

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, WD3 1RL on Thursday 26 May 2022 at 7.30pm

Members of the Planning Committee:-

Councillors:

Steve Drury (Chair)
Raj Khiroya
Chris Lloyd
Sara Bedford
Stephen King
David Raw

Matthew Bedford (Vice-Chair)
Ruth Clark
Lisa Hudson
Stephanie Singer
Philip Hearn

*Joanne Wagstaffe, Chief Executive
Tuesday, 17 May 2022*

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

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to register to speak are asked to advise the Committee team by e-mail (CommitteeTeam@threerivers.gov.uk) 48 hours before the meeting if possible or can arrive on the night from 7pm. One person can speak in support of the application and one against. Registering 48 hours before the meeting allows the Committee Team time to prepare the speaker sheet in advance of the meeting.

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

For those wishing to observe:

Members of the public are welcome to attend the meetings. You can request a place as an observer by contacting the Committee Team by email at CommitteeTeam@threerivers.gov.uk 48 hours in advance of the meeting taking place if possible or arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The Planning Committee meeting will not be broadcast/livestreamed but a recording of the meeting will be available after the meeting.

1. APOLOGIES FOR ABSENCE

2. MINUTES

To confirm as a correct record the Minutes of the Planning Committee meeting held on 21 April 2022.

3. 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.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest.

PLANNING APPLICATIONS

The following applications (agenda items 5 to 12) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual reports.

- 5. 22/0227/FUL: DEMOLITION OF A PAIR OF SEMI-DETACHED BUILDINGS AND ERECTION OF TWO PAIRS OF THREE STOREY SEMI-DETACHED DWELLINGS TO ACCOMMODATE 4X3 BEDROOM DWELLINGS WITH ASSOCIATED ALTERATIONS TO VEHICULAR ACCESS AND PROVISION OF LANDSCAPING AND PARKING AT 167-169 HAMPERMILL LANE, OXHEY HALL, WATFORD, HERTS, WD19 4TF** (Pages 9 - 52)
- 6. 22/0242/FUL - GARAGE CONVERSION AND ALTERATIONS TO EXISTING ROOF, LOFT CONVERSION INCLUDING INCREASE IN RIDGE HEIGHT, HIP TO DUTCH HIP ROOF ENLARGEMENT AND FRONT DORMER WINDOW, FRONT ROOFLIGHTS, PART SINGLE, PART TWO STOREY REAR EXTENSION, FRONT PORCH AND ALTERATIONS TO FENESTRATION AT 120 WHITELANDS AVENUE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5RG.** (Pages 53 - 64)
- 7. 22/0375/FUL - PART SINGLE, PART TWO STOREY SIDE EXTENSIONS, SINGLE STOREY REAR EXTENSION AND CONNECTION OF OUTBUILDING TO MAIN DWELLING, LOFT CONVERSION INCLUDING EXTENSION TO ROOF, INCREASE IN RIDGE HEIGHT AND INSTALLATION OF FRONT AND REAR DORMERS AND CONSTRUCTION OF RAISED TERRACES (AMENDMENTS TO PLANNING PERMISSION 20/0589/FUL) AT PIMLICO HOUSE, HYDE LANE, NASH MILLS, HP3 8SA** (Pages 65 - 74)
- 8. 22/0394/FUL: LOFT CONVERSION INCLUDING SIDE DORMER WINDOW** (Pages

- AND FLANK ROOFLIGHTS AT 23 LEWES WAY, CROXLEY GREEN, HERTFORDSHIRE, WD2 3SN** 75 - 84)
9. **22/0414/RSP: PART RETROSPECTIVE DEMOLISH EXISTING GARAGE AND CONSTRUCTION OF SINGLE STOREY AND TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, FIRST FLOOR REAR EXTENSION AND ALTERATIONS TO ROOF TO INCLUDE INCREASE IN RIDGE HEIGHT AT 23 LEWES WAY, CRXOLEY GREEN, HERTORDSHIRE, WD2 3SN** (Pages 85 - 96)
10. **22/0424/FUL - CHANGE OF USE FROM CLASS E TO A NAIL PARLOUR (SUI GENERIS) AT 36 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AR**
11. **(11) 22 05 26 PC I - 22-0480-FUL - 128 BALDWINS LANE - CROXLEY GREEN** (Pages 97 - 106)
12. **22/0491/FUL - THE PROVISION OF NEW SOUND STAGES, WORKSHOPS, PRODUCTION AND POST-PRODUCTION OFFICES, STUDIO SUPPORT FACILITIES (INCLUDING NEW WELFARE AND CAFÉ BUILDING) AND NEW ROUNDABOUT TO PROVIDE VEHICULAR ACCESS TO THE STUDIOS AND ISLAND SITE; THE CONSTRUCTION OF DECKED CAR PARKING AND A PEDESTRIAN FOOTBRIDGE (ISLAND SITE); THE USE OF LAND TO THE WEST OF THE STUDIOS FOR FILM PRODUCTION AND ASSOCIATED ACTIVITIES (BACKLOT 2); ECOLOGICAL IMPROVEMENTS TO EXISTING FIELD (LOWER FIELD) TOGETHER WITH SITE-WIDE LANDSCAPE AND NECESSARY UTILITIES AND INFRASTRUCTURE WORKS, BUND CONSTRUCTION, AND GROUND RE-PROFILING AT WARNER BROS. STUDIOS LEAVESDEN, WARNER DRIVE, WATFORD, HERTFORDSHIRE, WD25 7LP** (Pages 107 - 166)
13. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**
14. **EXCLUSION OF PRESS AND PUBLIC**

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

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 to 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

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

Background Information

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

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)

- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
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- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

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General Enquiries: Please contact the Committee Team at

committeeteam@threerivers.gov.uk

PLANNING COMMITTEE - 26 MAY 2022

PART I – DELEGATED

5. **22/0227/FUL: Demolition of a pair of semi-detached buildings and erection of two pairs of three storey semi-detached dwellings to accommodate 4x3 bedroom dwellings with associated alterations to vehicular access and provision of landscaping and parking at 167-169 HAMPERMILL LANE, OXHEY HALL, WATFORD, HERTS, WD19 4TF (DCES)**

Parish: Watford Rural
Expiry of Statutory Period: 31 May 2022

Ward: Oxhey Hall and Hayling
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted subject to conditions and following the completion of a Section 106 Agreement.

Reason for consideration by the Committee: The application has been called in by the Head of Regulatory Services.

1 Relevant Planning History

- 1.1 19/2146/FUL: Demolition of existing buildings and the erection of a part two, part three storey buildings with basement to accommodate 9 residential flats (4 x 1 bed, 2 x 2 bed, and 3 x 3 bed) with associated alterations to site access and provision of landscaping, parking and refuse storage. Application refused 13.01.2022 for the following reasons:

The proposed development by reason of its excessive width, depth, design and significant bulk and massing would result in an incongruous, contrived and uncharacteristic form of development which would appear excessively urbanising and excessively prominent, detracting from the visual amenities of Hampermill Lane. This would 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).

The proposed development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011)

In the absence of a S106, the development would fail to make sufficient contributions to towards infrastructure. The failure to make sufficient contributions would result in harm to pedestrian safety through insufficient opportunities for pedestrians to safely cross Hampermill Lane, and would fail to maximise sustainable travel options and thus would be contrary to Policies CP8 and CP10 of the Core Strategy (adopted October 2011).

In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on existing trees of visual importance. Therefore necessary consideration and appropriate mitigation cannot be given to mitigate the adverse impact of the development on these 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).

Appeal dismissed.

