE ROAD AND ENTRANCE TO LEAVESDEN COUNTRY PARK, ABBOTS LANGLEY, HERTFORDSHIRE

Tom Norris, Planning Officer confirmed that he had no update to give to the Committee on this application. However, he informed the committee that there were concerns from the Ward Councillors with regards to security and the proposed kerb style and height adjacent to the proposed car parks. The Officer advised that kerb height is not something that is generally specified under planning applications, but officers noted the concerns from Councillors and suggested that an informative be applied to any permission regarding details of kerbs to be circulated prior to their installation.

Members of the committee raised questions on the barrier height restriction over the lanes, and asked officers for clarification on whether the entrance and exit are going to be single or double lanes.

Officers explained that the track is not formally a double track, but it is wide enough for two cars to drive along, and the barrier extends for the whole width of the track.

Councillor Ruth Clark moved, seconded by Councillor Chris Lloyd that planning permission be granted.

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

RESOLVED:

That Planning Permission be granted.

PC67/23 24/0102/FUL - 55 PENROSE AVENUE, CARPENDERS PARK, HERTFORDSHIRE, WD19 5AB

Lauren Edwards, Planning Officer advised that there was no update to the application, but provided clarification that officers were aware of an ongoing planning enforcement investigation that relates to the two semi-detached properties which are currently being constructed to the south of the site. The Officer informed the committee that she understood that there were some deviations from the approved plans but in her view these would not have a material impact on the application.

The Committee then heard a representation by a Parish Councillor from Carpenders Park objecting to the application.

The Officer then proceeded to provide clarification on the amenity space and parking of the proposed development. The Officer highlighted the information under section 7.7 of the report which sets out the requirements for the amenity space standards of the dwelling to the south of the property and the proposed new dwelling. The 50 square metres that is described under section 7.7.3 is a parcel of the garden and does not include the parking space. The dwellings to the south were approved with one space each. The other dwelling will also have its parking space, fronting Penrose Avenue as previously approved. The space serving the dwelling to the north will have its space at the end of its garden to the left-hand side, and the proposed dwelling will have two parking spaces, or one parking space and a garage to the left-hand side of the dwelling. Similarly, the parcel of land to the south of the dwelling, a grassed area, that has been taken into consideration and included in the amenity space calculation for the dwelling.

The Officer also responded to a question regarding the Parish Councillor's concerns of the swept path for the turning that was going over the road on the opposite side of the pavement, confirming that the visibility displays put forward do not show the path going over the

pavement on the other side, and they have been reviewed by the highways officer who is content with the information provided.

Members raised concerns regarding the grounds for the previous refusal for planning permission on cramped and contrived form of development, stating that certain elements of the reasons for the previous refusal still exists. In addition, concerns were also raised about the garage dimensions that do not meet the standards, and the overdevelopment issue on the back to back separation distances; why 9 meters is acceptable in this case.

The Officer provided clarification to these concerns; explaining that she did consider whether the applicant could potentially use one of the spaces as storage rather than as a garage, and was of the view that one space to serve the proposed dwelling would not result in demonstrable harm. Furthermore, with regards to the back to back distance; the Officer clarified that in this case it is not a back to back distance, it is a flank to rear distance, and in her view she did not think that 9 meters would have resulted in a situation where they would be so close, given the orientation, that it would cause an unacceptable harm.

Members of the committee asked if a condition could be added to the application to prevent the garage to be converted into a habitable space.

Claire Westwood, Team Leader confirmed that officers did consider this option, however they found the application to be acceptable with one space, therefore, officers felt that it was not necessary to condition the use of the garage for parking.

Councillor Matthew Bedford moved, seconded by Councillor Ruth Clark that planning permission be granted subject to the completion of a Section 106 agreement and conditions.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by 6 For, 5 Against and 0 Abstention.

RESOLVED:

That planning permission be granted subject to the completion of a Section 106 agreement and conditions.

PC68/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

None.

PC69/23 EXCLUSION OF PRESS AND PUBLIC

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

CHAIR

PLANNING COMMITTEE – 23 May 2024

23/1277/OUT – Outline Application: Erection of 5 self-build detached dwellings with associated access and parking (appearance, landscaping, layout and scale as reserved matters) at LAND AT TOMS LANE (NOS 114-118), TOMS LANE, KINGS LANGLEY, HERTFORDSHIRE.
(DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 25.01.2023
Extension agreed to 31.05.2024

Ward: Gade Valley
Case Officer: Freya Clewley

Recommendation: That the application is delegated to the Head of Regulatory Services to grant outline planning permission, provided that Hertfordshire Ecology raise no objections to any further information submitted including the required reptile surveys, and following the completion of a Section 106 agreement and subject to conditions and any additional conditions recommended by Herts Ecology.

Reason for consideration by the Committee: The application was called in by the Parish Council and three members of the planning committee due to local concern regarding the overdevelopment of a Green Belt site and the impact of the development on the 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=RYNBJ1QFGJT00>

1 Relevant Planning History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site is roughly rectangular in shape and pertains to a parcel of land 5350sqm in area, located on the southern side of Toms Lane, Kings Langley. Toms Lane is a residential road, characterised by semi-detached and detached dwellings of varying architectural styles and designs, some of which have been extended or altered.

2.2 The application site is currently devoid of any built form, with the exception of one single storey structure to the south western corner of the site, to the rear. The site contains trees, shrubs and vegetation, with an existing vehicular access via Toms Lane, and a gated access. The application site lies adjacent to residential dwellings along the frontage of Toms Lane, with a heavily treed front boundary.

2.3 The neighbour to the east, number 120 Toms Lane, is a detached bungalow dwelling, constructed close to the shared boundary with the application site. The neighbour to the west, number 112 Toms Lane, is a two storey detached dwelling, set in from the shared boundary with the application site.

2.4 The application site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

3.1 The application seeks outline planning permission for the erection of 5 self-build dwellings with associated access and parking (appearance, landscaping, layout and scale as reserved matters).

- 3.2 Whilst appearance, landscaping, layout and scale are reserved matters, the application is accompanied by a proposed block plan indicating the five proposed plots, access and parking serving the dwellings. The proposed block plan (drawing number SD219A) indicates that each plot would have a minimum width of 13.9m, and each plot would have a depth of 31m. Each plot would be served by two parking spaces, with four additional visitor spaces proposed. The plots would be accessed via the existing vehicular access, with a road leading into the site, sweeping round to the east.
- 3.3 Amendments were made during the course of the application to remove from consideration the originally submitted indicative plans and elevations detailing the proposed dwellings. This removal was requested by the Case Officer due to the fact that the current application seeks outline planning permission for the construction of five self-build dwellings, and due to the self-build nature of the proposed development, the appearance, landscaping, layout and scale are currently unknown and should not form part of the application. The outstanding matters would be subject to full assessment under a reserved matters application in the event that outline planning permission is granted.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objection]

Members have concerns over the development of this site given there is no existing residential structure on the site. This land has not been previously developed and Members do not feel this application represents a legitimate land use in this greenbelt location. Additionally, Members feel the uniformity of the proposed design and layout of the site is uncharacteristic of Toms Lane, as Toms Lane is a collection of non-uniform dwellings at varying spacing. Members note Hertfordshire Wildlife Trust concerns. Members request this application be brought to committee should the officer be of the opinion to approve this application.

4.1.2 Hertfordshire County Council – Highway Authority (First response): [Further information requested]

Recommendation

Interim

Comments

In order for HCC as the Highway Authority to fully assess the application and make a formal recommendation, some clarification and alterations are requested. The access arrangements into the site shown on the drawing titled "Site Plan as Existing & Site Plan as Proposed", numbered "varied" appears to show two access points onto the highway. Whereas the drawing on the page titled "7.0 Proposed Design", which is unnumbered, shows only one access into the site. The Planning Statement and Transport Statement both agree that there is to be one access into the site, but to avoid confusion it would be helpful if the drawing with two vehicular accesses were removed from the application if they are indeed incorrect, and accurate existing and proposed site plans were provided. Additionally, the Transport and Planning Statements both state that a section of footway with a pedestrian crossing and tactile paving is to be proposed with a width of "minimum 1.8m" and shall be in line with adopted standards. In order to be in line with these current and emerging HCC standards, and DfT's Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, the footway should measure 2m and this should be reflected in the proposed plans.

Officer Note: Following receipt of the Highways Officer comments, amended plans were received. The Highways Officer has made the following further comments:

4.1.2.1 Hertfordshire County Council – Highway Authority (Second response): 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 conditions:

1. Highway Improvements – Offsite

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number SD219 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

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

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

2. Construction Management Plan

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

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

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 Informatives

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

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

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

AN) *Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any 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.*

Comments

An amended plan has been submitted as part of the above planning application, the details of which are shown on plan number SD219.

The site is proposed to be accessed via a dropped kerb/vehicle crossover leading to a carriageway width of 5.6m, which is considered to be acceptable to provide access to five dwellings and would enable two vehicles to pass one another. Following consideration of the recorded speed on Toms Lane, the levels of visibility as shown on submitted drawing number P03 are considered to be acceptable and sufficient.

A short stretch of footway and pedestrian crossing point (made up of pedestrian dropped kerbs and tactile / blister paving) fronting the site on Toms Lane has been included as part of the proposals. This is supported by HCC as Highway Authority to maximise pedestrian accessibility to and from the site.

Section 278 Highway Works

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

- *Vehicle crossover access into the site*
- *Pedestrian dropped kerbs and tactile paving on either side of Toms Lane to form an uncontrolled pedestrian crossing point.*

Conclusion

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

4.1.3 National Grid: No response received.

4.1.4 TRDC Tree and Landscape Officer: [No Objection]

Recommend: Approval.

The submitted plans indicate that one good quality tree (T1) an early mature Sycamore, and a small number of poor-quality trees, would need to be removed to facilitate development. However, landscaping plans indicate a substantial number of replacement trees would be planted in mitigation.

Whilst the site is within Metropolitan Green Belt, Toms Lane is extensively suburbanised along most of its length, and particularly the southwestern end with street lighting, tarmacked footpaths and road kerbing. The proposed development would retain the

majority of the existing trees and hedging along the boundary with Toms Lane as screening.

Conditions should be applied that require the applicant to comply with the submitted tree protection and landscaping plans.

4.1.5 Hertfordshire Ecology: [Further information required]

Overall Recommendation:

Further information and/or amendments required before application can be determined.

Summary of Advice:

- *Insufficient information on protected species (reptiles) to allow determination.*
- *The metric submitted overestimates the base line value of the site and should be recalculated.*
- *Habitats Regulations Assessment (HRA) on the impacts on the Chiltern Beachwood SAC should be undertaken.*

Conditions:

- *Mitigation within the Preliminary Ecological Appraisal is suitable and should be followed.*
- *Ecological Management Plan for the proposed orchard.*
- *An Enhancement Plan.*

Supporting Documents:

I have made use of the following documents in providing this advice:

- *Preliminary Ecological Appraisal by Tom Moya Associates (report dated June 2023).*
- *Biodiversity Net Gain Assessment by Tom Moya Associates (report dated June 2023).*

Comments:

Ecological Summary: *The grassland on the site is shown on the biodiversity base line as semi-improved neutral grassland – other neutral grassland. The Southern scrub is contiguous with priority habitat deciduous woodland adjacent to the site.*

Historic maps show this site as containing a traditional orchard through recent aerial photos from 2000 onward show this to be reduced to a small residual number of trees increasingly being absorbed into the scrub encroaching on to the site.

Surveys: *The building was assessed as having negligible potential for bats. Four trees were found to have moderate bat roosting potential. The site was also assessed as having value for commuting and foraging bats. Although the vegetation is suitable terrestrial habitat for great crested newt, there is an absence of water bodies within a suitable distance for this species. The presence of suitable habitat for nesting birds and reptiles was acknowledged. I have no reason to doubt these conclusions. Further surveys for reptiles are recommended by the Preliminary Ecological Appraisal and are still outstanding. The grassland was found to have a species diversity of between 9-15 species / m2. Based on this and the species mix described in the Preliminary Ecological Appraisal it is likely to be a form of other neutral grassland. In line with government guidance the outstanding reptile surveys should be carried out prior to determination of this application.*

Mitigation: *Standard precautions to safeguard terrestrial mammals, badgers (7.22), hedgehogs (7.48) as well as for nesting birds (7.45) are recommended within the report. The measures for nesting birds should also consider the results of any reptile survey and follow the recommendations outlined in section 7.46 to ensure the mitigation for the two species groups does not conflict. If further surveys demonstrate the presence of reptiles, a*

method statement to safeguard both nesting birds and reptiles should be secured by condition. I support these measures and the mitigation outlines in the ecological report should be followed in full. A pre-construction walk over to ensure that mitigation for badgers remains suitable should also be carried out in line with the recommendations of the report (7.21).

Enhancement: The Preliminary Ecological Appraisal (TMA ref: 230453-ED-01) makes recommendations for enhancement measures that may be included within the site, including the following: Inbuilt bat roost boxes, Inbuilt swift nest boxes, Inbuilt sparrow nest terraces, Log piles, Hedgehog dome and an Invertebrate box. If the application is approved I advise that all of these measures are adopted in full and demonstrated on an Enhancement Plan which is secured by condition.

Biodiversity Net Gain: Measurable net gain and the use of a metric is not yet mandatory although the concept and rules that underpin it should now be considered best practice. A measurable Biodiversity Net Gain is not a feature of the current Local Plan.

Nevertheless, the applicant has supplied a completed Biodiversity Net Gain Metric for the development. This shows that the proposal will result in a biodiversity net loss in area habitats of -3.95 units (57.74%) and a biodiversity net gain in hedgerow habitats of 2.05 units (524.02%). The metric also flags up that the trading rules have not been met. Consequently, based on these results, no net gain in any habitat type can be claimed, unless acceptable ecological reasons are given demonstrating that the figures do not represent the real ecological impact. However, in this case the habitat baseline scores include those for a previously present traditional orchard. Since the site was cleared prior to the habitats being surveyed historical sources have been used to define the extent of this previous orchard. Whilst I acknowledge this evidence and support the aim to recreate a traditional orchard over part of the site, photographs show that by 2000 much of the original orchard had already been lost. More recent photos show a further loss in condition and scrubbing over of the remaining orchard. Given the minimal extent of the orchard shown in aerial photographs from 2000 onwards, I consider the figures used in the baseline calculation overestimates the baseline habitat value. Taking this into account if the LPA are minded that the application delivers a net gain across all habitat types, then the metric should be recalculated to establish whether, when considering the reduced extent of the orchard, a net loss in area habitats still results.

The biodiversity measures will result in the recreation of a traditional orchard and represent a significant enhancement. I advise that a management plan as to how it will be created, managed and sustained for its biodiversity value is secured by Condition.

Chilterns Beachwood SAC: The proposed development comprises five new dwellings. This suggests a net increase in residential accommodation. Given that the proposed development lies within the Chilterns Beechwoods Special Area of Conservation (SAC) 'Zone of Influence', the Habitats Regulations 2017 (as amended) apply and we recommend that as the competent authority, the Council must undertake a Habitats Regulations Assessment (HRA).

This is because we consider there is credible risk that harmful impacts from the increase in recreational pressure on the SAC (alone or in combination with other plans or projects) may arise and that likely significant effects cannot be ruled out.

If, following further 'appropriate assessment' the HRA is subsequently unable to rule out adverse effects on the integrity of the SAC, mitigation will be required.

Effective mitigation will be the best delivered by payment of the appropriate tariff(s) set by the Council that will contribute to the implementation of 'strategic access management

and mitigation measures' (SAMMs) alongside the creation of suitable alternative natural green spaces' (SANGs).

As there is no indication in the application that the tariff(s) will be paid, it is our opinion that adverse effects cannot be ruled out and consent cannot be granted until adequate mitigation is provided.

4.1.6 Herts and Middlesex Wildlife Trust: [Objection]

The biodiversity net gain assessment states that a full biodiversity metric should be supplied. This has not been supplied. It must be supplied before the application can be decided so that the figures can be scrutinised.

Irrespective of this, the proposal results in the destruction of a priority habitat and a substantial net loss to biodiversity. No measures are proposed to mitigate or compensate this loss so that the application is compliant with the NPPF requirement for net gain.

Unless this information is submitted and approved the application is not compliant with planning policy and must be refused.

4.1.7 Thames Water: [No Objection]

Waste Comments:

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.

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> <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.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4.1.8 Affinity Water Asset Sustainability: No response received.

4.1.9 TRDC Local Plans Section: [No objection]

The outline proposal seeks the development of 5 dwellings with associated access via Toms Lane. The site is located within the Other Settlement of Toms Lane. The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- i) the location of the proposed development, taking into account the Spatial Strategy
- ii) the sustainability of the development and its contribution to meeting local housing needs
- iii) infrastructure requirements and the impact on the delivery of allocated housing sites
- iv) monitoring information relating to housing supply and the Three Rivers housing target.

The Spatial Strategy states that new development will be directed towards previously developed land and appropriate infilling opportunities in the urban areas of the Principal Town and Key Centres, which are identified as the most sustainable locations in the District. This strategy is supported by Policy PSP2 in the Core Strategy which states that future development will predominately be focused on sites within the urban area. The application is not located within the Principal Town or Key Centres, therefore not complying with the Spatial Strategy or Policy PSP2. However, the development would result in a net gain of 5 dwellings and would subsequently make a positive contribution to meeting the District's current housing target of 637 dwellings per year.

The proposal site falls within the Green Belt. Policy CP11 of the Core Strategy (adopted 2011) states that 'there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it.' The National Planning Policy Framework (NPPF) (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies LDD (adopted 2013) states that the construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in the NPPF. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

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

The application proposes a total of 5 4+ bed dwellings. While this does not meet the recommended mix, policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site

factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

The NPPF states that self-build and custom-build housing can be either market or affordable housing. Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. Policy CP4(e) goes on to state that for small sites delivering between one and nine dwellings, the Council will consider the use of commuted payments towards affordable housing provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 15

4.2.2 No of responses received: 10 objections, 0 supporting

4.2.3 Site Notice: Expired: 28.09.2024. Press notice: Not required

4.2.4 Summary of Responses:

- An obvious site for redevelopment, for which a neutral stance should be taken given housing pressures on the UK – objections relate to the design as opposed to the actual development of the area.
- The preservation of some natural vegetation trees etc to the adjacent area to Toms Lane itself seems counterproductive, wasteful and not in keeping with other houses along the road itself.
- Traffic rarely keeps to the speed limit along Toms Lane.
- Houses and parking area should be moved closer to the road to enable a larger area to the rear.
- Two entrances for vehicles seems wasteful.
- Concerns regarding visibility.
- Above issues are highlighted by a proposed pedestrian crossing at the north end of the development, along with the proposed communal waste collection areas.
- No information regarding bats and newts that live in the current site.
- Design is not in keeping with surrounding properties.
- Proposed height is not in keeping with surrounding properties.
- Impact on existing views.
- Considerable impact on wildlife.
- Concerns regarding lack of parking.
- Added pressure on an already busy road at a very narrow point of the lane.
- Based on profit, not what the environment needs.
- Green spaces should be left along for the benefit of all.
- The site has not previously been used for housing, its open and natural.
- Additional housing in Toms Lane should be the right sort of housing, one or two bedroom units, bungalows or social housing.
- Infringement on Green Belt.
- Overbearing to opposite residents.
- Mature trees along front boundary should be retained.
- Impacts infrastructure and the environment.
- 5 houses would be an overdevelopment of the site.
- Concerns regarding safety of residents with speeding cars and no pavement outside the application site.

- Toms Lane has already suffered with recent drainage and surface water issues, electricity cabling issues, burst pipes. Further heavy goods vehicles and housing will exacerbate the problems.
- Toms Lane is a semi-rural lane, with several green undeveloped spaces breaking up the housing.
- Lots of detached houses on the market that are not selling. This is not what the housing crisis needs.
- Toms Lane suffers far more accidents than noted.
- Large vehicles mount the pavement when they meet along narrow parts of Toms Lane.
- Removal of trees would increase the noise experienced by neighbours from the M25.
- Access to Toms Lane will be blind unless the mature trees in front of the development are felled, access from the existing gate is already dangerous as the mature tree line prevents a clear view of the road and oncoming traffic.
- Proposed crossing would be hidden behind the tree line when approached from Bedmond unless the trees are removed, which would not be acceptable.
- High chance further traffic accidents will occur.
- Bin area should not be on the boundary with neighbours.
- Lesser properties would be more appropriate.

4.2.5 In addition to the responses reported above, a response was received from 'Action for Swifts' as follows:

This development would benefit from the inclusion of integrated Swift bricks within the fabric of the new buildings.

The Preliminary Ecological Appraisal proposes Sparrow Terraces, however Swift bricks would provide much more of a biodiversity enhancement. This is because Swift bricks are universal, conforming to BS 42021:2022 and in doing so providing nest cavities for a number of birds, including four red-listed species of conservation concern: Swift, House Martin, House Sparrow and Starling. Specifically, House Sparrows will readily use Swift bricks, but the reverse does not apply.

For this development Swift bricks would be ideally sited grouped together under the eaves of the north elevation of the most northerly dwelling.

I would suggest that such bricks are secured by way of a condition worded such as “no development shall take place until written details are approved by the LPA of the model and location of 3 integrated Swift bricks, such bricks to be fully installed prior to occupation and retained thereafter” in accordance with the NPPF.

- 4.2.6 Officer comment: It is noted that some comments refer to the design of the proposed dwellings. The indicative elevations and plans have been withdrawn from the application, as the current outline planning application does not seek permission for the appearance, landscaping, layout or scale of the buildings. The plans have been updated to indicate the existing access would be retained, and no additional access is proposed.

5 Reason for Delay

- 5.1 Detailed discussions took place in respect of whether the scheme could viably afford to provide a contribution towards affordable housing. There was also a delay due to the receipt of additional information and subsequent reconsultation.

6 Relevant Planning Policy, Guidance and Legislation

- 6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38

(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

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

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

6.4 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Outline Nature of Development

- 7.1.1 The application has been submitted in Outline with Appearance, Landscaping, Layout and Scale reserved. Therefore, if outline planning permission were to be granted, the reserved matters would all need to be the subject of another application or applications. Consequently, this application only seeks a decision on the principle of development and on the detailed access.
- 7.1.2 The application may acknowledge the reserved matters but may not give these matters significant weight as they would be assessed and agreed at a subsequent stage, if the current outline application were to be approved.

7.2 Principle of Residential Development

- 7.2.1 The proposed development would result in a net gain of five dwellings on the application site. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). 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.
- 7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy.
 - ii. The sustainability of the development and its contribution to meeting local housing needs.
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.2.3 The application site lies outside of any defined settlement boundary as defined within the Core Strategy. Notwithstanding this, the site is considered to share a physical and functional connection with Kings Langley, as endorsed by the Inspector in appeal decision APP/P1940/W/21/3286584 relating to number 100 Toms Lane. In considering this appeal, the Inspector commented: 'I note that the Council has calculated that the site is approximately 1.8km from the centre of Kings Langley, where shops, restaurants, pubs and cafes are found...I consider that 1.8km is not so far as to preclude walking, and any journeys by private vehicles to access the services and facilities in Kings Langley would likely be brief. A bus stop is very near to the site, which provides services into Kings Langley. Hence, in functional terms the site is well-connected to the main built-up area of Kings Langley'. Given the close proximity between the two sites, it is considered that the same conclusions can be drawn to the current application site.
- 7.2.4 It is noted that the application seeks permission for five self build plots. The NPPF promotes the use of self build. At paragraph 70 it sets out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. It continues that 'to promote the development of a good mix of sites, local planning authorities should...seek opportunities through policies and decisions to support small sites to come forward for community led development for housing and self build and custom build housing'. The delivery of self-build plots would be positive and would help to meet the demand for self- and custom-build plots.
- 7.2.5 In summary, the proposed development is acceptable in this regard and would therefore be subject to an assessment against other material considerations.

7.3 Principle of Development: Green Belt

7.3.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

7.3.2 7.3.2 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

7.3.3 Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD relate to development within the Green Belt and reflect the guidance as set out in the NPPF.

7.3.4 The application site lies outside of any defined settlement boundary as defined in the adopted Core Strategy. Whilst this is given weight, recent appeal decisions within the district have considered the individual locational circumstances of Toms Lane, and relationship with nearby settlements where the site lies outside the defined settlement boundary. In considering the appeal for the construction of three dwellings at a neighbouring site, number 100 Toms Lane (LPA ref 21/1863/FUL, appeal reference APP/P1940/W/21/3286584), which is approximately 0.75km from the edge of Kings Langley, the Inspector considered that the site had a strong physical and functional connection with Kings Langley and accordingly considered that the site is within the village of Kings Langley. The current application site is approximately 80m east (ie further from Kings Langley) of the site referenced above at number 100 Toms Lane, and given this proximity it is considered reasonable that a similar conclusion be reached.

7.3.5 In considering an appeal for a new dwelling at land off Seabrook Road, rear of 139 Toms Lane (approx. 325m east of the application site, therefore further from Kings Langley but closer to Bedmond) the Inspector noted that site was over 1km from Bedmond but Bedmond could be safely accessed by pedestrians and that there was a sense of being part of the same settlement experienced along the full length of the route between that appeal site and Bedmond High Street. On the basis of the characteristics on the ground, the Inspector found that appeal site is located within a village.

- 7.3.6 Having regard to the cases above, their proximity to the application site and to the character of this part of Toms Lane, it is considered that the site is within a village.
- 7.3.7 Turning to whether the proposed development constitutes “limited infilling”, the proposal would largely follow the linear line of the dwellings to the east and west of Toms Lane. As such, the LPA consider that with the proposed arrangement of the dwellings, and surrounding site characteristics, it would constitute an infill site.
- 7.3.8 In terms of whether or not the proposal is considered to be ‘limited’, it is considered that the number of dwellings relative to the width of the plot would not appear cramped. This is further endorsed by the submitted proposed block plan which illustrates that the proposed plots would be well spaced and would not appear cramped but would reflect the size of neighbouring plots. In addition, the land to the rear part of the site would remain undeveloped and open, thus it is considered that the proposal would constitute limited infilling.
- 7.3.9 The proposal would therefore fall within the exception of constituting limited infilling in a village, as defined within the NPPF and as a result would not constitute inappropriate development in the Green Belt and would not harm the openness of the Green Belt. The proposed development is therefore acceptable in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and Para 154 of the NPPF.

7.4 Highways and Access

- 7.4.1 The proposal would utilise the existing access for entrance and exit to the site, with an access through the site serving the five plots and additional visitor’s spaces. The proposal would include a pedestrian crossing.
- 7.4.2 In relation to the access arrangements, crossing and footpath, the Highways Officer considers that, whilst some works would be required to facilitate the proposed development, the principle nature of the development would be acceptable. Visibility would be acceptable and the scheme includes a short section of footway and pedestrian crossing point which is supported by HCC.
- 7.4.3 On the basis of the above the proposed means of access to the site is considered acceptable.

7.5 Affordable Housing

- 7.5.1 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**. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The proposed development would result in a net gain of five dwellings and as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.
- 7.5.2 Floor plans have not been submitted and as such it is not possible to calculate the required commuted sum amount which is based on a payment per square meeting based on the market area set out in the Affordable Housing SPD. In this case the required amount would be £750 per sqm of habitable floor space (plus indexation).
- 7.5.3 The current application was accompanied by Viability Reports outlining that no financial contribution could be made as this would result in an unviable scheme. There have been a number of reviews with the Council’s Viability Assessor who has reviewed further evidence supplied by the applicant, in particular in relation to the self build nature of the

proposal and the implications of this. They have suggested an amount (£373,605) that would be viable, and have supported this with evidence. The applicant has agreed to the amount put forward. A S106 agreement needs to be completed to secure the affordable housing contribution. Given the self-build nature of the development, the S106 would also need to account for any variations to the assumed floor area of the dwellings as they come forward at the reserved matters stage. The S106 would also secure the buildings as self-build, given that the affordable housing assumptions are made on this basis. Subject to the completion of a S106 the proposal would comply with Policy CP4 of the Core Strategy.

7.6 Principle of Development: Character and Streetscene

7.6.1 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'.

7.6.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;*
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;*
- iii. The generation of excessive levels of traffic;*
- iv. Loss of residential amenity;*
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)*

7.6.3 Elevations and floor plans have not been submitted, as this application seeks outline permission with only the matter of access to be assessed in detail. A full assessment of the visual impact of the development on the character of the street scene and locality would be made at reserved matters stage.

7.7 Principle of Development: Impact on amenity of neighbours

7.7.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM1 and Appendix 2 of the Development Management Properties LDD provides further guidance and states that residential development should not result in a loss of light or loss of privacy to neighbouring dwellings.

7.7.2 As above, Elevations and floor plans have not been submitted, as this application seeks outline permission with only the matter of access to be assessed in detail. A full assessment of the visual impact of the development on the character of the street scene and locality would be made at reserved matters stage. It is considered that the site could be developed in such a way so as to avoid any adverse impacts to neighbouring properties, both visual impacts and privacy impacts.

7.8 Principle of Development: Quality of Accommodation for future occupants

7.8.1 With regard to overlooking, Appendix 2 of the Development Management Policies LDD sets out that where garden length alone is relied upon for privacy a minimum of 14m should be retained and a back to back distance of 28m should be maintained.

7.8.2 As above, this application seeks outline permission with only the matter of access to be assessed in detail. A full assessment of the quality of accommodate for future occupiers, taking account of aspect and outlook, and amenity space provision, would be made at reserved matters stage.

7.9 Wildlife and Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. Whilst it is noted that the Environment Act now applies and requires mandatory Biodiversity Gains, this does not apply if a planning application was made before day one of mandatory Biodiversity Net Gain (BNG) on 12 February 2024. Therefore this development is exempt from mandatory BNG.

7.9.2 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 DMP LDD. 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.

7.9.3 Paragraph 186 of the NPPF advises that when determining planning applications, local planning authorities should apply principles including if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

7.9.4 The application site is located within the Zone of Influence (ZOI) for the Chilterns Beechwoods Special Area of Conservation (SAC). The location of the site within the ZOI is a material consideration, however it is acknowledged that the site, and Three Rivers District is at the outer edge of the ZOI, and the District has been identified as generating less than 2% of the visits to the SAC. Taking this into account, it is considered that material harm would be unlikely to be caused to the SAC as a result of this development, and no compensatory measures are required in respect of this matter.

7.9.5 The application is accompanied by a Preliminary Ecological Appraisal prepared by Tom Moya Associated (dated June 2023) and a Biodiversity Net Gain Assessment by Tom Moya Associates (dated June 2023). The key results of the submitted Preliminary Ecological Appraisal include that the site is dominated by grassland and scrub habitats, a line of trees is present and is a notable habitat and the site contains potentially suitable habitat for badgers, birds (nesting/breeding/wintering), hedgehogs, invertebrates (common), reptiles (common) and Stag Beetles. The closest statutory site is 3.2km south east of the site, and the closest non-statutory site is 0.33km east of the site. The proposed development is not anticipated to have a detrimental impact on these sites. The proposed development is due to result in the loss of semi-improved grassland and dense scrub habitats. Line of tree habitats are due to be retained within the development.

7.9.6 The Preliminary Ecological Appraisal outlines some recommendations including the retention and replacement of trees, the submission and approval of reptile surveys prior to determination of the current application to ascertain whether the development would

impact reptiles and any necessary mitigation measures needed as a result, specifically designed lighting to minimise illumination of suitable habitats to avoid an impact on commuting and foraging bats, vegetation and buildings suitable for nesting birds may only be removed during the nesting season if they have been checked by an ecologist and no nests are present, care should be taken when moving brash or dense vegetation to avoid harm to hedgehogs which may be present, gaps created within the line of trees should be kept to a minimum and where possible the crowns of trees and other vegetation are allowed to span the gaps to maintain the continuity of the line of trees habitat, to confirm that Badger setts continue to be absent from the site and surrounding area prior to works commencing and to minimise the risk of Badgers and other animals becoming trapped, excavations within the site should include ramps or sloped sides to allow animals to escape.

7.9.7 Herts Ecology have been consulted as part of the current application, and whilst the approach, mitigation and compensation measures outline within the submitted reports are considered acceptable, further surveys for reptiles are recommended by the Preliminary Ecological Appraisal and are still outstanding. As such, the application cannot be determined until such surveys are submitted and considered.

7.9.8 The requirement for Biodiversity Net Gain is not currently a statutory requirement for the proposed development thus cannot be secured via this application. Nevertheless, Policy DM6 of the DMP LDD requires biodiversity to be conserved and as such a Landscape Ecological Management Plan is considered reasonable to require via condition to address the potential net loss.

7.9.9 On the basis of the surveys submitted, and with the outstanding Reptile Survey to be submitted and considered prior to determination of this application, it is considered, subject to conditions and the submission of a satisfactory reptile survey, that the LPA have sufficient information to be able to determine the application.

7.10 Trees and Landscaping

7.10.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.10.2 The Tree and Landscape Officer has been consulted as part of the current application and has commented that the submitted plans indicate that one good quality tree (T1) an early mature Sycamore, and a small number of poor-quality trees, would need to be removed to facilitate development. However, landscaping plans indicate a substantial number of replacement trees would be planted in mitigation. Landscaping is not a consideration for the current application, and would be considered as part of a future reserved matters application in the event outline planning permission is given. However the LPA considers the submission demonstrates suitable compensatory landscaping could be provided. Tree protection measures can be secured by condition at this time, and this is considered reasonable and necessary to ensure that existing trees are protected during the course of any development works at the site. As such, subject to conditions, the proposed development is considered to be acceptable in this regard.

7.11 Parking

7.11.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.11.2 No plans have submitted which set out the proposed bedroom number of the dwellings. Appendix 5 of the DMP LDD sets out the parking standards for residential dwellings this is outlined below:

1 bedroom dwellings: 1.75 spaces (1 assigned)

2 bedroom dwelling: 2 spaces (1 assigned)

3 bedroom dwellings: 2.25 spaces (2 assigned)

4 or more bedrooms: 3 spaces (3 assigned).

7.11.3 The submitted block plan indicates that each plot would be served by two spaces, with four additional visitors spaces proposed. It is noted that, given that floor plans have not been submitted as part of the current application, it cannot be confirmed whether the proposed parking arrangement would comply with standards, however, it is noted that additional parking to the front of each plot, or within a garage, could be provided should three spaces per plot be required.

7.12 Sustainability

7.12.1 Policy CP1 of the Core Strategy sets out that all applications for all new commercial development of one unit or more will be required to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design and construction. Policy DM4 of the Development Management Policies Document states that development should provide 5% less Carbon Dioxide than Building Regulations Part L (2013) having regard to feasibility and viability. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.12.2 This application has not been accompanied by an Energy Statement, however given that the application is made in outline the lack of a statement is not considered objectionable. A condition would be attached requiring the submission of an Energy Statement for each dwelling.

7.13 Refuse and Recycling

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

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

7.13.2 Further details of refuse/recycling provision would be required at reserved matters stage also taking into account the comments of the Highways Officer in respect of the access.

7.14 Planning Balance

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 engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking “the policies which are most important for

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

- 7.14.2 The development would be appropriate development within the Metropolitan Green Belt and no other harm has been identified within the analysis section above. It is recognised that the development would contribute to the shortfall in housing and would provide self build houses. The applicant has agreed to enter into a deed in accordance with Section 106 of Town and Country Planning Act 1990 in respect of affordable housing, and as such the development would make a financial contribution to the provision of affordable housing in Three Rivers. Furthermore, there would be economic benefits of the construction plus expenditure from future occupiers. In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF the benefits of the development significantly and demonstrably outweigh any adverse impact of the development.

8 Recommendation

- 8.1 That Outline PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement:

C1 Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

C2 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

C3 The development hereby permitted relates to the application site as outlined on the approved location plan reference SD200 and SD219 REV A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6,

DM8, DM9, DM10, DM12, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C4 No development or other operation shall commence to each plot or the approved access whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') relevant to the trees within or surrounding the access or plot being developed has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details relevant to the individual plot and access 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).

- C5 Construction Management Plan

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

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

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way 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).

C6 Highway Improvements – Offsite

A) Design Approval

No on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number SD219 have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction

Prior to first occupation of any dwelling hereby permitted, the 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 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).

C7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The LEMP should cover the entire site and 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.
- e. Prescriptions for management actions.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The LEMP shall be carried out as approved.

Reason: This is a pre commencement condition to maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C8 Prior to the commencement of any works about ground level to any of the dwellings hereby approved, details of the specification and location of the ecological enhancement measures as set out in section 8 of the submitted Preliminary Ecological Appraisal (June 2023, Report 230453-ED-01) to be installed within that plot 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 that dwelling, and permanently maintained thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C9 No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has

been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following.

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

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

Reason: This is a pre commencement condition in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the commencement of any development above ground level in respect of any dwelling hereby approved, an energy statement relating to that dwelling shall be submitted to and approved in writing which sets out the measures to be utilised to ensure the dwelling meets the requirements of Development Management Policy DM4. The dwelling subject of the statement shall thereafter be constructed only in accordance with the measures identified within that statement, and those measures shall be permanently maintained as such thereafter.

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

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 £145 per request (or £43 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:

- (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 development 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.
- 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.
- 16 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.
- 17 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 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.

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.”
- 1.5 The supporting text to Policy CP4 summarises the justification for it:

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.

- 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 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

- 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”

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, representing the cheapest properties in the District was £325,000.00,

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

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

- 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).

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)

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 Claremont Crescent, Croxley 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

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Land At Toms Lane (Nos 114-118) – Officer's Pictures



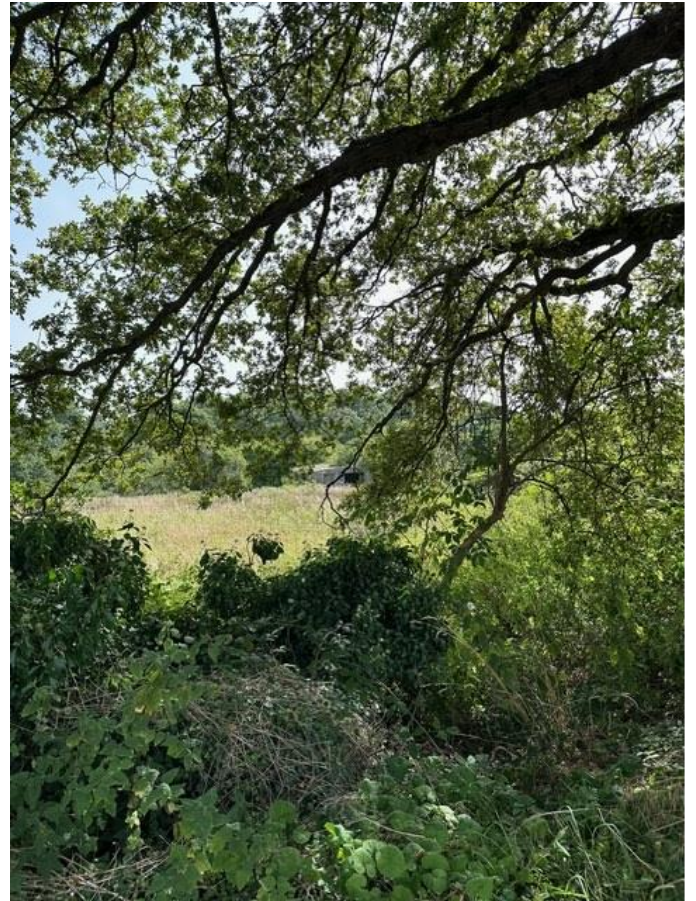


Image from Google Maps

PLANNING COMMITTEE – 23 May 2024

23/1352/FUL - Demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works at MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 22.11.2023
(Extension agreed to 30.05.2024)

Ward: Abbots Langley & Bedmond
Case Officer: Tom Norris

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA:

Reason for consideration by the Committee: Called in by three members of the Planning Committee due to concerns regarding the proposed height and density of the scheme.

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=RZ7P3LQFGOU00>

1 Relevant Planning History

1.1 No planning history relevant to the current proposal.

2 Description of Application Site

2.1 The application site is located to the west of the High Street, Abbots Langley. The vehicular access to the site is via Parsonage Close to the west however the site contains pedestrian access from the High Street.

2.2 The site consists of a former care home building and associated land including car park to the north-west of the building and areas of lawn and trees surrounding the building. The building is single-storey and has dark tiled hipped roof forms. The plan layout of the building is largely square in shape and contains central courtyard areas. The care home is currently closed. The supporting detail submitted with the application confirms that the care home accommodated 50 beds.

2.3 Surrounding land uses include Abbots Langley School immediately to the north of the site, residential development including Parsonage Close and Abbots Road to the north-west and a Library to the southeast.

2.4 The southern portion of the site is within the Abbots Langley Conservation Area boundary. To the south of the site is also St Lawrence Church which is a Grade I Listed Building (List entry no. 1296433).

3 Description of Proposed Development

3.1 Planning permission is sought for the demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works.

3.2 It is proposed that the existing care home building is demolished and a total of 27 dwellings constructed in its place. These dwellings would consist of two-storey detached and semi-detached dwellings and a three-storey flatted building. The vehicular access to the site

would be via an extension to Parsonage Close which is proposed to be continued in a linear manner through the centre of the site towards the High Street. There would be not vehicular access from/to the High Street. The flatted building would be positioned to the northern side of the access road and the dwellings would be on a cul-de-sac road in the southern section of the site, off the main access road.