- 1.2 21/2090/FUL: Demolition of a pair of semi-detached buildings and erection of two pairs of three storey semi-detached dwellings to accommodate 4x3 bedroom dwelling with

associated alterations to vehicular access and provision of landscaping and parking. Application refused 21.12.2021 for the following reasons:

The proposed development by reason of its scale, bulk and design incorporating flat roofs would appear as an unsympathetic and obtrusive form of development which would result in a contrived and unduly prominent form of development uncharacteristic of and harmful to the character and appearance of the street scene. 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).

The serve the development which would result in an increase in pressure for parking outside of the application site to the detriment of highway safety, the character of the area and residential amenity. There would also be an over reliance on private garages to provide parking which may not be retained in perpetuity, thereby further exacerbating the parking shortfall. The site is not considered to be an accessible location where a shortfall against standards may be acceptable and occupiers of the development would be reliant on private cars. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

Appeal lodged.

2 Description of Application Site

- 2.1 The application site contains an existing pair of semi-detached dwellings located to the south side of Hampermill Lane, Oxhey Hall. The streetscene generally consists of residential dwellings which vary in terms of size and architectural design. The existing dwellings occupying the site are currently vacant and are in a poor state of repair. They are of identical design and have Dutch hipped projections to the front, side and rear elevations.
- 2.2 It is noted that the dwellings on this side of the highway are set at an elevated position in relation to the adjoining highway, with the rear gardens sloping up to the rear boundary, and up to the eastern boundary. To the west of the site is an existing footpath, which is set a lower land level relative to the site itself; beyond the footpath is an area of open land which is designated as Metropolitan Green Belt. The boundary with the adjacent footpath is screened by significant vegetation. There is currently no off street car parking provision.
- 2.3 The building line in this location is staggered with the existing dwellings set back from the neighbouring dwellings, no.161-163 to the east of the site. It is noted that the existing dwellings have single storey projections to the rear with mono pitched roof forms. The adjacent neighbour at no.163 appears to have been previously extended with a single storey rear conservatory. These neighbouring dwellings are set at an elevated land level relative to the adjacent highway.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the pair of semi-detached dwellings and erection of two pairs of three storey semi-detached dwellings (4 dwellings in total), with associated alterations to vehicular access and provision for off street car parking and landscaping.
- 3.2 The proposed dwellings would form two, pairs of semi-detached dwellings which would be sited in a stepped building line, fronting Hampermill Lane. Unit 1 would be set back from the frontage by approximately 9.4m with Unit 4 being set back from the highway by a maximum distance of approximately 18.5m. Unit 1 would be set 1.8m from the flank boundary with the adjacent residential property to the east with Unit 4 being set in from the flank boundary by approximately 1.5m. A distance of 2.4m would be retained between Units

2 and 3. In terms of height, the dwellings would be three storey in appearance with Units 1 and 2 having a maximum height of 10.5m (taken from the front elevation), and Units 3 and 4 having a height of 10.5m.

- 3.3 Unit 1: This dwelling would be located to the eastern side of the site and would have a width of 7.5m. It would have a stepped depth of 10.1m and a maximum depth to the rear of the family room which adjoins Unit 2 of approximately 13.8m. A recessed terrace would be provided at first floor level, which would be screened by the flank wall of the existing dwelling. Beyond the rear of the dwelling would be a rear garden with a maximum depth of 28.5m, and an area of approximately 227 square metres including the proposed patio area. The dwelling would have three off street car parking spaces, one of which would be provided within the integral garage.
- 3.4 Unit 2: The front elevation of the dwelling would be set back relative to the front wall of Unit 1 by approximately 3.5m. It would have a width of approximately 6.2m and a maximum depth of 13.8m. A recessed terrace would be provided at first floor level and would be screened by the flank walls of the dwelling. The rear amenity space would have a maximum depth of approximately 21m, with an area of approximately 158square metres including the patio area. The dwelling would have three off street car parking spaces, one of which would be provided within the integral garage and one would be provided to the side of the unit and one to the front.
- 3.5 Unit 3: This dwelling would have a maximum width of 6.5m and a depth of 13.8m. It would sit back relative to the front elevation of Unit 2. A recessed terrace would be provided at first floor level and would be screened by the flank walls of the dwelling. The rear amenity space would have a maximum depth of approximately 12m, with an area of approximately 84 square metres including the patio area (the area to the side has not been included as a useable amenity area). The dwelling would have three off street car parking spaces, one of which would be provided within the integral garage.
- 3.6 Unit 4: The front elevation of Unit 4 would be set back from the front elevation of Unit 3 by approximately 4.1m. Unit 4 would have a maximum width of 6.1m and a depth of 13.8m. A recessed terrace would be provided at first floor level. In addition, a terrace is proposed at second floor level which would be screened from Unit 4 by a screen with a maximum height of 2.2m. The rear amenity space would have a maximum depth of approximately 7.3m, with an area of approximately 151square metres including the patio area and area to the side of the dwelling. The dwelling would have three off street car parking spaces, one of which would be provided within the integral garage.
- 3.7 The main differences between the current application and that previously refused is the change in roof form from flat to a pitched roof form to each dwelling, and an increase in height to facilitate this. Units 1 and 2 would increase from a maximum height to the front elevation of 9.8m to a height of 10.5m, with Units 3 and 4 increasing in height from 9.4m to 10.4m. In addition, further off street car parking provision has been provided to the frontage.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: No comments received.

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

In order for the Highway Authority to assess this application thoroughly, swept path analysis drawings are requested. A similar application was submitted under reference 21/2090/FUL, and the current application has increased the parking at the site in accordance with Three Rivers District Council parking standards. The increase in parking spaces means that it is unclear if all parked vehicles would be able to manoeuvre within the site to allow them

egress the site in forward gear. Due to the classification of the road, it would be preferred if vehicles egressed the site in a forward gear to ensure suitable visibility from the access is possible.

Officer comment: Details clarified by the applicant and the following comments received from Herts Highways:

Decision: Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1) Existing Access – Closure

Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number 14446-SP001-E only. Any other access or egress shall be permanently closed, and the kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

2) New Access

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 14446-SP001-E 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).

3) Electric Vehicle (EV) Charging Point

Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

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

4) Construction Management Plan / Statement

No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;

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

5) Surface Water

Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy CP10 of the Core Strategy

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

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

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway

Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Comments/Analysis: It is to be noted a similar scheme was previously deemed acceptable by the Highway Authority under reference 21/2090/FUL and 19/2146/FUL.

Site and Surroundings; Hampermill Lane is a classified A main distributor road subject to a 30mph speed limit which is highway maintainable at public expense. The site is located to the south west of central Watford. The closest bus stop to the site is approximately 280m from the site and is served by the W20 and W21 buses to Holywell, North Bushey and Watford. The nearest train station is Bushey which is approximately 2.1km from the site and is served by the London Overground to Watford Junction and Euston or West Midlands trains to Euston, Watford Junction and Tring. Therefore, the Highway Authority are satisfied the site is in a sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking: The amended plans show that the existing access at the site from Hampermill Lane is to be closed and a new access to be created. The new access has a suitably sized VXO which measures at 7.2m, this will be made up of 6 flat kerbs and 2 ramped kerbs, as shown in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Figure 4.1.14.1. The visibility from the access must be 2.4m x 43m, this splay has been shown to be clear from the new access within drawing number SK03 Rev C and via satellite imagery. There have not been any collisions fronting the former access within the last 5 years but it can be noted there have been 7 collisions within the last 5 years on Hampermill Lane between the site and Brookdene Avenue.

Parking is a matter for the LPA, but HCC would like to comment that this proposal increases the number of parking spaces from previous applications and there are a total of 8 parking spaces on the hardstanding of the site and each dwelling has a garage which can be counted as a further parking space. The garages are also where the cycle storage for each dwelling is located. Within the Transport Statement, it is stated that there is the capacity to install electric vehicle charging points in each of the garages. EV charging points should be included, as per the above condition, to ensure that the development is in line with Three Rivers District Council emerging standards which state that there should be 1 active charging point per dwelling.

Swept path analysis drawings have been provided as part of the Transport Statement. The Highway Authority is satisfied that the parking spaces are all accessible overall, some potentially requiring further movements. But the LPA as the parking authority may wish to revise the top left drawing on drawing number SK05(2) Rev B as it appears to show a vehicle colliding with another which is parked in space number 6.

Surface Water: The Government's flood risk maps for planning indicate parts of the nearby carriageway to be at a high risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>. Therefore, a drainage solution from the new dwellings and the driveway which removes the risk of expelling surface water onto Hampermill Lane should be provided to ensure flood risk does not increase.

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 location and that residents must not have to carry bins over 30m to the collection point. No details of the location of the refuse storage have been shown on the site plan, drawing number 14446-SP001-E. However, with the location of the new access all of the front of the dwellings are within this 25m.

Construction Management Plan (CMP): Due to Hampermill Lane being a main distributor road which HCC considers to be traffic sensitive from Monday to Sunday from 06:00 to 20:00, a CMP has been requested. The frontage of the site is also quite small, so details of what size vehicles and how they enter and egress the site should also be submitted. Details should be provided as per the condition to ensure that the demolition and construction does not impact upon the highway carriageway.

Conclusion: HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

- 4.1.3 Herts Ecology: [No objection: No comments received at the time of this application. However, the comments received at the time of the previous application are viewed to be applicable]

Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. The application site comprises two semi-detached dwellings, a separate toilet block, and good-sized gardens with plenty of trees. Garden vegetation is unmanaged and overgrown, and the buildings are unoccupied and in a state of disrepair. The site is on the edge of Watford, close to open countryside; and to the south lies the extensive 'South Oxhey Playing Fields' with mixed grassland and woodland habitats.

We previously commented on development proposals at this address in August 2019 (pre app) and January 2020 (full app). I am pleased to see ecology surveys have been updated this year and a Protected Species Report, August 2021 prepared by CSa Environmental has been submitted in support of this application.

Bats: Two bat roosts had previously been confirmed in the semi-detached dwellings. No new roosts were identified this year; however a protected species licence will be required for the roosts identified in 2019 to proceed lawfully with the proposed works (which include demolition). Suitable mitigation, compensation and enhancements have been provided to safeguard bats and ensure their conservation status is maintained. It is acknowledged that a European Protected Species (EPS) licence will be required, and I have no reason to believe a licence will not be issued. With these measures in place, I consider the LPA has sufficient information to deal adequately with bats from a planning perspective and can apply and satisfy the third test of the Conservation of Habitats and Species Regulations 2017 (as amended), and for determination. I am pleased to see two replacement bat boxes on retained trees, and two additional integrated bat boxes on buildings to provide enhancements for bats, are proposed – ref: Drawing 14446-SK02-D, Hertford Planning Service 04/08/2021 (and also Design & Access Statement).

The bat Mitigation, Licensing and Enhancement measures (Sections 3.20 - 3.30) in the Protected Species Report should be followed in full.

Reptiles: A low population of Slow worms were recorded during 2021 surveys and appropriate precautionary working methods have been provided to avoid committing an offence. The Recommendations for Slow-worms (Sections 4.14 – 4.18) in the Protected Species Report should be followed in full.

Biodiversity net gain and enhancements: The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The previous application proposed wildlife friendly and native species planting/sowing, and log piles for invertebrates and reptiles within any landscaping scheme to increase biodiversity opportunities at the site. Unless I have overlooked them, I cannot see any landscape documents with this application, consequently I advise production of a Landscape and Ecology Management Plan, detailing how biodiversity will be included in the development scheme to address the expectations of NPPF in achieving biodiversity enhancements and net gain. This should be secured by Condition, and I can suggest the following wording (or similar):

“Prior to commencement of the development, a Landscape and Ecology Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall be submitted to the LPA for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the LPA.”

Reason: to demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with national and local policies

4.1.4 Landscape Officer: [No objection]

We would recommend approval subject to a compliance condition to follow the tree protection plan, and a pre-commencement condition requiring details of remedial landscaping and new tree planting.

4.1.5 Thames Water: [No objection. Whilst no comments were received during the course of this application, the comments received at the time of the previous application are viewed to be applicable]

Waste Comments: The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

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://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

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

- 4.1.6 Affinity Water: [No objection. No comments received at the time of the current application. However, the following comments received during the course of the last application are viewed to be applicable]

Water Quality 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 (EAST). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

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

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My

Developments Portal (<https://affinitywater.custhelp.com/>) or
aw_developerservices@custhelp.com.

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.co.uk. Please note that charges may apply.

4.1.7 Herts and Middlesex Wildlife Trust: [No objection]

The ecological survey, mitigation and compensation measures are acceptable. The following conditions are recommended to secure these:

'Demolition or stripping works shall not in any circumstances commence unless the local planning authority has been provided with a copy of the licence pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead.

Reason: To ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and to ensure biodiversity is conserved and enhanced in accordance with NPPF.

'Development must proceed in accordance with the reptile mitigation plan detailed in the approved ecological report (CSA August 2021).

Reason: To ensure compliance with protected species legislation 'Development shall not commence until details of the model, and location of 2 integrated bat boxes and 2 integrated swift boxes has been supplied to and approved by the LPA. They shall be fully installed prior to occupation and retained as such thereafter.'

Reason: To conserve and enhance biodiversity in accordance with NPPF

Further comments received also state:

The ecological report is excellent and proposes a clear course of action to mitigate, compensate and enhance the site for biodiversity in line with legislation and planning policy. The following condition should be added to the decision to ensure this is achieved:
Condition:

The development should proceed in accordance with the measures detailed in the ecological report (CSA). All mitigation, compensation and enhancement measures must be fully installed prior to occupation and retained as such thereafter.

Reason: To conserve and enhance biodiversity in accordance with NPPF

4.1.8 National Grid: No comments received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 5 (Including Oxhey Hall Residents Association)

4.2.2 No of responses received: 1

4.2.3 Site Notice: Expiry 18.03.2022 Press notice: Not required

4.2.4 Summary of Responses:

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We recognise and appreciate the efforts made by the applicant to deal with key features which were responsible for the refusal of the previous application. These are (i) roof design, (ii) guaranteed car parking spaces and (iii) excessive and inappropriate glazing at the front.

In our opinion the extent of the set back will still create loss of light to some of the properties from too early in the day. However we accept that this will be a known situation to potential purchasers and so will be factored in by such people when they decide whether or not to purchase.

Therefore in the interests of 'not letting the best be the enemy of the good' we do not wish to oppose this application. However we would like to make one detailed request and one final appeal.

The detailed request is to point out that the site is on a busy road with bends which restrict the site lines in the vicinity of the site. Therefore it would be appropriate to put in a restriction on lorry movements (during both the site clearance and construction phases) to be only outside of both 'rush hours'.

The final appeal is on energy matters. This small, brownfield site could be the perfect opportunity for a developer to create an exemplar for the future in terms of energy provision. The nature of the rapidly changing global situation means that legislation always lags behind need. Therefore, to just meet the current legal requirements, is losing an opportunity for kudos at very little extra cost. This is because these new technologies will be installed in a new build rather than retro fitted.

It is also of some concern that documents are included in the submission which apply to the previous, refused, application. I refer to drawings included in the 'Energy Statement'. If officers are assured that this is a mistake which will be corrected without the need to start again then we are content for this to proceed.

5 Reason for Delay

5.1 To allow for consultation periods to expire.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Background

7.1.1 An application for two pairs of three storey semi-detached dwellings was previously refused in December 2021. Whilst the application had been recommended for approval by Officers, Members raised concerns regarding the visual appearance resulting from the flat roof forms proposed and considered that this would result in development appearing obtrusive, prominent and unsympathetic, detrimental to the visual amenities of the streetscene.