- 3.3 The proposed flatted building would have a principal width of 45m and a depth of 12.5m. The building would have a hipped roof with a crown section, with an eaves height of 8.5m and an overall height of 11.5m. The proposed detached and semi-detached dwellings would have a principal depth of 9.5m and a width of between 6.0m to 6.5m. The dwellings would have a gabled roof form with an eaves height of 5.2m. The dwellings without roof accommodation would have a ridge height of 8.5m and the dwellings with roof accommodation would have a ridge height of 10.0m. The proposed flats and dwellings would be finished in facing brickwork.
- 3.4 Each dwelling would have their own amenity garden with areas ranging between 90-300sqm. The flats would be served by individual balconies and there would be outdoor amenity space provision around the flats of approximately 400sqm in total area. The site proposes a total of 50 car parking spaces with allocated and visitor parking to the proposed dwellings and flats. The proposed development includes hard and soft landscaping and replacement planting throughout.
- 3.5 Amended plans were received during the application which amended the external design appearance of the proposed flat building and houses. The layout and accommodation to the dwellings remains as originally proposed. The originally proposed scheme was considered to respond poorly to the Conservation Area setting and the amendments aimed to enhance this through the incorporation of more traditional design features and overall appearance.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Objection

ORIGINAL CONSULTATION COMMENT: Members support the proposed development in the village as it is on an already developed site and centrally located with good pedestrian access to local shops. Members support the retention of public footpaths and cycle paths through the site. Members are amicable to the proposed public space coming off the High Street.

However, members have concerns regarding access to the site off Parsonage Close as this area becomes impassable during the morning and afternoon school run. Members felt this development would add to the issues experienced by school users and residents of the scheme. During the building phase, Members are concerned about maintaining access at all times as ALPC encourages walking and cycling to school and the local shops. Members are concerned the proposed parking allocation is not sufficient for 30 dwellings and traffic in / out of the site would aggravate existing issues with access at peak times. Members noted there is an issue with flooding at the entrance to the site off Parsonage Close which would need to be addressed. Given the site's location and proximity to St. Lawrence's Church, members have concerns regarding the development's proximity to the church and many listed buildings on the High Street. Whilst members note the site is not wholly within the Conservation Area, a more sympathetic approach regarding materials and over-all form may be more appropriate for the location.

APPLICATION COMMENT (1): Members still have serious concerns regarding sole access and egress being from Parsonage Close and the impact this will have on local residents and on the local school, especially during school drop off and pick up times. Additionally,

whilst Members acknowledge not the whole site is not within the Conservation Area, the proposed development is quite stark given its proximity to other local listed buildings and the parish church. Members feel the design is inappropriate.

APPLICATION COMMENT (2): Members acknowledge the aesthetic improvements made in this plan however still feel that the design is not in keeping with the quality of buildings in its settings. Members also still have serious concerns regarding access to this site. Currently the school surrounds are all dead ends and this proposal will create thru traffic at busy times which will impact on school drop-off and pick-up times potentially increasing the risk to children. Members are also concerned parents of school children will park in the parking provision for this development during school drop-off and pick-up times. If the Officer is of a mind to approve this application, Members request the application be brought to Committee.

Officer comment: Reference to “original consultant comment” relates to comments provided via the pre-consultation exercise undertaken by the applicant.

4.1.2 Conservation Officer: Objection to original plans.

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

The site is located within the setting of the Grade I listed Church of St Lawrence the Martyr (list entry: 1296433). The Abbots Langley Conservation Area runs through the site, the south and southwest of the site is located the Conservation Area within the Tibbs Hill to Abbots House character area. The application site makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. However, the site is surrounded by mature tree screen which is positive and preserves the setting of the listed church as well as the character and appearance of the Conservation Area. The low height of the existing building also limits its visual impact within the Conservation Area and the setting of the church.

This application follows pre-application. As previously noted, the existing building is modern and of low architectural interest, there would be no in principle objection to its demolition and replacement.

It is now proposed to construct a three-storey block of flats (plots 11-27) to the northeast of the site and increase the number of detached/ semi-detached dwellings from five to ten dwellings. There are concerns regarding the Increase in scale, massing and appearance of the proposed residential development.

Flat development

The proposed flatted development would be uncharacteristic of the conservation area by virtue of its scale, form and appearance. The flats would be visible from the High Street due to their positioning and proximity to the boundary wall. The proposed flat roof form of the flat development would appear overly bulky in massing and relate poorly to the traditional duo pitched roof forms that are prevalent within the conservation area. There are also concerns regarding the proposed scale of the building, I acknowledge that there are three storey flat developments on in Parsonage Close but they do not relate well to the traditional character of the conservation area (as noted within the appraisal) the massing and visual impact is reduced by a traditional duo pitched and the existing landscaping.

Detached/ semi-detached dwellings

The proposed dwellings would be of a reduced footprint when compared to the existing building but would be of greater in height. There are concerns regarding the proposed two and a half/three storey dwellings. There is a preference for them to be reduced to two-storeys.

There are some concerns regarding the visual impact upon the conservation area and setting of the church given the loss of trees proposed. However, I acknowledge the distance between the application site and church. A reduction in the height of the proposed dwellings would go some way to minimise their visual impact. The conservation area appraisal notes that the landscape and planting around the library and Hanover Garden, contributes to the street scene atmosphere of rurality at the entrance to the Conservation Area. The loss of such landscaping would therefore have an adverse impact on the character and appearance of the conservation area.

There are also concerns regarding the proposed materials. I acknowledge that there is a mix of traditional materials throughout the conservation area. However, within the character area it is predominantly render, elsewhere there is red brick and some yellow stock. Whilst material details could be secured through conditions, high quality materials are expected and at present there are some concerns regarding the type of brick proposed. The semi-detached and detached dwelling could benefit from some additional brick detailing to break up the elevations. Furthermore, black weatherboarding is not prevalent within the conservation area and would be an inappropriate material detail for residential dwellings. Other features such as balconies, grey windows, concrete tiles and rooflights visible from within the conservation area would not be supported from a conservation perspective.

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.

4.1.3 Landscape Officer: No objection.

Recommend: Approval

The site is located partially within the Abbots Langley Conservation Area. It comprises of a former sheltered housing complex which is substantially screened on all boundaries by shelter belts of trees. The submitted plans propose demolition and a complete redevelopment of housing on the site, without the loss of any of the existing tree screen. A number of small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive relandscaping of the site, including replacement tree planting.

Compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans.

4.1.4 Hertfordshire County Council Highways: 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 conditions:

1. *No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
 - a. *Tactile paving and pedestrian dropped kerbs on either side of the bellmouth access into the Watford Day Care Centre.*

b. A vehicle crossover / pedestrian priority access for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road.

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

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

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

- Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- Reinstated highway verge where the highway footway is no longer required.*
- Any other associated and necessary works identified.*

B: Highway Improvements – Offsite (Implementation / Construction) Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details. Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Provision of Internal Access Roads, Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Construction Management Plan No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste); 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 Informatives

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

Construction standards for works within the highway (s278 works):

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 / Analysis

The proposal comprises of the construction of 27 residential dwellings on land at Parsonage Close and High Street, Abbots Langley.

A Transport Assessment (TA) and Travel Plan Statement (TPS) have been submitted as part of the application.

Access

There is an existing vehicle access point into the site from Parsonage Close, which is to be utilized for the proposed development. Parsonage Close is designated as an unclassified local access road, subject to a speed limit of 20mph and is highway maintainable at public expense. Parsonage Close is also classified as P2/M1 (residential street) on HCC's Place and Movement Network. High Street runs adjacent to the south-east boundary of the site, which is designated as a classified C local distributor road, subject to a speed limit of 30mph and classified as P2/M2 (multi-function road).

The proposals include retaining the main access point into the site with a 3.7m wide carriageway widening to 6m within the site, the layout of which is shown on submitted drawing numbers P05. The vehicle access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size with the minimum 3.7m width acceptable to provide access for a fire tender whilst the remainder of the site would enable two vehicles to safely pass one another.

The internal layout of the site has been designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore the proposal includes a pedestrian access through the site and therefore provides a pedestrian link between Parsonage Close and High Street, which is necessary to promote and maximise permeability and accessibility for pedestrians. It would however be recommended that a vehicle crossover / pedestrian priority access design is provided for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road. This is in addition to pedestrian dropped kerbs and tactile paving on either side of the existing bellmouth access into the Watford Day Care Centre.

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

Section 278 Highway

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

- *Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- *Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- *Reinstated highway verge where the highway footway is no longer required.*
- *Any other associated and necessary works identified.*

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to submit a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

Refuse, Service and Emergency Vehicle Access

Swept path analysis plan / tracking (drawing number ST-3102-802-A) have been submitted as part of the TA to illustrate that an 11.5m long refuse vehicle would be able to use the proposed access arrangements, turn around on site and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes. Provision has been made for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The proposed layout would enable a fire tender to get to within 45m of all parts of the footprint of the dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. The proposals would therefore be considered to acceptable in this respect. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Car Parking

The proposal includes the provision of 50 onsite car parking spaces. Following consideration of the details submitted in section 5 of the TA (including parking survey and ownership details), HCC as the Highway Authority would not have any objections to the overall level of car parking.

The dimensions and layout of the parking areas are considered to be acceptable by HCC as Highway Authority. However consideration should be made as to preventing cars parking on any of the necessary turning and manoeuvring areas within the site and particularly on any footways, which could have the potential to interfere with the accessibility for pedestrians.

HCC as Highway Authority is supportive of the proposed 27 electric vehicle parking spaces. The proposals are therefore in accordance with LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”.

Nevertheless, the applicant is reminded that TRDC, as the planning authority for the district, would ultimately would need to be satisfied with the proposed type and level of parking on site.

Trip Generation

A trip generation assessment for the proposed use has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed use are estimated to be 11 two-way vehicle movements in the AM peak and 11 two-way vehicle movements in the PM peak.

From a highways and transport perspective, HCC as HA has assessed and reviewed the above in the context of the National Planning Policy Framework (NPPF) (update 2021), 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". In this context and in conjunction with a review of the application the above vehicle movements have demonstrated that there would not be a severe or unacceptable impact on the surrounding road network.

Sustainable Travel Options

The site is located in close proximity to the centre of Abbots Langley and its associated amenities and facilities and shops. The nearest bus stops are located on High Street and are served by services 10, 318, H19 and R9. The bus stops are within the normal recommended walking distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option for any future residents to surrounding towns and settlements.

Kings Langley Railway Station is located approximately 1.5km to the west of the site and would be within an easy cycling distance and reasonable walking distance for some. The provisions in this respect are therefore considered acceptable and there would be the potential for future residents to access the railway station via alternatives to the private car.

A secure covered cycle store for 17 cycles for the proposed apartment block is included in the proposals, which is supported to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this and would also support the necessary 20mph design speed.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be acceptable for the size and nature of the development. TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area A of TRDC's CIL charging areas. Therefore contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

Conclusion

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

4.1.5 HCC Flood Risk Management Team (LLFA): Objection

Thank you for your consultation on the above site, on the received-on 24 August 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy and supporting information relating to:

- Infiltration testing has not been provided to support the use of soakaways on site.*
- Drainage calculations have not been provided for the appropriate return period events.
 - A drainage layout has not been provided.**
- Not enough evidence has been provided to demonstrate that the four pillars of SuDS have been met.*
- The development not complying with NPPF, PPG and local policies POLICY DM8 – Flood Risk and Water Resources, POLICY DM9 – Contamination and Pollution Control.*

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 our response of the issues highlighted in our technical review checklist are addressed.

Informative to the LPA

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-andenvironment/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))). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. 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, you should notify the us, the Lead Local Flood Authority, by email at FRMConsultations@hertfordshire.gov.uk.

Note: Appendices E and F of the drainage statement submitted are missing but we have reviewed the information provided so far and await further submitted information to provide comment.

Officer comment: The applicant has provided further information which is currently being considered by the LLFA.

4.1.6 Growth & Infrastructure Unit: No objection

Thank you for your email regarding the abovementioned planning application.

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

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

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

I trust the above is of assistance if you require any further information, please contact the Growth & Infrastructure Unit.

4.1.7 National Grid: No objection

Your planning application – No objection, informative note required

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

What you need to do

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

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

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

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

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of

materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

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

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

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

4.1.8 Hertfordshire Archaeology: No objection

The application was submitted with a Heritage Statement and Archaeological DeskBased Assessment due to the site being located partially within the Abbotts Langley Conservation Area. As noted in both reports, the current building is an unlisted, modern construction. Although there is the potential for archaeological remains in the immediate area, the proposed development is unlikely to make below ground impacts beyond those already made by the construction of the current building. In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological or architectural interest and I have no comment to make upon the proposal.

4.1.9 Hertfordshire Ecology: [No response received]

4.1.10 Herts & Middlesex Wildlife Trust: [No response received]

4.2 **Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 74

4.2.2 Site Notice posted 08.09.2023, expired 29.09.2023.

4.2.3 Press notice published 08.09.2023, expired 29.09.2023.

4.2.4 Responses received: 6 total (5 Objections & 1 Neutral)

4.2.5 Neighbours were originally consulted on 24.08.2023. Following receipt of amended plans, neighbours and the Parish Council were reconsulted for 21 days on 02.04.2024.

4.2.6 Further responses received to re-consultation 3 (Objections)

4.2.7 Summary of responses:

Objection

- Concerns over the loss of care home space
- Concerns with construction traffic and proximity to primary school
- Concerns with parking and traffic impact
- Concerns with no provision of affordable housing
- Concerns with lack of consultation
- Impact upon Conservation Area and Church

Neutral

- Biodiversity impact and suggestions to incorporate enhancements.

5 Reason for Delay

- 5.1 Extension of time agreed to enable submission and consideration of amended plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.5 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

- 6.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Policies DM1, DM3, DM5, DM6, DM7, DM8, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.

6.3 Other

6.3.1 The Abbots Langley Conservation Area Appraisal (2014).

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

6.3.3 The Local Housing Needs Assessment (LNHA)

7 **Planning Analysis**

7.1 Principle of Demolition and Development

7.1.1 Paragraph 123 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. The application would therefore need to be assessed against all other material planning considerations.

7.1.2 The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the district's housing supply. 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 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the district's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:

- i. The location of the proposed development, considering the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.4 Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The proposal would result in a reduction of care beds however the care home is a vacant site and the submitted documents state that the existing care home has found to be below modern care standards, with existing residents re-located to care home accommodation within the locality. Therefore, the proposal to redevelop the existing site for residential use would not result in an objection to the loss of vacant care home on the site.

7.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

7.1.6 Most of the application site, including approximately two thirds of the existing care home building is within the Abbots Langley Conservation Area. There is no objection in principle to the demolition of the existing care home building. As noted by the Conservation Officer, the existing building is modern and of low architectural interest and there would be no in principle objection to its demolition subject to a suitable replacement. It is therefore considered that the demolition of the existing building is acceptable in principle.

7.1.7 The Planning Statement states there are 50 beds within the existing care home. The South West Hertfordshire Local Housing Needs Assessment (LHNA) (2020), which is the most up-to-date evidence base, used by the five Local Planning Authorities, states at paragraph 7.29 that the C2 to C3 ratio is based on the average number of adults in households and in Three Rivers this equates to 1.88 bed spaces per dwelling. Therefore, the conversion ratio is 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market C3 dwelling).

7.1.8 Applying the conversion ratio of 1.9 C2 beds to 1 C3 dwelling, the care home provides the equivalent of 26 market dwellings on the site. The application proposes 27 new market dwellings which would result in a net gain of one dwelling.

7.2 Housing Mix

7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2020) advises that the overall requirement is as follows:

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

7.2.2 The proposed development would provide 41% one-bedroom units, 37% two-bedroom units and 22% three-bedroom units. While the proposed housing mix does not strictly accord with Policy CP3 of the Core Strategy, and updated evidence base, the proposed development would provide a good mix of housing to address the need. It is not considered that the proposed development would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing & Vacant Building Credit

7.3.1 The Planning Statement accompanying the application proposes to utilise Vacant Building Credit (VBC). VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped. According to the National Planning Practice Guidance (NPPG) VBC applies to sites where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned and the following circumstances should be considered (NPPG, para. 28):

- The condition of the property
- The period of non-use
- Whether there is an intervening use; and
- Any evidence regarding the owners intention

- 7.3.2 In relation to the condition of the property, the submitted documents state that the care home building was assessed to fall short of modern care standards and was subsequently closed. Supporting documents also state the care home became vacant from October 2020 and has not had any intervening use since.
- 7.3.3 The NPPG also states that when considering how the vacant building credit should apply to a development, LPAs should have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:
- Whether the building has been made vacant for the sole purposes of re-development.
 - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
- 7.3.4 Regarding the consideration as to whether the building has been made vacant for the sole purposes of redevelopment, the care home was closed and subsequently became vacant due to falling short of modern care standards. The building is also not covered by an extant or a recently expired planning permission. It is therefore considered that the use of VBC could be applied to the scheme in this instance.
- 7.3.5 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 7.3.6 As a net gain of one dwelling, the proposed development would be liable for a commuted sum payment towards affordable housing. The application site is within the "The Langleys and Croxley" market area where the figure is £750 per square metre. The Council have calculated the affordable housing payment requirement to be £35,639 (plus £21,532 indexation). This is based on the average habitable floor area of the 27 proposed dwellings.
- 7.3.7 The NPPG states that the vacant building credit should be calculated by deducting the gross vacant building floorspace from the gross floorspace of the new development. The net change in floorspace in this instance is 875sqm (2380sqm proposed minus 1505sqm existing) which is 36.8% of the proposed floorspace. The VBC adjusted affordable housing contribution is therefore calculated to be £12,010 (plus indexation from June 2011) The indexation figure at the time of writing this report is calculated to be £7,547 (March 2024 RPI Figure).
- 7.3.8 The terms of a Section 106 have been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. The Section 106 agreement at the time of writing this report has not been executed therefore any recommendation for approval would be subject to the completion of the Section 106.
- 7.3.9 In summary, the proposed development, subject to the completed of the Section 106, is acceptable in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 7.4 Impact on the character and appearance of the locality, the Conservation Area and on Heritage Assets
- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. 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. 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.

- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.4.3 For new residential development, Policy DM1 states that the Council will protect the character and residential amenity of existing areas of housing from forms of “backland”, “infill” or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles.
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.4.4 The application site is located within the Abbots Langley Conservation Area. In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area.
- 7.4.5 The Abbots Langley Conservation Area Appraisal (2014) refers to Margaret House. The Appraisal states that *there are several modern developments within the boundaries of the Conservation Area, many of which sit comfortably alongside the historic properties of the village’s core and help contribute to Abbots Langley’s sense of place* including Margaret House Residential Home. The Appraisal further states that *although not enhancing the character and appearance of the Conservation Area, most of the modern infill and additions do not significantly harm its special historic and architectural interest. Examples of low-key modern additions to the Conservation Area include Margaret House.*
- 7.4.6 The application site is also situated in close proximity to a Grade I Listed Building (Church of St Lawrence the Martyr - List entry no. 1296433) which is approximately 70m to the south of the site.
- 7.4.7 In terms of the proposed site layout, the proposed development would include a continuation of Parsonage Close in an eastern direction to provide vehicular access. A secondary road would be located off this main access drive, projecting in a southern direction to serve the houses. The layout includes appropriate 1.5m spacing between the dwellings in the southern portion of the site. Furthermore, the proposed dwellings and flatted block would be appropriately located, well within the site and away from the site boundaries. As such, it is considered that the proposed layout of built form would maintain the character of the area in terms of its general spaciousness and harm would not arise due to overdevelopment of the plot. Green spaces are positioned throughout the development and provide amenity space and allow for views through the site. The parking bays are acceptably arranged throughout the site and adequately broken up with landscaping and tree planting. The layout of the site and the individual units and their associated curtilages is acceptable.
- 7.4.8 The Conservation Officer was consulted on the proposed development and stated that the application site, as existing, makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. As set out within the Principle of Development section of this report, the existing building is modern and of low architectural

interest and there would be no in principle objection to its demolition and appropriate replacement. The Conservation Officer considers that the low height of the existing building limits its visual impact within the Conservation Area and the setting of the Church.

- 7.4.9 The Conservation Officer raises concerns regarding the visual impact upon the Conservation Area and setting of the Church given the loss of trees proposed, however they do acknowledge that there is a substantial distance of 90 metres between the application site and the Church. While the concerns of the Conservation Officer are noted in respect of the loss of trees to the site, the site would still maintain a significant degree of landscaping and screening, particularly to its western and southern edges. There would be landscaping in the form of mature and semi-mature trees and hedges maintained adjacent to the High Street which would continue to contribute to the street scene and existing atmosphere of rurality at the entrance to the Conservation Area. Furthermore, the proposal also introduces new planting within the proposed layout. On balance, it is not considered that the proposed loss of landscaping would result in a harmful impact on the setting of the Listed Building, given the significant distance from it to the site, or the Conservation Area, given the extent of landscaping to be maintained around the edges of the site adjacent to it. The proposed development is therefore considered acceptable in terms of the impact upon the landscape character of the site and its impact upon the Conservation Area and setting of the Listed Building.
- 7.4.10 The Conservation Officer provided written comments on the originally proposed scheme that are included in full above, raising concerns and an overall objection to various aspects of the proposal. Amended plans were submitted during the application which sought to overcome these concerns.

Flats

- 7.4.11 The Conservation Officer stated that the proposed flatted development, by virtue of its scale, form, and appearance, would be uncharacteristic of the Conservation Area. This part of the development would be visible from the High Street due to the building's positioning and proximity to the boundary wall. While the concerns of the Conservation Officer regarding scale are noted, it is considered that the principle of a three-storey flatted block, given its footprint and proximity to the boundaries, would not equate to automatic harm. The position in which the flatted development is sited is partially within the Conservation Area, and partially outside of it. It is acknowledged that the general character of the Conservation Area, along the High Street, is largely limited to two-storey however there are examples of three-storey development to the west on Parsonage Close, outside the Conservation Area. There would be glimpsed and longer distance views of the proposed flats from inside the Conservation Area however, the principle of three storeys, given the proposed footprint and siting, is not considered to dominate or appear prominent within the Conservation Area.
- 7.4.12 The Conservation Officer expressed concerns regarding the original flat building having a flat roof form. This was considered to appear overly bulky and relate poorly to the traditional duo pitched roof forms that are prevalent within the Conservation Area. The amended design has incorporated a hipped roof form, with a concealed flat section, to the proposed flats. The proposed roof would also contain gable features to the front and rear of the building. While the amendment would add additional mass to the building, overall it would appear more traditional in character and would respond more positively to the Conservation Area. Furthermore, while the roof would contain a flat section, this would be relatively well concealed by more a traditional pitched roof than an obviously flat roof. In summary, it is considered that the proposed flat building would be acceptable in terms of its overall scale and design, including roof form.
- 7.4.13 The Abbots Langley Conservation Area Appraisal states that there are various important characteristics and architectural features which contribute to the character of the area, including a mixture of materials such as flint, brick, and timber. The Appraisal also refers throughout to a strong Victorian and Edwardian character, found predominantly within and

around the High Street. The Conservation Officer expressed concerns regarding the proposed materials and stated that, the originally proposed design detailing to the flatted block was bland and had no regard to the characteristics of the Conservation Area. The amended design has incorporated significantly more traditional detailing and elevation interest to the flat building. These details include brick banding of a contrasting colour to the first and second floors of the building, which is a characteristic feature of the Conservation Area. The window detailing has been improved by the incorporation of white framed windows with glazing bars and brick courses above and below the windows. The amended roof form is proposed to have a grey tiled finish. Further elevation interest has been added in the form of “bricked-up” windows to the parts of the elevations which previously had significant breaks. Overall, it is considered that the proposed materials and detailing, as amended, appears more traditional in character, and would respond positively to the Conservation Area. In summary, it is considered that the proposed flat building would be acceptable in terms of its external appearance including external finish materials and detailing.

Houses

- 7.4.14 The Conservation Officer notes that the proposed dwellings would be of a reduced footprint when compared to the existing care home building but would be of greater height. The existing building is single-storey, and the proposed dwellings would be a mix of two-storey and two and a half storeys, where roof accommodation served by dormer windows is included. The Conservation Officer stated that there is a preference for the two and half storey houses to be reduced to two-storeys to limit their visual impact. It is considered that the proposal for two-storey dwellings is acceptable in principle, as is two and a half storeys, subject to appropriate design. While this part of the development would represent an increase in height relative to the existing care home building, two-storey development is reflective of the character found locally throughout the Conservation Area. Furthermore, the inclusion of pitched roofs to the proposed dwellings is acceptable in principle and reflective of the Conservation Area.
- 7.4.15 In terms of their individual scale and design, the proposed two-storey dwellings are relatively well proportioned in terms of scale and relative roof mass. The amended arrangement of the proposed two-storey and two and a half storey dwellings is more rational and articulated. The amended dormer windows are considered to sit comfortably within the front roof slopes, and their design is considered to integrate acceptably with the roof. It is noted that the Conservation Officer states that rooflights visible from within the Conservation Area would not be supported however it is not considered that this would be harmful in principle subject to them being of conservation style.
- 7.4.16 Concerns regarding proposed external materials and detailing were originally raised by the Conservation Officer to the original scheme. The amended design has incorporated significantly more traditional detailing and elevation interest to the houses. The window detailing has been improved by the incorporation of white framed windows with glazing bars and brick courses above and below the windows. Features such as storm porches and chimney stacks have also been added. The houses would also have a grey tiled finish and conservation style rooflights. The proposed dormers have also been amended to have a more traditional, hipped roof appearance. Overall, it is considered that the proposed materials and detailing, as amended, appears more traditional in character, and would respond positively to the Conservation Area. In summary, it is considered that the proposed houses would be acceptable in terms of its external appearance including external finish materials and detailing.
- 7.4.17 It is considered appropriate to apply a condition on any permission granted for material samples to the proposed flat building and houses.
- 7.4.18 In summary, the proposed development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the

Development Management Policies document and the Abbots Langley Conservation Area Appraisal (2014).

7.5 Impact on Neighbours and future occupants

7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.

7.5.2 It is not considered that the residential amenity of existing adjoining neighbours would be unduly affected by the proposed development in terms of overlooking, loss of light or overbearing impact. The closest adjoining neighbours are on Parsonage Close to the west some 25m from the application site. It is acknowledged that the works may cause some degree of construction disturbance however it is considered that this could be mitigated by suitable conditions relating to construction management.

7.5.3 In terms of the proposed flatted development, it is considered that this would be of an acceptable arrangement in terms of its layout and stacking so as not to cause an unacceptable impact upon the residential amenities of future occupiers. It is not considered that these occupiers would be harmfully overlooked. It is noted that there would be a spacing of 17m between the face of the three-storey flatted development and the flank of the dwellings at Plots 1 and 10. It is considered that the proposed flatted development would not harmfully overlook these neighbours given that there would be additional evergreen screening and tall close boarded fencing to the flank and rear of Plots 1 and 10. This would mitigate any overlooking into the private area of the amenity garden of these dwellings.

7.5.4 The proposed dwellings within the southern portion of the site would be arranged in a linear manner therefore would not intrude the 45-degree splay line with one another thus not resulting an overbearing impact or loss of light. The proposed dwellings are also not considered to harmfully overlook one another or any other surrounding neighbour. Any permission can be effectively controlled by the inclusion of conditions for obscure glazing to flank windows to the proposed dwellings.

7.5.5 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Highways & Parking

7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.6.2 Appendix 5 of the Development Management Policies DPD sets out the following parking standards:

- 1-bedroom dwellings - 1.75 spaces per dwelling (1 assigned space)
- 2-bedroom dwellings - 2 spaces per dwelling (1 assigned space)
- 3-bedroom dwellings - 2.25 spaces per dwelling (2 assigned space)
- 4 or more-bedroom dwellings - 3 spaces per dwelling (3 assigned spaces within curtilage)

7.6.3 The application proposes 50 total car parking spaces, which includes 2 accessible visitor bays. The proposed development consists of 11 one-bedroom dwellings, 10 two-bedroom

dwelling and 6 three-bedroom dwellings. This would result in a parking demand for 52.75 spaces (33 assigned spaces). The parking spaces meet the adopted standard size and are shown on the submitted parking plan. The proposed development also makes provision for communal cycle parking of up to 20 spaces, serving the flats. The dwellings would have their own private amenity gardens for cycle storage provision. The planning statement notes that proposed development makes provision for 27 EV charging spaces which equates to 1 space per dwelling.

- 7.6.4 The proposed development would represent a shortfall of 2.75 total spaces. Appendix 5 states that a zonal reduction cannot be applied to C3 residential use. Notwithstanding, weight can be given to the good location of the application site, close to Abbots Langley High Street, an approximate three minute (200m) walk from shops, services and public transport links such as bus stops. It is considered, given the site locational circumstances, that the minor shortfall can be accepted, and the development is acceptable on parking grounds.
- 7.6.5 Hertfordshire County Council as Highway Authority were consulted on the application and raise no objection to the impact on the safety and operation of the surrounding highway subject to the inclusion of planning conditions and informatives and the applicant entering into a Section 278 Agreement to cover the technical approval of the design, construction and implementation of the necessary highway and access works. HCC consider that the proposed access road is acceptable, stating that the vehicle access arrangements are acceptable for a development of this size with the minimum width acceptable to provide access for a fire tender whilst the remainder of the site would enable two vehicles to safely pass one another.
- 7.6.6 Given the scale of development and location of the site, it is considered reasonable to include a condition on any permission granted for the submission of a Construction Management Plan. A condition will also be included on any permission granted for the parking provision to be implemented prior to the occupation of any dwellings and permanently maintained for the use of residents. In the absence of detailed information submitted with the application, it is considered appropriate to condition details of the design, scale and siting of the proposed EV equipment.
- 7.6.7 The proposed development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.7 Trees & Landscape

- 7.7.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.7.2 The application site is within the Abbots Langley Conservation Area. There are no individual or group TPOs within the site. The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Landscaping Scheme.
- 7.7.3 The Landscape Officer was consulted on the proposed development and raised no objection. The Landscape Officer notes that several small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive re-landscaping of the site, including replacement tree planting. Officers note that the Arboricultural report states that of 102 trees within the site that 54 are proposed to be removed. The Landscape Layout plan (DR-0001)

indicates a total of 56 new trees to be planted across the site. The Landscape Officer states that compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans. The proposed tree protection, including protective fencing within the application site, close to the perimeter, would protect trees around and outside of the immediate site perimeter.

7.7.4 Any recommendation for approval would be subject to a condition requiring the development to be carried out in accordance with the proposed tree protection measures and landscaping scheme.

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

7.8 Drainage & Flooding

7.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the district. Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design considering climate change, for example through flood resistant design.

7.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDS). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

7.8.3 Hertfordshire County Council Flood Risk Management Team (Lead Local Flood Authority) were consulted on the application and raised an objection to the application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy. The LLFA states that the supporting information relating to Infiltration testing has not been provided to support the use of soakaways on site; drainage calculations have not been provided for the appropriate return period events; a drainage layout has not been provided; insufficient evidence has been provided to demonstrate that the four pillars of SuDS have been met; and that the development does not comply with NPPF, PPG and Policies DM8 and DM9 of the Development Management Policies DPD.

7.8.4 An updated Drainage Report and a response to the LLFA's comments was submitted during the application following receipt of comments from the LLFA. This report included further information and appendices which may address the reasons for the LLFA objecting. The LLFA have been re-consulted on this information. The recommendation will be subject to no objection from the LLFA and the inclusion of any conditions they request.

7.9 Rear Garden Amenity Space

7.9.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:

- 1 bed dwelling – 42 square metres
- 2 bed dwelling – 63 square metres
- 3 bed dwelling – 84 square metres

- 7.9.2 The proposed dwellings would each have private amenity gardens which would exceed the above standards in size and provide a good useable area of private amenity space.
- 7.9.3 All the proposed flats would contain an outdoor private patio or balcony area of between 8-12sqm. The flats would be one and two-bedroom dwellings which would have a policy requirement of 42 and 63 square metres respectively. There would also be grass amenity space, of approximately 400sqm, surrounding the flatted development for further outdoor amenity use. This would work out at approximately 25sqm per flat. There would be a shortfall in amenity space provision of between 5sqm and up to 26sqm per flat.
- 7.9.4 While the total amenity space provision would fall short of the above standards in terms of size, the balconies would provide a good useable area of private amenity space for the flats. The outdoor space surrounding the flat building would provide additional useable amenity space. On balance, it is considered that the proposed development is acceptable in this regard given the provision of an individual balcony space and supplementary outdoor green space. Furthermore, weight can also be given to good local access to public open space such as Manor House an approximate nine minute (0.6km) walk away.
- 7.10 Refuse & Recycling
- 7.10.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.10.2 Hertfordshire County Highways raised no objection to the layout of the site being accessible for waste vehicles to enter and exit. The proposed dwellings each have their own private bin stores sited within the rear gardens while the flats have a communal ground floor bin area.
- 7.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).
- 7.11 Energy & Sustainability
- 7.11.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.11.2 The application is accompanied by an Energy Strategy, prepared by Van Zyl & de Villiers Ltd Consulting Engineers. The report confirms that the proposed development would incorporate a range of energy saving measures which would result in a 13.8% reduction in CO2 over the 2013 Building Regulations Part L.
- 7.12 CIL
- 7.12.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The

Charging Schedule sets out that the application site is within 'Area B' within which there is a charge of £120 (plus indexation) per sq. metre of residential development.

7.13 Biodiversity

- 7.13.1 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.
- 7.13.2 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. This application was originally submitted in August 2023. Biodiversity Net Gain was introduced in 2024 as mandatory for full applications. Given the date of submission of this application, it is exempt from BNG.
- 7.13.3 The application was accompanied by an Ecological Appraisal, by ELMAW Consulting, dated June 2023. The report includes a bat survey to the building and confirms that it does not contain any evidence that it supports bats. The report notes that the loss or damage to existing grassland, shrubs and hedges is acceptable given that it is of negligible ecological value and is not considered to significantly impact on important or protected species and they do not present a significant redevelopment constraint for the application site.
- 7.13.4 The report recommends that a precautionary approach is taken to site clearance including checking trees for nesting birds and hand searching shrubs for hedgehogs. The proposed loss of habitat through the loss of trees and hedges is considered to be appropriately mitigated through the proposed planting and landscaping which will be secured by condition.
- 7.13.5 In summary, subject to condition to secure appropriate mitigation, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

7.14 Planning Balance

- 7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore the requirements 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 i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) 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 In respect of part (d)(i), the development is not considered to result in any demonstrable harm when assessed against all material planning considerations and therefore would not conflict with the NPPF in respect of promoting sustainable development. It is also recognised that the development would contribute to the shortfall in housing. In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF that there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

8 Recommendation

That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to the conditions 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:

534 002 C (Location Plan), 8396-VGA-01-ZZ-DR-A-PL0026 P05, 8396-VGA-01-ZZ-DR-A-PL00245 P05, 8396-VGA-01-ZZ-DR-A-PL0024 P05, 8396-VGA-01-ZZ-DR-A-PL0023 P05, 8396-VGA-01-ZZ-DR-A-PL0022 P05, 8396-VGA-01-ZZ-DR-A-PL0021 P05, 8396-VGA-01-ZZ-DR-A-PL0020 P05, 8396-VGA-01-ZZ-DR-A-PL0013 P06, 8396-VGA-01-ZZ-DR-A-PL0012 P05, 8396-VGA-00-ZZ-SA-A-PL0030 P04, 8396-VGA-00-ZZ-DR-A-PL0006 P04, 8396-VGA-00-ZZ-DR-A-PL0005 P04, 8396-VGA-00-XX-DR-A-PL0008 P06, 8396-VGA-00-XX-DR-A-PL0007 P06, 8396-VGA-00-XX-DR-A-PL0004 P05, 8396-VGA-00-XX-DR-A-PL0003 P05, 8396-VGA-00-XX-DR-A-PL0002 P08, 8396-VGA-00-XX-DR-A-0001 02,, 48455NOLS-02, 48455NOLS-01, 33833NOLS-03, 3182-5-2/DR-0017/S4-P1, 3182-5-2/DR-0011/S4-P1, 3182-5-2/DR-0010/S4-P1, 3182-5-2/DR-0009/S4-P1, 3182-5-2/DR-0008/S4-P1, 3182-5-2/DR-0007/S4-P1, 3182-5-2/DR-0006/S4-P1, 3182-5-2/DR-0005/S4-P1, 3182-5-2/DR-0004/S4-P1, 3182-5-2/DR-0003/S4-P1, 3182-5-2/DR-0002/S4-P1, 3182-5-2/DR-0001/S4-P3, 3182-5-2-DR-0015 REV S4-P1, 3182-5-2-DR-0015 REV S4-P1, 3182-5-2-DR-0014 REV S4-P1, 3182-5-2-DR-0013 REV S4-P1, 3182-5-2-DR-0012 REV S4-P1, 2397-VZV-ZZ-ZZ-D-E-0630 REV P1, 1692-KC-XX-YTREE-TPP01 REV A, 1692-KC-XX-YTREE-TCPO1 REV A

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12. of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM5, DM6, DM7, DM8, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

- C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of external brick, roof tiles, cladding, windows, doors, and rooflights, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a) Tactile paving and pedestrian dropped kerbs on either side of the bell mouth access into the Watford Day Care Centre.

- b) A vehicle crossover / pedestrian priority access for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road.

Reason: To ensure construction of a satisfactory development in the interests of highway safety and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C5 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 necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.
- Conversion of part of the highway footway to carriageway at the entrance point into the site.
- Reinstated highway verge where the highway footway is no longer required.
- Any other associated and necessary works identified.

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 interests of highway safety and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

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

Reason: To ensure construction of a satisfactory development in the interests of highway safety and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

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

Reason: To protect highway safety and the amenity of all users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy

(adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C8 The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed on drawing 1692-KC-XX-YTREE-TPP01 A shall be erected and maintained on site throughout the entire course of the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The development hereby permitted shall be implemented in accordance with the hard and soft landscaping details (3182-5-2/DR-0001/S4-P3, 3182-5-2/DR-0002/S4-P1, 3182-5-2/DR-0003/S4-P1, 3182-5-2/DR-0004/S4-P1, 3182-5-2/DR-0005/S4-P1, 3182-5-2/DR-0006/S4-P1, 3182-5-2/DR-0007/S4-P1, 3182-5-2/DR-0008/S4-P1, 3182-5-2/DR-0009/S4-P1, 3182-5-2/DR-0010/S4-P1, 3182-5-2/DR-0011/S4-P1, 3182-5-2/DR-0017/S4-P1) prior to the occupation of the development and shall be permanently maintained thereafter.

If any trees 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: To ensure the completed scheme has a satisfactory visual impact on the character and appearance and landscape character 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).

- C10 The development hereby permitted shall be implemented in accordance with the details of the energy statement prepared by Van Zyl & de Villiers Ltd prior to the occupation of the development and shall be permanently maintained thereafter.

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

- C11 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1, Class A – enlargement, improvement, or alteration

Part 1, Class E – buildings etc

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C12 The windows hereby permitted in the flank elevations above ground floor level, to the houses within Plots 1-10, prior to the first use of the rooms, shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor

level of the rooms in which the window is installed and 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).

- C13 The parking spaces serving the development hereby permitted, shall be constructed in accordance with drawing number 8396-VGA-00-XX-DR-A-PL0008 P06 prior to the first occupation of the dwellings. The parking spaces shall thereafter be kept permanently available for the use of residents and visitors and for no other purpose.

Reason: To ensure that adequate off-street parking space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C14 Before first occupation of the dwellings hereby permitted details indicating the positions, design, materials, and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation and carried out in accordance with the approved details.

Reason: To safeguard the visual 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).

- C15 Before first occupation of the dwellings hereby permitted details indicating the positions, design, and siting of the proposed EV Charging points and associated equipment shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to occupation and carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and in the interests of highway safety in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C16 The refuse and recycling storage serving the development hereby permitted, shall be constructed in accordance with drawing number 8396-VGA-00-XX-DR-A-PL0002 P08 prior to the first occupation of the dwellings.

Reason: To ensure that the external appearance of the development is satisfactory and in the interests of highway safety in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 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 development maintains/improves the economic, social and environmental conditions of the district.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 15 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.
- 16 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.
- 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.
- 18 The applicant is reminded that this permission is subject to a Section 106 agreement.

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PLANNING COMMITTEE – Thursday 23 May 2024

23/1618/FUL – Change of use of land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block at Land rear of 63 TOMS LANE, KINGS LANGLEY, WD4 8NJ.

Parish: Abbots Langley Parish Council

Ward: Gade Valley

Expiry of Statutory Period: 15 December 2023
Extension of time agreed to 31.05.2024.

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in to Planning Committee by 3 members due to the impact on the Green Belt and neighbours and to ensure compliance with the Council's Gypsy and Traveller Policy.

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=S1E5GQQF0EP00>

1 Relevant Planning and Enforcement History

- 1.1 An Enforcement Notice was served in September 1983 against the unauthorised material change in the use of the land from agriculture to a use for the purposes of stationing caravans for human habitation (ref 8/956/85). An appeal against the enforcement notice was allowed, however permission for the caravan was only given for 3 years and the permission was made personal to the appellant.
- 1.2 8/587/90 - (Outline) Detached bungalow and double garage – Refused 15.10.90 for the following reasons:
- R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved.*
- R2 The proposed bungalow would constitute an undesirable intensification of building development detracting from the rural character of this locality within the Metropolitan Green Belt.*
- 1.3 99/01573/FUL – Erection of 2 detached houses – Refused 19.08.99 for the following reasons:
- R1 The site is within the Metropolitan Green Belt where it is the policy of the Local Planning Authority as set out in the Approved Hertfordshire Structure Plan Review 1991-2011, the Three Rivers District Plan Review 1991 and the Three Rivers Local Plan 1996-2011 (Deposit Draft) not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. Accordingly the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).*
- R2 The proposal, if allowed, would set an undesirable precedent for further development of a similar nature which, cumulatively would be detrimental to the character of the locality and would undermine the established planning policies for this area.*

Accordingly, the proposal is contrary to Policies GB1 and GB6 of the Three Rivers District Plan Review 1991 and Policy GB1 of the Three Rivers Local Plan 1996-2011 (Deposit Draft).

- R3 *The proposal would lead to an increase in the use of the existing private drive access which currently has sub-standard access onto Toms Lane in terms of visibility splays. To allow the proposal in its current form would be prejudicial to the free flow of traffic and the general safety on the neighbouring highway.*
- R4 *The proposed private drive access would have sub-standard access in terms of visibility where it meets the existing private drive. To allow the proposal in its current form would be prejudicial to the free flow of traffic and general safety.*
- R5 *The proposed development would increase the number of dwellings being served by the existing private drive beyond the maximum recommended within 'Roads in Hertfordshire'. The existing access is of insufficient width and design to serve the proposed development and existing uses. As a result, the additional traffic generated would be detrimental to the existing users of the private drive as well as potential users of the proposed dwelling.*

1.4 05/1876/OUT - Outline application: Erection of a detached dwelling (means of access details only) - Refused 10.02.06 for the following reason:

- R1 *The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

The application was dismissed at appeal (APP/P1940/A/06/2018147/NWF).

1.5 07/1694/OUT - Outline Application: Use of mobile home on vacant site – Refused 20.12.07 for the following reason:

- R1 *It has not been sufficiently demonstrated that very special circumstances exist to overcome the presumption against inappropriate development in the Metropolitan Green Belt, contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.*

1.6 08/1740/RSP – Part retrospective: Change of use of land to stationing of mobile homes for one gypsy pitch, erection of a detached outbuilding (utility/day room) and hardstanding for use for residential purposes – Refused 23.01.09 for the following reason:

- R1 *The proposal constitutes inappropriate development in the Metropolitan Green Belt and this is to the detriment of the open character and visual amenity of the landscape. No very special circumstances have been demonstrated as to why planning permission should be granted and therefore the proposal is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011 and National Green Belt Policy as contained in Planning Policy Guidance Note 2.*

1.7 The application was granted at appeal in August 2009 for a temporary period of five years. The Inspector concluded that the urgent need to provide gypsy and traveller sites within the district of Three Rivers and the lack of alternative sites outweighed the harm caused by reason of inappropriate development in the Green Belt. The permission was not made personal to the applicant.

1.8 11/0040/FUL - Use of land to include the stationing of caravans for an additional double gypsy pitch containing 2 no. mobile homes with shared utility/day room building and

hardstanding ancillary to that use, as well as retention and reorganising the existing single residential gypsy pitch - Approved 05.04.11 subject to the following conditions (amongst others):

- C1 The use hereby permitted shall be for a limited period being the period of 5 years from the date of the appeal decision for application 08/1740/RSP (appeal reference APP/P1940/A/09/2097096). On or prior to 6 August 2014 the use hereby permitted shall cease, all structures, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

REASON: To allow the Local Planning Authority an opportunity to assess the effect of the use or development hereby permitted on the openness of the Metropolitan Green Belt and the amenities of surrounding the area, and to allow the Local Planning Authority an opportunity to assess the level of Gypsy and Traveller site provision in accordance with Policies GEN1, GB1, H1, H3 and Appendix 1 of the Three Rivers Local Plan 1996 – 2011

- C3 The site shall not be occupied by any persons other than [6 names Redacted from 23/1618/FUL report).

REASON: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case; the nature of the planning permission (temporary/personal) allows the Local Planning Authority an opportunity to assess the effect of the use hereby permitted on the Green Belt in accordance with the requirements of Policies GEN1, GB1, H5 and Appendix 1 of the Three Rivers Local Plan 1996-2011 and Government Circular 01/2006.

- 1.9 11/2317/FUL - Revised site layout and the erection of a utility/day room in place of 2 no. utility/day rooms ancillary to an existing gypsy site with permission for 3 no. residential pitches - Approved 13.04.12 – Temporary permission expired 6 August 2014.
- 1.10 12/1915/FUL - Variation of Condition 3 of planning permission 11/2317/FUL to allow substitution of plans to reflect a revised site layout (approved utility/day room to be sited further away from existing mobile home) – Approved 06.12.12.
- 1.11 13/1823/FUL – Permission for two additional caravans (no more than one of which to be a static caravan) with parking for two vehicles and associated hardstanding – Approved 22.11.2013.
- 1.12 14/1661/FUL – Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Temporary and personal planning permission approved for 3 years (expires 21 November 2017).
- 1.13 17/2695/RSP - Retrospective: Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking – Personal planning permission approved 23.02.2018.
- 1.14 23/0108/COMP – Enforcement Enquiry: Potential Traveller Site Expansion and Stationing of Static Caravan – Pending Consideration. Officers noted that one additional pitch exists on the site and that other persons not named on the personal permission 17/2695/RSP were occupants on site. The grant of this permission would move the unauthorised pitch to the application site.

2 Description of Application Site

- 2.1 The application site is a rectangular piece of land approximately 0.26ha in area situated to the rear of numbers 61-65 Toms Lane, Kings Langley within the Metropolitan Green Belt. 61-65 Toms Lane are a row of residential properties on the north side of Toms Lane.
- 2.2 The site is served by a track leading off Toms Lane, approximately 3m in width. The track is a cul-de-sac and also serves several residential dwellings in addition to the existing Traveller site at Little Lilly (which is located rear of No. 59 Toms Lane), including Kings View Farm on the opposite side of the track and Bel Air and Oak Lodge to the north. Access to the application site is from the track with the access approximately 10m to the north west of the boundary with 59 Toms Lane, through the existing Traveller site at Little Lilly. There are recessed solid timber gates and brick walls/piers at the entrance with a large gravel driveway/hardstanding area within the site. The boundary treatment to the site consists of hedging and vegetation.
- 2.3 The site is currently void of built form with the exception of a single storey pitched roof structure, constructed close to the shared boundary with the existing Traveller site. The remainder of the site is open, with soft landscaping close to the remaining boundaries.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the change of use of the land for the stationing of caravans for residential purposes for 5 no. gypsy pitches with the formation of hardstanding and amenity block.
- 3.2 A single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth 6.8 metres in width and 3.05 metres internal height.
- 3.3 This planning application seeks to extend the existing site to the rear of 61-63a Toms Lane. Five pitches are proposed in total around the perimeter of the site, with a central access via the existing site to the rear of 59 Toms Lane. Each pitch would comprise space for a static caravan, touring caravan and two car parking spaces. Soft landscaping would be retained around the boundaries of the application site, with hedging proposed to the northern, southern and western boundaries.
- 3.4 A day room is proposed adjacent to the western boundary of the application site to serve the everyday amenity needs of the occupiers. The day room would provide a kitchen, bathroom and living/sitting area. The day room would have a width of 12m, a depth of 6m and a maximum height of 4.4m. Some additional soft landscaping is proposed to the front of the day room. The day room would serve the extended part of the site subject of this application.
- 3.5 The proposed additional pitches are for use by the extended family of the applicant.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: [No Objection subject to Consultee comments being addressed]

The application states the County has not provided sufficient sites for travellers. This should be verified prior to approval. If this is not the case, then there is no case for very special circumstances to permit development of this site within the Green Belt.

Members note comments submitted by fire & rescue are also an issue that must be addressed as the width of the access lane is insufficient and there is no turning circle is available. Comments from affinity water must also be addressed.

4.1.2 Hertfordshire County Council: Highway Authority: [No Objection]

Recommendation

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

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.

Comments/Analysis

Description of Proposal

Change of use of land for the stationing of caravans for residential purposes, hardstanding and amenity building.

Site and Surroundings

Toms Lane is a classified C local access route subject to a 30mph speed limit which is highway maintainable at public expense. The site is located approximately 1.25km east of the centre of Kings Langley. The site is accessed via a private access route which connects to the footway fronting Toms Lane. The closest bus stop to the site is approximately 255m east and is a stop for the H19 bus. Kings Langley is the nearest train station, being served by Western Midlands Railway, and is approximately 1.5km from the site. The site as existing is a residential garden according to the application form but is connected to the existing caravan site next door. Given the nature of the site being an extension to existing pitches and located in a relatively residential area, the Highway Authority are satisfied the site is in a suitably connected location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

The application proposes to connect the existing Little Lilly site with the proposed, therefore, the access into the site is via the existing access from the private drive off Toms Lane. No highway works are therefore proposed to facilitate development. The proposals do not impact upon the existing available visibility from the access. The additional five pitches would not have an appreciable impact upon the number of trips on the network. It is noted that there has been one collision of slight severity fronting where the access drive meets the highway within the last 5 years. One collision does not imply there is a severe safety issue relating to this existing access. Due to the classification of Toms Lane, vehicles must leave the site to enter the highway in forward gear, due to the size of the site it is possible for vehicles to turn within the site before entering the highway.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that according to the Application Form, 5 parking spaces are to be provided within the site, this is at the level of one space per pitch. Cycle parking has not been mentioned within the application but should be made available within the site. There is a utility area shown within the amenity building on the proposed drawing of the layout although this is unlikely to be a suitable size for cycle parking. Electric vehicle charging has not been provided either, but as no permanent dwelling structures are to be provided, it is assumed building regulations requiring EV charging cannot be applied and it is the discretion of TRDC to determine if EV charging is required at the site.

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. No details of waste storage nor collection have been provided but as the site connects to the existing Little Lilly site, it is assumed that waste shall be collected in the same manner.

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. Due to the distance from the highway and the nature of the access drive to the site, HCC Fire and Rescue have been asked to comment on the application; therefore, all HCC Highways comments are made subject to the comments from Fire and Rescue.

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 comments from HCC Fire and Rescue.

4.1.3 Herts Fire and Rescue: First Consultation – [Further information required]

Following information sent we have received, with regards to the above planning application, we have examined the drawings and note that the provision for access does not appear to be adequate, or not enough information is provided to demonstrate its compliance with the Building Regulations 2010. Please see below the guidance and comments below, which should be met to allow access for fire crews in the event of a fire.

ACCESS AND FACILITIES

Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB) Vol 1, section B5, sub-section 13 including Table 13.1.

- 1. Appliance access minimum width of the road between kerbs is to be 3.7m.
There does not appear to be a gateway on the plan. Any entrance way should also meet this criteria.*

The access road from Toms Lane does not appear to meet this criteria and measures 2m width in places.

2. Access measures more than 45m from the furthest point inside the dwelling to the nearest stopping point for a fire appliance.

The nearest stopping point for an appliance is dependent on the width of the access roads from Toms Lane and the carrying capacity in all areas from the main highway:

- **the access road from Toms Lane to the secondary area, where Little Lily is located**
- **the secondary area directly off the access road, where Little Lily is located**
- **the access road within the site**

3. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes.

Further information should be made available to demonstrate that this carrying capacity can be achieved in the areas detailed above.

4. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Diagram 13.1 in section B5.

If further information can be provided to ensure the weight carrying capacity can be achieved, no turning circle is required. In the absence of this information it is given that the nearest stopping point for an appliance is on Toms Lane and access to the fixed dwellings on the site is therefore further than the extended allowance, with the installation of sprinklers (up to 90m) and does therefore not meet the guidance.

WATER SUPPLIES

For guidance and requirements water for supplies for fire-fighting (Fire hydrants) at this location, please contact Hertfordshire Fire & Rescue Services water officer on 01992 507507 or water@hertfordshire.gov.uk

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

Officer Comment: Following receipt of the above comments from Affinity Water, the applicant submitted further information regarding the access to the site in the form of a Swept Path Analysis drawing.

- 4.1.4 **Herts Fire and Rescue: Second Consultation:** – [No Objection]

With regards to the swept path analysis, access appears to be adequate and we have no further comment to make. Access routes for Hertfordshire Fire and Rescue Service vehicles should also achieve a minimum carrying capacity of 19 tonnes.

- 4.1.5 **Thames Water:** [No Objection]

Having reviewed the details, we have no comments to make at this time. Should the details of the application change, we would welcome the opportunity to be re-consulted.

- 4.1.6 **Affinity Water: First Consultation** – [Further Information required]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping

Station (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).

We require the submission of information on how sewage will be dealt with onsite before we can confirm our position on the development and provide informed condition requirements is necessary. This further information must include either of the following:

- Confirmation of public sewer connection (possibly via a letter from the local provider e.g Thames Water.

Or

- Confirmation of treatment and discharge location/type.

Water efficiency

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

Infrastructure connections and diversions.

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

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

Following receipt of the above comments, the applicant submitted a statement to Affinity Water which outlined;

There is already a main sewer which extends onto property owned by the applicant and, therefore, there is no doubt that mains sewerage is available. However, I cannot obtain permission to connect to this sewer until after planning permission has been granted when a detailed drainage scheme will be drawn up. Thames Water will want to see details of and approve the means of connection.

4.1.7 Affinity Water: Second Response: [No objection, subject to conditions]

Affinity Water consider that the additional required details can be secured by condition and recommend the following wording;

Condition 3

Prior to the commencement of development, no works shall be carried out until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Final Waste Water Scheme and confirmation from Thames demonstrating connection to the existing sewer network.

Reason: To provide confirmation that there will be no discharges to the environment to ensure the protection of the aquifer within the source protection zone for public drinking water.

4.1.8 TRDC Local Plans Section: [No Objection]

The application seeks permission for the change of use of existing greenfield land to provide five additional pitches, adjacent to the Little Lily Gypsy and Traveller Site. The application proposes two caravans per pitch, of which no more than one caravan would be a static caravan. The proposal also includes hardstanding ground surface and an amenity building replacing the existing outbuilding on the land.

Policy H of the 'planning policy for traveller sites' (PPTS) (updated December 2023) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites*
- b) The availability (or lack) of alternative accommodation for the applicants*
- c) Other personal circumstances of the applicant*
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) That they should determine applications for sites from any travellers and not just those with local connections.*

The Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that over the period 2016-2031, there is a need for two additional pitches for gypsy and traveller households which meet the planning definition. The GTTA breaks down the need for Gypsy and Traveller households by five-year periods and identifies the need for the two additional pitches between 2016-21 and zero between 2021-26. The GTTA also identifies a need for up to a further 8 pitches for households who may meet the planning definition, over the period 2016-2031. The need for 0-8 pitches accounted for households residing on the application site at the time of the GTTA survey. These households did not participate in the GTTA survey and were subsequently classified as 'unknown households that may meet the planning definition', for the purposes of the GTTA. Since the GTTA was published, planning permission for additional pitches have been granted and the need for households that may meet the planning definition was considered met with no further need for additional pitches. However, in 2017 an appeal was granted for 6 pitches at a gypsy and traveller site in Langleybury (18/0821/FUL). This site (Land between Langleybury Lane and Old House Lane, Langleybury) is also known to be the proposed application site. In the appeal, the Planning Inspector questioned the GTTA methodology and evidence due to lack of evidence supporting the figure of 0-8 'unknown households that may meet the planning definition' and concluded there is an identified need of gypsy and traveller sites meeting the definition. The appeal report applied paragraph 27 of the PPTS which states the lack of an up-to-date 5 year supply of deliverable sites should not be a significant material consideration as the site falls in the Green Belt.

Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 149 of the National Planning Policy Framework (NPPF). The proposed development is located within the Green Belt therefore not complying with Policies CP11 and DM2.

Policy E of PPTS (August 2015) similarly states that Gypsy and Traveller sites are considered inappropriate development within the Green Belt and should not be approved, except in very special circumstances. Policy E of PPTS also sets out that 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-88). The application supporting documents state the pitches are intended for the use by the applicant's extended family who are currently living on the adjacent site at Little Lily. The supporting documents also state the pitches are proposed due to the applicant's personal circumstances, need for accommodation, unavailability of alternative sites and to meet the needs of children. On this basis, very special circumstances could potentially be demonstrated.

4.1.9 Environmental Health Officer: No response received.

4.1.10 National Grid: No response received.

4.1.11 Hertfordshire County Council Gypsy and Traveller Service: No response received at the time of drafting response. Any response received will be reported at the meeting.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 32

4.2.2 Responses received: 2 (objections) including an objection on behalf of the Toms Lane Action Group which includes approximately 60 local residents.

4.2.3 Summary of responses received:

- Strongly oppose development which is on Green Belt land.
- Appears to be for short term itinerate travellers.
- No provision for individual toilet facilities.
- Confirmation required that existing sewer is able to adequately accommodate a further five family units.
- Concerns regarding access via narrow lane with limited sight lines in either direction on exit into Toms Lane. There have been a number of near accidents as a result of drivers exiting this track and further vehicles would only add to the existing problems and be a potential danger to the users of Toms Lane.
- Significant lack of detail on how this development is justified in the Green Belt area.
- According to application 17/2695/RSP, and the plans attached to the application, a total of 4 static and 4 touring caravans are permitted. However, the actual number of static caravans present is 10 (one touring caravan is also present). Therefore, it should be considered that firstly, there is no justification for expanding the current capacity. The history of retrospective permission and the likelihood of any constraints placed on the site being breached should be considered.
- Within the immediate area, there are two large mobile home sites. At Highview Park, between 85-87 Toms Lane, there are around 120 static caravans, and at Newlands Park (Bedmond Road) there are approximately 100 caravans. There is also a park for touring caravans adjacent to the M25 approximately 1400m away.
- The above rules out any requirement for VSC or other empathetic need to provide for the requirements of this application.
- The specific allowance under application 17/2695/RSP was for named family members – and the number of caravans presented already clearly exceeds this.
- Significant lack of detail relating to sewage and rainwater drainage provision, biodiversity provision for local habitat, justification of the actual need for Gypsy pitches in the Three Rivers District – no clear need is specified or supported by any

district planning, evidence of application for alternative sites, and justification why the site applied for is relevant.

4.2.4 Site Notice: Expired: 22.11.2023.

4.2.5 Press Notice: Not required.

5 Reason for Delay

5.1 Additional information required.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP5, 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, DM9, DM10 and DM13.

6.4 Other Material Considerations

Planning Policy for Traveller Sites (PPTS) (updated December 2023) produced by Department for Communities and Local Government.

CLG Good Practice Guide 'Designing Gypsy and Traveller Sites' (May 2008) is also relevant.

Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017).

Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014.

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.

Human Rights Act 1998.

Equalities Act 2010.

Housing Act 2004.

Children Act 2004.

7 Planning Analysis

7.1 Overview

7.1.1 The applicant has relied upon originally temporary and latterly permanent personal planning permissions to stay on the adjacent site at Little Lily (owned by the applicant), which falls within the Metropolitan Green Belt. Temporary planning permission for a period of five years for one gypsy pitch was initially granted by the Planning Inspector in August 2009 at the adjacent site. Subsequent planning application 11/0040/FUL was granted for an additional two gypsy pitches and application 11/2317/FUL was granted for an additional fourth pitch on the adjacent site; however, this permission did not extend the temporary permission which expired on 9 August 2014. Planning permission 14/1661/FUL granted a further three-year temporary permission for 'Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking' at Little Lily. The temporary permission granted under application 14/1661/FUL expired on 21 November 2017 and was subsequently permanently approved retrospectively under application reference 17/2695/RSP at the adjacent site, although it is noted that this was a personal planning permission. The current application seeks to extend the existing site at Little Lily.

7.2 Principle of Development

7.2.1 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and makes it clear that this is the basis of the planning system in relation to plan making and decision taking.

7.2.2 Planning Policy for Traveller Sites was updated in December 2023 and is a material consideration in planning decisions. It should be considered in conjunction with the NPPF and sets out that the overarching aim of the Government is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To help achieve this, Planning Policy for Traveller Sites sets out a number of aims in respect of traveller sites:

- That local planning authorities should make their own assessment of need for the purposes of planning
- To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- To encourage local planning authorities to plan for sites over a reasonable timescale
- That plan-making and decision taking should protect Green Belt from inappropriate development
- To promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- To increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply
- To reduce tensions between settled and traveller communities in plan-making and planning decisions
- To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- For local planning authorities to have due regard to the protection of local amenity and local environment.

7.2.3 Core Strategy Policy CP5 states that in considering planning applications for sites for Gypsies or Travellers, a criteria-based approach will be used. Criteria include avoiding an adverse impact on the openness of the Green Belt, being within or near to existing settlements with access to local services and the circumstances of the applicant and their need for pitches on the application site.

7.2.4 The application site is located within the Metropolitan Green Belt. Planning Policy for Traveller Sites paragraph 16 highlights that traveller sites (temporary or permanent) within the Green Belt are inappropriate development and that inappropriate development is harmful to the Green Belt and should not be approved. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

7.2.5 The NPPF and Core Strategy Policy CP11 also set out that there is a general presumption against inappropriate development in the Green Belt and this is reflected by Policy DM2 of the Development Management Policies document.

7.2.6 TRDC Local Plans have confirmed that the most recent Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that there is a need for 2 additional pitches, over the period 2016-2031, for Gypsy and Traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031). Notwithstanding this, it is noted that the applicant has put forward a personal need to extend the existing site to accommodate additional family members. Having regard to Policy CP5, the site is not at risk of flooding. Impacts on Green Belt are assessed below. In respect of the need to be in or near existing settlements, the site is close to and accessible from the village of Kings Langley, and is surrounded by existing residential development which ensures there is suitable infrastructure and services nearby. Given the above and that the application site is located adjacent to an existing Gypsy/Traveller Site, it is considered that, in principle, the use of the application site as a Gypsy/Traveller Site would be acceptable.

7.3 Impact on the Green Belt

- 7.3.1 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.
- 7.3.2 Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.3.3 Policy DM2 of the Development Management Policies document also advises 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.
- 7.3.4 Paragraph 152 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. As set out above, paragraph 16 of Planning Policy for Traveller Sites confirms that traveller sites are inappropriate development within the Green Belt. Having reviewed the exceptions at paragraphs 154 and 155 of the NPPF, it is concluded that the proposed development would not fit into any of the exceptions to inappropriate development. The proposal would therefore result in harm to the Green Belt by reason of inappropriateness.
- 7.3.5 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3.6 The use of the land for residential purposes does not fall within any of the exceptions as set out in the NPPF and constitutes an inappropriate development within the Green Belt. Furthermore, the extent of built form and use of the site to support five residential pitches including mobile homes, touring caravans and hardstanding has a harmful and urbanising impact on the openness of the Green Belt; although this harm is not considered to be significant as set out in more detail below. It is acknowledged that there are wider views of the site from, for example, the northeast and from neighbouring properties such as those fronting Toms Lane. However, the existing buildings are only single storey in nature. As a result, it is considered that the impact on openness is moderate with the site not a prominent feature from any open landscape vantage points.
- 7.3.7 The site is surrounded by residential development to the north, south and west of the site with a commercial fencing company based to the east of the site. In addition, while screening cannot be solely relied upon, the site is relatively well screened by fencing and vegetation in addition to the existing residential built form within Toms Lane, and the site is not readily visible from any public vantage points. As such, the existing development does not result in encroachment into the countryside. The development would not result in conflict with any of the five purposes of including land within the Green Belt, as set out in the NPPF.
- 7.3.8 The purpose of the day room building would be for ancillary purposes to the primary use of the wider site. Whilst the NPPF is silent on ancillary buildings, Policy DM2 of the Development Management Policies document states that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:

- A) Be of a scale, design, height and bulk such that the building would not adversely affect the openness of the Green Belt.
- B) Be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development
- C) Avoid features normally associated with the use of a building as a dwelling

7.3.9 Having regard to the above criteria, the day room building would be positioned just beyond the established residential yard, set back significantly from Toms Lane. In addition, the day room building would remain close to the residential yard and existing pitches, and thus the spread of development is limited and still maintains a close association with the residential part of the site. In addition, when considering the dayroom in isolation, given its single storey design, overall size, sympathetic exterior and location, and that it would replace an existing derelict structure, should the use of the site be considered acceptable, it would be reasonable to require a dayroom for amenity purposes to serve the site, and therefore the dayroom would comply with Policy DM2 in this regard.

7.3.10 The site would largely comprise hardstanding to access the day room and the pitches. Whilst this is noted, given that some soft landscaping to the front of the day room and surrounding the pitches would be retained, it is not considered that the level of hardstanding would be excessive so as to impact openness.

7.3.11 Notwithstanding the above, the change of use of the site for use as a Gypsy/Traveller Site would result in harm by reason of inappropriateness and the proposal would therefore be contrary to Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the National Planning Policy Framework. Any additional harm to the openness is not considered to be significant but this does weigh against the proposal. Whether there are Very Special Circumstances to outweigh the identified harm is considered toward the end of this report.

7.4 Impact on the character and appearance of the street scene and the locality

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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.

7.4.2 The application site would extend the existing traveller site at Little Lily, to the rear of the residential properties fronting Toms Lane. As such, the site is largely obscured from the streetscene of Toms Lane by the existing built form. Furthermore, the site is located adjacent to a commercial fencing company, as such, there is existing variation within the wider area. Therefore, given the existing variation, the scale of the proposed development and that the development is well screened from public vantage points, it is not considered that the proposed development would appear unduly prominent within the streetscene of Toms Lane, nor result in harm to the character or appearance of the streetscene or wider area.

7.4.3 In summary it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Impact on amenity of neighbours

7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy,

prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.

- 7.5.2 The proposed extension to the existing traveller site would be sited approximately 26m from the rear elevations of the neighbouring properties fronting Toms Lane. Hedging is proposed along the shared boundary with these neighbours, and given the scale of the proposed development (comprising single storey buildings/features) and the distance maintained between the proposed pitches and neighbouring properties along Toms Lane, it is not considered that the development would appear overbearing or result in loss of light to numbers 61-65 Toms Lane.
- 7.5.3 The proposed pitches would be set in from the shared boundary with the neighbour to the north, Oak Lodge. Hedging is proposed along the shared boundary with this neighbour, and given the single storey nature of the proposed caravans, it is not considered that the proposed development would appear overbearing or result in loss of light to the neighbour to the north.
- 7.5.4 In terms of overlooking, subject to a condition requiring details of the proposed boundary treatment to be submitted for approval, and implemented and maintained, it is not considered that the proposal would result in unacceptable overlooking due to the single storey nature of the development and spacing maintained between the development and neighbouring properties.
- 7.5.5 In terms of noise and disturbance, the site is located within an existing residential area, and as such, a residential use is considered to be acceptable.
- 7.5.6 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.6 Highways & Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.
- 7.6.2 In terms of parking, there are no specific parking standards for traveller sites; however, the submitted layout of the site shows that each pitch would have two parking spaces. This is considered to be sufficient and the proposal is considered to be acceptable in this regard.
- 7.6.3 Hertfordshire Highways and Herts Fire and Rescue have been consulted on the proposed development with regards to access arrangements. The site would utilise the existing access through the existing Gypsy/Traveller Site at Little Lily. The application is accompanied by a Swept Path Analysis Drawing which demonstrates that larger vehicles including emergency vehicles can access the site. Hertfordshire Highways and Herts Fire and Rescue have confirmed that the submitted details are acceptable, and the proposal would not result in any harm in this regard.

7.7 Rear Garden Amenity Space

- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Appendix 2 does not set out specific requirements for amenity space for traveller sites. However, it is noted that a small amount of amenity space would be retained around the dayroom, and the site is located 0.8 miles or a 19 minute walk from Bedmond Play Area.

As such, it is considered that the occupiers of the site would be able to access public open space, and the proposal is considered to be acceptable in this regard.

7.8 Trees & Landscape

- 7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.8.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.9 Biodiversity

- 7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. 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.

7.10 Drainage and Waste Water

- 7.10.1 The application site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to an Affinity Water Pumping Station (HUNT). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd (AW).
- 7.10.2 Affinity Water have been consulted on the current application and have confirmed that they have no objection to the proposed development, subject to a condition to require the submission and approval of a Final Waste Water Scheme and confirmation from Thames demonstrating connection to the existing sewer network. As such, subject to the recommended condition, the proposal is considered to be acceptable in this regard.

7.11 Very Special Circumstances

- 7.11.1 Notwithstanding the inappropriateness of the development and the identified harm to openness to the Green Belt, it is important to consider whether there are any very special circumstances which would outweigh the harm to the Green Belt by reason of inappropriateness and any other harm as a result of the proposals, as well as the sustainability of the site and other factors such as human rights legislation.
- 7.11.2 Planning Policy for Traveller Sites sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when determining planning applications for traveller sites:
- a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant

- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections.

7.12 The general need for and supply of Gypsy sites in Three Rivers

7.12.1 The PPTS allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople within their relevant district. The assessments should be updated annually and identify a supply of specific deliverable sites to provide 5 years worth of sites against their locally set targets and identify locations for growth, for years 6 to 10 and, where possible, for years 11-15.

7.12.2 The existing number of traveller sites includes 27 pitches across four permanent sites; The Oaklands in Bedmond (unrestricted up to 12 pitches), Rear of 59 Toms Lane in Kings Langley (personal restriction up to 4 pitches); Fir Trees (unrestricted to persons who meet the gypsy definition up to 2 pitches) and the Land at Langleybury (personal restriction up to 9 pitches). This is further outlined within the table below:

Current level of gypsy pitches in TRDC	Number of pitches granted	Number of pitches implemented	Status	Expiry date
The Oaklands, Bedmond	12	12	Permanent	N/A
Fir Trees, Sarratt	2	2	Permanent	N/A
Rear of 59 Toms Lane, Kings Langley	4	5	Open enforcement case reference 23/0108/COMP	N/A
Langleybury Lane, Langleybury	10	10	Permanent	N/A
Land Adjacent 321B Uxbridge Road, Rickmansworth	1	0	Permanent	Expired

7.12.3 In February 2017 the Council's Gypsy and Traveller Accommodation Assessment (GTAA) identified that there are currently no public sites in the district. The assessment calculated a need for 2 pitches for persons meeting the definition of a gypsy or traveller and up to a further 8 pitches for households who may meet the definition, in the next five years. The GTAA also identified a need for up to a further 8 pitches for households who may meet the planning definition. It is noted that, since 2017 a further 6 pitches have been permitted at Langleybury Lane, and that the current proposal would further contribute towards the required 8 pitches. Whether the applicant and those looking to move onto the site meet the definition is explained below.

7.12.4 In addition to the above, the Planning Inspector in the 2017 appeal decision (APP/P1940/W/16/3164710) at the Land at Langleybury Lane questioned the GTAA methodology and the evidence gained given the exceptionally low response rates and that no households were identified in bricks and mortar accommodation even though the census in 2011 identified 22 households as a gypsy or Irish Traveller living in a house or flat in the district. Whilst it is acknowledged that not all of those will meet the revised definition, the Planning Inspector states that the figure of 0-8 unknown households lacks robustness.

7.12.5 Consequently, subject to the occupants meeting the definition of a gypsy/traveller, there is an identified need within the district. When applying PPTS (paragraph 27) the lack of an up-to-date 5 year supply of deliverable sites should not be a significant material consideration as the site falls within the Green Belt. However, given the Council cannot demonstrate a 5 year supply, this would weigh in favour of the application.

7.13 Failure of Policy

7.13.1 In 2017, the Council agreed that an assessment of need for Gypsy and Traveller provision would be progressed through the preparation of a new Local Plan. No further action has been undertaken to date. In light of this, there is a failure of policy, which is a further material consideration which carried weight in favour of the proposal.

7.14 Alternative Sites

7.14.1 The existing pitches with planning permission in the district are private sites and there are substantial waiting lists for pitches on public sites within Hertfordshire.

7.14.2 Policy CP5 of the Core Strategy endorses support for gypsy provision but advises against development which harms the openness of the Green Belt. As such, it is likely that any development which comes forward in the Green Belt, which is highly likely given the make-up of the district, would fall foul of this policy.

7.14.3 The lack of alternative sites and the fact that alternatives are likely to be in the Green Belt, given that 77% of Three Rivers District is within the Green Belt, are further considerations which weigh in favour of the application. As such, there is some merit in terms of the limited harm to openness and lack of conflict with the purposes of including land within the Green Belt as a result of the current application.

7.15 Needs of the applicant and their personal circumstances

7.15.1 Planning Policy for Traveller Sites sets out that for the purposes of planning policy, gypsies and travellers means:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

7.15.2 The Design and Access Statement confirms that this application is to extend the existing residential Gypsy site at Little Lily, and that the applicant is a member of the Gypsy/Traveller community and has Gypsy status for planning purposes. The Council is not in possession of any evidence to dispute the applicant's status as a Gypsy/Traveller. In terms of the future occupiers who would occupy the five new pitches, the Case Officer sought further information from the applicant who has confirmed the names of the future occupiers. The future occupiers are all related to the applicant who is the current occupier of the existing traveller site. Three future occupiers are the adult children of families already living on the existing site and would move from the existing site into their own homes on the new site. The Council is not in possession of any evidence to dispute the information gained.

7.15.3 Under the previously approved application reference 17/2695/RSP, the Design and Access Statement detailed that it was important for the family to have a stable place to live for various reasons including access to education, healthcare, welfare, employment infrastructure, social and community cohesion. Evidence of such medical reasons was submitted under the original application for the site at Little Lily, reference 13/1823/FUL, and further up to date medical evidence was submitted under the latter permitted application reference 17/2695/RSP, signifying the personal circumstances of the applicant.

- 7.15.4 In respect of the new occupants, it is noted that one of the new occupants has existing health conditions which require additional support. This support is currently offered by another one of the future occupiers. Furthermore, three of the five future occupiers have children, some of which already attend local schools. It is therefore clear that there are matters which weigh in favour of allowing the future occupants to have a settled base. Nevertheless, the PPTS states under Policy E that:

“Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances.”

- 7.15.5 In light of the above, the personal circumstances highlighted above cannot outweigh harm to the Green Belt, and any other harm to establish very special circumstances, nonetheless, they are a material consideration which weighs in favour of the application.

7.16 Sustainability and Suitability of Site

- 7.16.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development – economic, social and environmental and that it is not sufficient to consider each dimension in isolation; there must be a balance between the three.

- 7.16.2 Core Strategy Policy CP1 also seeks to promote sustainable development and as part of this requires applications for new residential development to be accompanied by an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the design, construction and future use of proposals.

- 7.16.3 The application site would extend an existing traveller site, and is considered to be conveniently located in terms of access to health services, surrounded by residential development with access by foot and or public transport to local services, including shops, schools and healthcare. As such, it is considered that the site meets the overall thrust of guidance on sustainable development in the NPPF and PPTS and therefore was considered an acceptable location.

7.17 Engagement with Human Rights Act

- 7.17.1 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

- 7.17.2 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedom of others.

- 7.17.3 Case law has also established that the greater interference with ECHR rights, the greater will be the need to justify the interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is

disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to weigh demonstrable harm against the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

7.18 Planning Balance

- 7.18.1 Having regard to all matters raised above it is necessary to ascertain whether the inappropriateness of the development and any other harm, is clearly outweighed by material considerations, such that 'very special circumstances' may exist to justify the grant of planning permission. Given the nature of the identified Very Special Circumstances, it is not considered appropriate or reasonable to grant a temporary planning permission in this instance.
- 7.18.2 As highlighted above, the proposal constitutes inappropriate development within the Green Belt and results in harm from the loss of openness; although this harm is not regarded as significant given the enclosed nature of the site by the surrounding built form. No other harm was found during the assessment. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt.
- 7.18.3 During the planning assessment it was found that various factors weigh in favour of the development. These include meeting an identified need for gypsy and travellers meeting the definition (which has been confirmed) within the District, the lack of 5-year-supply of deliverable sites, current lack of alternative sites, the fact that other sites are also likely to fall within the Green Belt, failure of policy and the personal circumstances of the occupants including the best interests of children.
- 7.18.4 Further factors to consider include that the site is enclosed by a mixture of residential and commercial development, and would not result in encroachment into the countryside, and the harm to openness would be limited. Additionally, the grant of permanent planning permission would count towards the District's need.
- 7.18.5 To conclude, when considering the factors in support of the proposal and taking into account of previous planning decisions at the neighbouring site, Little Lily, as well as others within the District, it is considered that the material considerations outweigh the inappropriateness of the development, such that 'very special circumstances' exist to justify the grant of permanent planning permission.
- 7.18.6 Notwithstanding the above, the personal circumstances presented which formed part of previous decisions are integral to the planning balance and therefore any recommendation is based on a personal restriction to named persons.

8 **Recommendation**

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

C1 The change of use of land to provide for 5 additional pitches for residential purposes hereby permitted shall be carried on only by: [*applicant and close family to be inserted if planning permission is granted*].

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case which constitute very special circumstances to accord with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 When the premises cease to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, buildings and structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case which constitute very special circumstances in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), TRDC 002 (Block Plan) and TRDC (Plans and Elevations).

Reason: For the avoidance of doubt and in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM7, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development works shall take place until the following has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water:

- A Final Waste Water Scheme, accompanied by confirmation from Thames demonstrating connection to the existing sewer network.
The scheme shall thereafter be implemented only in accordance with the approved details before the first occupation of the development hereby approved.

Reason: To provide confirmation that there will be no discharges to the environment to ensure the protection of the aquifer within the source protection zone for public drinking water in accordance with Policy DM8 of the Development Management Policies document (adopted July 2013).

- C4 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 boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first use of the site 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).

- C5 No more than 10 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 5 shall be a static caravan) shall be stationed on the site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C6 No commercial activities shall take place on the land, including external storage of any kind (unless associated with the construction of the permitted day room).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and Cp12 of the Core Strategy (adopted October 2011) and Policy DM2 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 £145 per request (or £43 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:

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

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

Parcel of land subject of application and wider context



(Images from google maps)







PLANNING COMMITTEE – 23 May 2024

23/1797/FUL - Demolition of existing dwelling and buildings and erection of two storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works at CEDAR HOUSE, SANDY LANE, NORTHWOOD.

Parish: Batchworth Community Council
Expiry of Statutory Period: 09.02.2024
(Extension of Time: 31.05.2024)

Ward: Moor Park and Eastbury
Case Officer: Scott Volker

Recommendation: 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 an affordable housing review mechanism and private refuse collection, 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:

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA), that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1: In the absence of sufficient information the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- R3: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

Reason for consideration by the Committee: Called in by Batchworth Community Council for reasons set out at paragraphs 4.1.1 and 4.1.2 below.

To view all documents forming part of this application please go to the following website: [23/1797/FUL - Demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works at Cedar House, Sandy Lane, Northwood, HA6 3EZ](https://www.threerivers.gov.uk/23/1797/FUL-Demolition-of-existing-dwelling-and-buildings-and-erection-of-two-storey-detached-dwelling-to-create-17-no-flats-including-lower-ground-floor-level-first-and-second-floor-balconies-and-accommodation-in-the-roofspace-with-dormers-rooflights-solar-panels-with-associated-parking-and-landscaping-works-at-Cedar-House-Sandy-Lane-Northwood-HA6-3EZ) (threerivers.gov.uk)

1 Relevant Planning History

- 1.1 W/127/53 - Division of house and use of land for 3 building plots – Permitted.

- 1.2 W/526/56 - Bedroom over existing garage, existing garage into playroom, new double garage – Permitted.
- 1.3 W/114/63 - Extension to lounge, bedroom over – Permitted.
- 1.4 96/0800 - Two storey side extension – Permitted.
- 1.5 19/2425/OUT - Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) – Refused, March 2020 for the following reasons:

R1: The proposed development would fail to provide sufficient parking spaces to meet demands arising from the proposed development and would not provide any on-site visitor parking. The failure to provide adequate off street parking is likely to result in pressure for parking elsewhere to serve the development. Furthermore, it has not been demonstrated that the proposed parking within the site would be accessible. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

R2: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

- 1.6 20/2314/OUT - Outline Application: Construction of twenty flats (Appearance, Landscaping and Scale reserved) – Refused, February 2021 for the following reasons:

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

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

R3: The Local Planning Authority objects to the layout of the development in respect of the extent and siting of the parking area and the location of refuse and recycling storage areas. The parking area fails to provide suitable opportunity for replacement planting and the accessibility of the refuse area for large waste collection vehicles is insufficient and unacceptable.

- 1.7 23/0576/FUL - Demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 18no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works – Refused August 2023 for the following reasons:

R1: The proposed development, by virtue of the buildings excessive scale, poor staggered design and elevated bulk and massing, including crown roof forms and dormers that create a three-storey appearance would result in an incongruous form of development detrimental to the visual amenity of the area and the character of the street scene of Sandy

Lane. The scale of the building in conjunction with its large area of hardstanding to facilitate above ground parking areas and the lack of useable amenity space would also represent overdevelopment of the site which would be detrimental to the sylvan character and appearance of the site and wider area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2: The development, by virtue of its siting, height and extensive glazing and inclusion of private balconies and dormers in the roofspace within its northern and eastern elevations would result in an actual and perceived overlooking to surrounding private gardens to the detriment of the residential amenity of neighbouring occupiers particularly Oxhey Cottage and Knoll Oak. The development would not accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3: The proposed development by reason of its poor layout resulting in single aspect units including deep floor plans would fail to provide adequate natural light to all habitable rooms of units 4, 8, 14. The development also includes bedrooms within units 15, 16 and 17 served solely by rooflights would therefore fail to provide adequate outlook to the bedrooms within units 15, 16 and 17. The proposal would therefore fail to comply with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R4: The proposed development would result in the loss of substantial amount of tree cover on site including one tree (T3 (Douglas Fir)) which is protected by a Tree Preservation Order (TPO 681 T1 Fir). The scale of the proposed development provides limited or no space for replacement planting around the site and therefore fails to provide adequate mitigation to outweigh the proposed removal of the existing trees which currently add to the sylvan character of the site and surrounding area. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

R5: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R6: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. The development has therefore not demonstrated that it would not increase flood risk to the site and within the locality. Accordingly, the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R7: The proposed development has failed to demonstrate that adequate turning space would be provided within the site to enable service vehicles accessing the site to exit in forward gear. This would impact on highway safety of users the surrounding highway network contrary to the requirements of Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- 1.8 An appeal has been lodged and a valid appeal is in progress, referenced APP/P1940/W/23/3330598 (LPA Ref: 23/0044/REF).

Relevant Planning History of Neighbouring Sites

Knoll Oak, Sandy Lane

- 1.9 22/1875/OUT - Outline application: Demolition of existing buildings and redevelopment to provide 29 residential flats (Use Class C3) (Landscaping as a reserved matter) – Application granted at Planning Committee in April 2023 subject to the completion of a S.106 to secure an affordable housing mechanism.

Wildacre, The Woods

- 1.10 23/1032/FUL - Demolition of existing dwelling and construction of two storey building with accommodation in the roofspace served by dormers and rooflights to create 8no.x 2-bedroom flats with associated basement, parking, bin store and ancillary works – Approved August 2023; not yet implemented.