7.1.2 In addition, Members raised significant concern in relation to the level of parking proposed which was a shortfall against standards and with an overreliance being placed on integral garages. Members considered that this would lead to an increase in pressure for parking outside of the application site to the detriment of highway safety, the character of the area and residential amenity.

7.1.3 The current application still proposes two pairs of three storey semi-detached dwellings, but of materially different design. The analysis below shall therefore assess the acceptability of this scheme.

7.2 Principle of Development

7.2.1 The proposal seeks approval for the demolition of the existing dwellings and their replacement with four dwellings (two pairs of semi-detached dwellings), thus resulting in a net gain of two residential dwellings. The site has not been allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such, is not currently identified as part of the District's housing supply.

7.2.2 Policy CP2 of the Core Strategy states that applications for windfall sites will be considered on a case by case basis having regard to:

- i. The location of the proposed development taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to local housing sites;
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites;
- iv. Monitoring information relating to housing supply and the Three Rivers Housing target.

7.2.3 The site is located within Oxhey Hall which is identified as a Secondary Centre in the Core Strategy (adopted October 2011). Policy PSP3 advises that Secondary Centres such as Oxhey Hall will be expected to provide 24% of the District's housing requirements over the Plan period. In addition Policy PSP3 sets out that future development within Secondary Centres should be focused on sites within the urban areas on previously developed land. In this case it is acknowledged that the development would be partly located on garden land and thus not wholly on previously developed land. However, in this case, the site is located in an existing urban area, along a main road frontage. Furthermore, at the time of the appeal for 9 flats, the Inspector made the following comments regarding the principal of redevelopment of the site:

The built form along this section of Hampermill Lane largely consists of semi-detached or detached properties which are two-storey in scale. There is a variety of architectural styles in the area, and the general streetscape is one which has a staggered building line with properties set at a higher land level.

The appeal proposal would introduce flats into an area where these are not commonplace. That said, and as acknowledged by the Council, this is not a form of development which is objectionable in principle. Therefore, the key issue is whether the proposed building would successfully integrate with the surrounding area.

7.2.4 In acknowledging that the provision of flats were a form of development that was not objectionable in principle, the Inspector has agreed that the site is suitable for residential development. Again this is further emphasised at paragraph 16 of the appeal decision with the Inspector stating the following:

In coming to the above views I acknowledge that the current buildings do not make the best use of the land available at the site and that the Councils Housing Delivery Test Action Plan 2019 (HDTAP) identifies that there is a need to increase density and optimisation of sites to deliver more housing."

7.2.5 Consequently, it is therefore considered that the site is suitable for residential development subject to assessment against all other relevant material considerations as set out below.

7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs in terms of size and types 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 is 5% 1 bedroom units, 23% 2 bedroom units, 43% 3 bedroom units and 30% 4 bedroom units. 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 100% 4 bedroom units (the study has been treated as a bedroom) and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Affordable Housing

7.4.1 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.

7.4.2 As there is a net gain of two units, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the “Oxhey and Watford Fringe” market area where the figure is £350 per square metre. The Council have calculated the affordable housing payment requirement to be £84,700. This is based on the habitable internal area of the four new dwellings, average adjusted to the proposed net gain of two dwellings. The habitable area excludes the kitchen area, circulation areas, utility room, dressing room and bathroom areas. It is noted that the application has been accompanied by a draft S106 agreement which indicates that the applicant would be willing to pay the full commuted sum fee. The S106 agreement is in the process of being completed at the current time.

7.5 Streetscene

7.5.1 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'.

7.5.2 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.)

7.5.3 As with the previous application, no objection is raised to the provision of two pairs of semi-detached dwellings. In terms of the general form, it is considered that this would be appropriate given the wider character of the streetscene. Likewise, no objection is raised to the siting of the dwellings; the four dwellings would front Hampermill Lane and thus would not constitute a tandem form of development. A staggered building line is proposed, and it is acknowledged that some concern was raised in relation to this at the time of the appeal with the Inspector stating:

Furthermore, when travelling along Hampermill Lane eastwards the side elevation of 163 Hampermill Lane is already a prominent feature. As the appeal development would be sited closer to the road than No.163, it would draw the eye as it would be even more prominent to the extent that it would be dominating on entering the built-up area.”

7.5.4 However, as with the previous application, it is considered that the development has been designed such that the dwellings would be located further back relative to no.163 and thus

the siting in itself would not appear as dominating when entering the built up area due to the set back from the road.

- 7.5.5 With regard to spacing, Appendix 2 of the Development Management Policies LDD also provides further guidance on siting, and advises that first floor developments should be set a distance of 1.2m from the boundaries to prevent a terracing effect although this can be reduced in higher density localities. Unit 1 would be set approximately 1.8m from the boundary with no.163 whilst Unit 4 would be located 1.5m from the western boundary. The splayed nature of the western boundary is noted and it is acknowledged that Unit 4 may appear as located in closer proximity to the boundary when viewed from the immediate frontage. However, given Unit 4 is set back from the front boundary by a distance exceeding 18m, it is not considered that any harm would arise. It is noted that a distance of 2.4m would be retained between the flank walls of Units 2 and 3 which is considered sufficient.
- 7.5.6 In terms of plot width, there would be no distinguishable boundaries between dwellings at their frontage due to the nature of the proposed access arrangements. However, as outlined above, there would be sufficient spacing between dwellings and to site boundaries such that the dwellings would not appear as cramped from the frontage. Furthermore, the plot widths within the streetscene do vary considerably. Due to the splayed nature of the frontage, the maximum plot lengths vary from between 39-48m which would be comparable with other plot lengths within the locality.
- 7.5.7 In terms of design, the scheme proposes pitched roof forms with crown elements. Whilst it is acknowledged that Appendix 2 of the Development Management Policies LDD discourages crown roof forms, the proposed crown roof elements are viewed to be of modest scale. Furthermore, from the frontage, the dwellings would appear as having traditional pitched roof forms which is reflective of the general character of Hampermill Lane. As such, it is not considered that the development would appear incongruous or prominent within the streetscene. In addition, the illustrative streetscene indicates that the ridges of the proposed dwellings would be stepped lower than the immediately adjacent neighbouring dwellings which further minimises any adverse harm and is sympathetic to the pattern of development within the streetscene. Amended plans have also been received during the course of the application which amend the front fenestration detail to Units 1 and 3. The plans indicate spacing between the first and second floor windows within the gable, thus relieving the perception of a vertical emphasis.
- 7.5.8 The dwellings are acknowledged to have a relatively contemporary appearance and this is reflected by the proposed external finishes, the elevations indicate that the brick would be Arundel Ibstock Arundel Yellow Multi Stock Facing Brick, with chalk coloured render also proposed to some of the principle features including the front projecting gables. The proposed roof tiles would be grey in colour with grey windows also proposed. In this instance, it is not considered that a more contemporary form of design/use of materials would be harmful but would simply add greater variation to an already mixed streetscene. Furthermore, the site is located at the end of a row of built form and thus lends itself to a different architectural style.
- 7.5.9 Due to the nature of the access arrangements, the plans include a large extent of hardstanding across the site frontage. However, this would not appear unduly incongruous or urbanising given that many of the dwellings within Hampermill Lane have large extents of hard surfacing, some with retaining walls due to the land level differences. It is noted that the plans do include some planting details which would soften the impact of the development. It is considered appropriate that a landscaping scheme be secured as a condition of the consent to ensure that that full details are provided prior to the commencement of development. Likewise, full details of the hardstanding including its colour would also be required as a condition of any permission.

7.5.10 In summary, for the reasons outlined and subject to conditions, the development is considered to be acceptable and in accordance with Policies CP and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Impact to Neighbours.

7.6.1 The nearest residential neighbours to the application site are the adjacent pair of semi-detached dwellings known as no.161 and no.163 which are located to the east of the site. The dwellings would be set back relative to the front building line of these neighbouring dwellings with the streetscene indicating that they would be set at a lower land level. As such, it is unlikely that they would appear unduly prominent when viewed from the frontage. With regard to two storey rear development, Appendix 2 of the Development Management Policies LDD sets out the following:

Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

7.6.2 The plans indicate that whilst there would be an intrusion of the 45 degree line when taken from a point level with the first floor rear wall of the neighbouring dwelling, no. 163, there would be no intrusion when taken from the rear wall of the existing single storey rear projection which is where the guidance in Appendix 2 sets out that it should be taken from. Furthermore, due to the difference in land levels with the proposed dwellings being sited at a lower level and the distance between the dwellings, it is not considered that the dwellings would appear unduly overbearing or prominent. It is also noted that the proposed dwellings would be sited to the west of the dwellings, and as such, it is not considered that there would be a significant loss of sunlight to these neighbouring dwellings.

7.6.3 The flank wall of Unit 1 would be most visible to the existing residential neighbours and there are a number of windows proposed within the flank wall across all three floors. However, all would serve non habitable rooms and thus can be conditioned to be obscure glazed and top vent opening only. To prevent overlooking between dwellings, a condition shall be added to the consent requiring the glazing in the flank elevations of units 1-3 to be obscure glazed and top vent opening only. The flank glazing to Unit 4 would not face towards an immediately adjacent neighbour and thus would result in no adverse harm.

7.6.4 It is noted that there would be recessed terraces provided at first floor level to all of the units. Whilst these would generally be discouraged, in this case no adverse overlooking would occur, as the plans indicate that these would be fully recessed and screened by the flank walls of the dwellings themselves, thus restricting outlook to their own amenity gardens. It is noted that Unit 4 would also have a second floor balcony. However, the plans indicate a 2.2m privacy screen which would prevent an unacceptable impact to neighbouring dwellings. In addition the plans indicate a first floor front balcony feature to all dwellings. These would have outlook to publically visible areas and thus would have no impact in terms of overlooking. With regard to the patio areas, the plans indicate that these would be at the same level as the ground floor of the dwellings with the gardens rising to the rear. The plans indicate that the patios serving Units 1 and 2 would be at a higher level than Units 3 and 4, however, due to the stepped building line, no adverse impact in terms of overlooking would occur as the flank wall of Unit 3 would screen the adjacent patio areas.

7.6.5 There are no residential neighbours opposite the site that would be adversely affected. Likewise there are no residential neighbours to the rear of the site that would be affected.

7.6.6 In summary, given the site circumstances and subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.7 Living conditions for future occupiers

- 7.7.1 It is relevant to assess the impact of the development on future occupants of the dwellings. It is acknowledged that the building line would be stepped and as such there would be an intrusion of the 45 degree line across the site. However, on balance, it is not considered that there would be any adverse harm due to the land levels lowering across the site. Furthermore, it is considered that any future buyer would be aware of this relationship with regard to the building line. With regard to sunlight, it is emphasised that the units are all south facing such that they would receive ample amounts of sunlight throughout the day and afternoon, thus providing acceptable living conditions for future occupiers.
- 7.7.2 With regard to amenity space, Appendix 2 of Development Management Policies LDD sets out guidance on amenity space to ensure adequate provision for future occupiers. This advises that a dwelling with 4 bedrooms would require 105 square metres of amenity space provision. In this case the amenity spaces have been measured (including the recessed terrace areas) with the following proposed:
- Unit 1: 236 square metres
Unit 2: 158 square metres
Unit 3: 93 square metres (differs from the site plan as the area to the side of the dwelling is a pathway and is not a useable area of amenity space provision).
Unit 4: 169 square metres.
- 7.7.3 All but Unit 3 would benefit from policy compliant amenity provision, however, Unit 3 would have a shortfall of twelve square metres. Whilst the shortfall is acknowledged, no objection is raised in this instance for the following reasons. The amenity spaces also provide large useable patio areas with modest areas of soft landscaping. The amenity space layout would provide future occupiers with sufficient and useable amenity space that would not have any significant harm on their living conditions. It is also noted that the gardens would all be south facing. In addition, the site is located in 0.3 miles from Ashburnham Play Area which can be accessed via a footpath adjacent to the site. In addition, the site is located in close proximity to South Oxhey Playing fields. There would therefore be adequate access to useable outdoor space. It is also acknowledged in respect of Units 3 and 4, that the rear gardens are shorter than others within the vicinity, however, it is not considered that this would be readily visible from the frontage and thus would have no impact on the character of the area it in itself. To ensure appropriate boundary treatment is provided, a condition shall be added requiring details to be submitted.

7.8 Access and Parking

- 7.8.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access and that development would not have an impact on the safety of the highway. Hampermill Lane is a classified road subject to a 30mph speed limit. The plans indicate that the existing access would be closed with a new vehicular access created. Herts Highways have raised no objection to the access and consider that the visibility would be acceptable.
- 7.8.2 With regard to off street car parking, Policy DM13 and Appendix 5 sets out the car parking standards for the District. Whilst the Planning Statement specifies that the studies could not be utilised as bedrooms, the LPA considers that they would be sufficient to accommodate a single bed and as such have been treated as bedrooms for the purpose of assessing car parking to ensure consideration of the 'worst case scenario'. The application would therefore result in a requirement for 3 off street car parking spaces per unit, resulting in a maximum requirement for twelve spaces. There is no zonal based reduction for residential development as set out in Appendix 5.

7.8.3 The current plans now indicate that each of the dwellings would have three spaces (the previous refused application included two spaces per dwelling of which one per dwelling was within a garage). Whilst each dwelling would include one space within an integral garage, there would be an increase of one space per unit on the frontage which is an improvement to the previous application. It is also noted that the integral garages are of a size which would be able to accommodate cars and therefore can be relied upon for the provision of parking. A condition shall be added to any consent requiring that they should be retained for off street parking provision. The Highways Officer has confirmed that the swept path analysis is acceptable and demonstrates that all spaces would be accessible. Given the provision of policy compliant off street car parking provision with no shortfall, the development is acceptable and in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.9 Trees and Landscaping.

7.9.1 Policy DM6 of the Development Management Policies LDD advises 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 or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.

7.9.2 The Landscape Officer has raised no objection to the proposed development subject to conditions. . Furthermore, it was noted by the Inspector in determining the appeal relating to application that there would be no harm arising to trees stating the following:

"I find that the proposal would accord with the provisions of Policy DM6 of the DMP and that this matter is not a barrier to the granting of planning permission. However, that does not outweigh the harm I have found to the overall character and appearance of the area.

7.9.3 No objection is therefore raised with regard to the impact on trees and landscaping. A condition would be attached to any consent requiring works to be undertaken in accordance with the Arboricultural Report and Tree Protection Plan. Likewise, a condition requiring the submission of full landscaping details would also be considered to be necessary, to ensure a satisfactory visual appearance and to enhance biodiversity given the site's location.

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. Policy DM6 of the Development Management Policies also relates to wildlife and advises that development should protect habitats and species identified for retention.

7.10.2 Herts Ecology were consulted and no comments were provided at the current time. However, it is noted that they did provide comments at the time of the previous application which are considered to be relevant and applicable. Herts Ecology noted that that two bat roosts have previously been confirmed, however, no further roosts have since been identified. Herts Ecology have advised that a protected species licence would be required for the roosts identified in 2019 to proceed lawfully with the proposed works (which include demolition) and that they have no reason to believe that a licence will not be issued. Suitable mitigation, compensation and enhancements have been provided to safeguard bats and ensure their conservation status is maintained. As such no objection is raised in this regard. The details submitted indicate two replacement bat boxes on retained trees and two additional integrated bat boxes on buildings to provide enhancements for bats. Herts

Ecology are satisfied with these measures and a condition would be added to ensure that these measures are implemented were the development to be considered acceptable.