2 Description of Application Site

- 2.1 The application site is located on the eastern side of Sandy Lane in Northwood and is currently occupied by a detached two storey dwelling (which has been previously extended) and an ancillary building, both served by a gravel driveway from Sandy Lane (dropped kerb access shared with Knoll Oak). The site has an area of approximately 2500sq. metres, measuring 45 metres in width and 55 metres in depth; the existing dwelling has a footprint of approximately 200sq.metres.
- 2.2 The existing dwelling on site faces west and has a staggered principal elevation, set back from the frontage of the site by a minimum of 35 metres. There is a green buffer to the front of the site which separates the site from Sandy Lane limiting views of the application site from Sandy Lane. The site is densely landscaped with mature trees and shrubs located to all the boundaries of the site. There are several trees located within the site that are protected by a Tree Preservation Order. The land levels of the site rise gradually from the front of the site to the rear.
- 2.3 The application site is surrounded by residential properties to the north, east and south. Knoll Oak to the north is however unoccupied and in a state of disrepair and Oxhey Cottage to the east is currently being redeveloped to construct a replacement detached dwelling. To the south is Wildacre which is a large two storey detached dwelling sited on the junction of Sandy Lane and The Woods and accessed from The Woods. Due to the dense soft landscaping, there are limited views of these surrounding neighbouring properties. To the west and on the opposite site of Sandy Lane is Northwood Headquarters (NHQ).
- 2.4 The Frith Wood Conservation Area is located approximately 600m to the south of the application site.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and buildings and the erection of a two-storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels along with associated parking and landscaping works.
- 3.2 The form of the proposed building can be broken into two elements. The front block, nearest to Sandy Lane, is set at ground level over three stories with the top storey incorporated via roof level accommodation served by dormers, recessed balconies and rooflights. The rear block would follow the natural topography of the site and will appear similar in scale to the front block, also being over three stories including use of the roof space, although the rear part of the building would be higher and accommodate basement parking beneath for 16 spaces, bike store (32 spaces), plant room, lift and internal staircase.

- 3.3 The replacement building would be set back from Sandy Lane by a minimum of 15m; set in 8.5-14.5m from the splayed boundary with Knoll Oak and 11.5-14m from the splayed boundary with Wildacre. The building would have a maximum width of 21m and a depth 31m. The building would have a crown roof form split across two levels – at the front the building would have a height of 10.2m and the rear stepped element of the building measuring 11.5m in height. Eaves would be 6m reducing to 5.7m at the rear of the building.
- 3.4 The external appearance of the building would comprise of mixed stock red/brown brick, set against a white rendered finish. Horizontal render bands would break up the facing brickwork. Windows and doors would be formed in powder coated aluminium in anthracite grey colour. Plain clay tiles would be used on the roof with painted timber soffits and fascias. The dormers would be dressed in zinc.
- 3.5 The flatted development would consist of ten 1-bed units (59%) and seven 2-bed units (41%). All of the units would benefit from a private terrace or balcony. All the units would be market housing.
- 3.6 A total of 28 spaces would be provide across the site. This provision would include 12 above ground parking spaces (6 spaces within the frontage of the site and 7 spaces adjacent to the common boundary with Wildacre). A turning space would be provided amongst the spaces adjacent to Wildacre. Of the 12 spaces, 5 would be EV charging spaces, 4 visitor spaces and 2 accessible spaces (one also an EV charging space). A further 16 spaces would be provided within a below ground parking area accessed via a ramp situated beside the northern flank of the building.
- 3.7 The existing vehicular access from Sandy Lane would be retained. The access would lead to the ramp providing basement level parking. A turning area and refuse and recycling area are also proposed within the site frontage. Communal amenity spaces are proposed around the building.
- 3.8 To facilitate the development, it is proposed to remove approximately 23 trees on the site. The majority of the trees proposed for removal are rated as C (poor quality) or U (unsuitable for retention) apart from a category 'B' Beech tree labelled as T14 on the submitted Tree Survey plan.
- 3.9 Amended plans were received during the course of the application process where the following changes were made:
- Ridge height of the building increased by 1m; reducing extent of crown roof
 - Alteration to internal access roads to enable retention of tree 'T3' (Douglas Fir) rated as category 'B'.
 - Removal of tree 'T14' (Beech) rated as category 'B' within the site frontage to facilitate parking spaces.
 - Additional replanting plan.
 - Alterations to the fenestration serving units F1, F4, F7 and F10 to increase size of the windows.
 - Reduction to the size of the dormers contained within the roofspace.
 - Additional tracking plans indicating detailing a private waste collection can adequately manoeuvre within the site and ingress/egress the site in forward gear.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council Strongly object to this application. There is very little difference to the previous application 23/0576/FUL which was rejected and has gone to

appeal. The reduction in the number of flats has made very little difference and the design is still considered an over development of the site. Batchworth Community Council letter 14th June 23 objecting to 23/0576/FUL is still relevant to this new application.

One of the reasons the last application was refused was the lack of affordable housing. This has not changed.

Batchworth Community Council request that this application be called in unless officers are minded to refuse.

4.1.2 Batchworth Community Council - Second Consultation: [Objection]

Batchworth Community Council again strongly object to this application. The building footprint has changed and has increased from the original plan in 23/0576/FUL that was refused.

It is now an even larger over development of the site. Batchworth Community Council letter 14th June 23 objecting to 23/0576/FUL is still relevant to this new application.

The landscaping has got minor changes in so far as a tree has been moved as have 3 of the EV parking slots.

However, the main change is the enlargement of the building footprint and the raising and enlargement of the roof and some of the dormer window balconies within it. The roof line is also now higher and the crown roof giving space for solar panels has been enlarged.

An aspect that we don't believe has been voiced before is, how do the occupants of the flats to the rear of the building get in or out. The centre of the building is dominated by the lift and stairs and there does not appear to be a clear way past them. This is obviously a major health and safety issue as well as a practical one.

Batchworth Community Council request that this application is called in unless officers are minded to refuse.

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

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

1. *No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
 - *An appropriate level, type and design of on-site cycle parking to promote and maximise cycling as a sustainable form of travel to and from the site.*

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). It would be recommended that the above be provided as part of the consultation and prior to a formal approval by TRDC. However if this is not possible for whatever reason, then it is recommended that the above condition is included in any decision.

2. *Existing Access – Improved*

Prior to the first use of the development hereby permitted the existing shared vehicular access shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side and any other associated and necessary highway works in accordance with the Hertfordshire County Council residential access construction specification.

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

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

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

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

4. Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 179.0014-0001 P03. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

5. Construction Management

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

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

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

Highway Informatives:

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

AN) 278 Agreement with Highway Authority:

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

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

Comments / Analysis:

The proposal comprises of the construction of 18 dwellings replacing the existing dwelling at Cedar House, Sandy Lane, Northwood. Sandy Lane is designated as an classified A, main distributor road, subject to a speed limit of 40mph and is highway maintainable at public expense. There is an existing pedestrian highway footway fronting the property on the east side of Sandy Lane.

A Transport Assessment (TA) has been submitted as part of the application and an amended site layout plan has also been submitted (drawing number 0452-P-005 rev. C).

Access:

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

A previous planning application for the adjacent site (Knoll Oak – planning application number 22/1875/OUT) site included alterations to the shared access highway area fronting the Knoll Oak and Cedar House sites. The preferred site access option as submitted as part of planning application 22/1875/OUT was shown on submitted drawing number 2007881-002 D and those highway works were recommended by HCC as Highway Authority as to be provided /completed prior to the first use of the completed development (secured via an appropriately worded planning condition). If for whatever reason the adjacent site does not proceed then highway improvements would still be required for the current development in the form of a 6m kerbed radii entrance (shared with the adjacent property); tactile paving / pedestrian dropped kerbs on either side; any necessary surfacing of the vehicular access area and removal or cutting back of any highway vegetation to provide the necessary levels of visibility on the north side of the access along Sandy Lane.

Based on recorded 85th percentile speeds (submitted as part of planning app 22/1875/OUT), the necessary visibility splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south) would be necessary to be provided to ensure accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. The splay lines are shown on drawing number 179.0014-0001 P03 of the Transport Statement for this application. Some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The tree officer at HCC Highways has confirmed there would not be any specific issues with the removal of any vegetation within the splay area and any vegetation within the area is of low quality. Depending on the size of any trees that may need to be removed, a payment of £550 per tree to HCC as Highway Authority would be necessary to cover the cost of planting and maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss.

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation these necessary highway works. Please see the above highway informative for more information in this respect.

The proposals include the utilisation of this existing access point leading to a driveway /internal access road with a width of 4.8m to 6m, the layout of which is shown on submitted drawing no. 0452-P-005 rev C. HCC as Highway Authority (HA) considers that the access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another and is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore there would be considered to be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp.

Refuse, Service and Emergency Vehicle Access:

A swept path analysis (drawing number 179.0014-0004 P3) for a 8.8m long refuse vehicle has been submitted as part of the TA to illustrate that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. This vehicle is smaller than the size used by TRDC and therefore the current application proposes use of a private collection company (therefore using a smaller refuse vehicle). HCC as Highway Authority would not have any specific objections in this respect although the collection method and arrangements would also need to be confirmed as acceptable by TRDC waste management.

Due to the size of the building / number of dwellings, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Vehicle Parking:

The proposal includes the provision of 34 car parking spaces. The level of parking is slightly lower than those levels as outlined in Three Rivers District Council (TRDC)'s parking standards and there would not be an objection to the level by HCC as Highway Authority in this respect. TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the proposed levels and type of parking on-site.

Four electric vehicle charging (EVC) parking spaces have been provided on-site, which would be supported by HCC. It would be recommended that all remaining car parking spaces are provided with passive provision to ensure that larger active provision that be provided as and when demand requires it. This is to ensure that the proposals are in accordance with LTP4, Policy 5h, which states that "Ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future".

The layout and dimensions of the car parking spaces as shown on submitted drawing numbers 0452-P-005 rev. E and 179.0014-0002 P03 (swept path / tracking) and are considered to be acceptable by HCC as Highway Authority and in accordance with MfS. It is considered that cars would be able to use the allocated car parking areas, turn around and egress the site in forward gear, which would be necessary.

Trip Generation & Distribution:

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

The number of vehicular trips associated with the proposed use are estimated to be 4 two-way vehicle movements in the AM peak (0800-0900) and 6 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would

be considered to be acceptable and not a reason to recommend refusal from a highways perspective

Sustainable Travel & Accessibility:

There is an existing footway on the east side of Sandy Lane (the side of the development) and therefore there is potential to travel on foot from the site to South Oxhey and Northwood. The nearest frequently bus stops are located approximately 200 to 250m from the site on The Wood and are served by services 8, R16 and R17, which provide services to surrounding towns, nearby railway stations and Mount Vernon Hospital. The bus stops are within the normal recommended accessibility of 400m to a bus stop and therefore there is potential for bus services to provide a convenient and easy sustainable travel option for any future residents.

The proposals do not appear to include any details of on-site cycle parking. In order to be acceptable an appropriate level, location and design of secure and convenient cycle parking would need to be provided to maximise and promote cycling as a sustainable travel alternative to and from the site and ensure that the proposals are in accordance with HCC's Local Transport Plan and the National Planning Policy Framework. HCC as Highway Authority would also recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore, appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

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

Drainage / SUDs:

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

An existing flooding problem has previously been identified by the planning officer at Three Rivers District Council on the highway at the front on the site Sandy Lane. Whilst acknowledging this, it would not be a reason to recommend refusal for the current proposals from a highways perspective as it is an existing situation. Furthermore as the access works linked to the development would ultimately require a 278 agreement, any subsequent safety audits carried out as part of that process should identify if there is an ongoing flooding issue that is potentially causing a safety issue.

Conclusion:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

4.1.4 Thames Water – [No objection, informatives suggested]

Waste Comments:

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide

working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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.

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>

Thames Water would advise that with regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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.

4.1.5 Ministry of Defence: [No objection]

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I can confirm that, following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided on the Three Rivers District Council website as of the date of this email.

Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of defence sites or assets.

In the event that any:

- *revised plans;*
- *amended plans;*
- *additional information; or*
- *further application(s)*

are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority.

4.1.6 Hertfordshire Fire and Rescue Service: Water Officer – [No objection, subject to condition].

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

4.1.7 TRDC Housing Officer – [Advisor comments provided]

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.

I note that you are currently proposing 17 dwellings at market tenure only. Policy CP4 of the Core Strategy requires that all new developments resulting in a net gain of one or more dwellings contributes to affordable housing provision; the application does not comply with this. It is required that the application contributes to affordable housing provision.

In the first instance social rented housing should be provided, however, if this is not viable and Affordable rent is agreed, this would not be accepted above the Local Housing Allowance as this is unaffordable to our customers. A lower percentage could be negotiated with a maximum capped at local housing allowance rates.

You have stated that you do not believe the proposed development to be viable to provide affordable housing or S106 contributions, this FVA is currently being reviewed by our independent assessor.

4.1.8 Hertfordshire County Council: Lead Local Flood Authority – [Initial Objection]

Thank you for your consultation on the above site, received on 14 November 2023. We have reviewed the application as submitted and wish to make the following comments.

This is a full application for the demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roof space with dormers, rooflights, solar panels with associated parking and landscaping works.

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- *The development does not comply with PPG 059.*

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 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. The main points of this are;

- 1. No calculations have been provided.*
- 2. Greenfield and brownfield runoff rates not provided. Proposed runoff rates and calculations also not provided.*
- 3. Assessment of water quantity and quality and how this will be managed during the construction phase not provided.*

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, 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))). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

4.1.9 Hertfordshire County Council: Lead Local Flood Authority – Second Consultation: Following receipt of amended plans, the LLFA were re-consulted. Comments have not yet been received at time of writing and any comments received will be updated verbally on the night of Committee.

4.1.10 Landscape Officer – First Consultation [Objection]

The updated plans indicate that fifteen trees; three tree groups; part of three tree groups and a section of hedge would be removed to facilitate the development. Tree T3 (Douglas

Fir) protected by Tree Preservation Order (TPO 681 T1 Fir) and previously shown for removal would be retained.

However, the plans indicate that a substantial proportion of the tree's Root Zone would be covered by hardstanding. Although a 'no dig' solution is proposed, the plans suggest that the extent of coverage would exceed the maximum of 20% of the Root Zone (including no dig surfaces), as set out in the British Standard (BS5837), however no figure is given for the percentage encroachment.

In addition, T14 (Beech) also protected by TPO681 and previously shown as retained, is now proposed for removal. As with the previous proposal, although many of the trees scheduled for removal are relatively poor quality, the scale of proposed redevelopment leaves little or no space for replacement planting.

Refusal is recommended due to the loss of a good quality tree protected by TPO, and the loss of a substantial amount of tree cover, which could not be mitigated by replacement planting on-site.

Previous comments to 23/0576/FUL

Recommend: Refusal

The submitted plans indicate that circa 24 trees and tree groups would be removed to facilitate development, including T3 (Douglas Fir), which is protected by Tree Preservation Order (TPO 681 T1 Fir). Although many of the trees scheduled for removal are relatively poor quality, the scale of proposed redevelopment leaves little or no space for replacement planting.

Refusal is recommended due to the loss of a good quality tree protected by TPO, and the loss of a substantial amount of tree cover, which could not be mitigated by replacement planting on-site.

Officer Comment: Following receipt the above comments, the applicant provided an updated Arboricultural Impact Assessment and Method Statement Revision D for consideration.

4.1.11 Landscape Officer – Second Consultation [Advisory comments]

In respect to T3 Douglas Fir, there are no provisions within the British Standard to take account of 'deep-rooted species' as being less susceptible to root damage and the applicant's own figures show that the extent of hard surfacing within the RPA (Root Protection Area) of the tree would be increased. However, the cellular confinement may have some benefit over the existing informal gravel surface, provided it is correctly installed.

This would need to be combined with suitable landscaping of the remaining RPA, which should include a composted bark mulch, and should avoid the use of any landscaping fabric or geotextile layer. A detailed method statement on the installation of the 'no dig' surface and landscaping around the tree's RPA should be required.

The proposals for replacement tree planting are substantially less than that being removed, however majority of those being removed are relatively poor quality and the screening of the site from the road will be substantially maintained.

4.1.12 National Grid – [No comments received. Any comments provided will be verbally updated]

4.1.13 Hertfordshire County Council: Fire Protection Department - [No comments received. Any comments provided will be verbally updated].

- 4.1.14 Hertfordshire Ecology - [No comments received. Any comments provided will be verbally updated]
- 4.1.15 Affinity Water – [No comments received. Any comments provided will be verbally updated]
- 4.1.16 Environment Agency – [No objection]

From the documents on the planning portal I'm assuming it's a mis-consultation for us, as the development is in Flood Zone 1 so low risk and we wouldn't comment. There doesn't appear to be any proximity to a main river. It also appears to be in Source Protection Zone 3, which again is low on our risk bar, and as there is no previous contaminative use or ground source heat pumps being proposed, I think the decision to mark as a mis-consultation is seemingly correct.

- 4.1.17 Designing Out Crime Officer - [No comments received. Any comments provided will be verbally updated]

4.2 **Public/Neighbour Consultation**

Initial Consultation

- 4.2.1 Number consulted: 10
- 4.2.2 No of responses received: 5 objections
- 4.2.3 Site notice: Posted 22.11.2023 Expired: 11.12.2023.
Press Notice: Not required.

Summary of responses:

- Major overdevelopment.
- Increased traffic congestion.
- Turning in/out of Sandy Lane from The Woods even more hazardous if approved.
- Increase parking and congestion on The Woods.
- Development not in keeping with existing properties on Sandy Lane or The Woods.
- Damage integrity of natural woodland and will disturb wildlife.
- Northwood already been ruined by flatted developments.
- Overdevelopment points to profiteering by the developer.
- Applicant wants to maximise profits rather than considering implications for local residents.
- Site sits on South Herts Ridge which is earmarked for preservation.
- Not in keeping with the area.
- Development detrimental to the water table.
- Development create a security hazard for Northwood Headquarters.
- Encroach on the privacy of the surrounding properties.
- Previous application does not overcome refusal of previous proposals and represents tinkering to design of previous submission.
- Overbearing in height and scale
- Poorly designed.
- Out of character.
- Excessive footprint.
- Site flanked on three sides by ancient historic woodland and woodland nature reserves
- Additional air, water, soil, light and noise pollution during and for perpetuity following development.
- Breach of restrictive covenants.
- Increase environmental impact.
- Unnecessary and unwanted.

- 4.2.4 Further 21-day consultation exercise was undertaken on 28th February 2024 following receipt of amended plans.

Summary of further responses:

- Out of size and character for a neighbourhood comprised exclusively of luxury single dwellings
- Overlook of Northwood Headquarters
- Add traffic and pollution

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

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

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

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

5.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 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.

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, DM10 and DM13 and Appendices 2 and 5.

5.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Frith Wood Conservation Area Appraisal 2008

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

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

6 **Reason for Delay**

6.1 Submission of amended plans and obtaining consultation responses.

7 **Planning Analysis**

7.1 Background

7.1.1 This application submission follows the LPA's decision to refuse planning permission 23/0576/FUL. The 2023 permission was refused on seven grounds 1) Character; 2) Impact on neighbours; 3) Sub-standard living conditions; 4) Impact on trees; 5) Absence of affordable housing; 6) Flood risk and 7) Inadequate turning space. The reasons are set out in full within the planning history at Section 1 paragraph 1.7 in this report.

7.1.2 Therefore, it is necessary for this report to assess the planning merits of the current scheme, including whether it has overcome the previous reasons for refusal which are a material consideration that carry weight in the assessment of this application, especially given the relative similarities between the current and previous schemes.

7.1.3 The key differences between this application and the previously refused scheme are as follows:

- Reduction in number of units from 18 to 17.
- Unit mix no longer includes 3-bed units.
- Height of building is 11.5m at its maximum (previously 10.5m).
- Reduced footprint of the building.
- Increase distance to shared boundary between rear part of building with Knoll Oak by 2.4m.
- Alterations to internal access and service road.
- Parking provision of 28 spaces (previously 31 spaces).
- Internal alterations to the layout of the units at ground, first and second floor levels.
- Changes to fenestration serving units to make most dual aspect.
- Loss of tree 'T14' (Beech) within the site frontage.
- Retention of tree 'T3' (Douglas Fir) within the frontage.
- Increased level of soft landscaping across the site which includes tree replanting.

7.2 Principle of Development

- 7.2.1 The proposed development would result in a net gain of sixteen units (seventeen in total). The site is not identified as a housing site in the adopted Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy.
 - ii. The sustainability of the development and its contribution to meeting local housing needs.
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.2.3 The application site is within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Eastbury will provide approximately 24% of the District's housing requirements over the plan period.
- 7.2.4 With respect to the definition of previously developed land as set out in the NPPF (2023), parts of the site which are built up are considered previously developed but the proposal would represent development on garden land which spreads beyond the footprint of the existing dwelling. The site sits on the outskirts of Northwood, but within a built-up area. Notwithstanding this, the location of the site is within the Secondary Centre of Eastbury and is situated approximately 1 mile from both Northwood High Street and 1.3 miles from Carpenders Park High Street. As such, it is considered that although the site is well located, it is still not the most ideal in terms of accessibility.
- 7.2.5 Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 124(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2.6 In respect of achieving appropriate densities the NPPF at paragraph 129 emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 7.2.7 Policy CP3 of the Core Strategy states the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.
- 7.2.8 Currently, the Council are unable to demonstrate a deliverable supply of housing as required by the NPPF, with the Council's position at approximately 1.9-year supply of housing. Paragraph 11 of the NPPF is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. Consequently, when applying paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance

provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.

7.2.9 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.

7.2.10 This proposal would provide seventeen dwellings (net gain of 16) on the site which would significantly weigh in favour of the development having regard to the Council's current position regarding housing delivery.

7.3 Design and impact on Character, Street Scene and Heritage Assets:

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

7.3.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.3.3 Paragraph 135 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.3.4 The application site and the surrounding area immediately to the north, east and south comprise of large detached residential dwellings (with the exception of the derelict property at Knoll Oak to the north) located on spacious plots within a heavily wooded setting. The spacious plots of the residential dwellings in the vicinity are well set in from their respective flank boundaries. Further north and east is Oxhey Woods which is a Local Nature Reserve and a semi-ancient woodland. The wooded nature of the site means that that views of the application site and the surrounding residential properties are generally well screened from view from Sandy Lane. To the west is NHQ which comprises a substantial cluster of large buildings which are generally at odds with the local built environment, albeit their impact on the local context is mitigated due to the setback nature of the buildings and the fact the site is on a lower land level than Sandy Lane.

- 7.3.5 Whilst the application site is surrounded by large single detached dwellings on spacious plots, it is noted that planning permission has been granted (subject to S.106 agreement) at Knoll Oak for a flatted scheme comprising 28 units (22/1875/OUT) and likewise at Wildacre for 8 units (23/1032/FUL). Thus, the principle of a flatted development in this location is not considered unacceptable and many other flatted developments exist within the local area.
- 7.3.6 The proposal would not result in a tandem form of development. It is recognised that the development as shown on the submitted amended site layout plan (0452-P-002 REV-E) follows that of application 23/0576/FUL by proposing a large residential development on the site; however, Officers have been in discussions with the applicant to amend the scheme to improve its overall design.
- 7.3.7 To start, the footprint of the building no longer includes a staggered/overlapping design between the front and rear block. In terms of overall plot coverage, the built form would equate to approximately 22%. The rear block now shares the same building line along either flank as the principal block. Thus, the rear block would be partially obscured from Sandy Lane. This also increases the spacing between the built form and the adjacent flank boundaries with Knoll Oak and Wildacre. The principal elevation of the building would cover approximately 47% of the plot width with retained distances ranging between 8.5m to 14m to adjacent flank boundaries. Adequate spacing would therefore be maintained, allowing views through towards the rear of the site; however, the building would continue to have a substantial footprint.
- 7.3.8 The design of the replacement building still incorporates a crown roof; however, given the relatively spacious plot and distances between the proposed building and neighbouring properties, officers considered there was scope to increase the overall height of the building to improve its overall appearance, to the betterment of its design. As such, amended plans were received to increase the ridge height of the building by 1m. This increase lessens the overall extent of the crown roof and improves the design of the building by creating larger roofslopes which, when coupled with the amendments to reduce the size of the proposed dormers make them appear more subordinate and in turn would improve the visual appearance of the building by enabling a more proportionate roofspace which will appear less cramped and contrived relative to the main elevations of the building. Notwithstanding this, the inclusion of the crown roof coupled with the deep flank elevations would still result in the building appearing substantial in size.
- 7.3.9 There would be a setback distance from of the front boundary of 14m to approximately 17m given the splayed nature of the boundary with a distance of 22m from the highway pavement on Sandy Lane when factoring the wooded verge which would provide some level of screening of the development, limiting views from public vantage points on Sandy Lane. The building would also have a two-storey form with subordinate dormer windows which would prevent any unacceptable impact upon the streetscene. However, given the size and scale of the rearward projections, the proposed building would have an adverse impact on the sylvan character of the site which would be visible, in part, from neighbouring properties.
- 7.3.10 In terms of the visual appearance of the building, the flatted development would be predominantly bricked with some detailing to the elevations in the form horizontal render bands. The chosen materials are said to reference a vernacular art deco style of materials used elsewhere in the locality and this is considered acceptable.
- 7.3.11 The layout of the development has been improved with a reduction in the provision of parking spaces within the frontage of the site to enable for greater levels of soft landscaping to be provided. In addition, the scheme will now retain protected tree 'T3' (Douglas Fir) which is located in a prominent location close to the entrance into the site which, when coupled with the increase landscaping would improve the visual appearance of the development.

- 7.3.12 Policy DM3 of the Development Management Policies document states that applications only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment and that permission will not be granted for development outside but near to a conservation area if it adversely affects the setting, character, appearance of or views in to or out of that conservation area. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage assets paragraph 209 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 7.3.13 The Frith Wood Conservation Area is situated approximately 135m south of the application site. Given the distance, it is not considered that the development would harm its setting. There are also several non-designated heritage assets and Grade II Listed Buildings (Lodge to Admiralty House, Admiralty House and The Glade, Bracken Hall) within the local area; however, given the separation distance no harm would arise (closest is Bracken Hall situated approximately 150m away).
- 7.3.14 It is recognised that the principle of a flatted development is similar to the previous scheme under application 23/0576/FUL which was found to be harmful to the sylvan character of the area. Whilst improvements have been made to the design, the development by reason of its overall size and scale continues to hold a significant footprint and retain substantial bulk and mass similar to the refused scheme which would be visible from surrounding vantage points. Due to these reasons, it is considered that the introduction of a building of this scale would appear out of character with the sylvan character of the area. As a result, the development would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management policies LDD.
- 7.4 Impact on amenity of neighbours
- 7.4.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Policy DM1 and Appendix 2 of the DMP LDD 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. To ensure 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.
- 7.4.3 Knoll Oak is located to the north and fronts Sandy Lane and is currently an uninhabited, dilapidated dwellinghouse. Whilst this is the case, consideration would still need to be given to future occupants of this dwelling. Regard is also had to the outline planning permission for the redevelopment of Knoll Oak to provide a flatted scheme comprising 29 units which is to be granted (Planning Committee resolution to approve) pending the completion of a legal agreement, however, this is yet to be approved. In its current form and based on current site circumstances, there would be a separation distance of 22m between the proposed building and this neighbouring building. Were the outline permission be implemented, this distance would increase to 30m. Wildacre is to the south, the principal elevation of this neighbour faces east and its associated private amenity space within the western part of the site abutting Sandy Lane. Again, regard is had to the approved flatted scheme approved under 23/1032/FUL. Nevertheless, at this current time, the dwelling on site is set in from the common boundary by 5.5m at its closest point but the main two storey element of this dwelling is approximately 9m from the boundary. Oxhey Cottage to the east of the site is a new dwelling currently under construction following grant of planning

permission under 16/2427/FUL. This new dwelling is primarily located adjacent to Wildacre with its associated private amenity space extending northwards and behind the application site and a separation distance of 34m would be retained between this neighbour and the proposed building. Both Hilltop Cottage and Frog Place are sited on the opposite side of the curtilage of Oxhey Cottage.

- 7.4.4 The Site Constraints plan 0452-P-002 supporting the application provides distances between the proposed flatted development, adjacent boundaries and to those surrounding neighbouring properties. The proposed residential building would be located approximately 19m from the nearest neighbouring residential property, Wildacre. If the approved schemes at both Knoll Oak and Wildacre were to be implemented, this distance would be increased to approximately 21m – at its closest point with the scheme at Wildacre. However, given the existing distance and the siting and orientation of the surrounding neighbouring properties it is not considered that the proposed residential building would have an adverse impact on the amenities of the occupants of any neighbouring properties in relation to loss of light or become overbearing. For comparison, at its closest point the development refused under application 23/0576/FUL was 10.7m from the closest neighbouring boundary which was shared with Knoll Oak.
- 7.4.5 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. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved. The criteria also states that where rear garden length along is relied on to provide privacy the minimum length should be 14m.
- 7.4.6 The flatted development includes extensive glazing to all elevations at ground, first floor levels and above. With regards to Knoll Oak and Wildacre, the revised scheme has increased the distance between the built form and the shared boundary with both. Whilst there may be an increase in perceived overlooking, it is considered that there would not be any significant loss of privacy due to the presence of mature vegetation, which is protected and very dense, coupled with separation distances either exceeding or just below the 14m guidance within the Design Criteria and is therefore acceptable. For comparison, the approved distances between Knoll Oak and the common boundary with the application site in the assessment of 22/1875/OUT was a minimum of 13m increasing to 26m. Similarly, with Wildacre the approved distances were 7.5m increasing to 12m in the assessment of 23/1032/FUL.
- 7.4.7 With respect of Oxhey Cottage, the distance between the building and the common boundary is less than the 14m at approximately 12m. That being said, Oxhey Cottage itself is located away from the application site, approximately 34m to the south-east. The proposed fenestration within the east elevation facing towards Oxhey Cottage would be facing towards the rear most part of the garden of this neighbouring property and would not be directly overlooking into the windows of Oxhey Cottage or its “private zone” directly abutting the rear elevation of the building. Furthermore, the boundary is lined with mature vegetation (to be retained) which would provide some screening limiting views across to this neighbour. As such, it is not considered in this instance that the development would result in demonstrable harm would arise in terms of loss of privacy and is therefore considered acceptable.
- 7.4.8 To the west is the NHQ which has been considered under section 7.8 below.
- 7.4.9 Due to the nature of the proposed development and the increased density there would be a higher level of on-site activity such as additional vehicle movements and future occupants utilising the communal gardens. A condition is suggested to requiring details of boundary

treatments to be submitted to ensure that appropriate boundary treatments are installed to minimise any noise and disturbance from the intensification of use of the site.

- 7.4.10 Officers recognise that given the scale of the development, 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 detail concerning timing of construction activities and deliveries to avoid unacceptable impacts to neighbouring properties and the locality more generally.
- 7.4.11 To summarise, the development proposal is not considered to have a detrimental impact on the privacy levels of surrounding neighbouring amenity. The development therefore complies with Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

7.5 Access and Impact on Highway Safety

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

Access and trip generation

- 7.5.2 As existing the application site benefits from an access via Sandy Lane within the north-western corner of the site which also provides access to Knoll Oak with separate gates serving each property, set back from Sandy Lane by 8m. The area between the road and front boundary is very informal and made up of loose gravel which would be unacceptable unless altered. Sandy Lane is a Classified A main distributor road with speed limit of 40mph and is a highway maintainable at public expense.
- 7.5.3 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application who confirmed that the utilisation of the existing access rather than proposing a new access from Sandy Lane is the appropriate method and is considered acceptable. HCC noted that the re-development of Knoll Oak (referenced 22/1875/OUT) included alterations to the shared access fronting both Knoll Oak and Cedars House which falls within the highway boundary. Those highway works were recommended by HCC as to be provided/completed prior to first use of the development; however, given the poor access for construction vehicles officers considered that the works should be undertaken prior to the commencement of the development (secured via an appropriately worded planning condition). Within their comments for this current application HCC advised that if for whatever reason Knoll Oak does not proceed then then highway improvements would still be required for Cedars House in the form of a 6m kerbed radii entrance (shared with the adjacent property); tactile paving / pedestrian dropped kerbs on either side; any necessary surfacing of the vehicular access area and removal or cutting back of any highway vegetation to provide the necessary levels of visibility on the north side of the access along Sandy Lane. The access changes are all within the highway boundary, not ownership of the app site. Thus, a similarly worded condition would be attached to any grant of planning permission in respect of this application.
- 7.5.4 HCC considers that the internal access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another. Furthermore, there would be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp. A trip generation assessment for the proposed use has been included as part of the Transport Statement, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be

acceptable by HCC. The number of vehicular trips associated with the proposed use are estimated to be 4 two-way vehicle movements in the AM peak (0800-0900) and 6 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, HCC considered the impact on the operation of the surrounding highway network from the trip generation perspective to be acceptable and not a reason to recommend refusal from a highways perspective.

- 7.5.5 HCC also advised that works would need to occur to provide the necessary visibility splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south). Those splay lines are shown on drawing number 179.0014-0001 P04 of the Transport Statement supporting the application. To provide the visibility splay lines some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The Highway Authority have confirmed that they have no issues with the removal of the vegetation; however, depending on the size of the tree to be removed, a payment of £550 per tree to HCC would be necessary to cover the cost of planting and maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss. This would be subject to a Section 278 Agreement which falls outside of the remit of this application.
- 7.5.6 Due to the nature of the works, including demolition, significant excavation and construction and the location of the site with access from a busy 40mph road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway. In addition, due to the current informal condition of the existing access, the new access would be required to be in place prior to construction works given highway safety concerns regarding visibility splay lines and the speed of the road.
- 7.5.7 Overall, the HCC considered that the proposal, subject to conditions and a section 278 agreement would not have an unreasonable impact on the safety and operation of the surrounding highway. A Section 278 Agreement would need to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, HCC raised no objections on highway grounds to the application, subject to conditions and informatives.

7.6 Parking Provision

- 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. Appendix 5 sets the parking requirement for dwellings as follows:
- 1 bedroom dwellings – 1.75 spaces (1 assigned)
 - 2 bedroom dwellings – 2 spaces (1 assigned)
 - 3 bedroom dwellings – 2.25 spaces (2 assigned)
 - 4 or more bedroom dwellings – 3 spaces (3 assigned)
- 7.6.2 A development comprising of ten 1-bed units, seven 2-beds units would require a total of 31.5 parking spaces, of which 17 should be assigned.
- 7.6.3 The submitted site layout plan shows that 12 surface parking spaces (unallocated) would be provided which includes 2 accessible spaces and six EV charging spaces. A further 16 spaces (allocated) would be provided within the undercroft parking area. This would result in a total of 28 spaces. The proposed development would therefore result in a shortfall of 3.5 parking spaces. The two accessible spaces would meet the size required as set out within Appendix 5 and the provision of two is considered sufficient for a development of this size. One of the spaces would also have the benefit of EV charging station. A turning space

is provided amongst the above ground spaces to enable future occupants to safely manoeuvre in and out of some of the spaces.

- 7.6.4 The application is supported by a Transport Statement which sets out that the site is located within an area of high accessibility with several walking/cycling routes present in the locality of the site with excellent access to various modes of public transport such as local bus services and both a train and London Underground Station located nearby. Whilst there are bus stops located close to the application site, it is not considered to be within close proximity of local services and other transport links. Northwood Underground Station is located 1 mile away and Carpenders Park Overground Station and Moor Park London Underground Station are located 1.5 and 2.1 miles away respectively. Furthermore, Northwood High Street and South Oxhey High Street are a minimum of 1 mile away. Therefore, it is considered that there would still be a heavy reliance on car ownership for occupants of the flats.
- 7.6.5 With regard to cycle parking, Appendix 5 states that for flats there is a requirement for 1 space per 2 units. Two bike stores with a combined capacity for 32 bikes are to be provided within the undercroft parking level. The development would therefore comply with the cycle parking standards. Details would be secured by condition in the event of an approval to ensure they are provided for future occupants.
- 7.6.6 As mentioned above the site is not considered to be located within a highly sustainable location and there is no on street parking available on Sandy Lane. Whilst there is a shortfall, the deficiency is small (3.5 spaces) and there would be suitable alternative modes of transport available for future occupants (walk, bus and bike) to enable future occupants to travel to local services. It is therefore not considered that the shortfall is significant enough to justify refusal of planning permission in this regard. A condition is attached requiring a parking management plan to ensure that assigned spaces are allocated to the flats and a number of visitor spaces will be available to avoid parking on nearby surrounding roads, such as The Woods.

7.7 Refuse and Recycling

- 7.7.1 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
- 7.7.2 The submitted Amended Site Plan 0452-P-005 REV-I details that a bin storage area would be located in the frontage of the site in the south-western corner of the parking area. HCC commented that they a swept path analysis for a 12m long refuse vehicle (the size of vehicle used by Three Rivers District Council (TRDC) would be required to be submitted and approved to illustrate that such a refuse vehicle would be able to utilise the access, the internal access road, turn around on site and egress to the highway in forward gear. However, the applicant proposes the use of a private refuse collection and with the Transport Statement, tracking diagrams are provided on drawing 179.0014-0004 REV-P05 which details how a private refuse vehicle would be able to manoeuvre within the site to enable it to enter and exit the site in forward gear. Whilst it is acknowledged that a private waste collection is generally not encouraged and preference is for council waste vehicles to service the site, the site would not be able to accommodate the larger council vehicles unless the proposal includes the removal of the protected Douglas Fir tree – ‘T3’ which is located close to the entrance of the site. On this occasion, the private waste collection is considered acceptable to ensure retention of the prominent tree which is considered of high

amenity value. The proposed development has therefore demonstrated that adequate turning space would be provided within the site to enable private service vehicles accessing the site to exit in forward gear.

- 7.7.3 Subject to the completion of a legal agreement securing the use and management of private refuse collection, the development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.8 Impact on National Security

- 7.8.1 The NPPF at paragraph 101 states that planning decisions should promote public safety and take into account wider security and defence requirements by:

a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

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

- 7.8.2 The application site is located opposite NHQ. Concerns were received during the consultation period from residents that the development would compromise the security of NHQ. Officers recognise the sensitivities around NHQ but notably the Military of Defence (MOD) were consulted on the application and concluded the proposed development would have no detrimental impact on the operation or capability of a defence site or asset.

- 7.8.3 The distances between the proposed residential block and NHQ site are more than the separation distances set out within Appendix 2 which states that “*as an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other. Distances should be greater between buildings in excess of two storeys.*” Whilst this guidance relates to residential scenarios it can be used in this instance as a guide. The proposed building is approximately 45m from the front of the NHQ site (front boundary line), approximately 75m from the site’s gated entrance and therefore substantially away from any buildings within NHQ, thus well in excess of the guidance. In addition, due to the layout of the NHQ, the majority of the buildings are located a substantial distance from the site entrance, on a lower land level and are screened by on-site trees. Views from those units served by glazing within the principal elevations would also be limited by the existing line of mature evergreen trees which are to be retained along with the mature woodland trees found within the highway verge.

- 7.8.4 The proposed redevelopment of the site would increase the number of occupants on site and the level of activity would also increase. However, there is no evidence to suggest that the increase activity on site would have an adverse impact on the security operations of NHQ, which, was noted to be significantly fenced and had CCTV cameras in place immediately opposite the application site and along Sandy Lane.

- 7.8.5 Due to the site circumstances and distances involved it is not considered that the development would adversely affect the NHQ operations, especially as no specific security arrangements have been raised. As a result, it is considered that the development would accord with paragraph 101 of the NPPF (2023).

7.9 Housing Mix

- 7.9.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.
- 7.9.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 7.9.3 The indicative targets for affordable housing are:
- 1 bedroom 40% of dwellings
 - 2 bedrooms 27% of dwellings
 - 3 bedrooms 31% of dwellings
 - 4+ bedrooms 2% of dwellings
- 7.9.4 The proposed development would provide 59% 1-bed units; 41% 2-bed units. Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. Despite not strictly according with Policy CP3, it is not considered that a development of this form and scale would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 7.10 Affordable Housing
- 7.10.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable. Following the Written Ministerial Statement in May 2021 which set out the Government's plan for delivery of First Homes, the tenure mix for affordable housing under Policy CP4 has altered to 70% social rented, 25% First Homes, and 5% intermediate.
- 7.10.2 The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
- 7.10.3 The proposed delivery of 17 flats would result in a policy requirement of 8 affordable units.
- 7.10.4 No affordable housing is proposed as part of this application on viability grounds. The Core Strategy sets out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability. Where non-viability is cited as the reason for a development proposal not complying with the affordable housing requirements, applicants for planning permission must support this reason with financial evidence to be submitted alongside the planning application.