- 7.10.3 Herts Ecology also noted that the submitted information indicated that a low population of Slow worms were recorded during 2021 surveys and appropriate precautionary working methods have been provided to avoid committing an offence. A condition is recommended ensuring that the recommendations set out in the protected species report are followed in full. The comments from Herts and Middlesex Wildlife Trust are noted, with their requirements for conditions being similar to those suggested by Herts Ecology. It is noted that Herts and Middlesex Wildlife Trust have suggested a further condition in relation to bats. However, for the reasons already given by Herts Ecology with regard to licence requirements from Natural England, this is not viewed to be necessary.

7.11 Sustainability

- 7.11.1 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

- 7.11.2 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.11.3 In this case, it is noted that the previous Energy Statement has been submitted which details that the scheme would achieve a 14% reduction in carbon emissions, thus exceeding the policy requirements. The submitted statement indicates that the savings would be achieved through the proposed building fabrics rather than the provision of renewable technologies. Given the design has materially changed, it is considered that an up to date Energy Statement should be provided prior to the commencement of development.

7.12 Refuse and Recycling

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

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

- 7.12.2 As with other properties along the Hampermill Lane frontage, the bins would be collected at the front of the site. Full details of bin storage are yet to be provided, however, these details can be secured via a condition.

7.13 Planning Balance.

- 7.13.1 At the time of writing this report, the development has no unacceptable conflict with the relevant local planning policies which are considered out of date (as the LPA cannot

demonstrate a five year supply of deliverable housing), having regard to paragraph 11 of the NPPF.

7.13.2 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)). In this case, it is acknowledged that the housing mix is not strictly in accordance with Policy CP3 of the Core Strategy, however, given the scale of the development, it is not considered that this would constitute a reason for refusal.

7.13.3 In the view that no clear reasons for refusal of the application has been demonstrated, the development is viewed to be acceptable. If the above matters or other material considerations are identified as harmful then these must be balanced against the benefits of the scheme. The benefits of the scheme include a contribution towards the overall housing supply in the District, bringing the site back into use and making efficient use of the land, and the economic benefits to the local area which would arise from the development.

8 Recommendation:

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

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:

14446-SP001 REV H, 14446-SP002 B, 14446-SP003 F, 14446-SP004 B, 14446-S007-1st,

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

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

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

C4 No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

a. Construction vehicle numbers, type, routing;

- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;

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

- C5 Prior to commencement of the development hereby permitted details of the disposal of surface water from the drive and parking area shall be submitted to and approved in writing by the Local Planning Authority. The works for the disposal of surface water shall be carried out in accordance with the approved details prior to occupation of the development and shall be maintained as such thereafter.

Reason: This condition is a pre commencement condition in the interests of highway safety to minimise danger, obstruction and inconvenience to highway users 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 No excavation below the chalk groundwater table including piling shall take place whatsoever until a ground investigation / piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. All excavation / piling must thereafter be undertaken only in accordance with the terms of the approved ground investigation / piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in accordance with Policy DM9 of the Development Management Policies LDD.

- C7 Prior to the commencement of the development, a Landscape and Ecology Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall thereafter be submitted to the Local Planning Authority for written approval and the development shall be carried out only in accordance with the approved plan.

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

- C8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping (including details of any new trees), 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 details shall also include details of the hard surfacing materials.

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 (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the Local Planning Authority 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).

- C9 Prior to commencement of the development hereby permitted, an Energy Statement demonstrating energy saving measures for the development to achieve [relevant standard] have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

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

- C10 The development shall be constructed in accordance with the mitigation and enhancement measures (for Bats and Slow Worm) as set out in the Protected Species Report by CSA Environmental (August 2021).

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

- C11 The development shall only be implemented in accordance with the submitted Arboricultural Report dated 3 December 2021

The protective measures, including fencing, as shown on the Tree Protection Plan dated 3rd December 2021 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: 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).

- C12 The building(s) 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 elevations and no external materials shall be used other than those approved.

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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C13 The development shall not be occupied until a scheme for the separate storage and collection of domestic 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 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C14 Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number 14446-SP001-H only. Any other access or egress shall be permanently closed, and the kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C15 Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 14446-SP001-H in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory access into the site in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C16 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

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

- C17 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C18 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011)

and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C19 Before the first occupation of the dwellings hereby permitted the flank window(s) in the first and second floor flank elevations of Units 1, 2 and 3 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).

- C20 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

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).

- C21 The integral garages hereby permitted shall be kept available for the parking of motor vehicles at all times The integral garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

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

- C22 Prior to occupation of the development hereby permitted, the privacy screen to Unit 4 shall be erected in accordance with the approved details and shall be permanently maintained as such thereafter.

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

8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

- 12 The 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 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.
- 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.

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

- 16 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.

- 17 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

- 18 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 (EAST). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

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

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 63 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.”*

¹ The revised 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.

- 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.
- 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 63 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 & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 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 2021, Three Rivers has received small site affordable housing contributions amounting to over **£2.4 million**. Utilising those monies, development is has funded the delivery of 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. 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 £2.4 million already received, small scale (1-9 unit) schemes have secured to date a further **£2.7million to £4.0million²** 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

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 2022

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 122 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 2021, 250 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 13 have been permitted to lapse which is only 5.2% of all such schemes³.
- 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 2021, 215 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 191 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 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

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 2022) 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.

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":

"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).

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.

⁵ ONS (2021) *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).

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 2020 was £365,000⁷. The lowest quartile house price of £365,000 places Three Rivers as the **fourth** 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). The lowest quartile house price has risen by £40,000 from 2016 to 2020, demonstrating a worsening affordability position.

Number	Local Authority Name	Lowest Quartile House Prices (2020)
1	Elmbridge	£411,250
2	St Albans	£400,000
3	Windsor and Maidenhead	£375,000
4	Three Rivers	£365,000

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £26,983.00 in 2020, 13.3 times worsening to 13.5 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁸). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement at over 13 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 2020 to have a deposit of £270,560.00, or (without such a deposit) to earn £94,440.00 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 ratio⁹ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income to median quartile house price affordability ratio was 13.77, the fourth¹⁰ 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

⁷ Office for National Statistics (2021) *Dataset: House price to residence-based earnings ratio Table 6a*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁸ Office for National Statistics (2020) *Dataset: House price to residence-based earnings ratio Table 6b*

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

¹⁰ 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).

2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

Over the period 2016 to 2020, the median quartile house affordability ratio in Three Rivers has improved with a decrease from 13.77 in 2016 to 12.92 in 2020 (see table 4 below). Whilst the median affordability ratio has slightly improved (by 0.85), Three Rivers has maintained its position with the fourth worst affordability ratio in England and Wales (excluding London), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio ¹ (2020)
1	Mole Valley	16.84
2	Elmbridge	14.17
3	Epsom and Ewell	13.26
4	Three Rivers	12.92

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 2020 that had risen to 13.53, showing a worsening ratio over the period from 2016 to 2020.

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

- 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 households¹¹.

- 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 2036¹².
- 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 2036¹³.
- 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 Rivers¹⁴. 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 annum¹⁵ 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).