- 7.10.5 A viability assessment was submitted with the application indicating that it would not be viable for the development to contribute to the provision of affordable housing. This has been independently assessed with the review concurring that no affordable housing contribution would be viable, concluding that the policy compliant scheme results in a negative residual land value of -£170,913 when compared to the Benchmark Land Value £1,760,000. As such there would not be a requirement for the development to make provision for affordable housing in accordance with the provisions of Core Strategy Policy CP4.
- 7.10.6 On the basis of the above, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonable related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure a mechanism, subject to the particulars.
- 7.11 Living conditions of future occupants
- 7.11.1 Policy CP12 of the Core Strategy states development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.11.2 Application 23/0576/FUL was refused on grounds that the scheme failed to provide satisfactory living conditions for all future occupants of the development. More specifically, eight of the proposed eighteen units were single aspect – three of which (units 4, 8 and 14) would be facing north-west. Floor plans showed deep rooms narrow rooms served by a single window, thus the rooms would have been heavily reliant on artificial light. In addition, habitable rooms of some of the units within the roofspace (units 15, 16 and 17) were only served by rooflight(s) and therefore had limited outlook.
- 7.11.3 This current application has proposed alterations to the scheme that includes changes to the layout of the units proposed across all floor levels so that the rooms are not as deep and narrow as previously proposed and refused. Also, either additional fenestration is provided or openings are increased in size when compared to previous schemes. Furthermore, the changes include a reduction to the number of units provided within the roofspace (previously 6 units, now 5). This allows for a rearrangement of the layout of the remaining units in the roofspace so that the all the habitable rooms bar one (Bedroom 1 of unit 15) are served by terraces or dormers and supplemented by rooflights rather than being solely reliant upon them. This would improve the quality of outlook for future occupiers of the units. With regards unit 15 this would be the sole single aspect property within the development. Despite this, the future occupant(s) of this unit would benefit from a south-facing private terrace area serving the main living space and an additional rooflight is proposed to serve the bedroom area to allow for greater levels of light into the room. Thus, the living conditions of future occupant(s) of this unit would not be sub-standard. Consequently, compared to the previously refused scheme all the units would be served by sizeable windows and would generally receive adequate levels of natural light to all habitable rooms.
- 7.11.4 Officers therefore consider that the scheme put forward has overcome the previous concerns which amounted to a reason to refuse application 23/0576/FUL and the current application is acceptable in accordance with Policy CP12 of the Core Strategy.
- 7.12 Open Play Space and Amenity Space Provision
- 7.12.1 Amenity space standards for residential development are set out in Appendix 2 of the DMP LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened

from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.

- 7.12.2 The proposal would result in the construction of 17 apartments split as follows: 10 x 1-bed, 7 x 2-bed. The amenity space requirement would therefore be 427sqm.
- 7.12.3 In addition to the requirement for provision of private amenity space to serve the development, Policy DM11 of the Development Management Policies document sets out that in order to ensure that new residential developments do not exacerbate deficiencies in open space and children's play space, new residential development will be expected to provide for amenity and children's play space.
- 7.12.4 Each of the proposed units would benefit from a private balcony/terrace which would measure 6-7sqm. The associated balconies/terraces of units 1, 2, 7, 8 and 13 would not receive direct sunlight due to the positioning and orientation of the sun. The submitted Planning Statement also states that in addition to the individual spaces that the areas surrounding the building would be accessible for use as shared communal space – this has been roughly calculated to be 750sqm. Whilst it is acknowledged there are areas or greenery around the residential block it is not considered that all of the space would be useable given that a large proportion of the site would be overshadowed by the retained trees and the block itself or directly adjacent to the parking spaces or ramped access.
- 7.12.5 Nevertheless, each of the units would benefit from a private amenity space and the area of communal space is more than the policy requirement of 427sqm. In addition, the site is in walking distance of Oxhey Woods which is public open space and provides recreation opportunities for local residents. The development therefore accords with Policy CP12 of the Core Strategy and Policies DM1 and DM11 and Appendix 2 of the DMP LDD.

7.13 Trees and Landscaping

- 7.13.1 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.
- 7.13.2 The application site contains a number of trees, eight of which are protected by Tree Preservation Orders. An Arboricultural Method Statement prepared by Canopy Consultancy dated March 2023 has been submitted with the application. The submitted statement details that a total of seventeen individual trees, three groups of trees, part of three further groups and one hedge would be removed. 22 of the 23 of the trees proposed for removal are rated Category 'C' because they are either young and easy to replace or in a poor condition with a limited life expectancy. These low-quality trees or hedges are of no significance to public amenity. There is a single Category 'B' tree to be removed which is the Beech tree ('T14').
- 7.13.3 The Beech Tree 'T14' is protected, and its removal is to facilitate the parking area located within the frontage of the site; however, it should be noted that no objection to the loss of this tree was raised by the Landscape Officer in their assessment of a historic application 20/2314/OUT. Whilst the Beech Tree would be lost, the application is supported by a Landscaping Scheme detailing mitigation of replacement planting to cover the loss of the existing trees which has been further enhanced during the course of the application process through with the retention of the protect Douglas Fir tree ('T3') located close to the entrance of the site and is a visually prominent tree upon entry into the site. The loss of this tree was previously objected to by the Landscape Officer in their assessment of 23/0576/FUL.
- 7.13.4 The plans were amended to remove a parking space beside T3 to reduce the level of encroachment of hardsurfacing into the root protection area of the tree and therefore improve the visual amenity of the entrance into the site. Furthermore, the proposed development is now considered to improve the existing site situation where the root

protection area is significantly encroached by hardsurfacing which currently provides three parking spaces near the entrance and enables cars to park within 1.5m of the stem of the tree. The Landscape Officer commented that the cellular confinement may have some benefit over the existing informal gravel surface, provided it is correctly installed and this will need to be combined with suitable landscaping of the remaining RPA, which should include a composted bark mulch, and should avoid the use of any landscaping fabric or geotextile layer. The Landscape Officer suggested that a detailed method statement on the installation of the 'no dig' surface and landscaping around the tree's RPA should be required. A condition to secure site supervision during the implementation of the works surrounding this tree is also added.

7.13.5 Therefore, given the retention of the 'T3' tree and the betterment of the proposed scheme to enhance the life of the tree, officers consider the proposed development acceptable in respect of Policy DM6 of the Development Management Policies LDD.

7.14 Sustainability

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

7.14.2 The application is accompanied by an Energy and Sustainability Statement prepared by B Sussed dated 15th March 2023 which identifies that the proposed development would achieve a 74.53% reduction in carbon emissions. The development would therefore exceed the 5% CO2 saving over Building Regulations 2013. This has been achieved through an incorporation of PV solar panels and an air source heat pump to support the residential block. The solar panels would be located on the flat sections of the crown roof. A condition would require that works are carried out in accordance with this statement.

7.15 Flooding and Drainage

7.15.1 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take into account advice from the lead local floor authority.

7.15.2 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage.

7.15.3 The proposed development seeks to utilise infiltration techniques, into superficial gravel deposits to manage all surface water runoff from the site for rainfall events up to, and including, the 1:100year +40% climate change. The roof areas are to infiltrate via soakaway located at the western site boundary beneath the parking bays. The external road areas are proposed to be laid as a permeable pavement to also self-drain into the gravel superficial deposits. A green roof has been proposed atop the flat roof areas to offer increased biodiversity and temporary storage at source that will assist to reduce the peak volume in the soakaway downstream. The application is supported by a Flood Risk Assessment & Surface Water Drainage Strategy document prepared by Meridian Civil Engineering Consultancy dated February 2023. The Lead Local Flood Authority (LLFA) were consulted on the application and raised an objection to the proposed development citing that the

submitted information does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.

7.15.4 The applicant has been working with the LLFA to overcome the objection and has provided an updated Flood Risk Assessment which is currently under review by the LLFA. Any comments received will be verbally updated.

7.16 Wildlife and Biodiversity

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

7.16.2 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. The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist, a Preliminary Ecological Report prepared by Urban Edge Environmental Consulting (UEEC) dated 20th January 2023.

7.16.3 Both Herts Ecology and Herts & Middlesex Wildlife Trust (HMWT) were consulted on the application; however, no comments have been received from either consultee. Notwithstanding this, both consultees commented on the previous application 23/0576/FUL where they stated the Ecological Report set out that the existing building is of moderate suitability for roosting bats and that further surveys would be required to determine their presence and formulate suitable mitigation measures or compensation and a Bat Survey dated June 2023 was provided which found that no roosting bats were recorded. However, precautionary measures were nevertheless advised and suggested a number of ecological enhancements for consideration to improve the site for bats following construction. These included bat boxes. The surveys concluded that the proposed development is unlikely to result in negative impacts to roosting bats. Proportionate measures have been recommended to manage residual risks associated with the sites ongoing suitability for these species.

7.16.4 Those surveys have been submitted in support of this current application and given that they are less than 12 months old are still considered relevant in the assessment of this application. As such, although comments from Herts Ecology or HMWT have not been received officers consider that there is sufficient information available to allow for informed assessment to be made. As such, a condition would require that works are carried out in accordance with the submitted Ecological Report. The Local Planning Authority is not aware of any records of other protected species within the immediate area that would necessitate further surveying work being undertaken.

7.16.5 Within their comments for application 23/0576/FUL, Herts Ecology also suggested conditions relating to badgers on site and also submission of a Landscape and Ecology Management Plan (LEMP) prior to commencement of the development. This condition has been added.

7.16.6 Subject to conditions, the proposed development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD. The above is all secured by conditions to ensure that the site will provide a net gain for biodiversity.

7.17 CIL

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

7.18 Planning Balance / Tilted Balance and Conclusion

7.18.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)). On the basis that the Council can only demonstrate a 1.9-year housing land supply, it must apply a presumption in favour of sustainable development, although noting that the local planning policies referred to carry significant weight. The tilted balance is therefore engaged.

7.18.2 Following assessment of the application, it has been found that the development would result in harm to the sylvan character of the area, thus conflicting with Policy CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD. Furthermore, there is an outstanding issue relating to the drainage raised by the LLFA which are yet to be overcome; however, the applicant has provided an updated FRA which is under review. If this objection cannot be overcome then there is a clear reason for refusing the application as per paragraph 11(d)(i) of the NPPF.

7.18.3 Nevertheless, if the LLFA were to remove their objection following the additional information, it is considered that the development would still contravene the development plan for the character reason expressed above. An assessment would therefore still be required as to whether any adverse impacts identified would be significantly and demonstrably outweighed by the benefits of the scheme.

7.18.4 The application site is located on the edge of Eastbury (Northwood) and thus is not positioned within a highly sustainable location in respect of local amenities and public transport with limited bus options. Nevertheless, it does fall within a built-up residential area and the site is partially previously developed. The proposed development would boost the supply of housing where there is currently a very significant deficit. It would also be a large development, creating new jobs during the construction phase and future occupiers would support local economies. Furthermore, whilst it is acknowledged that currently it has been concluded that the scheme would be unable to contribute towards affordable housing, the applicant has agreed to enter into a legal agreement to secure a late-stage review mechanism, in accordance with the development plan.

7.18.5 Given the site's partial previously developed nature along with the Council's significant shortfall of housing land, these factors carry significant weight in favour of the development.

7.19 Conclusion

7.19.1 To summarise, officers recognise that planning permission has previously been refused on the site under application 23/0576/FUL and although revisions have been made to the scheme which have addressed some of the previous reasons for refusal it is accepted that the proposed flatted development would still harm the character of the area. However, it is considered that the identified harm to the character of the areas does not significantly and demonstrably outweigh the benefits and thus planning permission should be granted subject to conditions and the completion of the legal agreement securing a late-stage review mechanism and the use of private refuse collection.

8 Recommendation

8.1 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 an affordable housing review mechanism and private refuse collection, 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:

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:

PD/393/SE/01
PD/393/SE/02
0452-P-010 REV-C
179.0014-0004 REV - P04
0452 - P - 001 – A
0452 - P - 002 – D
0452 - P - 003 – E
0452 - P - 004 – D
0452 - P - 005 – I
0452 - P - 006 – F
0452 - P - 007 – E
0452 - P - 008 – E
0452 - P - 009 – D
0452 - P - 011 – C
0452 - P - 012 – B
0452 - P - 020 - C
0452 – P - 021- B
0452 – P - 022 - B
0452 - P - 023 - C
0452 – P - 100 - A
0452 - S - 002 – E
0664-24-B-1A LPP
22-1494-TPP-C

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12. of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The development hereby permitted shall be undertaken in accordance with the Arboricultural Impact Assessment and Method Statement Revision C dated April 2024 prepared by Canopy Consultancy.

Reason: To prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 No works or development shall take place until a scheme of supervision by a suitably qualified tree specialist for the arboricultural protection measures in relation to T3 – Douglas Fir to include 'no-dig' method and soft landscaping shown to be within the root protection area on drawing 0452 - P - 002 – D has been submitted to and

approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.

Reason: To prevent damage being caused to the protected tree during construction, 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).

- C5 The development hereby permitted shall not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- C6 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre-commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 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).

- C8 Prior to commencement of the development hereby permitted the existing shared vehicular access shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side and any other associated and necessary highway works

in accordance with the Hertfordshire County Council residential access construction specification.

Reason: This is a pre-commencement condition to ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity 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).

- C9 Before above ground works commence, 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 compensation native-species tree and hedgerow planting; and enhancements such as wildflower areas, areas of longer vegetation, pond creation, use of plant species of benefit for invertebrates and bats, woodland enhancement, building-integrated and tree-mounted bat and bird boxes, habitat piles, bio-diverse roofs).
 - 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.
 - i. 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 to demonstrate net gain can be achieved from the development.

- C10 Before above ground works commence, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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).

- C11 Before above ground works commence, samples and details of the types, colour and finish of all external materials and hard surfacing across the site, shall be submitted to and approved in writing by the local planning authority prior to their first use on site. Development shall be carried out in accordance with the approved details/ samples.

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

- C12 Prior to the first occupation of the development hereby permitted the proposed internal access road, on-site car parking, turning areas and turning space between spaces labelled 19 and 20 shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with 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).

- C13 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details and evidence as to the allocation of parking spaces to the occupants of the dwellings, visitors and the number of disabled parking spaces. The agreed details shall be adhered to thereafter.

Reason: To ensure acceptable allocation of on-site parking including visitors in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C14 Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 179.0014-0001 P04 contained within the submitted Transport Statement. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with 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).

- C15 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C16 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.

- C17 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities shall be provided in accordance with drawing number 1002 REV-K. The refuse/recycling facilities shall be permanently retained 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).

- C18 Prior to the first occupation of the development hereby permitted, the cycle storage shall be provided in accordance with the approved drawing no 0452 - P - 004 REV-D. The cycle 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).

- C19 Prior to the first occupation of the development hereby permitted, a parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in accordance with the approved management plan and thereafter retained in accordance with it.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as to not prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C20 No other external lighting shall be installed on the site or affixed to the building(s) on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (unless its erection would require express planning permission). The submitted lighting details shall be installed in accordance with the approved details before the first use commences.

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

- C21 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

8.2 **Informatives:**

- 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 £145 per request (or £43 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:

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

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

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

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

16 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.

17 Waste Comments

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

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

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

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

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Or:

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

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

R2 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R3 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.4 **Informative:**

11 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and/or their

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

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PLANNING COMMITTEE – 23 May 2024

23/1875/FUL - Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage at 20 BATCHWORTH LANE, NORTHWOOD, HA6 3DR.

(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 09.01.2024
Extension agreed to 31.05.2024

Ward: Moor Park and Eastbury
Case Officer: Freya Clewley

Recommendation: That Planning permission be granted.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to concerns regarding flooding, drainage problems, swamping of the sewerage system and ground water pollution and total overdevelopment of the site.

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=S3OVH6QFHMR00

Relevant Planning History

- 1.1 07/1138/FUL – Two storey side extension and front dormer and two storey rear extensions, conversion of garage into habitable room, single storey rear extension and loft conversion with two rooflights to front, three rooflights to rear and two rooflights to side elevation and erection of a detached rear double garage to rear – Withdrawn 02.08.2007.
- 1.2 08/0117/FUL - Two storey side and rear extension, single storey rear extension, conversion of garage into living space, loft conversion with rooflights and detached garage to rear – Permitted 17.03.2008.
- 1.3 22/1745/FUL - Demolition of existing dwelling and replacement new dwelling with habitable roof accommodation including front and rear dormers, basement level linked to rear outbuilding including double garage, new front driveway, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Withdrawn 08.12.2022.
- 1.4 23/0395/FUL - Demolition of existing dwelling and construction of replacement dwelling with habitable roof accommodation including front/rear dormers and side rooflights, provision of basement level and rear outbuilding including double garage, new front driveway, heat pumps, solar panels, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Refused 16.06.2023 for the following reason:

R1 The proposed replacement dwelling by virtue of its design and corner plot siting, bulk and massing, including the introduction of complex crown roof forms, bulky flank elevations and turret feature, would result in an unduly prominent and incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The proposal therefore fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 In the absence of an agreed Flood Risk Assessment and drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority,

the Local Planning Authority is not satisfied that the development would be supported by an acceptable sustainable drainage strategy and is not satisfied that the development would not be subject to unacceptable risk of flooding or not exacerbate risk of flooding elsewhere. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and the NPPF (2021, Chapter 14).

2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a detached dwelling located on the southern side of Batchworth Lane, Northwood, on the corner with Eastbury Road. Batchworth Lane is a residential street characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The application dwelling is a detached dwelling with an existing integral garage and a catslide roof form to the front elevation, with a front dormer serving the first floor accommodation. The dwelling is finished in white render, mixed red brick and tile hanging, with a two storey bay window projection. The dwelling has a dark tiled hipped roof form. There is a carriage driveway to the frontage, with an access onto Batchworth Lane and Eastbury Road, with space for three vehicles. To the rear, a patio area abuts the rear elevation of the host dwelling, leading to an area of lawn and soft landscaping.
- 2.3 The neighbour to the east, number 22 Batchworth Lane, is a two storey detached dwelling, located close to the shared boundary with the application site. This neighbour is located on the same building line and land level as the host dwelling, and extends minimally beyond the existing rear elevation of the host dwelling at ground floor level.
- 2.4 The neighbour to the west, number 18 Batchworth Lane, is separated from the application site by Eastbury Road. High hedging runs along the western boundary of the application site. The neighbour to the south, No. 80 Eastbury Road, is beyond the rear garden of the application site and is a two storey property.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heat pump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage.
- 3.2 The main section of the proposed new dwelling would have a depth of 16.1m and a width of 11.8m at ground floor level, and a maximum depth of 14m including a 1.9m deep two storey front gable feature and a width of 11m at first floor level. Basement level accommodation is proposed, extending beneath the dwelling. The dwelling would have a hipped roof form with a crown roof section with a maximum height of 9.9m and an eaves height of 6m. Fenestration is proposed within the front, flank and rear elevations of the dwelling.
- 3.3 The proposal would include loft accommodation served by front, flank and rear rooflights and a rear dormer. The rear dormer would have a flat roof form with a width of 1.8m, a depth of 1.6m and a height of 1.5m.
- 3.4 A detached outbuilding is proposed to the rear of the site. The outbuilding would have a T shaped footprint, with a maximum width of 10.7m and a depth of 9.5m. The outbuilding would comprise a garage, storage and an office. The outbuilding would have a flat roof form with a height of 2.5m. Fenestration is proposed within the front and flank elevations of the outbuilding.

- 3.5 Amended plans have been received during the course of the application to reduce the width of the replacement dwelling and alter the design of the dwelling such that the front gable feature would face the streetscene of Batchworth Lane, rather than being angular.
- 3.6 This application follows a previous refusal. The current scheme incorporates the following main revisions:
- Omission of turret feature.
 - Reduction in width, bulk and massing.
 - Simplification of proposed roof forms.
 - Supporting flood risk assessment.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [First Response - Objection]

Batchworth Community Council strongly objects to this application. The initial application 22/1745/FUL was withdrawn following a multitude of comments and objections. It was reissued under 23/0395/FUL and was refused.

The current application still has not addressed the concerns, comments and objections put forward earlier in the year. This proposal is still a total overdevelopment of the site with 50% of the plot being dug up for the basement. 75% of the plot will be building, annex or hardstanding. The building frontage is totally alien to the street scene. The rear dormer and side rooflights will effect overlooking of the adjacent properties. All of the existing trees will be removed and only a limited number of low trees will be planted.

The road network in the area is a busy one, the plot size is limited, so a demolition, spoil removal and new construction plan is essential. Construction vehicles cannot be allowed to obstruct the adjacent roads or others in the area. A traffic management plan is required to be agreed with TRDC/HCC.

Batchworth Community Council request that this application is called in unless Officers are minded to refuse.

Batchworth Community Council were reconsulted on the amended plans and made the following comments.

4.1.1.1 Batchworth Community Council: [Second Response – Objection]

Batchworth Community Council strongly objects to this application. The initial application 22/1745/FUL was withdrawn following a multitude of comments and objections. It was reissued under 23/0395/FUL and was refused.

The current application 23/1875/FUL still has not addressed the concerns, comments and objections put forward earlier in the year. There are still serious concerns over the proposed basement and extensive excavations causing flooding, drainage problems, swamping of the sewerage system and ground water pollution. Also the number of vehicles needed to remove spoil during the demolition and digging of the basement the two rain harvesting tanks and attenuation tank will cause major disruption to the traffic and local population.

This proposal is still a total overdevelopment of the site.

- Over 65% of the plot being dug up for the basement, two 2000ltr rain harvesting tanks and the undescribed attenuation tank. The drainage strategy report has not been submitted with this application.
- When complete 75% of the plot will be building, annex or hardstanding.
- The building frontage is totally alien to the streetscene. The large front window serves no purpose for the third floor, and will only contribute to area light pollution.
- The rear dormer and side rooflights will affect overlooking of the adjacent properties especially with the removal of the boundary trees.
- All bar three of the existing trees will be removed and only a limited number of low trees will be planted.

The road network in the area is a busy one, the plot size is limited, so a demolition, spoil removal and new construction plan is essential. Construction vehicles cannot be allowed to obstruct the adjacent roads or others in the area. A traffic management plan is required to be agreed with TRDC/HCC.

Eastbury is a residential area with mostly detached houses on good size plots with plenty of garden amenity space. The Local Plan states that development should not erode the particular character of the area in terms of building footprint and residential amenity of current and future occupants but rather should enhance and complement the characteristics of the area.

Batchworth Community Council request that this application is called in unless Officers are minded to refuse.

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

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

- 1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 21048 FP3 01.02 A in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water 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).

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) 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.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

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

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

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

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

The proposal is for the demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works, erection of rear annexe including double garage at 20 Batchworth Lane, Northwood. Batchworth Lane is a 30mph unclassified local distributor route that is highway maintainable at public expense.

Highway Matters

There are two existing dropped kerbs accessing the site. One from Batchworth Lane and the other from Eastbury Road, a 30 mph unclassified local access route. The proposal is to close the two existing accesses and build a new dropped kerb further down Eastbury Road. This dropped kerb will serve a garage and parking space fronting the site. The garage is greater than 5.5 metres from the highway which ensures vehicles are not waiting on the highway to enter the site. The closure of the two dropped kerbs and creation of a new dropped kerb will need to be completed under a minor work licence section 278 – please

see informative 1. Parking is a matter for the Local Planning Authority and therefore any parking arrangements need to be agreed by them.

The new dwelling will have the same refuse / emergency vehicle access as that of the existing dwelling.

Conclusion

HCC Highways would not wish to restrict a grant of approval for the proposal subject to the inclusion of the included condition.

4.1.3 National Grid: No response received.

4.1.4 Lead Local Flood Authority (First response): made the following comments:

The LLFA is not a statutory consultee for minor applications and therefore, we can only provide recommendations to the LPA.

We note the applicant proposes the use of an attenuation storage to assist with temporary storage of surface water whilst also allowing for a reduction in discharge rate. The applicant proposes the storage tank capacity of 27.960m³ with a maximum discharge rate of 1.0l/s, meeting the greenfield run off rates. The storage tank is to be located within the backyard amenity space behind the dwelling. Hydro brakes and orifice plates can be used to restrict the discharge rate of surface water as it allows for a controlled discharge of surface water while not creating any potential flooding. The surface water will discharge from these at a maximum rate of 1.0l/s. The "Proposed Drainage Strategy" indicates the applicant has proposed a green roof on the car garage and cycle shed in the rear of the site. The green roof is proposed to help with temporary storage of surface water whilst promoting biodiversity and wildlife within the site. Additionally, the applicant has proposed permeable paving to allow for sustainable surface water drainage as well as to absorb pollutants and impurities from vehicles and surface water which can stop water pollution in turn, improving the environment.

We are pleased the applicant has considered the use of permeable paving and a green roof within the development.

- We highly recommend the LPA seeks further supporting evidence of the groundwater levels in the area considering the application for a basement and attenuation tank. Basements are highly vulnerable in areas with high flood risk, with the NPPF advising not to include basements in developments in high-risk areas.*
- We recommend the LPA seeks evidence of drainage calculations for all rainfall return periods up to and including 1% AEP plus climate change event, including a 1 in 30-year AEP + 35% climate change event.*
- We would recommend the LPA request a construction drainage plan. This will help provide a better understanding on how the applicant plans to drain the site during the construction phase. This could be conditioned.*
- We note the surface water flow path for all rainfall return periods event crosses the access road in the development. We highly recommend that the applicant confirms how safe egress and access will be guaranteed for all flooding sources including surface water.*
- Any SuDs proposed need to demonstrate how they will function as expected if located in an area at risk of surface water flooding (a flow path). If the drainage infrastructure can not be designed to keep surface water flow paths out of the drainage, additional attenuation volumes may be required.*
- We recommend the LPA seek evidence of surface water modelling the development site to determine if the appropriate resilient and resistance measures have been*

implemented and that the proposals will not have a detrimental impact on off-site flood risk.

Suggested Surface Water Drainage Condition

If the LPA is minded to approve this application, we would recommend the following condition is attached to the permission.

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

Informative

As above, would highly recommend that the LPA require details of the site drainage during construction, such as in part of a Construction Management Plan or otherwise, to ensure that surface water is managed appropriately during enabling works and construction. Surface water should be managed on-site with no increase in flood risk off-site. This is due to various occurrences the LLFA has experienced of mid-construction developments causing off-site flooding around the county in recent years. This can be secured as part of a CEMP condition or similar.

Following receipt of the above comments from the LLFA, the applicant submitted additional information.

4.1.4.1 Lead Local Flood Authority (Second response): made the following revised comments:

The LLFA is not a statutory consultee for minor applications and therefore, we can only provide recommendations to the LPA.

- We recommend the LPA seek evidence of surface water modelling of the development site to determine if the appropriate resilience and resistance measures have been implemented and that the proposals will not have a detrimental impact on off-site flood risk.*
- Any SuDS proposed need to demonstrate how they will function as expected if located in an area at risk of surface water flooding (a flow path). If the drainage infrastructure cannot be designed to keep surface water flow paths out of the drainage, additional attenuation volumes may be required.*
- The applicant notes “regarding the existing access located at the low point of the site, the annex can agree to Eastbury Road, while the main building offers internal access to higher floors in case of flooding.*

Suggested Surface Water Drainage Condition

If the LPA is minded to approve this application, we would recommend the following condition is attached to the permission.

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

Informative

We would advise the LPA that basement dwellings are very vulnerable to flooding.

As above, would highly recommend that the LPA require details of the site drainage during construction, such as in part of a Construction Management Plan or otherwise, to ensure that surface water is managed appropriately during enabling works and construction. Surface water should be managed on-site with no increase in flood risk off-site. This is due to various occurrences the LLFA has experienced of mid-construction developments causing off-site flooding around the county in recent years. This can be secured as part of a CEMP condition or similar.

4.1.5 Thames Water: [No Objection]

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> 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.

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.

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 & 169 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/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design> <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.

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4.1.6 TRDC Environmental Health: No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 4 objections

4.2.3 Site Notice: Not required Press notice: Not required

4.2.4 Summary of Responses:

- Houses on this section of Batchworth Lane and on Eastbury Road until the boundary with Hillingdon are exceptional examples of 1930s character detached dwellings built by ES Reid and Alfred Robinson.
- Should be part of the Conservation Area due to the uniqueness of these dwellings.
- Nothing like these dwellings in the UK, they embrace the 1930's design.
- The development would ruin the "Reid house set" on this section of Batchworth Lane.
- Would result in a loss of character.
- Area isn't suitable for basements due to flooding, subsidence and the design does not account for crucial details of mitigation of these.
- Extensive drilling and phased work will increase the probability of causing great impact to neighbouring properties and potential movement could even lead to subsidence of them which is a risk not to take lightly.
- Concerns regarding impact on traffic and highway safety.
- Concerns regarding excavation impact on neighbours.
- Concerns regarding amount of spoil as a result of basement.
- Concerns regarding construction traffic.
- Concerns regarding carbon footprint due to large volume of concrete.
- Design would be out of character.
- Concerns regarding location of garage/office including proximity to boundary.
- Concerns regarding tree removal.
- Concerns regarding flooding.
- Concerns regarding scale of basement.

5 **Reason for Delay**

5.1 Reconsultation due to amended plans and additional information required by the LLFA.

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

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

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

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

6.4 Other

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 Whilst it is noted that neighbour objections have been received in relation to the demolition of the existing dwelling, the application site does not lie within a Conservation Area and the

building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Therefore, the demolition of the existing dwelling is considered acceptable, subject to the replacement dwelling being considered to be acceptable.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where the development would have an adverse impact on an adjoining property. In relation to roofs, the Design Criteria set out that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such they are generally discouraged and more traditional pitched roofs are generally favoured.
- 7.2.3 Appendix 2 of the Development Management Policies document also states that front projections should not result in loss of light to windows of neighbouring properties nor be excessively prominent in the streetscene and that increases in ridge height will be assessed on their own merits at the time of a planning application and that where roof forms are of a uniform height, style or appearance, it is unlikely that an increase in height will be supported.
- 7.2.4 The proposed replacement dwelling would be set in 2.2m from the western flank boundary, and approximately 1.4m from the eastern flank boundary and as such, the spacing would comply with Appendix 2 of the Development Management Policies document in this regard. Furthermore, it is noted that the streetscene of Batchworth Lane is varied in terms of design and appearance of dwellings, and given the spacing maintained between the replacement dwelling and the flank boundaries, the design and hipped roof form of the dwelling, and that the dwelling would follow the established building line within the streetscene of Batchworth Lane, it is not considered that the proposed replacement dwelling would appear cramped within the plot.
- 7.2.5 Whilst the proposed replacement dwelling is larger than the existing dwelling which it would replace, the overall scale, form and design of the replacement dwelling broadly responds to the other examples evident within the locality. It would be only 0.6m higher than the existing building and comparable in height to neighbouring properties. Furthermore, its ground floor footprint and layout are also generally akin to those other examples apparent in the area and the proposed level of amenity space would also be compliant with Appendix 2. The omission of the turret feature and rationalisation of fenestration, reduction in the bulk and mass of the roof form and increase in spacing to the flank boundary have alleviated the previous concerns regarding the impact of the replacement dwelling on the streetscene of Batchworth Lane and neighbouring roads. Whilst the basement would be large in scale, this element would not be visible from the streetscene or any public vantage points and would have no material impact on the character of the area.

- 7.2.6 It is wholly acknowledged that each site must be assessed on its own merits and direct comparisons of other development cannot be relied upon alone to justify the acceptability of a scheme. However, the proposed replacement dwelling as now submitted would have a design which would not appear incongruous within the locality and would not give rise to an unduly cramped or contrived layout which would represent overdevelopment of the plot as a whole. The proposed replacement dwelling would be finished in materials which would be reflective of other properties in locality which would further assist in the assimilation of the replacement dwelling into the streetscene.
- 7.2.7 The outbuilding to the rear of the site is large in terms of its area, however it is noted that the height of the outbuilding would not exceed 2.5m in height, and that an outbuilding of the proposed height and scale could be constructed under permitted development, should the existing dwelling be retained. It would project slightly forward of the neighbouring property along Eastbury Road, however at ground floor only. As such, given the height of the outbuilding and the spacing maintained between the outbuilding and the western flank boundary, it is not considered that the proposed outbuilding would appear unduly prominent, nor result in a cramped form of development or any harm in this regard.
- 7.2.8 Overall it is considered that the proposed replacement dwelling would be acceptable in this regard and that the previous reason for refusal has been overcome. The proposal would be in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey developments to the rear of dwellings should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.
- 7.3.2 The two storey part of the proposed replacement dwelling would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour to the east. Furthermore, whilst the replacement dwelling would extend beyond the existing rear elevation of this neighbour, given the spacing maintained between the built form and the shared boundary with this neighbour, and the hipped roof form of the replacement dwelling, it is not considered that the proposed replacement dwelling would appear overbearing or result in loss of light to this neighbour.
- 7.3.3 Given that the replacement dwelling is separated from the neighbour to the west by the highway, it is not considered that the replacement dwelling would result in any harm to the neighbour to the west.
- 7.3.4 The proposed outbuilding would be constructed close to the eastern flank boundary. Notwithstanding this, given the height of the proposed outbuilding and the spacing between the outbuilding and the rear elevation of the neighbour to the east, it is not considered that the proposed outbuilding would appear overbearing or result in loss of light to the neighbour to the east. Given the spacing between the outbuilding and neighbour to the west, it is not considered that the outbuilding would result in any harm to this neighbour.
- 7.3.5 In terms of overlooking, fenestration is proposed within the front, flank and rear elevations of the replacement dwelling. The front fenestration would have an outlook over the application site frontage, and would not result in overlooking. The fenestration within the

rear elevation, including the proposed rear dormer, would have an outlook which would be similar to that already available from the existing rear fenestration, and would not result in unacceptable overlooking. Fenestration is proposed at ground floor level within the eastern flank elevation of the replacement dwelling, however given the ground floor siting of the fenestration, and the spacing between the eastern flank of the replacement dwelling and the eastern flank boundary of the application site, it is not considered that the ground floor fenestration would result in unacceptable overlooking. Given the spacing maintained between the western flank of the replacement dwelling and the neighbour to the west, it is not considered that the fenestration within the western flank would result in any overlooking. The first floor fenestration within the eastern flank would serve bathrooms, and as such, it is considered reasonable to attach a condition to any granted consent to require these windows to be obscurely glazed and top level opening to prevent unacceptable overlooking from occurring. Given the spacing maintained between the western flank and the neighbour to the west, it is not considered that the first floor fenestration within the western flank would result in overlooking. The proposed rooflights would be sited a minimum of 1.7m above internal floor level, and would result in any overlooking.

7.3.6 A raised patio is proposed to the rear of the replacement dwelling. A condition would be attached to any granted consent to require details of screening to a minimum height of 1.8m to be submitted to, and approved by the LPA prior to first occupation of the replacement dwelling, to prevent unacceptable overlooking from occurring.

7.3.7 Overall, it is not considered that the proposed development would result in any detrimental impact to the residential amenities of existing neighbouring dwellings. The development would therefore 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).

7.4 Highways, Access and Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

7.4.2 The proposed dwelling would have five bedrooms and as such would require 3 spaces. This application incorporates two parking spaces to the rear of the proposed replacement dwelling on hardstanding forward of the garage, in addition to a double garage. This would also be served by a vehicular cross over (VXO) which is considered acceptable to the Highways Officer. The proposal is therefore considered to be acceptable in this regard.

7.4.3 Given the amount of excavation works that would be involved in this particular scheme, it is considered both reasonable and necessary to include a construction management plan condition to require certain details in respect of construction activities to be submitted to the LPA for approval before works take place.

7.5 Quality of accommodation 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.

7.5.2 Appendix 2 of the DMP LDD outlines that five bedroom dwellings should provide 126sqm of amenity space. The proposed dwelling would be served by a private rear garden of 240sqm. As such the proposed development would comply with Appendix 2 in this respect.

7.6 Wildlife and Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.6.3 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.
- 7.7 Trees and Landscaping
- 7.7.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.
- 7.7.2 The application site is not located within a Conservation Area nor are there any on site TPOs.
- 7.7.3 The proposed block plan indicates that the rear garden would be lawned with a patio area abutting the dwelling, and landscaping to the front of the dwelling. It is acknowledged that below part of the rear lawn area would be an attenuation tank required due to the surface water flooding issues in the immediate area. Hardstanding is proposed to the rear of the site, providing parking and serving the proposed garage. The proposed layout is considered appropriate within the context of the area. Whilst it is noted that the existing trees along the flank boundary would be removed as part of the proposed development, replacement planting is proposed to the rear of the site, and it is noted that the existing trees are in poor health, and given the proposed replacement planting, it is not considered that the removal of these trees would result in harm in this regard. Given the amount of development proposed at the site, a landscaping condition is proposed to enable further details of proposed soft landscaping to be provided for approval before works take place.
- 7.8 Sustainability
- 7.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.8.2 This application is accompanied by an energy statement prepared by Wires & Wireless Ltd which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 73%). As such the development complies with the requirements of Policy DM4.
- 7.9 Flood Risk
- 7.9.1 Policy DM8 of the Development Management Policies document outlines that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable existing flooding risks should be reduced.

- 7.9.2 The application site is within Flood Risk Zone 1, in respect of flood risk from river, the lowest risk zone. However, the site is in an area at high risk of surface water flooding, with the Lead Local Flood Authority (LLFA) and Environment Agency maps specifically identifying a flooding flow path passing through the rear garden of the site. Given the amount of development proposed, including the creation of basement accommodation and other landscaping changes, despite not being a statutory consultee the LPA have consulted with the LLFA to seek their comments on the proposed development. A Flood Risk Assessment and Drainage Strategy have been submitted with this application.
- 7.9.3 The initial comments from the LLFA requested further information from the application in respect of the management of flood risk. Further information was supplied and the LLFA have responded in respect of that information with some further recommendations to the LPA. The LLFA have recommended that evidence of surface water modelling is sought, to determine that the appropriate resilience and resistance measures have been implemented. They also state that any SUDS needs to demonstrate how they would function as expected if located in an area at risk of flooding. Their comments conclude that if the LPA is minded to approve the application, they recommend a condition be attached securing details of a surface water drainage scheme to be submitted, which should cover the points raised above. The LPA consider, given the scale of development, that in the absence of any comments from the LLFA identifying specific problems or shortcomings in the submitted Flood Risk Assessment, that it is reasonable and necessary to grant planning permission subject to this condition, to ensure that the final building is designed in a way which considers the constraint resulting from the surface water flow and puts in place sufficient measures to mitigate against any adverse impacts.

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: 21048 FR3 01.01, 21048 FP2 01.02 C, 21048 FP2 01.03 B, 21048 FP3 01.04 B, 21048 FP2 01.06 B, 21048 FP2 01.07 B, 21048 FP2 01.08, 21048 FP2 01.09, 21048 FP2 01.10 and 21048 FP2 01.11.

Reason: For the avoidance of doubt and in the proper interests of planning, in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to the commencement of the development hereby permitted, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme should also provide details of the surface water modelling used, and evidence that appropriate resilience and resistance measures have been implemented to not have a detrimental impact on off-site flood risk, and should detail

how the SUDS would function if located in an area of flood risk, along with any maintenance requirements. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and permanently maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C4 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).

- 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 shall include details of:

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

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way 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).

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

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

- C7 The replacement dwelling shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as set out in the submitted application form 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).

- C8 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.

- C9 Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 21048 FP3 01.02 C in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety 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).

- C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class D - erection of a porch

Class E - provision of any building or 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 area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C11 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 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 £145 per request (or £43 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:

- (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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 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:

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

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

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

Further information is available via the website:

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

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.









PLANNING COMMITTEE – Thursday 23 May 2024

23/2134/FUL – Demolition of existing northern covered projection, and the construction of a single storey side and rear extension, conversion of garage into habitable accommodation and rear rooflight; at 29 RUSSELL ROAD, NORTHWOOD, HERTFORDSHIRE, HA6 2LP.

Parish: Batchworth Community Council.

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 08.02.2024
Extension of Time: 30.05.2024.

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in Batchworth Community Council for the reasons set out in full at 4.1.3 below.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=S5NMO6QFI3A00&activeTab=summary>

1 Relevant Planning History

- 1.1 W/924/49 - Conversion of garage into living room and provision for new garage. Permitted. 25.07.1949. Implemented.
- 1.2 W/1139/56 - Garage and covered way. Permitted 21.08.1956. Implemented
- 1.3 8/807/78 - Sunroom, playroom, 2 bedrooms. Permitted. 21.12.1978. Implemented
- 1.4 22/0900/FUL - Construction of a dropped kerb including extension to the driveway and hardstanding, alterations to front boundary brick wall and alterations to landscaping. Withdrawn. 16.06.2022
- 1.5 22/1166/FUL - Construction of a new dropped kerb including extension to the driveway and hardstanding, alterations to front boundary brick wall, closing of existing access and alterations to landscaping. Withdrawn. 15.08.2022
- 1.6 22/1578/FUL - Alterations to existing dropped kerb, extension to the driveway and hardstanding, alterations to front boundary brick wall and alterations to landscaping. Permitted. 12/10/2022. Not implemented
- 1.7 23/0855/FUL - Demolition of existing storage; construction of part single, part two storey side to rear extensions; Conversion of garage into habitable accommodation; loft conversion including front/rear dormer windows; front porch, relocation of entrance door, new windows to side elevation with associated internal alterations. Refused. 14.08.2024. Reason for refusal:

R1: The proposed extensions and alterations, by virtue of their design, positioning and significant scale and bulk, would result in prominent additions which would subsume the character and appearance of the host dwelling and result in the loss of key architectural features of the host dwelling which positively contributes to the Moor Park Conservation Area. The proposed extensions and alterations would fail to preserve the character and appearance of the house and would result in a loss of openness across the site. The resultant impact would diminish the positive contribution currently offered by the dwelling and therefore would as a direct result harm the character and appearance of the Moor Park Conservation Area. The proposed development would result in less than substantial harm under paragraph 201 of the NPPF, however, no public benefits have been demonstrated to

outweigh the harm. As such the proposal is contrary to 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), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).

2 Description of Application Site

- 2.1 The application site contains a detached two storey dwelling sited on the eastern side of Russell Road, Moor Park. The application dwelling is a pre-1958 property built in an Arts and Craft style.
- 2.2 It has a hipped roof with gable features and is finished in white render and weather boarded at first floor level. To the front is an area of hardstanding which can accommodate at least three cars with an area of soft landscaping and mature trees.
- 2.3 To the rear is a patio area abutting the rear elevation of the host dwelling leading to an area laid to lawn.
- 2.4 The neighbouring detached property to the north at No. 27 is set on a higher land level to the host dwelling.
- 2.5 The neighbouring detached property to the south at No. 31 is set on a lower land level to the host dwelling and set back from the host dwelling.
- 2.6 The application site falls within the Moor Park Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of existing northern covered projection and the construction of a single storey side and rear extension, conversion of garage into habitable accommodation and rear rooflight
- 3.2 A single storey side and rear extension is proposed. This would project 3.7m from the southern flank of the host dwelling and have a maximum depth of 10.9m, projecting 4m beyond the original rear elevation of the host dwelling. It would be set back from the principal elevation by 1m. The rear element would have a total width of 15.7m. It would have a mono pitched roof with a flat roof behind with a maximum height of 3.3m to the front with an eaves height of 2.2m. Fenestration is proposed to the front, side and rear elevations including bi-folding doors at the rear. The proposed extension would be constructed in materials to match the host dwelling.
- 3.3 The application also includes the conversion of one of the integral garages into a study. The existing garage door to the front elevation would be replaced with a three casement window. A new door would be inserted at ground floor level in the northern flank elevation
- 3.4 A rooflight is proposed to the rear roofslope of the dwelling to serve the loft.
- 3.5 Amended plans were sought during the course of the application to remove the existing covered area/store to the northern flank elevation and to introduce a mono pitched roof around the single storey side and rear extension instead of a flat roof form. The window within the front elevation of the proposed extension was also reduced from a three casement to a two casement window. The addition of a first floor flank window to the northern flank has been omitted from the scheme.
- 3.6 An amended heritage statement was also submitted during the course of the application to ensure that it reflects the current scheme.
- 3.7 An amended Arboricultural Impact Assessment, Method Statement and Tree Protection Plan was submitted during the course of the application to provide tree protection strategy

in the context of the current scheme.. However it is noted that it still does not reflect the current scheme and this is discussed further below.

3.8 This application follows a previously refused scheme. The differences between the two applications are as follows:

- The previously refused scheme included a part single, part two storey side and rear extension, as well as front and rear dormer windows whereas the current application is solely for a single storey side and rear extension.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [First response - Objection (29 January 2024)]

This application is for a proposed single storey side and rear extension, conversion of garage into habitable accommodation; provision of new window to side elevation, rear rooflight and alteration to existing tile hanging.

The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of the derivation, scale, form and appearance.

This application follows pre-application (ref: 23/1581/PREAPP), the latest advice note (dated 06/12/2023) related to a single storey side and rear extension. As per pre-application advice, there is no principle objection to a single storey side and rear extension. However, the proposed extension relates poorly to the host dwelling, particularly the side extension. Suggested amendments within pre-application advice remain relevant (a reduction in the height and alteration to the window proportion). Alternatively, a mono-pitched side extension with the ridge sitting below the first-floor eaves may better relate to the host dwelling. I acknowledge that this would not achieve the same width as the proposed flat roof, but the roof form would relate to the host dwelling and could appear more in keeping.

The proposed extension to the rear has been reduced in the width of the rear extension so it does not project beyond the pitch of the side extension. This has gone some way to address concerns raised within pre-application advice.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered.

4.1.1.1 Conservation Officer: [Second Response - Objection (12 April 2024)]

This application is for the demolition of existing northern covered projection, proposed single storey side and rear extension, conversion of garage into habitable accommodation; provision of new window to side elevation, rear rooflight and alteration to existing tile hanging.

The property is located in the Moor Park Conservation Area. The proposed extension would be an inappropriate addition to the property due to its form and appearance. The proposed wraparound extension would have a large flat roof surrounded by a faux pitch, it would be a bulky addition and would relate poorly to the host dwelling. The proposed extension would undermine the positive contribution the property makes to the character and appearance of the Conservation Area.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy

Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.

4.1.2 Moor Park 1958 Ltd: [First Response – Objection (5 January 2024)]

Thank you for arranging for us to be notified about the application and we note that there was an error at TRDC with respect to the notification and that we now have until the 24 January to comment.

However before we do so could you please clear up several issues that have come to light with an initial glance at the application. Most importantly is the precise nature of the application.

Your description of the application is:

Construction of single storey side to rear extension and conversion of garage into habitable accommodation; provision of new window to side elevation

whilst the applicant's description is:

Single-storey rear / side extension and garage conversion to existing dwelling.

We assume that your description is meant to read side and rear extension but would be grateful if you could confirm. But more importantly the supporting documentation indicates other aspects are being included in the application.

Reference in supporting documentation refers to 2 storey rear extension, and the tree protection plan only relates to drive alterations and does not show the proposed extensions or the trees close to them. The plans also seem to indicate that the existing tile hanging will be altered but no Ecology report has been submitted despite your Pre-App letter indications that if the tile hanging was to be altered such a report would be required.

The shading on the drawings showing proposed new works also appears to be misleading as it does not include the side window on the plans or elevations and but does include a roof light no referred to elsewhere.

Please could you clarify the above by return email so we can proceed to prepare our comments in the full knowledge of the nature of the application.

4.1.2.1 Moor Park 1958 Ltd: [Second response - Objection (27 March 2024)]

In January we submitted our comments on this application which has been recently submitted. We now note that towards the end of last week revised plans have been submitted and we have seen these on your website. However, it is rather confusing as on your website all the original plans submitted with the application have been removed, which makes it difficult to do a comparison between the plans originally submitted and the revised plans. Could you please inform us why in this instance, unlike on other applications when revised plans are submitted and all original plans submitted remain on the website, the original plans have been removed from your website.

We do also note that there has been no further submission of details with respect to the other points previously raised relating to the Heritage Statement, which still refers to the scheme incorporating a two-storey rear extension, which in this application neither now nor previously include such features. Neither does the Tree Protection Plan or Arboricultural Method Statement cover issues relating to the side extension, but only to driveway works. Accordingly in the absence of correct information it should not be possible for a proper assessment of the application to be made by either ourselves or your planning department.

We believe that the proposed amended plans incorporate a change in the roof design which, whilst creating a better appearance than the originally proposed flat roof, does involve works which conflict with ecology matters relating to bats and certainly would involve a revised Ecology Report.

4.1.2.2 Moor Park 1958 Ltd: [Third Response – Objection (12 April 2024)]

The Directors of Moor Park (1958) Limited first of all would point out that they do not consider that the manner in which this application has been submitted is fit for determination. The information submitted with the application is contradictory and conflicting. To take a few examples, the existing and proposed Block Plan has shown a tree on the southern boundary in close proximity to the proposed side extension, but this tree does not appear in the Arboricultural Method Statement which has been submitted, possibly because the Arboricultural Method Statement is from 2022 and relates to works to the driveway. Nor does the tree appear on the Tree Protection Plan which has been submitted which also appears to relate to totally different works at the property (Application 22/1578/FUL) relating to a dropped kerb extension to the driveway and hardstanding, alterations to front boundary to brick wall and alterations to landscaping. It does not relate to extensions to the house. The Pre-Application Advice provided by the council on Friday 8th December 2023, states “The applicant is advised that such information must accompany a future planning application to allow an assessment to be made of the impact on trees”. The application which was validated by the Council on the 14th December 2023 does not comply with the stipulation of the Pre Application Advice.

The application form makes no reference to the provision of a new first floor side window on the northern side of the property, although the Council have noted that an additional window is to be provided, despite the fact that the plans have not shown this as being proposed works, and indicate by lack of shading that the window already exists. The plans do however include the provision of a new rooflight of which no mention has been made either by the applicant or the Council.

The Heritage Statement submitted with the application does not relate to the current application, with the proposed works described in the application as being “It is proposed to extend the property with single and two storey additions to the south side and rear (west) elevations plus alterations to the front entrance and addition of a small central dormer”. If the Heritage Statement does not reflect the works included in the application, it is impossible to consider the nature of the application correctly.

From the above it can be seen that the submitted plans, description on the application form, the Heritage Statement, the Tree Protection Plan and the Arboricultural Method Statement all conflict and we would request that clarification is obtained with the provision of correct supporting information.

If the application was to be considered, we would strongly object to the proposal as it is contrary to the Policies of the Moor Park Conservation Area and also has not followed the recommendations of the Pre-Application Advice made on the 8th December 2023, particularly in relation to the comments from the Conservation Officer.

We would in particular draw your attention to Paragraph 3.4 of the, building Moor Park Conservation Area Appraisal frontage width and plot coverage, in which it is stated “A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations subject to a distance of not less than 1.5 metres be kept clear between flank walls and plot boundaries. To comply with this Policy, it would be necessary for the proposed side extension to be reduced by approximately 1.5 metres. To achieve the 20% minimum, there would need to be just over 4.4 metres between the extension and the southern boundary, whilst the proposed side extension only leaves approximately 3 metres and is also in close proximity to a tree shown on the application drawings.

Under Paragraph 3.6, roofs of the Moor Park Conservation Area Appraisal it is stated "Flat roofs or flat sections to a pitched roof reflect a form not in keeping with the traditional design of houses in Moor Park and are therefore unacceptable". Whilst it could possibly be argued that the flat roof to the rear extension was not visible and accordingly did not have a detrimental effect on the Conservation Area or the character of this pre 1958 house from any public vantage point, the flat roof over the side extension is highly prominent and clearly visible from Russell Road and would have a substantial detrimental effect on the character of the property and the Conservation Area as a whole, and accordingly should not be permitted.

It is also noted that whilst the Pre-Application Advice indicated there were suggested changes which could potentially resolve some of the issues raised, it is noted that the application has been submitted without the inclusion of all the suggested changes. Accordingly, we request that the application, if it is considered by your Council as being suitable for determination (which we do not believe with the conflicting information that it is) be refused.

4.1.3 Batchworth Community Council: [First response - Objection (7 February 2024)]

Batchworth Community Council object to this application. While the pictorial view looks better than that proposed in 23/0855/FUL the supporting Heritage statement, tree protection plan and diversity plan are the same documents that supported 23/0855/FUL and therefore of no informative value in this case. The new drawings do not implement the advice given post the refusal of 23/0855/FUL which would in the words of the Conservation officer take this new application closer to acceptance. The extension as shown does not sit complementary to the main building and interferes with the hanging tiles. There is no raised tiled parapet to the front flat roof to try and hide it and copy the opposite side of the building. Lastly, the drawings do not show that the floor level at the rear of the extension will be between 0.5 and 1.0 meters above the garden level and will therefore require a raised patio of some description or people will be jumping from the bifold doors onto the grass. The size of the extension plus the addition of the patio will certainly take the plot coverage over 15% contrary to the MPCA.

A simple plan presented very poorly. Batchworth Community Council strongly object to this application.

4.1.3.1 Batchworth Community Council: [Second response - Objection (3 April 2024)]

Batchworth Community Council strongly object to this application.

1. The history of this application is one of partial information, wrong information and outdated information being supplied which has made the cross referencing of detail particularly difficult.
2. The new elevation drawings show that the PREAPP advice has not been included as intended.
3. The addition of the roof front to the new extension makes it even higher in scale than the other side of the building. The building now looks unbalanced
4. The addition of the extra window increases the overlooking of the neighbors.
5. There is no indication what the rear roof light is needed for. There are no plans of the roof space.
6. The enlarged front drive will impact the oak tree.
7. There appears to be alterations to the left hand side of the building removing a side gate and covered area behind. It is unclear if this was intended or if it will remain.

Batchworth Community Council request that this application is called in unless planning officers are minded to refuse.

4.1.4 TRDC Tree and Landscape Officer: [No objection]

Recommend: Approval

The site is located in the Moor Park Conservation Area. The submitted plans indicate that there would be tree protection fencing following the line of the existing driveway. However, it is not clear how the rear of the property would be accessed during construction without incursions into the Root Protection Area of tree T1 (Oak). Further information should be required by condition, including a more detailed tree protection method statement.

4.1.5 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: A total of 14 objections received, from three neighbouring addresses, and 0 letters of support

4.2.3 Site Notice: Expired: 11/01/2024. Press Notice: Expired: 02/02/2024.

4.2.4 Summary of objections:

- Overdevelopment
- Flat roof not suitable
- Proposed building (89% exceeds 80% of frontage)
- 1.5m spacing is not left down each flank to boundary
- Disproportionately large and exceed 15% plot coverage
- Excessive side extension width
- Loss of privacy due to side windows
- Purpose of velux window not explained nor mentioned
- Inadequate off street parking
- Conversion of garage exacerbate parking issue
- Heritage document does not describe current application
- Re-consultation 14 days expiry: 28/03/2024
- No of responses received 2 objections, 0 letters of support
- Summary of responses:
 - Very large flat single storey part flat roof extension located 2.5m from the boundary with NO. 31 Russell Road.
 - Proposed new windows result in unacceptable overlooking/ loss of privacy and serve a habitable room
 - Rooflights incongruous, velux window not a low profile rooflight
 - Adverse impact on foundations of 31 Russell Road given proximity of the extension
 - Out of scale with local area, host dwelling and Conservation Area.
 - Plot coverage excessive
 - Garage conversion unacceptable
 - Could build a patio which would invade privacy of neighbour.

5 Reason for Delay

5.1 Committee Cycle and amended plans.

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).

S72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

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

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

6.4 Other

Moor Park Conservation Area Appraisal (2006).

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

7 **Planning Analysis**

7.1 Impact on Character and Appearance of the dwelling and on the Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that '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 (eg hedges, walls, grass verges).
- 7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. The Moor Park Conservation Area Appraisal also provides further guidance in order to preserve the special character of the Conservation Area.
- 7.1.4 The character and quality of the building is considered to make it an important positive contributor to the significance of the conservation area. The property displays a number of original architectural features indicative of the key characteristics found within the conservation area, including chimneys, roof form and distinctive Arts and Crafts building style. Whilst the building has been altered over the years, including extension to the rear, these changes have been largely sympathetic and retained the overall character of the property. The existing building is therefore considered to make a positive contribution to the character and appearance of the Conservation Area.
- 7.1.5 The appearance of the Moor Park Conservation Area is characterised by the following features, as identified in the Moor Park Conservation Area Appraisal which was adopted in November 2006 following public consultation:
- Houses built in the 1920s/1930s – 1950s and set back in spacious surroundings.
 - Many beautiful trees set around wide avenues.
 - Spectacular views along tree lined roads.
 - Open frontages separating gardens from the estate road verges.
 - Grass verges and shingle paths.
 - Attractive roads in differing scales.
 - Many characteristic original features including chimneys.
- 7.1.6 The proposal would result in the demolition of the existing covered area to the northern elevation and the existing bay projection to the rear. There is no in principal objection to this demolition, which would increase the spacing between the existing building and the boundary in this location.
- 7.1.7 Appendix 2 of the Development Management Policies document outlines that single storey rear extensions to detached dwellings should not exceed a guidance depth of 4m. Single storey side extensions will be assessed on their individual merits with regards to proximity to the flank boundary.

- 7.1.8 The proposal includes a single storey side and rear extension. The Conservation Officer has raised no objection to the principal of a single storey side and rear extension however the Conservation Officer states that the proposed extension would be an inappropriate addition to the property due to its form and appearance. The Conservation Officer states that the proposed wraparound extension would have a large flat roof surrounded by a faux pitch, it would be a bulky addition and would relate poorly to the host dwelling. However, it is considered by officers, given the amended plans, that whilst the proposed extension would be readily visible from the streetscene, its roof form would not result in harm or be a prominent bulky addition to the host dwelling. The side extension would be set back from the main front façade, with a modest roof height which would integrate appropriately with the existing building. Whilst the roof would have a crown element, this would be relatively small and discreet, hidden in part by the hipped roof and the positioning of the extension. It is considered overall that the proposed extension's form and design would be appropriate and would not result in harm to the character or appearance of the building.
- 7.1.9 The proposed side and rear extension would have a maximum depth of 4m beyond the main two story rear elevation of the host dwelling and this would accord with the guidance depth set out above. Given the siting of the side element, this part of the extension whilst readily visible from the streetscene, would be set off the southern boundary and would not result in a cramped appearance.
- 7.1.10 The proposed fenestration in the extension would be appropriate in scale and proportion and would reflect the character and appearance of the host dwelling and Conservation Area.
- 7.1.11 Appendix 2 of the Development Management Policies document states; '*oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene*'. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area:
- A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries.*
- 7.1.12 The proposed development would include the demolition of the existing northern side projection, leaving a distance to the northern boundary of 2.3m to the front and 2.1m to the rear. A distance of 3.1m would be provided between the southern flank of the proposed extension and the southern boundary of the application site when measured from the front. Taking this into consideration, the proposed development would also equate to a plot frontage width of approximately 80% (building width of 18.1m, and plot width of approximately 23m). Furthermore, it is noted that the proposal would comply with the 1.5m spacing guidelines as set out above, whereas the existing built form is sited 0.6m from the northern boundary to the front and set up to the northern boundary to the rear. As such, this would comply with the guidance set out in the Appraisal as amended. It is considered reasonable and necessary that a condition require the demolition shown on the submitted plans, to ensure the built width remains within the guidelines.
- 7.1.13 In addition, the Moor Park Conservation Area Appraisal states that:
- Buildings, including all outbuildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which overhang the ground floor or any built areas at basement level where these extend beyond the ground floor.*
- 7.1.14 The site has an area of 1,563m², and the amended proposed building footprint equates to 213m². This equates to a plot coverage of approximately 13.6%. Therefore, the plot coverage as amended would comply with the 15% guidance set out in the Appraisal. The plot width coverage and building footprint would therefore comply with the guidance set out

within the Moor Park Conservation Area Appraisal, and would not result in harm to the open character of the Conservation Area.

- 7.1.15 The proposed partial garage conversion with insertion of new window would not result in any harm to character and appearance of the host dwelling, wider streetscene of Russell Road or Conservation Area.
- 7.1.16 It is not considered that the proposed rear rooflight would not result in any demonstrable harm to the host dwelling or wider Conservation Area given its scale and siting. It would not be visible from the street so would not contradict the Conservation Area Appraisal requirements.
- 7.1.17 In summary, the existing dwelling given its style, detailing and materials is characteristic of the Conservation Area such that the host building is considered to make a positive contribution to the Conservation Area. The amended proposed development is considered to add subordinate additions to the host dwelling. As such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal (2006) and NPPF.

7.2 Impact on amenity of Neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria at Appendix 2 states that 4m is the depth generally considered acceptable for single storey extensions to detached properties.
- 7.2.2 The proposed demolition of the existing northern covered area and rear bay projection would not result in any adverse impact to any surrounding neighbours.
- 7.2.3 It is not considered that the proposed amended single storey side and rear extension would result in harm by virtue of a loss of light or overbearing impact upon either neighbouring property, given that it would be set at least 2.8m from each flank boundary. The fenestration within the extension would be confined to the ground floor and therefore would not result in any unacceptable overlooking.
- 7.2.4 The proposed partial garage conversion would not result in any harm to any neighbouring properties. The proposed window would overlook the front amenity space of the host dwelling and would not result in any harm to the surrounding properties.
- 7.2.5 The proposed rooflight to the rear roofslope would introduce glazing at loft level which did not exist previously. Whilst this would provide a more elevated view, it is not considered that the view achieved would result in harm and would be directed toward the end of the rear gardens of adjoining neighbours. It is not considered that the neighbours to the rear would be harmfully overlooked by the proposed development given the separation distance which is more than 40m.
- 7.2.6 In summary, the proposed development would not result in an adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.3.2 The application site would retain a rear garden of over 400sqm and there would be ample amenity space following implementation of the proposed development for current and future occupiers.
- 7.4 Highways, Access and Parking
- 7.4.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.4.2 Concerns have been raised by neighbours regarding inadequate parking. Whilst the proposed development would result in the partial conversion of the garage resulting in a loss of one car parking space, the application dwelling would retain a driveway large enough to accommodate at least three parking spaces in addition to the retained garage and would therefore be acceptable in this regard.
- 7.5 Wildlife and Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.5.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying works being undertaken. It is noted that concerns have been raised by neighbours and Moor Park 1958 Ltd regarding a bat survey. However, it is not considered given the nature of the amended works that this is required. However, given that the works are proposed to the existing roof an informative will be attached to any consent to ensure the applicant is mindful of the appropriate course of action should bats be discovered.
- 7.6 Trees and Landscaping
- 7.6.1 All trees within and on the boundaries of the application site are protected as a result of the Conservation Area designation. Policy DM6 of the Development Management Policies sets out that development proposals should seek to retain trees and other landscape and nature conservation features. Proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site and neighbouring properties are. It is noted that there are a few TPO trees beyond the rear boundary of the application site. To the frontage of the site is an Oak Tree (T1), Cherry Tree (T2) and a Field Maple (T3) which is located in the neighbouring garden at No. 31 Russell Road. The Oak tree is a category A1 and the other two trees are

category C1. An amended Arboricultural Impact Assessment, Method Statement (dated 18th April (GHA/MA/112160.24) and Tree Report and Tree Protection Plan (Rev B April 2024) prepared by GHA Trees Arboricultural Consultancy were submitted during the course of the application. However, it is noted that these documents still refer to a previous scheme for the driveway and do not reflect the current scheme. It is noted that the Arboricultural Method Statement on page 3 refers to driveway alterations. Furthermore, the tree protection plan details protective fencing along the northern and southern edges of the driveway such that there would be no access to the rear of the site to enable the development to be implemented. It is noted that the fencing is needed to protect T1 (Oak tree) and its root protection area but also allow access through to the rear garden for materials, works and equipment. The Landscape Officer shares this view. As such a pre-commencement condition requiring an appropriate tree protection strategy to be submitted prior to the commencement of any works shall be attached to any grant of planning permission.

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: PL-100, PL-103, PP-102, 5923-PL101 REV C, 5923-PL110 REV C and 5923-PL111 REV C.

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

C3 Notwithstanding the submitted tree protection plan, 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') relating to the current application has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

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

- C4 Prior to the first occupation of the side/rear extension hereby approved, the single storey side element shown on drawing 5923-PL-110 Rev C to be demolished shall be demolished in full, with all debris removed from the site and the remaining property made good with materials to match the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal.

- C5 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 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 £145 per request (or £43 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@threeivers.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:

- (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.

- 12 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>
- 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 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.

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

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

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

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





PLANNING COMMITTEE – 23rd May 2024

24/0120/FUL - Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works at PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.

Parish: Batchworth Community Council Ward: Rickmansworth Town
Expiry of Statutory Period: 22.03.2024 (Extension of Time: 28.05.2024) Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to insufficient information on the changes proposed and concerns regarding the impact of the development on surrounding neighbouring properties.

To view all documents forming part of this application please go to the following website:
[24/0120/FUL - Variation of Condition 1 \(plans\) pursuant to planning permission 23/1143/FUL \(Variation of Condition 1 \(Plan Numbers\) pursuant to planning permission 23/0856/FUL \(Variation of Condition 1 \(Plan Numbers\) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2\) to include alterations to the approved design and layout to Plot 1\) to include alterations to Plot 3, alterations to front driveway, provision of raised rear patio with associated front /rear landscaping works | Plot 3, Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire](#)
(threeivers.gov.uk)

1 Relevant Planning History

- 1.1 16/1669/OUT - Outline Application: Construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access (appearance, landscaping and scale reserved) – Permitted October 2016.
- 1.2 19/1483/AOD - Approval of Details: Details pursuant to Condition 1 of Outline Permission 16/1669/OUT comprising appearance, landscaping and scale for construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access – Refused October 2019 for the following reasons:

R1: The development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. Furthermore, it has not been demonstrated that the proposed mix of housing is appropriate with regard to housing needs. The development therefore fails to meet the requirements of Policies CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R2: The proposed dwellings by virtue of their siting (close proximity to flank boundaries), scale and design including crown roof forms would result in a cramped and contrived form of development which would have a significant detrimental impact on the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3: The proposed dwellings, by virtue of their scale and design would result in an oppressive and overbearing form of development which would also result in actual and perceived levels of overlooking to the detriment of the residential amenities of adjacent

neighbouring occupiers. The development would therefore fail to accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R4: In the absence of sufficient information, it has not been demonstrated that the development would safeguard the protected trees and trees of visual importance on site. Therefore necessary consideration and appropriate mitigation cannot be given to mitigate the adverse impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

R5: The proposed development has failed to demonstrate that there would be adequate provision for the storage and collection of refuse and re-cycling, contrary to the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

An appeal was lodged and subsequently allowed. Pins Ref. APP/P1940/W/19/3242846
LPA Ref. 19/0051/MATREF.

- 1.3 22/0095/NMA – Non-Material Amendment to planning permission 19/1483/AOD: Revision of Plot 2 in relation to the garage so that it accords with approved site layout plan, amendments to front elevations to facilitate lowered entrance area and alterations to internal layouts – Refused February 2022.
- 1.4 22/1231/DIS – Discharge of Condition 5 (Construction Parking Plan) and Condition 7 (Arboricultural Method Statement) pursuant to planning permission 16/1669/OUT – Determined September 2019; conditions 5 and 7 discharged.
- 1.5 22/2076/DIS - Discharge of Condition 6 (Tree Protection Measures) pursuant to planning permission 16/1669/OUT – Determined November 2022; condition 6 discharged.
- 1.6 23/0856/FUL - Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2 – Permitted August 2023; under construction.
- 1.7 23/1143/FUL - Variation of Condition 1 (Plan Numbers) pursuant to planning permission 23/0856/FUL (Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2) to include alterations to the approved design and layout to Plot 1 – Permitted September 2023 under construction.
- 1.8 23/1809/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 23/1143/FUL to alter approved dwelling including lowering eaves height, alterations to dormers, addition of solar panels, alterations to design of rear projection and alterations to fenestration – Permitted December 2023, under construction.

2. Description of Application Site

- 2.1 The application site forms a parcel of land to the rear of three residential dwellings fronting Old Chorleywood Road; Woodlands, Dell House and Banstead Down. Planning permission was granted for the construction of three detached dwellings under application 16/1669/OUT, with details approved on appeal under application 19/1483/AOD. The application site is a construction site and HERAS fencing is in place to protect the trees in and around the site.
- 2.2 This application specifically relates to the most northern parcel of land within the application site, known as Plot 3. Plots 1 and 2 are positioned immediately to the south. To the south of the application site is Millen House, a detached two-storey property approved under application 16/1668/OUT which shares the same access road from Old Chorleywood Road

as Plots 1-3. To the west are 131-137 The Drive comprising detached dwellings with rear gardens of some 17m - 20m in depth. To the north is 4 Goosefields, a detached dwelling with a rear garden depth of around 13m.

2.3 The site is rectangular in shape and is steeply sloping from the east down to the rear gardens of the adjacent properties on The Drive to the west.

3. Description of Proposed Development

3.1 This application seeks planning permission for the Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works.

3.2 The following changes are proposed:

- Increase the depth of the rear central projection at ground floor level by 2m. This additional element would have a mono-pitched roof measuring 3.6m, sloping down to an eaves height of 3m.
- Increase to the depth of the north flank elevation at both ground and first floor level. An increase of 5.5m at ground floor level and an increase of 3.1m at first floor level.
- Alterations to the roof form to create a larger crown roof.
- Land level changes to the front of the dwelling to expose more of the lower ground floor level and insertion of two high level windows within the principal elevation.
- Replacement of front dormer with a gabled vaulted entrance hallway.
- Formation of a new external stepped entrance down to the new hallway.
- Change the external appearance of the dwelling to light/buff colour facing brick to all elevations with grey finish to the roof.
- Additional fenestration at ground and first floor level within flank elevations. With all fenestration to be grey colour.
- Minor alterations to fenestration at first floor level within rear elevation.
- Insertion of two rooflights to south flank roofslope.
- A raised patio is proposed to the rear of the dwelling. The patio would have a staggered depth and would extend the full width of the dwelling. The patio would extend out at ground floor level of the dwelling before stepping down into the garden area.

3.3 The application seeks to replace the approved drawings numbered OCWR- 005 REV-1 and OCWR 007 with AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010.

3.4 During the course of the application process additional plans, section drawings and 3D visuals were provided to aid the assessment of the proposed changes. The plans also included a change to the depth of the proposed patio reducing it from 5m across the full width to a staggered layout to facilitate a reduced depth along the flanks.

4. Consultation

4.1 Statutory Consultation

4.2 Batchworth Community Council: [Objection]

Batchworth Community Council very strongly objects to this application. Full appreciation of the changes to the original drawings is difficult as there are no dimensions and no comparison outlines between the two plan sets. Overall the sunken 2.5 floor dwelling has become an overbearing 3 full story building which is a total overdevelopment of the site.

Taking the plans floor by floor the increase in ground in floor space effectively doubles the size and further cuts into the hill side. Whilst the ground floor increase is not taken to the first floor the increase in usable space is carried up into the 3rd floor with the increase in the roof height which will almost guarantee that the upper storey will be able to overlook all the surrounding houses.

The introduction of a raised patio without full detail will allow plot 3 to overlook all of plot 1 and 2 and may even overlook the houses on the Drive below. The patio and separate garage also increases the overall amount of hard standing that this overall triple site overdevelopment will already have, the consequence of which could be as outlined in the survey reported as part of the objection raised to the 19/1483/AOD by number 33 below on the Drive. Unless proper drainage is installed the surface water runoff can only go downhill.

Batchworth Community Council wish to call this application in unless officers are minded to refuse.

Officer comment: Following receipt of the above comments, officers engaged in discussions with the applicant which resulted in the submission of additional plans and 3D visuals to reduce the size of the patio and enable a more detailed assessment on the impact of the patio to surround neighbouring amenity.

4.2.1 National Grid: No response received at time of writing.

4.3 Public/Neighbour Consultation

4.3.1 Number consulted: 10

4.3.2 No of responses received: 1 objection.

4.3.3 Site notice: Not required.

- Concerns regarding raised patio and potential for overlooking into neighbouring gardens.

5. Reason for Delay

5.1 Receipt of amended plans

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 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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 and Chapter 4.

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5.

6.3 Other

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

National Planning Policy Guidance.

7. **Planning Analysis**

7.1 Background

7.1.1 Outline planning permission was granted under application 16/1669/OUT for the construction of three detached dwellings to include the reuse of the existing access from Old Chorleywood Road. A Reserved Matters application referenced 19/1483/AOD was approved on appeal for approval of details comprising appearance, landscaping and scale. (PINs Ref: APP/P1940/W/19/3242846 and LPA Ref: 19/0051/MATREF).

7.1.2 Works commenced in 2022 and a number of Section 73 applications have been subsequently approved, permitting changes to Plots 1 and 2 - the latest being 23/1809/FUL. This application relates solely to Plot 3 and no other changes are proposed to Plots 1 and 2 under this application.

7.1.3 The principle of works has therefore been approved and this application will solely focus on the acceptability of the changes proposed to Plot 3. The changes are listed at paragraph 3.2 above.

7.2 Design, impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. Crown roofs can exacerbate the bulk and massing of properties and are generally discouraged in favour of more traditional pitched roof forms.

7.2.3 With regards to size and scale of the proposed dwelling, regard is had to the comments made by the Inspector in determining the appeal for application 19/1483/AOD (APP/P1940/W/19/3242846). The comments on the scale and layout of the dwellings were as follows:

“10. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the topography, boundary treatment and mature landscaping along the boundaries of the site, the proposal would only be visible over short distances from the adjacent properties and in limited glimpses between the buildings when passing the rear of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.

11. Turning to the scale and layout of the development. The layout of the development accords with the previously approved details from the outline planning application. The proposed dwellings would be seen in the context of the surrounding large two storey detached properties, including the large two storey detached dwelling with a catslide crowned roof at Millen House in the backland location immediately to the south of the site.

12. Against this backdrop, the scale, form and layout of the proposed dwellings would not look out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The design and layout of the proposed dwellings, set back and stepped down, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.

13. Consequently, I conclude that the proposed development would not cause significant harm to the character and appearance of the area. It would be consistent with the overall design aims of Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS), and Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document 2013 (DMP). These policies seek, amongst other things, to ensure that development proposals are of a high standard of design that have regard to the local context and conserve and enhance the particular character and quality of an area.”

7.2.4 Plot 3 is the most northern dwelling on site, to be built within a row of the three properties and the furthest from the access road. The proposed development would result in an increased footprint to the dwelling within Plot 3; however, the overall width of the dwelling would remain as previously approved, with only the central projection within the rear elevation which will be increased in depth. The increase is only 2m to bring it relatively in line with the rear elevation of the dwelling in Plot 2. As a consequence of this, the roof form of the dwelling will be altered including an increase in ridge height and a larger crown roof. Whilst it is increased in size, it is located centrally and set between the hipped roof which lessens its impact. During the application process an indicative street scene plan was

provided to show how the altered dwelling in Plot 3 would appear alongside Plots 1 and 2. The plan shows that the ridge of Plot 3 would be set higher than those of Plots 1 and 2 but given the separation distances and the hipped roof forms the differences in ridge heights would not be readily noticeable.

- 7.2.5 The raised patio area would be located behind the dwelling, it would extend the built form into the garden but there would still be an area laid to lawn between the dwelling and the rear boundary (approximately 12 metres) and the patio is considered proportionate to the dwelling and size of the plot.
- 7.2.6 Furthermore, when considering the positioning of the dwelling at the end of a private access road, set back a significant distance from Old Chorleywood Road and on a lower land level, there would be limited visibility of the dwelling from wider views on Old Chorleywood Road, Chorleywood Road or The Drive. Lastly, when considering the above comments of the Planning Inspector in respect to the character of the area and the design of the appeal scheme, it is not considered that the proposed development would result in unacceptable impact to the surrounding character of the area or the street scene.
- 7.2.7 This the fourth Section 73 application following the grant of Approval of Details application 19/1483/AOD but the first in connection with Plot 3. It is acknowledged that the guidance contained in the NPPG states that *'it is important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality'* (Paragraph: 015 Reference ID: 26-015-20191001). For, the reasons set out above it is not considered that the proposed changes would diminish the quality of the development such that planning permission should be refused.
- 7.2.8 As such, it is not considered that the proposed development results in any adverse impact to the character and appearance of the host dwelling or street scene and is acceptable in accordance with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.'
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD 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.
- 7.3.3 With regards to overlooking the Design Criteria states 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. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations. In addition, windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.3.4 In respect of impact to surrounding neighbouring properties the appeal Inspector in respect of the appeal scheme (APP/P1940/W/19/3242846) stated the following:

“Whilst I accept that there would be some impact from the development, given the overall height and design of the proposed dwellings, set back and stepped down, together with the landscaping, boundary treatment, site levels and the separation distances between the properties, I consider that the proposed dwellings would not result in significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden area at the rear of the adjacent properties at No.s 131, 133 and 135 (The Drive), nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of Nos. 131, 133, 135 and No.4 Goosefields.”

- 7.3.5 The proposed alterations would result in the distance between the dwelling in Plot 3 and the rear boundary shared with 129 The Drive to be reduced - the distance would now be slightly under 16m. As originally approved this distance was approximately 18m. When factoring in the raised patio area, this distance would reduce to 12m at its closest point. Whilst the distance would be reduced, there is no change to the fenestration detail contained within the rear elevation and the raised patio would not give rise to any additional views towards The Drive when considering the approved fenestration within the rear elevation. A gap of approximately 40m would remain between the rear of the dwelling in Plot 3 and 129 The Drive which directly backs onto the application site. This distance would continue to exceed the 28m guidance detailed within Appendix 2. The alterations would not increase any harm regarding overlooking in comparison to the appeal scheme and the existing boundary treatment comprised of mature vegetation, tree coverage and screening in the form of close boarded fencing along the rear common boundary line would prevent any unacceptable levels of actual overlooking.
- 7.3.6 As previously mentioned, the proposed development would not increase the width of the dwelling and thus the distance to 4 Goosefields and 5 Bankside Down to the north and north-east respectively would remain as approved. Whilst there would be an increase the depth of the northern flank adjacent to 4 Goosefields, it would not be extending any closer to the boundary and a separation distance of approximately 21m would be retained. The ridge height of the new dwelling would be increased but its highest point would be hipped away from the common boundary with this neighbour. Similarly, 5 Bankside is located approximately 25m north-east of the proposed dwelling. As such, when factoring in the Inspector’s comments above, it is not considered that the amended scheme would give rise to any unacceptable impacts towards these neighbouring properties and is therefore considered acceptable. A condition is attached requiring the first-floor windows installed within the flank elevations to be fitted with obscured glazed and non-opening below 1.7m above internal floor level of the rooms they serve. Likewise, a condition would be attached requiring rooflights to be 1.7m above internal floor level of the room they serve.
- 7.3.7 Concerns were received regarding the rear patio and therefore officers sought further clarification from the applicant on the proposed patio so an assessment of its impact Goosefields could be fully understood. Additional plans were received which reduced the depth of the patio adjacent to the shared boundary with Goosefields. The patio would have a height of 2m at its deepest point; however, it would be off-set from the shared boundary with Goosefields by 3m. A total distance of 21m to the rear elevation of this neighbour would be maintained. Visibility of this neighbouring property is limited due to the existing vegetation and trees such that the patio would not appear unduly prominent or give rise to unacceptable levels of overlooking. The plans also detail the provision of a 1.8m high planting screen along the northern flank of the patio and a condition is attached to the recommendation requiring details of the screening to be submitted. 3D visuals of the rear patio have been provided which also show how the development would be viewed in the context of the site. When considering the amendments to the depth of the patio and the site circumstances it is not considered that any unacceptable levels of overlooking would occur to the detriment of Goosefields.
- 7.3.8 With regards to impact on the neighbouring Plot 2, this is the middle dwelling in the row of properties in this development site. The dwelling is currently under construction and is sited on a relatively similar land level to Plot 3. The submitted plans detail that planting screen at

1.8m in height would be erected along the edge of the patio adjacent to this neighbour which would prevent any direct overlooking, Furthermore, given the relatively uniform land level change towards the rear of there would mutual levels of overlooking towards the rear most parts of the site between each of these new properties. However, a condition requiring submission of details of boundary treatments would be submitted prior to occupation. As such, it is not considered the proposed patio would give rise to unacceptable overlooking towards Plot 2. With regards to the other major changes to Plot 3, they are primarily located to the north flank of the dwelling and would not impact on Plot 2.

7.3.9 Lastly, due to the siting of the dwelling on a lower land level those properties fronting Old Chorleywood Road, a distance of approximately 14m would exist between the front elevation of Plot 3 and the rear boundary of Banstead Down directly in front, along with a total distance of 40m to the rear elevation of this neighbour. The increase in height would not increase the prominence of the dwelling in Plot 3 relative to Banstead Down to result in harm to the residential amenities of this neighbour. Whilst the dwelling appears as three storeys; it would actually be read as a chalet style bungalow when viewed from Banstead Down due to the land levels and the sunken floors of the proposed dwelling.

7.3.10 In conclusion, is not considered that the proposed development would result in demonstrable harm to the residential amenities of neighbouring properties and the development is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

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 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. A four-bedroom dwelling should provide 105sq. metres of amenity space with an additional 21sq. metres per additional bedroom.

7.4.2 The proposed dwelling would contain six bedrooms requiring 147sqm of amenity space. The dwelling would benefit from large private amenity space measuring approximately 270sqm which would exceed the indicative level for a dwelling of this size and is considered acceptable.

7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.5.2 Although the number of bedrooms would be increasing from four to six, the proposed development would not increase the parking requirements for Plot 3 which would remain at three off-street parking spaces. The dwelling would continue to benefit from a detached garage and a driveway which would provide sufficient off-street parking provision in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local

amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.6.2 No trees would be affected as a result of the proposed development. Works have commenced on site and tree protection measures approved under application 22/2076/DIS are in place and are required to be maintained throughout the period of construction.

7.7 Wildlife and Biodiversity

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

7.7.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

7.8 Conditions

7.8.1 It is considered necessary to repeat all conditions attached to planning permission 23/1809/FUL to any planning permission granted under this application. Some of the conditions have been updated or removed in accordance with this planning application.

Recommendation

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

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2219-142-S01, OCWR RM001, OCWR001 Rev. B, OCWR RM 002, OCWR002, WDB2016R2, PD.02.04 (dated 17.08.2023), AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, and AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010, 2860-03 REV-W, 2860-04 REV-J and 2860 – 10 REV-B.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF.

C2 All landscape works shall be carried out in accordance with the details approved in the Landscaping Plan (Drawing no. OCWR RM001).

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 dwellings or the completion of the development, whichever is the 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).

- C3 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained 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).

- C4 Before the first occupation of the dwellings hereby permitted the first-floor flank windows in the north and south elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C5 Prior to the first occupation of the dwelling within Plot 3, details of soft landscaping scheme including details of planting screen (e.g. evergreen species) to a height of 1.8m as measured from the surface of the rear patio to be erected to flanks of the rear patio and its future management shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation of the dwelling in accordance with the approved details and maintained as such thereafter.

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

- C6 The rooflights hereby permitted within the roofslopes of the dwellings shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

8.2 **Informatives:**

- 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 £145 per request (or £43 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%20homeDevelopment> Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 The applicant is reminded that the proposed signage shown on the submitted plans may require advertisement consent under separate cover.

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PLANNING COMMITTEE – 23 May 2024

24/0187/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works at 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.

Parish: Watford Rural Parish Council
Expiry of Statutory Period: 23.05.24
Extension agreed to 28.05.24

Ward: Oxhey Hall and Hayling.
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on parking, highway safety and character.

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

[24/0187/FUL | Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works. | 2 Brookdene Avenue Oxhey Hall Watford Hertfordshire WD19 4LF \(threerivers.gov.uk\)](#)

1 Relevant Planning

- 1.1 03/1265/FUL - Part two, single storey rear extension – Permitted.
- 1.2 08/1782/FUL - Renewal of planning permission 03/1265/FUL: First floor, two storey and single storey rear extensions – Permitted.
- 1.3 22/1948/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres, maximum eaves height 2.87 metres) – Refused for the following reason:

The proposed single storey rear extension would directly adjoin and be physically attached to an existing single storey side extension as well as an existing two storey rear extension. Consequently the proposed extension exceeds the limitations of Classes A.1 (g)(ii), (h)(i), (i), (j)(i), (j)(ii), (j)(iii) and (ja) as the total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). Consequently planning permission is required and Prior Approval cannot be given for the extension.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the southern side of Brookdene Avenue, Oxhey Hall. The application site contains a detached two storey dwelling finished in a white painted rough render. The existing dwelling has a two storey front bay projection, front porch, single storey side projection and has undertaken part single, part two storey rear extensions.
- 2.2 Land levels slope upwards slightly towards the rear of the site. To the rear of the existing dwelling is a patio with the majority of the garden laid as lawn. To the front is a block paved driveway.
- 2.3 The neighbour at No.4 to the east is a detached two storey dwelling built of a similar scale and architectural style to the application dwelling. This neighbour is sited at a slightly higher land level. They have existing part single, part two storey rear projections which extend roughly in line with the application dwelling.