¹¹ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹² 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)

¹³ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁴ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁵ 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 2021 (the latest date where the most recent completion figures are available), 4,965 gross dwellings were completed. From this, 1,128 were secured as affordable housing, a total of 22.7%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 1,107 or 22.3% in order to fulfil the 45% affordable housing requirement up to 31 March 2021. 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 2020/21 (financial year), 26 sites¹⁶ 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 four major developments (15%) and 22 minor developments (86%). 17 of the 26 schemes contributed to affordable housing provision whilst nine of the 26 schemes did not contribute:
- Four out of the 26 sites provided viability justification, in line with CP4 policy, for the absence of affordable housing provision.
 - Four 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 17 schemes which did contribute, nine made contributions via commuted sums towards off-site provision; all nine 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 eight schemes which contributed via on-site provision in 2020/21, three were major developments and five were minor developments, with four of the five minor developments delivered by Registered Providers (17/2077/FUL, 17/2606/FUL – Three Rivers District Council; 17/0883/FUL – Thrive Homes; 14/1168/FUL – Watford Community Housing Trust). This reflects the pattern of on-site delivery from large schemes, with commuted sums from minor developments, unless delivered by Registered Providers.

¹⁶ Sites with completions in 2020/21

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 determined¹⁷ 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%). 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 2011-2021 (financial years) some 384 net dwellings were completed which equates to 38 net dwellings per annum and to 22.2% over the 2011-2021 period. 22.2% 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 (£2.4 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 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2022) secured a further **£2.7million - £4.0million** (see footnote 2) in respect of unimplemented but current planning permissions. 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

¹⁷ Includes refused and approved applications. Excludes prior approval developments.

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 122 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 2021 there were 250 planning permissions granted for minor (net gain) residential developments in the District. Of those only 13 have lapsed (5.2%)¹⁸. 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.

¹⁸ See footnote 3.

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 then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."*¹⁹

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 (26 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

¹⁹ Paragraph 7, Planning Inspectorate Letter, March 2017.

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 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."

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 and February 2022 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 2020 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/egcl-page/core-strategy>
2. Annual Monitoring Report 2020/2021 (December 2021)
<http://www.threerivers.gov.uk/egcl-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 2002-20
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

February 2022

PLANNING COMMITTEE – 26 MAY 2022

PART I - DELEGATED

6. **22/0242/FUL – Garage conversion and alterations to existing roof, loft conversion including increase in ridge height, hip to Dutch hip roof enlargement and front dormer window, front rooflights, part single, part two storey rear extension, front porch and alterations to fenestration at 120 WHITELANDS AVENUE, CHORLEYWOOD, HERTFORDSHIRE, WD3 5RG.**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 4 May 2022
Extension of time: 3 June 2022

Ward: Chorleywood South and Maple
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called into Planning Committee by Chorleywood Parish Council for the reasons set out in full at 4.1.1 below.

1 Relevant Planning History

- 1.1 21/2396/FUL - Garage conversion and alterations to existing roof, loft conversion including, increase in ridge height, hip to gable roof enlargement and front dormer window, front rooflights, part single, part two storey rear extension, front porch and alterations to fenestration. Refused on 08.12.2022.

Reason for refusal:

The proposed development by reason of the replacement roof with its increased height, gable ends with increased ridge width, bulky dormer windows and disproportionate roofscape would increase the bulk and mass of the dwelling, at first floor and overall resulting in a top heavy and disproportionate extensions which would not respect the character and appearance of the host dwelling, area or streetscene of Whitelands Avenue. The development would therefore cause harm to the visual amenities of the area and the development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy 2 of the Chorleywood Neighbourhood Plan (Referendum Version 2020) and the NPPF (2021).

An appeal has been lodged against that refusal and the appeal is in progress (Ref APP/P1940/D/22/3294130).

- 1.2 M/184/48 - Bungalow. Implemented.

- 1.3 AM/1208/53/D8401 - 55 Garages.

2 Description of Application Site

- 2.1 The application site contains a detached bungalow located on the northern side of Whitelands Avenue, Chorleywood. The land levels on this part of Whitelands Avenue slope upwards in a south-eastern to north-western direction meaning the properties on this side of the road are located on a higher land level than the adjacent highway.

- 2.2 The application bungalow has a hipped roof form with a bay window to the front elevation and flat roofed dormers to the front, side and rear roof slopes. It is finished in red brick and painted brick around the entrance door. To the north-eastern flank is a flat roofed attached garage which extends beyond the rear elevation.

- 2.3 To the front of the dwelling is a driveway which can accommodate 2 cars and an area laid to lawn. To the rear, there is a patio area which leads up to an area laid to lawn. The application site slopes up steeply towards the rear of the application site.
- 2.4 The street scene of Whitelands Avenue is relatively varied in terms of the style and design of dwellings within it. The street is comprised of a mixture of detached bungalows, detached two-storey dwellings and two-storey semi-detached dwellings.
- 2.5 The neighbouring property to the north-west at No. 122 is a bungalow which a hipped roof form. It is located on a higher land level and set back in relation to the host dwelling. It has a rear dormer. The common boundary is marked by hedging to the rear.
- 2.6 The neighbouring property to the south-east at No. 118 Whitelands Avenue is a two storey detached gabled dwelling located on a lower land level and set on a similar building line in relation to the host dwelling. This neighbour has a detached hipped roofed garage built up to the boundary with the host property. The common boundary between the properties is marked by hedging.

3 Description of Proposed Development

- 3.1 This planning application seeks full planning permission for a garage conversion and alterations to existing roof, loft conversion including increase in ridge height, hip to Dutch hip roof enlargement and front dormer window, front rooflights, part single, part two storey rear extension, front porch and alterations to fenestration.
- 3.2 The existing garage would be converted into a utility, pantry and study and the existing flat roof of the existing garage would be altered to have a new flat roof with a maximum height of 3m with three lantern style rooflights within the roof
- 3.3 The proposal would include the addition of first floor accommodation served by two dormers window to the front and a central rooflight. The new roof would have a Dutch hip roof and crown roof forms with a maximum height of 7.5m sloping to an eaves height of 5.4m, which would be 0.8m higher than the existing ridge and a sunken crown roof. The proposed two storey rear extension would adjoin with the Dutch hip roof form with a maximum height of 7.5m and eaves height of 5.4m, changing the appearance at the rear from a dormer bungalow to a full two storey elevation. The proposal would also include a part single, part two storey rear extension. The single storey rear element would have a depth of 1.7m and span the width of the host dwelling to adjoin the converted garage (10.5m). This rear element would include a bay projection which would project a further 0.5m in depth. The single storey element would have a flat roof with a maximum height of 3.1m. Three lantern style rooflights are proposed within the flat roof. The proposed two storey rear element would have a depth of 2m and span the width of the host dwelling. It would include a sunken flat crown. Glazing is proposed to the rear and north-western flank. The existing bay window to the front elevation would be removed.
- 3.4 A front rooflight is proposed at first floor level to serve a gallery and a Velux rooflight is proposed to the north-western roofslope to serve the en-suite.
- 3.5 A pitched roof front porch is proposed which would have a maximum height of 3.6m and eaves height of 2.1m. It would project 0.7m forward of the front building line to have a depth of 2.7m.
- 3.6 Amended plans were sought during the course of the application. The cat-slide roof over the proposed converted garage was altered to a flat roof with a maximum height of 3m. The front dormers were also reduced in width by 0.2m to have an overall width of 2.4m and reduced in depth by 0.1m to have a depth of 1.6m. The external elevations were confirmed to be finished in smooth render.

3.7 It is noted that this application follows the refusal of planning under planning reference number 21/2396/FUL. The differences between the current application and the refused scheme are listed below:

- The converted garage would have a flat roof form whereas the previously proposed garage had a dummy pitched roof to the front and flat roof behind.
- The current proposal would have a Dutch hipped roof form whereas the previously refused scheme included a pitched roof. To the rear, the current proposal would have a sunken flat crown roof form.
- The first floor rear extension would be 0.5m deeper than the previously refused scheme. One rooflight is proposed within the principal roofslope instead of two.
- Three rooflights are proposed within the flat of the converted garage
- A Velux rooflight is proposed to the northwest elevation to serve the en-suite.
- The proposal would result in an increase of the existing ridge height by 0.5m instead of 0.7m previously proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objection to this application unless officers are minded to refuse this application the Committee would like to CALL IN this application on the following grounds

Should the plans change or our Objections have been addressed, please advise the Parish Council so our comments can be amended.