- 2.4 The neighbouring properties to the west along Hampermill Lane are orientated at right angles to the application site such that their rear gardens adjoin the flank boundary of the application site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works.
- 3.2 The existing dwelling would be demolished to facilitate the construction of a new two storey (plus basement and loft accommodation) detached dwelling.
- 3.3 The proposed new dwelling would have a maximum depth of 13.5m at two storey level and 22.6m at ground floor level. It would have a width of 7.7m. To the rear the single storey projection would have a depth of 8m and to the front the 13.5m two storey depth includes a two storey front projection with a depth of 1.3m closest to the western boundary. The proposed new dwelling would be sited 0.5m from the eastern flank boundary and 1.2m from the western flank boundary. An open canopy porch projection is also proposed which would have a depth of 0.7m and would extend across the two storey front projection. It would have a height of 2.9m. The proposed dwelling would have a pitched roof with ridge running front to back with a length of 12.6m and front and rear gables. It would have an overall height of 8.5m and an eaves height of 5.2m. The proposed single storey rear projection would have a flat roof with a height of 2.8m. The proposed two storey front projection would be set down 1.4m from the main ridge.
- 3.4 A lower ground floor basement is also proposed which would sit beneath the footprint of the ground floor. It would be 2.6m below ground level. External access would be created to the rear to the patio with glass above to provide light to the lower ground floor level. A 1.4m deep section of walkway would be created across the width of the basement to the rear to allow access out to the steps. A void (lightwell) would also be created to the front within the 'L' shape of the front elevation which would be enclosed by glass balustrading which would have a height of 1m.
- 3.5 Loft accommodation is also proposed which would be served by a second floor window in the rear gable and 3 flank rooflights.
- 3.6 The proposed dwelling would be finished in white painted render with dark grey slate effect roof tiles and grey framed aluminium double glazed windows.
- 3.7 The plans submitted indicate that the existing block paving would be retained to the frontage to provide on site parking for 2 cars and to the rear a patio would be created stepping up to the existing rear lawn.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Watford Rural Parish Council: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 13.
- 4.2.2 Responses received: 6 objections (including one from a local residents association).
- 4.2.3 Summary of objections:

Loss of privacy.
Overlooking.
Adverse impact on well being/enjoyment of home.
Flank window should be obscure glazed/top level opening.
Unacceptable impact on character.
Less than 1.2m from the boundary contrary to Appendix 2.
Basement too close to protected tree.
Structural concerns from excavation.
Dust from construction.
Concerns regarding highway safety from construction vehicles.
Construction Management Plan should be required by condition.
Overdevelopment.
Flood risk from basement.

Officer comment: Structural damage from works is not a material planning consideration. This would be a civil matter. All other material considerations raised will be addressed in the analysis section below.

4.2.4 Site Notice: Expired 30.04.2024.

4.2.5 Press Notice: Not required

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

6.4 Other

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

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

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

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 The application site is not within a Conservation Area nor is the existing dwelling a designated or non designated heritage asset. As such the principle of its demolition is not objected to.
- 7.1.3 Whilst this application includes a replacement dwelling rather than extensions some of the relevant guidance in Appendix 2 is considered a useful tool in the assessment of impact in this respect.
- 7.1.4 Appendix 2 of the DMP LDD outlines that increases in ridge height will be assessed on their own merits but are unlikely to be supported where there is uniformity in the style, height and appearance in the streetscene.
- 7.1.5 The indicative streetscene which accompanies the application shows that the new dwelling would have a ridge height 0.8m higher than the neighbour at No.4. As existing the ridge heights of the application dwelling and this neighbour are roughly in line. Brookdene Avenue does not have uniformity in the height, style or appearance of ridges and the siting of the application site at the end of the street with no immediate neighbour to the east is also noted. Furthermore the difference in ridges between the neighbour at No.4 and that at No.6 would be roughly comparable to the new relationship between No.4 and the new dwelling. Thus an increase in ridge height or replacement dwelling with a higher ridge may not be, in isolation, harmful, however in this case adds to the cumulative unacceptable impact of the dwelling as is discussed further below.

- 7.1.6 Appendix 2 of the DMP LDD outlines that development should maintain a flank to boundary spacing of 1.2m at first floor level. An absolute minimum of 1m may be considered in areas of higher density.
- 7.1.7 The proposed new dwelling would be set in 1.2m from the eastern boundary but only 0.5m from the western boundary with No. 4. The proposed dwelling would therefore would fail to achieve even the minimum spacing required. It is noted that the existing first floor flank achieves ample spacing and therefore this cannot be used as justification.
- 7.1.8 The proposed dwelling by virtue of its width and resultant lack of spacing to the western flank boundary would fail to sit comfortably within plot. The overall cramped nature of the proposed new dwelling is further exacerbated by the height of the new dwelling which would lead to undue virtual emphasis. The resultant front gable feature would have some visual interest from the two storey bay feature however the dominant and predominantly unarticulated main front elevation would give rise to an unduly prominent and incongruous form of development within the streetscene. It is noted that the proposed new dwelling would have a comparable depth at two storey level to the existing dwelling however would be higher and wider therefore resulting in an increased bulk and massing of the flanks. Whilst the proposed first floor depth may be comparable to the existing dwelling, the introduction of front and rear gables, at an elevated height significantly increases the upper mass and bulk at roof level. There is existing screening to the eastern side of the site which limits some views of this side of the dwelling from public vantage points however vegetation cannot be relied upon for screening and in any event would not mitigate the unduly prominent and incongruous appearance of the new dwelling. Direct views would be had of the proposed dwelling from the frontage and to the western side of the site where there is a significant amount of spacing due to the site's position as the first on this side of the road. The excessive depth would be visually prominent and would fail to respect the character of the area.
- 7.1.9 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings. The proposed single storey rear projection would have a depth of 8m from the proposed two storey rear elevation. Whilst the flat roofed nature of this element is noted as is the siting set in from the boundary, the resultant overall ground floor footprint would be excessively deep in relation to the existing dwelling and the immediate locality. Whilst there are examples of single storey rear projections in the area, given that the proposed projection would be twice as deep as the guidance of Appendix 2 this is further indicative of the excessive scale of the proposed new dwelling.
- 7.1.10 There is variety within the streetscene of Brookdene Avenue in terms of the design of dwellings and evidence of extensions. However each site must be assessed on its own individual merits and it is not considered that there are any examples evident in the locality which would justify the unacceptable nature of the proposed new dwelling in this case.
- 7.1.11 The proposed basement would be fully subterranean and with the exception of the glass balustrading to the front and steps to the rear would not be readily apparent. It is not considered that the glass balustrading owing to its siting and modest height of 1m would appear as an incongruous or unduly prominent feature within the streetscene. Therefore it is not considered that the proposed basement would, in itself, be harmful.
- 7.1.12 The proposed new dwelling would include flank rooflights which would be visible from some public vantage points. However it is not considered that these features would appear incongruous additions to the streetscene where other rooflights are evident and would not be excessive in their scale or number.
- 7.1.13 The proposed landscaping arrangements would reflect those which currently exist and the character of the wider locality. The existing block paving would be retained to the front albeit of a slightly reduced area.

- 7.1.14 By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Whilst this application seeks to replace the existing dwelling rather than extend it the guidance of Appendix 2 is still considered a useful tool in assessing the impact of the new dwelling on neighbouring amenity.
- 7.2.3 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.4 When taken from the point on the boundary level with the two storey rear projection of No.4 the proposed new dwelling would not intrude a 45 degree splay line. It is also noted that the proposed dwelling would have a two storey flank closer to the shared boundary than that which exists (by approx. 1.8m). Nevertheless the proposed flank would be set in 0.5m from the boundary and the two storey section of the proposed new dwelling would not extend beyond the two storey elevations of this neighbour. Given this in addition to the roof form of the new dwelling pitching away from the boundary it is not considered that the two storey section of the new dwelling would give rise to an unacceptable impact by virtue of an overbearing impact or loss of light.
- 7.2.5 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached properties should not generally exceed a depth of 4m. The main two storey rear elevation of the neighbour at No.4 extends roughly in line with that of the application dwelling. They also have a single storey rear projection. The proposed single storey rear element of the new dwelling would have an overall depth of 8m however would extend approximately 4.7m beyond the rear elevation of the neighbour. When applying the guidance of Appendix 2 from the rear extension of this neighbour the proposed single storey element would exceed the guidance by approximately 0.7m. However given that it would be set slightly in from the boundary (by 0.5m) and would have a modest flat roof form it is not considered that overall this element would result in an unacceptable overbearing impact or loss of light to this neighbour so as to result in demonstrable harm to the amenity of this neighbour.
- 7.2.6 The neighbouring properties along Hampermill Lane are orientated such that their rear gardens adjoin the western flank boundary of the application site. It is acknowledged that the proposed new dwelling would be, overall, of a greater scale than that which currently exists. However these neighbours have rear gardens approx. 30m in length and the proposed dwelling would be set in 1.2m from the boundary to this side. Whilst the proposed dwelling would be visible to these neighbours, given the separation distances it is not considered that it would result in harm to their amenity by virtue of an overbearing impact or loss of light.

- 7.2.7 The proposed basement would be fully subterranean with the exception of glass balustrading to the front elevation to enclose the lower ground floor void and the staircase up to the garden level. In light of this it is not considered that the proposed basement would result in harm to neighbouring amenity.
- 7.2.8 Some additional views could be afforded to neighbouring gardens from the second floor rear window. However these would be angled towards their rearmost part of their gardens as opposed to direct views towards windows or patio areas. Furthermore it is not considered that the proposed development would result in views which would comprise unacceptable overlooking when compared with those which could be had from the existing first floor windows.
- 7.2.9 In the event of a recommendation for approval the proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflights conditioned to have a cill height of above 1.7m in order to prevent actual or perceived overlooking.
- 7.2.10 In summary, subject to conditions, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application in this regard and the development would therefore 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).
- 7.3 Highways & Parking
- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces.
- 7.5 The existing dwelling has 4 bedrooms and provides two off street car parking spaces, a shortfall of one. Following the proposed development the site frontage would retain 2 parking spaces and as such would still have an overall parking shortfall of one parking space.
- 7.6 Given that there would be no change over the existing site circumstances either in terms of the level of parking required (based on Appendix 5 standard) or the shortfall (1 space in both the case of existing and proposed) it is not considered that the proposal would result in demonstrable harm in this regard.
- 7.7 Rear Garden Amenity Space
- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Appendix 2 requires 126sqm to be provided for a 5 bedroom dwelling. The application site would retain approx. 340sqm of amenity space and as such would comply with Appendix 2 in this respect.
- 7.8 Trees & Landscape
- 7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 There is protected tree (TPO 281 Weeping Willow) within the neighbouring garden to the east along Hampermill Lane (No.21). However it is set off the boundary with the application site into the garden of the neighbour. Owing to the separation distances it is not considered that the proposed new dwelling or basement would result in undue direct root severance to adversely impact the long term or short term health of the tree. Furthermore the siting of the canopy is such that felling or lopping would not be required to facilitate the proposed development.

7.9 Biodiversity

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

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

8.2 Informatives

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





PLANNING COMMITTEE – 23 May 2024

24/0215/FUL - Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking at 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP (DCES)

Parish: Croxley Green Parish Council Ward: Dickinsons
Expiry of Statutory Period: 28.05.2024 (agreed extension) Case Officer: Lauren Edwards.

Recommendation: That Planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordance housing contribution).

Reason for consideration by the Committee: The application was called in by three members of the planning committee and the Parish Council due to local concern regarding overdevelopment of the site, access and parking.

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

[24/0215/FUL | Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking. | 39 Watford Road Croxley Green Rickmansworth Hertfordshire WD3 3DP \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0215/FUL)

Relevant Planning History

- 1.1 23/0889/FUL - Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space and refuse storage – Withdrawn.

Planning history relating to No.39 Watford Road

- 1.2 09/0314/FUL - Single storey rear extension with rooflight – Permitted.
1.3 08/2103/FUL - Conversion of dwelling into three flats and single storey rear extension – Refused. Appeal allowed. Implemented.

2 Description of Application Site

- 2.1 The application site pertains to a 'L' shaped parcel of land on the northern side of Watford Road, Croxley Green. The existing site includes an access to the eastern side of No.39 that extends along the eastern flank of No. 39 before increasing in width to the rear where there is an area of hardsurfacing in front of a single storey detached building. The existing building includes a playroom and WC and garage space for 2 cars and from the site visit appears to be mainly used for storage (it is understood by the applicant). The application site is separated from adjacent sites (including No. 39) by approximately 2m high timber fencing and there are metal gates to the frontage of the access.
- 2.2 'No.39' is included within the blue line of the application site as it is within the ownership of the applicant. This is a two storey semi-detached building which currently accommodates three flats.
- 2.3 To the east is Lindiswara Court which is a three storey flatted block. The vehicular access serving this development runs along the boundary with the application site. To the north of

the site are the rear gardens of the neighbouring dwellings fronting Dickinson Avenue. To the west is No.37 Watford Road which is a two storey semi-detached dwelling.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for the change of use of existing playroom and garages into habitable accommodation to provide a two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking.
- 3.2 The physical form of the existing building would remain as existing. Internally the building would be converted into a two bedroom dwelling with a bathroom and open plan kitchen, living / dining room. The existing garage doors would be replaced with 2 x two casement windows to serve the bedrooms. The rear door would also be replaced with French doors to serve Bedroom 1.
- 3.3 To the front of the building an existing area of the hardsurfacing would be laid as lawn and enclosed with 1.8m high closed boarded fencing to provide a private garden. Hardstanding would be retained to the eastern and south edges to provide access and parking.
- 3.4 Refuse and recycling bins are proposed to be stored on the area of hardstanding to the south of the new garden.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC object to the application due to it being an overdevelopment of the site, having insufficient parking, and no access for emergency vehicles. Application is also in contravention of the Local Plan due to it being backland development. If the Officer is minded to approve the application, CGPC request that it is called into the TRDC Planning committee for review.

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

Recommendation

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

Highway Informatives

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

AN) 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>

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

Comments

The application comprises of the conversion of an existing double garage into habitable accommodation at the above address. Watford Road is designated as an classified A main distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

There is an existing vehicle crossover / dropped kerb providing access to the property and the application does not include any altered or new vehicle access. The access to the existing garage / proposed new dwelling is a minimum width of 2.7m which (whilst tight) is acceptable to provide access to one dwelling (and in the case of this application a driveway for 2 vehicles).

HCC as Highway Authority would not have an objection to the overall size and nature of the proposals and there would remain a driveway with sufficient space for cars to park at the front of the existing dwelling and to the rear. Although the garage conversion would mean that the garage would no longer be available for parking, the effect would not be significant when taking into consideration the remaining driveway(s) for parking.

Emergency Vehicle Access

Parts of the proposed habitable accommodation would be greater than 45m from the highway on Watford Road. Therefore the proposals have been forwarded onto Hertfordshire Fire and Rescue for any comments, recommendations or objections in this respect. This is to ensure that the proposals are accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Conclusion

HCC as Highway Authority has considered that the proposals would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above informatives and comments in relation to the emergency vehicle access.

This matter was referred to HFRS by Highways due to issues of access for firefighting purposes. Although this is an existing building, the change of use alters the level of risk due to the occupancy change. There is now a sleeping risk. The approved document informs that a fire appliance should be able to achieve access to a point that is within 45m of all habitable points of the building, this is not the case for this proposal due to the distance from the highway to the building and the width of the side access being less than the 3.1 m required

Officer comment: Further to the comments received above, confirmation has been received from Herts Fire and Rescue that *“the installation of sprinklers or misting system installed and maintained to the appropriate British Standard would overcome the extended hose laying distance in this instance.”*

4.1.3 National Grid: No response received.

4.2 **Public/Neighbour Consultation**

- 4.2.1 Number consulted: 23
- 4.2.2 No of responses received: 8 objections
- 4.2.3 Site Notice: Expired 11.03.2024 Press notice: Not required
- 4.2.4 Summary of Responses:

- Fire safety/access concerns.
- Parking spaces to the rear incorrectly shown.
- Damage to fence.
- Concerns regarding sewer pressure.
- Out of character.
- Occupants unlikely to object as they rent off the applicant.
- Access will make parking to the frontage difficult.
- Disruption from intensification of use.
- Noise disturbance.
- Increased waste generation/refuse collection.
- Will set precedent.
- Backland development.
- Intrusive.
- Adverse impact on quality of life.
- Concerns regarding storage of building materials.
- Site already overstretched by conversion of building into flats.
- Loss of privacy.

5 Reason for Delay

- 5.1 Committee cycle. Extension of time agreed.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1 and CA2 and Appendix B.

6.4 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of one dwelling on the application site. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy.
- ii. The sustainability of the development and its contribution to meeting local housing needs.
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

- 7.1.3 The application site is within a Secondary Centre as set out within the Core Strategy. Policy PSP2 sets out that Key Centres should provide approximately 60% of the District's housing requirements.
- 7.1.4 The application site is not an allocated site for residential development and as such the proposal would be a windfall development. However the application site sits within an established residential area. As such there is no in principle objection to residential development on the site however this is subject to all other material considerations as outlined 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 one 2-bedroom house which is the second least required within the district and the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy. However it is considered that a development of this nature, which proposes one new dwelling, 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**. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The proposed development would result in a net gain of one dwelling and as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.
- 7.3.2 Based upon a 49.2sqm creation of habitable floorspace multiplied by £750/sqm the development would require a contribution of £36,900 This figure would be index linked from the date of the SPD. As of the March RPI this would be £60,073.20.
- 7.3.3 This application was accompanied by a Financial Viability report which set out that it would not be viable for the scheme to support any contribution towards Affordable Housing. This report was reviewed by the Council's independent viability consultant who initially was of the view that the scheme could support the policy compliant sum. However, following further discussions our consultant agreed that the build costs should be amended but maintained

their position regarding the Benchmark Land Value. The revised figures identified a surplus of £28,557. The applicant has reviewed this and has confirmed in writing they would be willing to enter into a Section 106 agreement to secure this amount. Given that this is maximum viable amount the figure would be index linked from the date of the deed rather than from the date of the SPD.

7.3.4 Subject to the completion of a Section 106 agreement to secure the £28,557 commuted sum, the proposal would accord with Policy CP4 of the Core Strategy (adopted October 2011).

7.4 Impact on Character and Street Scene

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will be only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.4.3 Policy CA1 of the Croxley Green neighbourhood plan sets out that new development should seek to conserve the character and appearance of the Character Areas. New development should pay particular attention to the layout and urban grain, especially in the case of back land development. Policy CA2 in respect of subdivision/conversions sets out that regard must be given to additional parking demand and the shared use of gardens.

7.4.4 When considering the scheme against the guidance set out in Policy DM1 and the Neighbourhood Plan, the proposal would form a tandem development. However this is discussed in more detail below. Whilst the dwelling would be accessed to the side of the existing buildings it is not considered to be unduly awkward in its nature. There are similar side vehicular accesses evident within the locality including at Lindwara Court to the immediate east of the site. The proposal given its limited scale would not give rise to excessive levels of traffic nor would it result in the loss of residential amenity (highways and amenity are discussed in more detail below).

7.4.5 As set out above it is acknowledged that the proposed development would be a form of tandem or 'backland' development. However given the presence of the existing access and outbuilding it would not be a true form of backland development within the rear garden of an existing dwelling. The existing built form is already in situ and save for the creation of a

garden would not have any physical changes to the existing site circumstances with the site already physically separated by timber fencing from No. 39. It could even be argued that the creation of a garden and some additional green space would improve the existing situation as there would be a reduction in hard surfacing to the rear. It is noted that the prevailing character of dwellings along the Watford Road is street facing properties with similar plots shapes and sizes. However there are examples of other development including flatted blocks with rear parking areas. Furthermore the existing garden serving the flats is shorter than those which prevail and the site is immediately adjacent to Lindwara Court thus does not sit in the centre of uniformed pairs of semi-detached dwellings with linear gardens/plot shapes. The proposed plot serving the new dwelling would depart from general rectangular shaped plots however given the existing site circumstances and some variation evident within the locality is not considered to appear incongruous such that it would result in harm justifying refusal of planning permission.

- 7.4.6 The alterations to the fenestration of the existing building would not result in unacceptable harm. There are no other physical alterations proposed to the footprint or form of the existing building.
- 7.4.7 It is considered reasonable to require the removal of relevant permitted development rights in order to prevent further extensions to the building or loss of the proposed lawn without the express consent of the LPA.
- 7.4.8 Overall, it is considered that the proposed new dwelling would be acceptable in this regard. The proposal would be in accordance 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) and Policies CA1 and CA2 of the Croxley Green Neighbourhood Plan.
- 7.5 Impact on amenity of neighbours
- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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.
- 7.5.2 There would be no increase in the built form of the existing building in order to facilitate the proposed development. Whilst windows would be included within the front elevation these would be at ground floor level. Given the existing and proposed boundary treatments together with the separation distances to the neighbouring dwellings along Watford Road it is not considered that the proposed new dwelling would result in harm by virtue of unacceptable overlooking, loss of light or an overbearing impact. The proposed development would not be readily apparent to the neighbouring properties along Dickinson Avenue given that there would be no alteration to the physical form of the existing building.
- 7.5.3 It is noted that the proposed new dwelling could give rise to a minor increase in comings and goings along the access when compared with the existing outbuilding. However owing to the 2 bedroom nature of the single dwelling proposed it is not considered that these would be to a level that would intensify use/activity to such a degree that there would be demonstrable harm to neighbouring amenity. Furthermore it would appear that any flank windows in the existing building serve non habitable rooms so the use of the access slightly more intensely is not likely to result in any unacceptable harm.
- 7.5.4 Overall, it is not considered that the proposed development would result in any significant detrimental impact to the residential amenities of existing neighbouring dwellings. The development would therefore 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 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 The existing building at No.39 contains three flats, one has 2 bedrooms and two have 1 bedroom each, therefore No. 39 has an overall requirement for 5.75 spaces (3 assigned). As existing there are 2 parking spaces to the site frontage. The appeal scheme for the original consent for the flats indicates that 4 spaces would have been provided (2 in the garages and 2 in front). However it would not appear that in reality these spaces were made available to occupants and rather two parking spaces have been provided to the site frontage. The block plan submitted indicates that there would be three spaces provided to the frontage of No. 39 therefore each unit would retain 1 space. However it is not clear whether an additional space could be provided without impeding access to the new dwelling. Further details would be required by condition including arrangements for allocation. However overall there is no exacerbation of the existing shortfall in parking.
- 7.6.3 The proposed new dwelling would have 2 spaces and therefore would provide policy compliant parking.
- 7.6.4 Whilst the proposed dwelling would have policy compliant parking it is noted that the existing flats would have an overall shortfall of 2 spaces as a result of the proposal. In light of this a judgement needs to be made as to whether a resultant 2 parking space shortfall would be harmful.
- 7.6.5 There is limited availability for any on street parking along Watford Road however the site is within walking distance of Croxley Station (8 minutes, 0.4 miles) and is adjacent to local bus services. Additionally is within a 0.3 miles, 6 minute walk of local shops and services in New Road and a similar distance to those on Watford Road.
- 7.6.6 Owing to the proximity of the site to local shops and services and public transport links it is not considered that a shortfall of 2 spaces would result in demonstrable harm justifying refusal of planning permission.
- 7.6.7 The Highways Officer has reviewed the application and considers that the development would not give rise to unacceptable harm to highway safety. The concerns regarding the narrow access are noted however the Highways Officer considers the proposal would be acceptable to serve one dwelling. Concerns regarding construction traffic are also noted however there are limited physical alterations proposed to the existing building. Whilst the new garden would need to be provided it is considered that proportionate space would be had to the rear to allow for this without requiring further details via a construction management plan. Herts Fire and Rescue note that a fire appliance would not be able to achieve access within a 45m point of habitable rooms. However have confirmed that this could be addressed by the installation of sprinkler systems.
- 7.6.8 Overall it is not considered that the proposed development would result in unacceptable harm in this respect and would comply with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the DMP LDD.

7.7 Quality of accommodation for future occupants

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

- 7.7.2 Appendix 2 of the DMP LDD outlines that two bedroom dwellings should provide 63sqm of amenity space. The proposed plot would provide a private rear garden of 70sqm. As such the proposed development would comply with Appendix 2 in this respect. The existing flats would retain their existing levels of amenity space which was considered acceptable by the Inspector in allowing the appeal and granting planning permission.
- 7.7.3 It is acknowledged that some views could be had from the existing dwellings along Watford Road towards the amenity space which would serve the new dwelling. However a 16m separation distance would be achieved to the edge of the new garden and 25m to the front elevation of the new dwelling. Overall it is not considered that the proposed new dwelling or its private garden would be overlooked to an unacceptable degree when considering the residential context of the locality.
- 7.8 Wildlife and Biodiversity
- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 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.
- 7.9 Trees and Landscaping
- 7.9.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.
- 7.9.2 The application site is not located within a Conservation Area nor are there any on site TPOs.
- 7.9.3 The proposed block plan indicates that the new garden would be lawned. The proposal would result in the introduction of additional soft landscaping when compared with the existing situation where the site is laid as hard surfacing. As such would be an improvement to the existing site circumstances.
- 7.10 Sustainability
- 7.10.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.10.2 This application is accompanied by an energy statement prepared by Premier Assessors which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 10.48%). As such the development complies with the requirements of Policy DM4.
- 7.11 Refuse and Recycling

7.11.1 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

7.11.2 The proposed block plan makes provision for the storage of refuse/recycling bins to the south of the proposed garden which is considered appropriate in location and size. A condition would require further details of collection arrangements to ensure that the additional bins to serve the new dwelling when put together with the existing bins do not block the access or highway.

7.12 Planning balance/Summary

7.12.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking “the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites”. The most important policies for determining a housing application are Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, “Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect area or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

7.12.2 The development would be acceptable in accordance with the development plan and no harm has been identified within the analysis section above. It is recognised that the development would contribute to the shortfall in housing. The applicant has agreed to enter into a deed in accordance with Section 106 of Town and Country Planning Act 1990 in respect of affordable housing, and as such the development would make a financial contribution to the provision of affordable housing in Three Rivers. Furthermore, there would be economic benefits of the construction plus expenditure from future occupiers Overall it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF there are benefits to the scheme and would be complaint in respect of the relevant policies as set out above.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement (securing a financial affordance housing contribution):

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: C-23-02-1- A

Reason: For the avoidance of doubt and in the proper interests of planning, in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies CA1 and CA2 of the Croxley Green Neighbourhood Plan (2018).

- C3 The new dwelling shall not be finished other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as set out in the submitted application form 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).

- C4 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 and retained as such therefore.

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.

- C5 Prior to the first occupation of the development hereby permitted the parking spaces to serve the new dwelling shall be provided and thereafter retained in accordance with the details and layout as more particularly shown on plan number C-23-02-1- A.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety 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).

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

Class D - erection of a porch

Class F- Provision of hardsurfacing

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 area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the first occupation of the development hereby permitted a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan should show the proposed layout of parking to the frontage of spaces to serve the existing flats. This shall include tracking diagrams to shown access into and out of the spaces.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety 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 The boundary treatment shall be carried out and maintained in accordance with the layout and details as more particularly shown on plan number C-23-02-1- A.

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).

- C7 The development shall not be occupied until a scheme for the separate storage and details of the proposed collection arrangements of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. 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 DM1, DM10 of the Development Management Policies document (adopted July 2013).

- C9 Prior to the first occupation of the new dwelling hereby permitted the proposed area of lawn as shown on plan number C-23-02-1- A shall be provided and retained in that layout thereafter.

Reason: To ensure the dwelling has sufficient amenity space and in the interests of 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).

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

£145 per request (or £43 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 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 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
- 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 website:

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

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.

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.”*
- 1.5 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.

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.

- 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 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.

- 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"

- 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":

⁴ Includes refused and approved applications. Excludes prior approval developments.

“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, 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).

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

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).

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).

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

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>

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

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) 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

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>

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LNHA) (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

- 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

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)

- 2.13 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.

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

¹⁹ Sites with completions in the monitoring year 2021/22

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

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

²⁰ Includes refused and approved applications. Excludes prior approval developments.

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:

“...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

²¹ See footnote 3.

*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.

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

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

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 Claremont Crescent, Croxley 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/egcl-page/supplementary-planning-documents>

4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
<https://www.threerivers.gov.uk/egcl-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







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PLANNING COMMITTEE – 23 May 2024

24/0267/FUL - Construction of single storey detached 'Dry Zone' building at Bury Lake, The Aquadrome, Frogmoor Lane, Rickmansworth.

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.04.2024
Extension agreed to 31.05.2024

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That subject to no new material considerations being raised and the recommendation of approval/no objection from the Environment Agency (EA) 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 EA.

Reason for consideration by the Committee: Three Rivers District Council are the registered landowner.

To view all documents forming part of this application please go to the following website:
[24/0267/FUL | Construction of single storey detached 'Dry Zone' building. | Dry Zone Bury Lake The Aquadrome Frogmoor Lane Rickmansworth Hertfordshire \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0267/FUL)

1 Relevant Planning History

- 1.1 05/0105/FUL - Re-surfacing of car park and boat rigging area, erection of new steel storage unit and spoil mound to be seeded – Permitted March 2005.
- 1.2 13/0935/FUL - Replacement of existing boat shed and construction of new clubhouse – Permitted October 2013, not implemented.
- 1.3 15/1650/FUL - Construction of replacement clubhouse, boat storage and workshop; and landscaping works including pontoon, jetties and shipway, provision of hardstanding, entrance sign and removal of trees – Permitted October 2015, not implemented.
- 1.4 17/1870/FUL - Variation of conditions 2 (Approved Plans) and 5 (Phasing) of planning permission 15/1650/FUL to amend phasing and remove the 'Dry Zone' – Permitted December 2017; implemented.
- 1.5 Various other applications for development elsewhere within the Aquadrome including children's play equipment, footpaths, café, toilet block, development within existing Council Depot, parking and advertisement consent applications.

2 Description of Application Site

- 2.1 The application site is part of the Aquadrome, Rickmansworth. The Aquadrome is a Local Wildlife Site and part of the site is also designated as a Local Nature Reserve and publicly accessible open space. The Aquadrome is served by a public car park accessed from Frogmore Lane. A series of public footpaths and cycle routes run through the Aquadrome and the Grand Union Canal and its towpath form the southern boundary to the Aquadrome.
- 2.2 The application site outlined in red on the submitted plan 13577 - 108 forms part of a wider area (outlined in blue) to the west of the Aquadrome adjacent to the southern corner of Bury Lake. The wider site is occupied by Bury Lake Young Mariners, Nomad Kayak Club and Colne Valley Special Sailors, (collectively referred to as BLYM), as a water-based recreation centre which includes sailing, windsurfing and canoeing. BLYM is a charity run by volunteers and has been based at the site for over 30 years.

- 2.3 The wider site has partly been redeveloped following the grant of planning permission referenced 15/1650/FUL, later varied under 17/1870/FUL. The wider site currently contains a 'Wet Zone' building, two boat storage buildings, a number of existing sheds and storage containers, areas of boat storage and slipways and jetties to provide access to the water. The 'Wet Zone' provides changing room facilities, wet suit and buoyancy aid storage areas.
- 2.4 The buildings and storage areas are located within the western part of the wider site with the land to the east containing the 'Wet Zone' building. Most of the wider site is located to the north of the access road and public footpath, however, a small section currently used for members' private boat storage is located to the south of the access road and footpath. Six parking spaces including disabled bays are located at the end of the access road within the application site.
- 2.5 The wider site also includes an existing landing stage on Bury Lake to the north of the boat house and a small area of the lake itself.
- 2.6 The application site is within the Metropolitan Green Belt and the northern part of the site includes areas of flood zones 2, 3a and 3b.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the construction of a 'Dry Zone' building.
- 3.2 The 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building providing a reception area, meeting room, chandlery, catering and training facilities. The building would be 21.3m in width and 15.5m in depth and a pitched roof with a maximum height of 5.2m, sloping down to an eave's height of 3.1m. It would be set 4.2m from the east site boundary and at least 4.3m from the boundary with the access road.
- 3.3 At its closest point the 'Dry Zone' would be set 2.9m apart from the existing 'Wet Zone' building. The proposed building will be finished in shiplap boarding and white render to the gable ends with red brick plinths which would match the appearance of the 'Wet Zone' building. The northern roofslope overlooking the lake would be sedum while the southern roof slopes facing the access road would be grey metal cladding. There would be rooflights along the ridge line and there would be fenestration to the northern and western elevations.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No objection]

Batchworth Community Council has no material objections to this application, but we are mindful of the comments from the Environment Agency and would like these points to be resolved prior to work commencing.

4.1.2 Canal and River Trust: [No comment]

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

4.1.3 Hertfordshire Ecology: – [No objection, subject to conditions]

Overall Recommendation:

Application can be determined with no ecological objections (with any Informatives/Conditions listed below).

Summary of Advice

- A CEMP should be submitted to the LPA as a Condition of approval.
- A LEMP should be submitted to the LPA as a Condition of approval.
- An Informative for a precautionary approach to works should be added to any permission granted.

Supporting Documents:

I have made use of the following documents in providing this advice:

- BLYM Site Plan Proposed DryZone by Derek LOFTY & Associates (October 2023).
- Tree Survey, Proposed Layout and Tree Protection Plan (TPP) by Simon Pryce Arboriculture (7 November 2023).
- Preliminary Ecological Appraisal by Arbtech Consulting Ltd. (18 December 2023).
- Application for Planning Permission (10 February 2024).

Comments

We have no in principle ecological objection to this proposal.

Construction Environmental Management Plan (CEMP)

The proposed development site falls within the Rickmansworth Aquadrome Statutory Local Nature Reserve and Local Wildlife Site. In order to mitigate the potential impact of this proposal on the surrounding protected habitat, suitable environmental and physical safeguards during the construction period should be outlined within a Construction Environmental Management Plan (CEMP) and submitted to the LPA as a **Condition of approval**.

This plan should include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works.

Landscape and Ecological Management Plan (LEMP)

The Preliminary Ecological Appraisal (PEA) listed above highlights how these proposals will result in a loss of ~0.02ha of neutral grassland. We advise that a Landscape and Ecological Management Plan (LEMP) demonstrating how this habitat loss will be compensated for, should be submitted to the LPA as a **Condition of approval**. As this application was submitted prior to the 12th February 2024, this development is exempt from mandatory Biodiversity Net Gain, however must still demonstrate how it enhances the local natural landscape and delivers a level of biodiversity uplift. We support the recommendations for habitat compensation and ecological enhancement provided within Table 6 of the PEA. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building.

The site offers favourably suitable habitat for foraging and commuting bats, which could be negatively impacted by any increase in artificial lighting to the surrounding woodland. The

*recommendation within Table 6 of the PEA for the adoption of a low impact lighting scheme for bats post-development should be followed in full and demonstrated within the submitted LEMP as a **Condition of approval**.*

Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Precautionary Approach to Works

The PEA found the site to comprise potentially suitable habitat for amphibians, reptiles, badger, hedgehog, otter, water vole, nesting birds, and foraging/commuting bats. In the unlikely event that protected species are encountered during development, we advise a precautionary approach to the works is taken and recommend the following Informative is added to any subsequent permission granted:

“If European Protected Species (EPS) or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”

4.1.4 TRDC Environmental Health Officer: [No comments received. Any comments provided will be verbally updated]

4.1.5 Environment Agency: First Consultation - [Objection]

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your Local Planning Authority (LPA) may currently be subject to the ‘presumption in favour of sustainable development’. Given our outstanding objection on flood risk grounds we would like to highlight that in this case, as set out in NPPF footnote 7, the ‘presumption in favour of sustainable development’ should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the ‘presumption in favour

of sustainable development' you can disregard this paragraph. If our objection on flood risk grounds is subsequently withdrawn, you can also disregard this paragraph.

Objection – Inadequate Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the development's flood risk.

In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Reasons:

As stated in the FRA and based on the applicant's topographical survey, the maximum flood level on site could be as high as 44.00mAOD, and with the land levels surrounding the proposed 'dry zone' building at approximately 43.79mAOD, the building is likely to be inundated with flood water. The proposed structure in this location would therefore displace this floodwater elsewhere. As stated in paragraph 49 of the PPG, the use of voids is not an acceptable technique for compensating for the loss of floodplain storage.

The FRA fails to demonstrate that flood storage compensation will be provided on both a level for level and volume for volume basis, therefore it cannot be guaranteed that the proposed compensation scheme will be able to provide adequate flood storage for the lifetime of the development.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA, which argue there will be no loss of storage. We need further clarification on this.

We are satisfied that the proposal is ancillary to the use of the wider facility known as Bury Lake Young Mariners site. As such, the proposal is for the use of 'water-based recreation' and is therefore compatible with Flood Zone 3b. However, the site must still:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Unfortunately, the FRA does not adequately display this information, and therefore a revised FRA is required with updated drawings and documents.

Overcoming our Objection:

To overcome our objection, the applicant should submit a revised FRA which demonstrates that adequate flood storage compensation arrangements will be made to ensure that there will be no loss in flood storage capacity on site. This includes floodplain lost from all structures effected by the 1 in 100 plus an appropriate climate change allowance flood extent, including the building and associated decking.

The best way to compensate for flood storage loss is to recreate an area of floodplain that mimics the area, shape and volume of the section of floodplain that has been lost by the development. If this cannot be achieved, we are likely to maintain our objection to the application. Below is a list of what information should be submitted when trying to demonstrate that level for level compensation has been achieved for the site.

Advice:

Please be aware that any increase in built development or raising of ground levels within the floodplain (1 in 100 annual probability, plus an allowance for climate change, flood extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the method of mitigation that the FRA should detail. However, for this to be achievable it requires land on the edge of the floodplain and above the 1 in 100 year flood level with an appropriate allowance for climate change to be available.

- *A plan showing where flood waters are being displaced by the development (i.e. where are new buildings and ground raising proposed in the floodplain).*
- *A plan showing where the compensation area is located.*
- *A cut and fill table demonstrating that floodplain compensation can be provided on a level for level basis.*
- *A topographical survey of the site.*
- *The 1 in 100 plus climate change flood level for the site. This is the flood level that the National Planning Policy Framework requires new development to be designed to. The source of this data should also be disclosed and provided.*

The Use of Voids

The use of voids or stilts/columns to create space below buildings as a means of compensating for any loss in flood storage is not acceptable. This is because such initiatives do not allow water to freely flow through them, can become blocked and get silted up over time, offer limited storage capacity, and it is very difficult to stop them being filled-in or used for storage at any point within the development's future. The use of stilts/columns or voids is not floodplain compensation, but rather mitigation of risk by design as it does not guarantee that the floodplain will be retained in the same way as a compensation scheme. This is in line with the PPG for Flood Risk and Coastal Change.

Please note that in calculating flood storage loss associated with a proposed development, it must be assumed that any void spaces are in-filled as they cannot be considered in flood storage compensation due to the reasons above.

4.1.5.1 Environment Agency - Second Consultation: [Objection]

Thank you for the additional time given to review our decision set out in our letter dated 11 March 2024. We have reconsidered our position, based on previous planning permissions on related applications and recent changes in Planning Practice Guidance (PPG). Please see our comments below.

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

We now require more information regarding the use of voids and the data used to inform the FRA. The applicant should submit an updated review of the FRA, in line with the current guidance and proposal in question.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your LPA may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on flood risk we would like to highlight that in this case, as set out in NPPF footnote 7, the 'presumption in favour of sustainable development' should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the 'presumption in favour of sustainable

development' you can disregard this paragraph. If our objection on flood risk is subsequently withdrawn, you can also disregard this paragraph.

Objection – Unacceptable Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the PPG as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risk. We are objecting on flood risk grounds for the following reasons:

1. Unclear/inadequate flood storage compensation proposals
2. Lack of clarity surrounding which climate change allowances have been used

Reasons

Part A: Unclear/inadequate floor storage compensation proposals

The submitted FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Specifically, the FRA does not detail the maintenance of the voids, and how it will be ensured that they will be kept free and open during the lifetime of the development. This is particularly important as the land levels surrounding the proposed 'dry zone' building are stated as approximately 43.79mAOD, therefore the building is likely to be inundated with flood water if the 1% plus climate change level is 44.00mAOD, as stated in the FRA.

The submitted FRA does not detail which return period is used as flood zone 3b, particularly as the guidance has changed since the previous submission. Table 1 in the PPG states that the functional floodplain comprises of land having a 3.3% or greater annual probability of flooding, however it is unclear from the FRA whether this has been taken into account and what evidence has been used to inform flood zone 3b within the FRA.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA which argue there will be no loss of storage. The FRA must clarify this.

Part B: Lack of clarity surrounding which climate change allowances have been used

The submitted FRA does not detailed whether the climate change allowances used to assess future flood risk are those included within the document 'Flood Risk Assessment: climate change allowances'.

The FRA does not detail the lifetime of the proposal. For a development of this size within Flood Zone 3 and a vulnerability classification of water compatible, we require the Central allowance to be assessed. The application does not state the percentage of climate change assessed added on to the 1 in 100 year event.

Overcoming our objection

Part A: Unclear/inadequate floor storage compensation proposals

To overcome our objection, the applicant must submit a revised FRA which demonstrates that the void design will be adequate to ensure that there will be no loss in flood storage capacity or displacement of floodwater on site. This includes floodplain

lost from all structures effected by the 1% plus climate change extent. It must detail how the voids will be maintained, by who and how often through a maintenance plan submitted by the applicant.

Additionally, the FRA should detail which return period has been used to determine Flood Zone 3b for the site. The PPG was revised in August 2022 and is Flood Zone 3b is now defined by the 3.3% probability event. Further detail is needed on what data has been used to assess the FRA, including which model, the year it was created and from what source. If this is sourced from us, the applicant must provide details on this. The most up to date data must be used and justified by the applicant. Void design and floodplain compensation should then be design using this data.

The applicant should also provide clarity regarding the contradictory statement (p.8) on whether the proposal 'will cause a loss' of floodplain storage.

Advice to Applicant: Void Criteria

Void design:

- Void openings should be a minimum of 1m long and open from existing ground level to at least the 1% annual probably (1 in 100 year) plus climate change flood level.
- There should be a minimum of 1m of open void length per 5m of wall.
- Void openings should be provided along all external walls.

User considerations:

- Signs should be in place to notify users of the susceptibility of flooding and flood warnings should be available to provide sufficient time for users to leave the site if necessary.

Maintenance:

- Voids must remain open and be regularly maintained.
- The applicant should provide a maintenance plan to ensure they remain open for the lifetime of the development.

Part B: Lack of clarity surrounding which climate change allowances have been used
To overcome our objection, the applicant should submit a revised FRA which has either used the climate change allowances recommended within the submitted document 'Flood Risk Assessment: climate change allowances' OR has sufficiently justified why different climate change allowances have been selected for use. The FRA must detail what climate change allowances have been used.

The applicant should also detailed the lifetime of the development, and use the climate change allowance appropriate for its lifetime.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

4.1.5.2 **Officer Comment:** Following receipt of the above comments, the applicant has been engaging with the EA and is in the process of providing an updated FRA to address the outstanding points raised by the EA.

4.1.6 TRDC Tree and Landscape Officer - [No comments received. Any comments provided will be verbally updated]

4.1.7 National Grid – [No comments received. Any comments provided will be verbally updated]

- 4.1.8 Hertfordshire County Council: Lead Local Flood Authority: No comments received; however, the LLFA were consulted in error. The application is not a major development and therefore should not have been consulted.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 4

4.2.2 No of responses received: At the time of writing, no responses had been received. Any responses will be verbally updated.

4.2.3 Site notice: Posted 03.04.2024 Expired: 24.04.2024.
Press Notice: Published: 12 April 2024, expired 3 May 2024.

5 Relevant Planning Policy, Guidance and Legislation

5.1 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.

5.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 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.

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, 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, DM8, DM9, DM11, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA5 is relevant.

5.3 Other

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

TRDC Asbestos Management Plan for Rickmansworth Aquadrome (AMP) (2023)

6 Reason for Delay

6.1 Submission of amended plans and obtaining consultation responses.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Core Strategy Strategic Objective 11 is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles. Policy DM11 of the Development Management Policies document seeks to protect open spaces, sport and recreation facilities, and the Site Allocations document allocates specific areas as open space.

7.1.2 The application site is part of the Aquadrome which is designated as open space by the Site Allocations document. Policy SA5 of this document advises that sites allocated as open space will generally be safeguarded as open spaces.

7.1.3 Policy PSP1 of the Core Strategy refers specifically to Rickmansworth and advises that development will 'maintain and improve biodiversity, recreational access and water sports facilities at Rickmansworth Aquadrome'.

7.1.4 Consent has previously been given under application 15/1650/FUL for the construction of new club house facilities for Bury Lake Young Mariners (BLYM). Tenders for the project were obtained but the due to finance resources it was only possible for the develop part of the project – the 'Wet Zone' and 'The Boathouse' which were both completed in May 2019. Thus, subsequent application 17/1870/FUL was submitted to vary the plans and the phasing plan to omit the 'Dry Zone' from the proposed scheme and to also amend the phasing plan for the timescale for completion of the works.

7.1.5 BLYM have now secured the finance to complete the redevelopment of the site and construct the 'Dry Zone'. This application proposes to construct the 'Dry Zone' exactly as previously approved submitted under application 15/1560/FUL. The proposed development would support the recreational use of the Aquadrome for water sports and would not compromise the open space designation of the area. Consequently, there is no in-principle objection to development of the nature proposed in this location.

7.2 Green Belt

- 7.2.1 The application site is within the Metropolitan Green Belt. 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 Belt are their openness and their permanence.
- 7.2.2 The NPPF at paragraph 154 states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development, with the exception of:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.2.3 The Framework further advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.2.4 Core Strategy Policy CP11 reflects this approach and 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 and Policy DM2 of the Development Management Policies document 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.
- 7.2.5 BLYM is a charity whose aims include the development of young people and those with disabilities and who have been operating from the site for 30 years. BLYM have already undertaken works to redevelop the site and improve the facilities; however, due to limited funding resources they previously had to omit the 'Dry Zone' from the phasing. Further funding has now been secured and the 'Dry Zone' would provide improved facilities to enable the club to continue to operate from the site to provide opportunities for water-based recreation including the provision of disabled facilities.
- 7.2.6 The proposed 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building on an area which is currently undeveloped area of marsh grassland. The new building would have an impact on the openness of the Green Belt through the introduction of additional built form. Notwithstanding this, the 'Dry Zone' formed part of the original application 15/1650/FUL and the impact of the development towards the Green Belt was previously found to be acceptable, given that it was regarded as an 'appropriate facility for

outdoor sport or recreation' and that along with the 'Wet Zone' they were designed in a way to minimise impact where possible, for example, through the inclusion of sedum roofs.

7.2.7 The development is considered an appropriate form of development in the Green Belt when considering 154(b) of the NPPF. Furthermore, the application proposes no alterations to the 'Dry Zone' when comparing it to the previously approved scheme. Thus, it is considered that the proposed development would not result in additional harm to the Green Belt when compared to the previously approved scheme. The development is considered acceptable in accordance with Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).

7.3 Impact on Character and Street Scene

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

7.3.2 The design and appearance of the 'Dry Zone' would remain as per the previous design approved under application 15/1650/FUL. The small scale of the development when viewed in the context of the wider Aquadrome site along with the use of cladding and render to the gable ends would reflect the materials used on the 'Wet Zone' building and other ancillary structures within the wider Aquadrome. The sedum roof proposed would further soften the appearance of the development.

7.3.3 As such, it is not considered that the proposed development would result in significant harm to the character or appearance of the Aquadrome or area and is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

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 The separation of the development from neighbouring occupiers would ensure that the development would not result in demonstrable harm to the residential amenities of any neighbouring occupiers and is therefore acceptable in accordance with Policy CP12 of the Core Strategy.

7.5 Access and Impact on Highway Safety

7.5.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to be integrated with the wider network of transport routes including public rights of way and cycle paths where appropriate.

7.5.2 The development would not affect access to the site from the highway network. This application is supported by a Transport Statement which states that as part of the Aquadrome facility, visitors to the BLYM use the existing car park adjacent to the café in the north-west corner of the Aquadrome site. There is also limited access for small numbers of vehicles, principally those providing transport for the disabled to access the site directly.

7.5.3 The statement adds further that the 'Dry Zone' will complement the existing 'Wet Zone' and 'The Boathouse'. The intention of the completed scheme is to provide improved facilities for the existing operation. The capacity of the development is limited by the number of boats which can be safely supervised on the water and the Transport Statement advises that the club is already operating at full capacity and that the proposal would not provide for additional numbers of sailors or helpers such that there would not be any appreciable

change to the number of visitors and vehicles to the site. The development is not therefore expected to result in any significant impact on the safety or operation of the surrounding highway network.

- 7.5.4 Core Strategy Policy CP10 also sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. However, these do not specify particular standards which would be applicable to development of the nature proposed.
- 7.5.5 Users of the existing facility currently use the main public car park within The Aquadrome, although there is provision within the application site for a small number of vehicles to provide more direct access for disabled members/visitors. Six parking spaces are available within the application site for this purpose; however, the existing public car park facilities would continue to provide adequate parking to serve the development.
- 7.5.6 The proposed development is therefore considered acceptable in accordance in accordance with Policy CP10 of the Core Strategy, Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Sustainability

- 7.6.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part C would continue to apply.
- 7.6.2 The application is supported by a Design and Access Statement prepared by Derek Lofty Associates dated 8th February 2024 (Ref: 13577/DFL) and appended to this statement is the original Design and Access Statement submitted as part of application 15/1650/FUL as the details contained in this are relevant to this current application. Energy saving would be achieved through the use of energy efficient measures and an Air Source Heat Pump (ASHP) similar to the 'Wet Zone'. In the case of the 'Wet Zone' the ASHP has been fitted to the west flank of the building. A condition is suggested to ensure that the development is implemented in accordance with the details contained with the supporting Design and Access Statement.
- 7.6.3 Thus, subject to the condition the proposed development is considered acceptable in accordance with Policy DM4 of the Development Management Policies LDD.

7.7 Flood Risk and Water Resources

- 7.7.1 Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding and should minimise flood risk through the use of sustainable drainage systems. This Policy also advises that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and in dealing with land contamination.
- 7.7.2 Policy DM8 of the Development Management Policies document sets out 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 and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution with sufficient surface water drainage. Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water, and will only be granted for development on sites where contamination may be an issue where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and there will be no adverse impact on the quality of local groundwater or surface water quality.

- 7.7.3 The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. This current application is supported by a Flood Risk Assessment (FRA). The Environment Agency (EA) were consulted on the submitted details.
- 7.7.4 The EA raised an objection to the proposed development stating that the submitted FRA does not adequately assess the development's flood risk. In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.
- 7.7.5 In light of the objection, the applicant has engaged with the EA and a revised FRA is being prepared to address the objection and a response from the EA will be verbally updated. The EA have informally advised officers that the outstanding matters can be reasonably overcome.
- 7.7.6 To provide some background, the EA were previously consulted on the original planning application in 2015. At the time, the EA initially raised an objection on similar grounds as they currently do now. That objection was later overcome by the provision of an updated FRA from the applicant containing calculations demonstrating the impact of the development on flood plain storage and therefore flood risk. The objection on flood risk grounds was later removed, subject to the inclusion of flood risk condition.
- 7.7.7 As such, officers anticipate that the latest objection from the Environment Agency in respect of this current application can be addressed.
- 7.8 Trees & Landscape
- 7.8.1 Policy DM6 of the Development Management Policies document 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. Planning permission will be refused for development resulting in the loss or deterioration of protected woodland, trees or hedgerows unless conditions can be imposed to secure their protection. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- 7.8.2 The application is supported by a Tree Survey, Arboricultural Impact Assessment and a Tree Protection Plan prepared by Simon Pryce Arboriculture dated 27th November 2023 (Ref. 23/077). The report concludes that no trees will be directly affected by the construction of the new building. There is a Cherry tree located within the far corner of the site, north of the 'Dry Zone' building which is shown to be protected on the during the course of the development as indicated on the Tree Protection Plan. A condition is suggested to secure this.
- 7.8.3 The Landscape Officer was consulted on the application, however at the time of writing no comments were received. Any comments received will be verbally updated. Nevertheless, officers consider that subject to a condition requiring tree protection measures to be installed prior to commencement of construction of the 'Dry Zone' the development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.
- 7.9 Contamination
- 7.9.1 Policy DM9 of the Development Management Policies LDD sets out that 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 It is known that asbestos is present within the aquadrome. The history of the source of the asbestos contamination is unknown; however, it is believed that there are potentially significant quantities of buried asbestos cement, textile, asbestos insulating board and other asbestos materials in the ground at the Aquadrome. For general day-to-day use, the Aquadrome poses no health risks to members of the public or other users.
- 7.9.3 The council has an Asbestos Management Plan (AMP) for the aquadrome which includes details on how Three Rivers District Council intends to:
- protect those working and visiting the site from asbestos cement materials (ACM).
 - protect those working on the site from ACMS.
 - effectively control any works likely to affect ACMS.
 - identify and categorise ACMS, and manage hazards based upon prioritisation and assessment of the risk that they present.
 - monitor and maintain the condition of identified ACMS that are assessed as being able to be left in-situ; and
 - remove ACMS where they present an actual perceived risk to health, via a prioritised programme of remediation.
- 7.9.4 The responsibility of asbestos falls within the remit of the council's Property Services Team who have advised that external contractors working at the premises will be required to follow the contractor sign in procedure and permit to work with the Grounds Maintenance Manager, which includes provision of a copy of the Asbestos Management Site Map, advice that the entire site is presumed to contain asbestos below the ground, the site is managed as a no dig zone, and advisory note regarding any suspect surface lying ACM debris to be reported, with the provisions of the AMP that the contractor must follow.
- 7.9.5 The Environmental Health Officer (EHO) was consulted on the application and any comments received will be updated verbally. A condition is attached regarding unexpected contamination and if any is found during construction, details of mitigation measures should be submitted to the local planning authority for consideration; however, this is subject to any comments received and further recommendations from the EHO.
- 7.10 Biodiversity
- 7.10.1 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.
- 7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.10.3 The Aquadrome is a Local Wildlife Site and part of the application site is also designated as a Local Nature Reserve. Policy DM6 also advises that development that would affect a Local Nature Reserve or Wildlife Site will not be permitted where there is an adverse impact

on the ecological, geological or biodiversity interests of the site unless it can be demonstrated that the need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

- 7.10.4 A Biodiversity Checklist and Preliminary Ecological Appraisal (PEA) prepared by Arbtech dated 18th December 2023. The PEA identified that the site contains an area of good quality wet Holcus-Juncus neutral grassland with ruderal vegetation. In addition, the site lies adjacent to Bury Lake which provides excellent aquatic habitat. The impact of the proposed development would result in the loss of approximately 200sqm of Holcus-Juncus grassland which could result in a net loss of in biodiversity at the site. As such, the PEA recommends that a Construction Ecological Management Plan (CEMP) is required to outline best practice measures to delineate the construction zone and to minimise the possibility of pollution and habitat damage during construction. A condition is suggested to secure submission of a CEMP prior to commencement of the development.
- 7.10.5 A second recommendation was to ensure retained trees/woodland/hedges are protected. As set out above in Section 7.8 a Cherry tree has been identified as the only tree in the vicinity of the proposed works which would be condition to be protected throughout the construction phase.
- 7.10.6 Herts Ecology were consulted on the application and raised no in-principle objection to the proposed development and support the recommendations set out in PEA and therefore recommend approval subject to the conditions requiring the submission of a CEMP and LEMP.
- 7.10.7 The development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.

8 Recommendation

- 8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and 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:
13577-100, 13577-101, 13577-102, 13577-103, 13577-104, 13577-105, 13577-106, 13577-107, 152003 – D – 02, 13577-108 REV-A and 23/077 (Tree Protection Plan).
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Green Belt and area in accordance with Policies PSP1, CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA5 of the Site Allocations LDD (adopted November 2014).
- C3 Before any above ground works, details and samples of the external materials to be used in the elevations and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. No external materials shall be used other than those approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the trees shown to be protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, as detailed within the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan 23/077.

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

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

- C5 Prior to the commencement of works to the dry zone building, details relating to the implementation, management and maintenance of the sedum roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The sedum roof shall be provided in accordance with the approved details prior to occupation of the dry zone building. Once provided, the sedum roof shall be maintained and retained at all times thereafter.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C6 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 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.

- C9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 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 £145 per request (or £43 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> Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 If European Protected Species (EPS) or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the

boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

- 15 The developer is reminded a permit to work is required from the landowner prior to the commencement of the works. A permit can be obtained from the council by contacting the Property Services Team via enquiries@threerivers.gov.uk. Any works must demonstrate compliance with the Asbestos Management Plan.





PLANNING COMMITTEE – 23 May 2024

24/0338/FUL – Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration at 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

Parish: Batchworth Community Council Ward: Moor Park and Eastbury
Expiry of Statutory Period: 28.05.24 (agreed extension) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on neighbouring amenity.

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

[24/0338/FUL | Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration. | 63 Eastbury Road Northwood HA6 3AP \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0338/FUL)

1 Relevant Planning

- 1.1 24/0304/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.55 metres, maximum eaves height 3.0 metres) - Withdrawn.
- 1.2 24/0313/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable roof extension, rear dormer window and front/rear rooflights; conversion of garage into habitable accommodation; additional flank window - Permitted.
- 1.3 24/0601/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.58 metres, maximum eaves height 3.00 metres) - Pending consideration.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the western side of Eastbury Road, Northwood. The application dwelling is a detached property finished in facing brickwork and painted render. To the front the property has a two storey front bay feature, porch and catslide roof feature. To the rear is a single storey rear projection.
- 2.2 To the front of the site is a block paved driveway and to the rear is a patio with the garden mostly laid as lawn.
- 2.3 The neighbour to the north at No.65 is a detached two storey dwelling. This neighbour is built of a similar architectural style and scale to the application dwelling. This neighbour is sited at a slightly lower land level to the application site and has an existing single storey rear extension.
- 2.4 The neighbour to the south at No.61 is a detached two storey dwelling. This neighbour is finished in beige and white painted pebble dash and has existing single storey rear projections. This neighbour is at a slightly higher land level to the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration.
- 3.2 The proposed part single part two storey rear extension would have an overall depth of 6.5m at ground floor and 2.2m at first floor. Both elements would extend the width of the application dwelling. The ground floor element would have a crown roof with a maximum height of 3.6m. The proposed two storey element would also form a crown roof set down 0.5m from the main ridge.
- 3.3 Loft accommodation is also proposed which would be served by a flat roofed dormer which would be inserted in the rear roofslope of the two storey extension. It would have a width of 2.4m, height of 2.4m and a depth of 2.5m. A rooflight is also proposed within the southern side roofslope and two rooflights are proposed within the front roofslope.
- 3.4 The existing garage would be converted into a study which would include the replacement of the existing garage door with a triple casement window.
- 3.5 A rear patio would be constructed across the width of the rear elevation which would have a depth of 3m and a height of 0.3m above ground level.
- 3.6 Amended plans have been received during the course of the application to reduce the height and depth of the two storey extension by 0.8m in depth and 0.2m in height, alter the rear dormer to a flat roof dormer and have a wider flat roof section to the ground floor element. Neighbours were reconsulted on the received amendments as owing to the larger expanse of crown roof to the ground floor level resulting from the reduced first floor, the highest point of the roof would be closer to neighbours than original proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council:

Initially made the following comment:

Batchworth Community Council has no objections to this application.

Upon re-consultation made the comments below:

Batchworth Community Council have no material objections to the plans per se but request a condition be imposed that before any work starts on the site, a full drainage and sewerage study be commissioned, and a report passed to and signed off by the planning officers.

The study must consider the increase in major storms that are now much more common. The surrounding roads in Eastbury are subject to severe surface water flooding and this in turn overwhelms the sewerage system causing raw sewage to erupt from the drainage system.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 7 (3 support and 5 objections)

4.2.3 Summary of objections:

- Flooding and drainage concerns
- Concerns regarding tree removal
- Loss of privacy
- Loss of light
- Overshadowing
- Impact on character of the area
- Dormer window not in keeping

4.2.4 Summary of supporting comments:

- Development under full planning preferable to permitted development
- In Flood Zone 1 – should not be refused on flood risk grounds

4.2.5 Site Notice: Not required

4.2.6 Press notice Not required

5 Reason for Delay

5.1 Committee cycle. Extension agreed.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

6.4 Other

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

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

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

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings.
- 7.1.3 The proposed rear extension would have a depth of 6.5m at ground floor level and 2.2m at first floor level. As such would exceed the guidance of Appendix 2 of the DMP LDD in relation to its depth at ground floor. Whilst some oblique views may be had of the two storey rear extension from the streetscene, given that it would be set in from the boundaries, in line with the existing flanks and would be set down from the main ridge with a hipped roof form it is considered that overall this element would appear as a subordinate addition to the host dwelling. Whilst it is noted that the proposed single storey element would exceed the guidance of Appendix 2 given that it would be set in line with the existing flanks with a single storey crown roof form it is not considered that when viewed in the context of the scale of the host dwelling or site that it would appear as a disproportionate addition. Whilst first floor level flat roofed sections are generally discouraged the proposed two storey crown would be set down from the main ridge and would not be excessive in scale such that it could be indicative of excessive increased bulk and massing. Whilst not directly comparable there are a number of extensions evident in the streetscene such that the proposed rear extension would not appear incongruous in its scale or form.
- 7.1.4 Appendix 2 of the DMP LDD outlines that dormer windows should appear subordinate to the host roof. The proposed rear dormer would be set in from all planes of the roof form of the two storey rear projection and overall would appear as a subordinate addition. Furthermore the proposed two casement window would respect the hierarchy of windows expected at upper floors.

- 7.1.5 The proposed flank and front rooflights would be readily visible from the streetscene however are not excessive in their scale or number and would be set flush within the roof plane. Additionally they would not appear incongruous within the residential setting of the locality.
- 7.1.6 Subject to the use of matching windows it is not considered that the proposed garage conversion would appear unduly prominent or incongruous within the residential setting of the locality.
- 7.1.7 The proposal also includes the erection of a raised patio which is not considered excessive in scale or an incongruous feature which would be at odds with the character of the locality as it is a feature often evident within a residential setting.
- 7.1.8 In summary it is considered that the scheme, as currently submitted, would not result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.3 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the rear elevation of No.61. Given this in addition to its siting set in from the boundary, in line with the main flank and roof form hipped away from the boundary and set down from the main ridge it is not considered that this element would result in unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.4 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the two storey rear elevation of No.65. It is noted that this neighbour is sited at a slightly lower land level however they do have an existing single storey rear extension. Given the lack of intrusion even with the two storey rear elevation, the siting of the extension set in from the boundary with a hipped roof form, set down from the main ridge it is not considered that it would result in such an overbearing impact or loss of light so as to result in demonstrable harm to their amenity.
- 7.2.5 Guidance contained within Appendix 2 of the Development Management Policies LDD (adopted July 2013) indicates that generally a 4m depth is considered acceptable for single storey rear extensions to detached properties, however, proposals should also be considered on their merits in relation to the specific site circumstances.
- 7.2.6 The proposed single storey rear extension would have an overall depth of 6.5m thus would exceed the guidance of Appendix 2 by 2.5m.

- 7.2.7 The proposed single storey rear extension would extend in line with the existing main flank closest to No.61 at a distance of approximately 0.9m from the boundary. Whilst the 4m guidance figure would be exceeded it is noted that the existing two storey rear of the neighbour projects deeper than that of the application dwelling. The proposed single storey rear extension would extend approximately 4.1m beyond this element which would only marginally exceed the 4m guidance. Given this in addition to the crown roof form of the proposed extension where the roof would hip away from the boundary, and spacing between both dwellings and the shared boundary, it is not considered that the proposed extension would give rise to unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.8 It is acknowledged that the neighbour at No.65 is sited at a slightly lower land level to the application site and that the extension would have a depth which, overall, exceeds the policy guidance by 2.5m. However this neighbour has an existing single storey rear projection in line with the flank facing the application site. The proposed extension would extend approximately 4m beyond the rear elevation of the neighbour's extension which would reflect the guidance figure. When considering this, that the proposed extension would be set in 1.4m from the boundary and would have a crown roof which would be hipped to the side and rear it is not considered that the proposed extension would result in demonstrable harm to the amenity of this neighbour by reason of an unacceptable overbearing impact or loss of light.
- 7.2.9 The proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflight conditioned to have a cill height of at least 1.7m above floor level in order to prevent unacceptable overlooking.
- 7.2.10 The proposed rear dormer would be set in from all planes of the roofslope and thus from both boundaries. Overall it is not considered that it would result in an unacceptable overbearing impact or loss of light. Whilst some additional views would be had towards neighbouring gardens these would be angled towards the rearmost sections of the gardens and is not considered to give rise to unacceptable levels of overlooking when compared with the existing first floor windows.
- 7.2.11 The proposed raised rear terrace would extend 3m beyond the rear elevation of the extended dwelling. However at a proposed height of 0.3m would generally not be considered to comprise development within the definitions set out within the Town and Country Planning Act therefore would not require express planning permission. In any event there is an existing degree of overlooking between properties from the existing garden which is not considered to be unduly exacerbated by the proposed rear patio.
- 7.2.12 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage could accommodate 3 cars thus would comply with the guidance of Appendix 5. It is noted that the proposal includes the loss of the existing garage however the site frontage is of sufficient size to meet the requirements of Appendix 5.

7.4 Rear Garden Amenity Space

- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Appendix 2 requires 147sqm to be provided for a six bedroom dwelling. The application site would retain approx. 335sqm of amenity space and as such would exceed the requirements of Appendix 2 in this respect.

7.5 Trees & Landscape

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 There is a TPO to the very rearmost part of the application site. However owing to the separation distances it is not considered that the proposal would result in any direct root severance. A tree protection plan would be required by condition to prevent materials being stored to the rear of the site.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

7.7 Flood Risk and Drainage

- 7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.7.2 The application site is within Flood Risk Zone 1 therefore at a low level risk of flooding. The site is also in a low risk zone for surface water flooding. In any event owing to the nature of the proposed development there is no statutory requirements for the LPA to require a flood risk assessment or drainage strategy. Furthermore a significant amount of soft landscaping would be retained and it is not considered that the extent of the extensions or rear patio would, in isolation, exacerbate existing flooding issues within the area. An individual application cannot be used to remedy existing issues within the locality.

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: PL-01, PL-02, PL-06 (Block plan)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

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

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes of the extension hereby approved.

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

- C6 The flank rooflight hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

- C7 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and

their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

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

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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

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





PLANNING COMMITTEE - (Thursday 23rd May 2024)

24/0426/FUL - Alterations to existing parking including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs at Street Record, School Mead, Abbots Langley, Hertfordshire

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 29.05.2024

Ward: Gade Valley
Case Officer: Lilly Varnham

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: TRDC is the applicant.

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

[24/0426/FUL | Alterations to existing parking including the provision of additional hardsurfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs. | Street Record School Mead Abbots Langley Hertfordshire \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 08/1130/FUL - District Council Application: Alterations to existing parking bays and installation of 33 grasscrete parking bays to edge of amenity space in School Mead. Permitted.
- 1.2 10/2486/FUL - District Council Application: Replacement of existing grasscrete parking bays opposite shopping parade within amenity space in School Mead with more durable asphalt construction. Permitted.
- 1.3 13/0388/FUL - District Council Application: Conversion of part of amenity area into parking bays (up to 17 spaces) and re-surfacing of existing parking area. Permitted.
- 1.4 13/1130/FUL - Works to School Mead open space including the introduction of surfaced pathways, additional benches, bins, play features and a 3.5m high canopy structure together with additional parking spaces. Permitted.

2 Description of Application Site

- 2.1 The application site comprises two parcels of land located on School Mead, Abbots Langley adjacent to the existing highway that currently provide parking. To the east is an area of allocated open space, encircled by the highway of School Mead.
- 2.2 There is a parade of shops to the west, a community centre and church to the south and a school to the east (Tanners Wood JMI), interspersed with residential properties. The open space is primarily laid to grass with some small trees around the edges of the area. Parking bays have been installed by the District Council to the eastern, southern and western edges of the amenity area with a timber knee rail separating these from the green itself. This application relates to those bays sited on the western edge of this open space. A footpath runs long the northern edge of the area, adjacent to Hazelwood Lane.

- 2.3 The first area subject of this application relates to an area adjacent to the highway on School Mead where there are a number of existing hardstanding parking bays (opposite Green View Court) serving the existing shops. These existing bays are orientated parallel to the road. There is an existing knee rail fence between the parking bays and open space to the east. It is understood that the bays are currently timed restricted by an existing Traffic Regulation Order (TRO).
- 2.4 The second area is to the west of School Mead where there is an existing area of hardened verge comprised of a plastic grid base on the corner of School Mead adjacent to No. 15a Hazelwood Lane of approximately 21m in length.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for alterations to existing parking including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs.
- 3.2 The existing plastic grid on the corner with Hazelwood Lane (described as area 2 above) is proposed to be replaced by a new hardened grasscrete verge (Marshall's earth brown Grassguard (Grasscrete)). The dimensions of these three bays are proposed to be retained as existing.
- 3.3 The area of hardened verge opposite the shops (described as area 1 above) is proposed to be replaced by a new hardened grasscrete verge (Marshall's earth brown Grassguard (Grasscrete)). Whilst the length would be retained at approximately 52m as existing, the depth would be increased to the east by approximately 3.75m to a total depth of approximately 6.4m. This is to enable the cars to park perpendicular, increasing the number of spaces available, resulting in a net gain of 12 spaces. A narrow strip of proposed tarmac surfacing would separate the western edge of these bays from the adjacent to the highway. Each individual bay will be demarcated using Bodpave White Markers and it is understood from the submitted application form that 48m of new precast concrete kerb would be installed as part of the proposal.
- 3.4 The existing knee railing would be replaced by 32 timber bollards of 0.9m height. The bollards would be spaced along the edge of the public open space from Hazelwood Lane to the edge of the new parking bays on School Mead. Installed in the same location as the existing knee railing, the bollards would have a red reflective strip.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: Members welcome the extra spaces and the replacement of the bollards which are falling down. Members acknowledge that parking restrictions are not a formal part of this planning application, however, if this application is approved Members request a full consultation with residents before any parking regulations are applied to these spaces.
- 4.1.2 Hertfordshire County Council – Highway Authority:

Location

School Mead, Abbots Langley Hertfordshire

Application type

Full Application

Proposal

Alterations to parking including addition of parking spaces and installation of timber posts and kerbs.

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.

Comments

The proposals are located on School Mead, Abbots Langley. School Mead is designated as a unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposed rearranged and additional car park spaces opposite the shops are located on land which is not highway maintainable at public expense. The proposed hardened verge is part of the highway maintainable at public expense.

In order for the overall scheme to be considered acceptable, HCC as Highway Authority would recommend that amended / updated plans are submitted taking the following points into account:

1. Improved accessibility and permeability for pedestrians between the proposed extended parking area and the shops AND between the School Mead amenity area and the existing parade of shops. There are no proposed pedestrian crossing point(s) (with pedestrian dropped kerbs and associated necessary infrastructure e.g. tactile paving) opposite one another on both sides of the School Mead carriageway. A break in the length of the 15 proposed parking spaces would therefore be recommended which would reduce the overall length of the new vehicular access onto the highway (and also the length in which peds would need to walk in front of the parking spaces) and have the potential to provide the aforementioned pedestrian crossing point(s). The development would present an opportunity to provide this and would be necessary to ensure that any proposals are in accordance with the National Planning Policy Framework (NPPF) and LTP4, specifically Policy 1: Transport User Hierarchy and Policy 5 : Development Management.
2. An additional and appropriate level of cycle parking to promote cycling as a sustainable form of travel to and from the the local shops in accordance with NPPF and LTP4, specifically Policy 1 and Policy 5. A similar proportion of increase in cycle parking provision when compared to the level of increased car parking provision would be deemed to be reasonable.
3. Consideration as to removing the hardened verge parking from the proposals on School Mead. Whilst it is acknowledged that vehicles currently park on this land, this land is part of the highway and therefore it would be recommended that this land be reinstated to a grass (with also the potential for a new tree). It has not been demonstrated that these car parking spaces would be required when taking into account the proposed additional car parking spaces on the east side of School Mead.

4. An appropriate level of electric vehicle charging (EVC) provision to ensure accordance with LTP4, Policy 5h and any TRDC parking standards in this respect.

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused in its current form. Further consideration would need to be given to improving the sustainable access to and from the proposed additional / rearranged car parking spaces and associated works. This is to ensure that the overall proposals are provided in accordance with the NPPF and LTP4.

4.1.3 National Grid:

Your planning application – No objection, informative note required

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

What you need to do

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

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

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

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

Your responsibilities and obligations

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

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

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where

prohibited by the law nor does it supersede the express terms of any related agreements.

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

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 44 No of responses received: 4

4.2.2 Site Notice Displayed: 09/04/2024, Expired: 30/04/2024

4.2.3 Press notice: [Not Required]

4.2.4 Summary of Responses:

- Any 2024 change to the car parking in front of GVC flats and shops must logically have the same ratio of timed and untimed parking spaces as it had from 2008 to 2024.
- Omission in current application and letter sent to residents as to whether the new car parking would be on an time/untimed or split of timed and untimed must be considered a deliberate omission. This alone should be enough to require reissue or correction of the planning application.
- Increasing spaces a good idea, but object to paid for parking detrimental to value of properties. GVC has 24 flats with no off street parking spaces allocated, rented or owned.
- Welcome more spaces but not on fee basis.
- People rented and bought flats as they knew there were free spaces close to the door.
- Object to phrase “TRO for parking to prevent all day residential parking” – hidden in online version and omitted in letter sent to residents. Letter to residents presents “more and better parking” hides that it means less places we or visitors can park overnight.
- Second objection if it indeed means time limits.
- Increased parking good idea but need to keep in mind needs of residents above shops.
- No free parking will affect price of flats, not easy to park in nearby roads.

Officer Comment – Comments from the neighbours are noted. As part of the pending planning application the LPA will be assessing the ‘alterations to the existing parking bays including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs’ only.

In the event that planning consent were to be granted the LPA would not be restricting usage of the bays as part of the planning process. This process is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation. This process, however, is separate to the planning process and therefore cannot be considered as part of this current application.

5 Reason for Delay

5.1 No Delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 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 Plan

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

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

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

6.3 Other

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

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

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

7 Planning Analysis

7.1 Impact on Character and Street Scene

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

7.1.2 The existing grasscrete bays immediately adjacent to the highway with Hazelwood Lane are currently in a poor condition. This proposal seeks to upgrade the grasscrete by replacing its current surface with a new hardened grasscrete verge. This proposed surface is not dissimilar to other areas of hardened grasscrete used on the eastern and southern part of School Mead. Whilst the comments of the Highways Officer are noted, given that the development seeks to upgrade the existing situation and that these bays are currently utilised for vehicular parking, it would not be considered reasonable as part of this application to request that the verge be reinstated or that a new tree be planted. The existing open space to the centre of School Mead is considered to provide high amenity value to the streetscene and it is not considered that the proposed hardened verge in this location would be detrimental to the street scene or area.

7.1.3 The existing bays opposite the shops are proposed to be replaced with an increase to the depth of the parking area such that vehicles can park perpendicular to the highway, resulting in an increase in the number of spaces provided. Whilst the spaces would extend into the existing open space, the encroachment would be limited (3.75m) such that it is not considered to result in demonstrable harm to the character or appearance of the street scene or area with the majority of the existing open space falling outside of the application site and therefore unaffected by the proposed development.

7.1.4 Whilst it is acknowledged that the increased depth and denotation of the parking bays would alter the current layout on this side of School Mead it is not considered that this in itself would give rise an incongruous form of development, given that this layout of bays is evident throughout School Mead and in front of the existing shops.

7.1.5 The existing knee railing would be replaced by 32 timber bollards. The bollards would be spaced along the edge of the public open space from Hazelwood Lane to the edge of the new parking bays on School Mead. The timber bollards would be installed in the same location as the existing knee railing. Given that the bollards would be replacing the existing knee railing and that these would be installed following the same line and layout as the existing it is not considered

that this would result in harm to the character of the streetscene. The timber bollards will ensure that the existing open space is safeguarded.

- 7.1.6 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the application site, streetscene or area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy (adopted 2011).

7.2 Impact on amenity of neighbours

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

- 7.2.2 Policy DM9 sets out that new development should not result in adverse impacts by virtue of noise pollution or air pollution levels.

- 7.2.3 The nearest neighbouring residential properties are the residents of Green View Court who reside above the existing parade of shops on the opposite side of the highway. The concerns expressed by the residential neighbours are noted, as set out above the concerns that relate to the restriction of the use of the bays do not form part of the assessment of this planning application. In the event that consent were granted, any restriction on the usage of the bays is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation which is separate to the planning process and therefore cannot be considered as part of this current application.

- 7.2.4 Considering the proposal, it is not considered that the proposal would result in demonstrable harm to the residential amenities of the occupiers of the residential or commercial properties in School Mead given the existing use and separation that would be maintained. The alterations to the bays on the western edge of the amenity space are on the opposing side of the highway to the residents of Green View Court and given that the bays proposed would replace the existing bays it is not considered that this would give rise to harm to amenity.

- 7.2.5 The grasscrete bays adjacent to Hazelwood Lane are sited closest to the neighbours at No. 15 Hazelwood Lane. Given that the public footway would be retained between the proposed grasscrete bays and the boundary with this neighbour and that there are existing parking spaces in this location, it is not considered that this would give rise to harm to the residential amenities of the occupiers of this neighbouring dwelling.

- 7.2.6 In summary it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policy DM9 of the DMP LDD in this respect.

7.3 Highways, Access and Parking

- 7.3.1 The NPPF (para. 115) advises that; '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

- 7.3.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.

- 7.3.3 Parking within School Mead is currently available to the front of the existing shops and to the eastern, southern and western edge of the open space. The existing spaces to the eastern and southern edge allow vehicular parking perpendicular to the road, which is what the proposal and upgrade to the existing parallel bays to the west seeks to achieve. Increasing the depth of the existing bays to the western edge of the open space will allow for a net gain of 12 spaces by allowing vehicles to park perpendicular to the highway rather than parallel as per the existing arrangement. It is considered that having a perpendicular layout may help to alleviate some parking pressures adjacent to the shops that were observed during the officer site visit and the provision of additional spaces is therefore supported.
- 7.3.4 It is noted that the Highways Authority (HA) have raised an objection to the application, including on the basis that the application presents an opportunity to improve the accessibility and permeability for pedestrians between the extended parking area and the shops and between the amenity area and the shops. Whilst it is acknowledged that the HA has suggested a break in the proposed parking spaces to allow for a pedestrian crossing, it is also noted that the overall length of the parking area is not increasing beyond that of the existing situation and therefore it is not considered a reasonable requirement given there would be no change to the existing arrangements in this respect. The depth is proposed to increase to allow for cars to park at a different angle to the current situation enabling further spaces to be provided. Whilst there is an existing pedestrian path running through the amenity space, the existing spaces on the western edge of School Mead (outside the application site) do not currently benefit from a formalised pedestrian crossing point that aligns with this and it is not considered reasonable to request that the applicant provides a formal crossing point, nor is it considered reasonable to refuse planning permission on this basis.
- 7.3.5 Whilst a new crossing is not proposed as part of this application, in response to the comments from the HA the applicant has advised that there is opportunity to consider relocating the paved/asphalt island on the existing hardstanding on the side of the highway where the parade of shops is sited to align with the existing pathway that provides access through the amenity space, providing an aligned point on both sides of the highway. However, as this does not form part of this current application and is outside of the applicant's ownership, alterations to the existing island would need to be pursued separately with Hertfordshire County Council as this area is an adopted highway.
- 7.3.6 The HA has also suggested that there should be an increase in cycle parking provision. TRDC parking standards include cycle parking standards, however, these are based on the creation of additional floorspace (whether that be commercial or residential). In this case no built development is proposed that would generate a requirement for additional cycle provision and it is therefore not included as part of this application. However, the applicant notes the comments/recommendation from the HA and has advised that they will provide additional cycle parking (Sheffield stands) on the large, paved area adjacent to the south side of the shops. This area of land falls outside of the application site boundary, and as does not form part of this current application, however, officers suggest that an informative is included in relation to the future provision of cycle parking in this location.
- 7.3.7 As noted in the character section above, the HA has commented that the existing grasscrete bays adjacent to Hazelwood Lane should be reinstated as grass. The existing grasscrete bays are currently in a poor condition as observed during the

officer site visit, and given that the bays are existing and that this application would replace the material with a new grasscrete it would not be considered reasonable to request that this be reinstated to grass. The applicant has advised that space to the northern edge of the grasscrete bays has been identified with the potential for planting, this does not however form a part of the assessment of this application, and whilst some benefit would be had by restoring this area to grass, the proposal seeks to better the existing situation, and there is considered to be sufficient amenity space retained to the centre of School Mead where a number of trees are present.

- 7.3.8 The HA have also requested than an appropriate level of electric vehicle charging (EVC) be provided. Policy DM13 of the Development Management Policies LDD (adopted July 2013) sets out that *“the council strongly acknowledges the need to reduce the use of high emission vehicles and therefore in accordance with national policy, will seek to encourage the use of lower emission vehicles, particularly through the incorporation of plug-in points for such vehicles”*, however, the existing policy does not include a requirement for EV charging.
- 7.3.9 In any case it is not considered reasonable to request that the applicant provides EVC given that the proposal seeks to provide betterment to the current situation within School Mead by way of increasing the depth of the existing bays which in turn has resulted in a net gain in spaces. It is understood from the applicant that TRDC are working with HCC on the provision of EVC within the District, but that initially this is focused on major retail centres.
- 7.3.10 Policy DM8 outlines that development will only be permitted where it would not unacceptably exacerbate risk of flooding. The proposed new surface is shown on the proposed plans to be permeable (grasscrete) and there is also provision of soft landscaping surrounding the development in order to intercept any additional surface water run-off.
- 7.3.11 In summary, the proposal would provide additional parking and is not considered to result in harm to vehicle or pedestrian safety and would be of an appropriate material to ensure disposal of surface water run-of. The proposal would therefore be in accordance with Policies CP10 of the Core Strategy (adopted July 2013) and Policy DM8 of the DMP LDD (adopted July 2013).

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of

protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The application site is not located within the Conservation Area. There are however a number of trees located within the area of allocated open space, however these are not protected by any Tree Preservation Orders nor is it considered that any of the existing trees would be affected as a result of the proposed development.

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: VH02-EBP-V2, VH02-PBP-V2

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the first use of the development hereby permitted the parking spaces to the western edge of the School Mead amenity area shall be physically marked on the ground with Bodpave White Markers as more particularly shown on plan number VH02-PBP-V2 and as indicated within the submitted application form.

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

C4 The parking spaces hereby permitted shall be constructed using a permeable surface as more particularly set out on plan number VH02-PBP-V2.

Reason: To prevent unacceptable levels of surface water run-off in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

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

- 11 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 £145 per request (or £43 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>

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- I5 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- I6 The applicant is requested to explore the provision of additional cycle parking stands at School Mead.

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Example of Existing Grasscrete at Southern end of School Mead