The Parish Council notes that reliance on upwards extensions is no longer a realistic fallback position. In a landmark decision from the High Court CAB Housing Ltd v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 208 (Admin)

The case clarified that:

the interpretation of adjoining premises is not restricted to the neighbouring properties immediately next door, the decision maker must take into account the site context; the impact on amenity is not limited to overlooking, privacy and loss of light; and the assessment of external appearance is not limited to parts of the proposals which is only viewed from the highway and are to be considered in the context of the surrounding area.

Therefore, this application must be firmly rejected for the following reasons:

The proposal would result in the loss of a bungalow in a row of bungalows Policy 4.1 CW NDP.

The proposal is out of keeping in the street scene in breach of Policy 2 CW NHP

Officer comment:

It is noted that there is no planning history for an upward extension at the application site. As such there is no fall back available. The fallback would only apply with a Prior Approval for an upward extension had been granted. The application is being assessed solely on its individual merits.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 22

4.2.2 No of responses received: 1 objection received

4.2.3 Summary of Response:

- Overshadowing
- Too close to the boundary
- Out of proportion for the street
- Loss of light

A 7 day re-consultation took place due to receipt of amended plans. This expires on 19/05/2022. Any comments received as part of the re-consultation will be verbally updated.

Site Notice: expired 13/04/2022

Press notice: not required

5 Reason for Delay

5.1 Committee Cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

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

6.2 The Three Rivers Local Development Plan

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

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

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

Chorleywood Neighbourhood Development Plan (Referendum Version, August, 2020). Policies 2 and 4 are relevant.

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 Principal of Development

7.1.1 It is noted that the Parish has raised concern regard the loss of the existing bungalow. The site is located within the Chorleywood Neighbourhood Development Plan Area. Policy 4 of the Chorleywood Neighbourhood Plan relates to “housing to meet the needs of local people’. This policy states that “in areas characterised by groups of bungalows those development which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings”. It is acknowledged that the proposal would result in the creation of a ‘multi-level dwelling’ However, it is noted that the existing bungalow contains front, side and rear dormer windows and the submitted floor plans show that these dormer windows facilitate first floor accommodation, providing three bedrooms and a WC. Therefore, the existing property is already a multi-level dwelling. Whilst the proposal would increase the first floor area, as existing the bungalow contains useable and accessible first floor accommodation. The submitted floor plans demonstrate that all existing sleeping accommodation is upstairs, and this would not change with the proposal. It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the extended dwelling could still, with or without further adaption, provide suitable living accommodation for older or disabled people.

7.1.2 As referenced in Policy 4, various alterations can be made to properties without the need to apply for planning permission, via ‘permitted development’ and as such can transform a bungalow into a ‘multi-level dwelling’. For the avoidance of doubt, this application seeks express planning permission and for the reasons stated above is not considered on its own merits to be in breach of Policy 4.

7.1.3 The High Court judgement cited by Chorleywood Parish Council is not applicable to this application.

7.1.4 It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the proposed dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not

appear excessively prominent within the streetscene. Appendix 2 sets out that ‘oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original dwelling and streetscene’. Development should not have a significant impact on the visual amenities of an area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.2.2 The Chorleywood Neighbourhood Plan is relevant. Policy 2 of the Chorleywood Neighbourhood Plan states:

‘All development should seek to make a positive contribution to the ‘street scene’ by way of frontage, building line, scale and design.’

7.2.3 It is acknowledged that Whitelands Avenue is relatively varied in character such that there is no overwhelming style or character of dwelling within it. There are bungalows, two storey dwellings and single storey dwellings with substantial first floor accommodation contained within the roofslope. Properties within the vicinity vary in design featuring a mixture of hipped roofs or gabled front elevations.

7.2.4 Appendix 2 of the DMP LDD states in some cases, roof forms in the street may be uniform and therefore this type of alteration may erode the group value of the street and will not be supported by the Council. Appendix 2 of the Development Management Policies LDD also states the following with regard to roof alterations:

“Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.”

7.2.5 The application is accompanied by an indicative existing and proposed street scene drawing demonstrating the differences in height between the host dwelling and the two neighbouring dwellings (118 and 122 Whitelands Avenue). The proposed development at 120 Whitelands Avenue would result in a total height of 7.5m above ground level, this is a consequence of the increase in ridge height by 0.5m. The proposed increase in height would result in a property 0.4m lower than nos. 122 and 2.4m taller than number 118. There is a uniformity to the streetscene and the land levels and ridge heights increase accordingly. The proposed ridge would therefore follow the pattern and character of the street scene that exists with the row of dwellings reflecting the topography of the road. As such, when considered in the context of the existing form of the roofslope and wider streetscene of Whitelands Avenue, it is not considered that the proposed increase in ridge height would result in unacceptable harm to the character of the host dwelling or wider streetscene.

7.2.6 The proposed development incorporates a rear extension and alterations to the roof form which would be increased in its overall height and eaves height as well as extensions to form a Dutch hip to the front and a sunken crown roof form. The flank roofslopes and general massing of the extended dwelling would result in the dwelling appearing deeper than the existing hipped roof form. It is however considered, that the proposed development would not appear harmful to the character and appearance of the street scene. Whilst it is noted that the extended dwelling would project forward in relation to No. 122, it is not considered that it would appear unduly dominant and would not result in a prominent addition to the host dwelling. The Dutch hip element would be set in from the common boundary by 3.4m, and the converted garage would have a flat roof element sited up to the common boundary. It is therefore not considered that it would result in harm to the character and appearance of the streetscene. As such, the proposal would overcome the previous reasons for refusal.

7.2.7 The proposal also includes two front dormer windows. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main roof form, they should be set down from the ridge, set back from the plane of the wall and in from both sides of the roof. It is considered that the proposed dormer windows, given

their width and depth would appear subordinate to the front roofslope and as such are considered acceptable.

- 7.2.8 The proposed front rooflight would appear proportionate in scale and number to the new roof and would not appear incongruous within a streetscene where other rooflights are apparent.
- 7.2.9 The amended roof to the existing extension subject to the garage conversion would have a flat roof form with a maximum height of 3m. It is not considered that, given its flat roof form that this element would result in any harm to the character and appearance of the streetscene. The rooflights to the north-eastern flank may be visible, however, it is not considered that they would result in any harm within a streetcene given they will be set back considerably from the highway.
- 7.2.10 The development proposes a front porch extension. In relation to front extensions, the Design Criteria stipulates that applications will be assessed on their individual merits but should not be excessively prominent within the streetscene. The proposed front porch would have a limited depth of 0.7m beyond the front elevation and width of 2.7m. Given this in addition to its single storey nature, pitched roof form and set back from the road, it would appear as a subordinate addition to the host dwelling and would not appear unduly prominent or incongruous within the streetscene.
- 7.2.11 The proposed development would be constructed of render. Whilst this would alter the appearance of the host dwelling, it is not considered that it would result in harm to the wider streetscene given that variation in external appearance exists along Whitelands Avenue.
- 7.2.12 It is considered that the proposal would comply with Policy 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020) as it would not result in any harm to the character and appearance of the host dwelling or wider streetscene.
- 7.2.13 In summary, it is not considered that the proposed development would result in any significant adverse impact on the character or appearance of the host dwelling, streetscene or area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policy 2 of the Chorleywood Neighbourhood Plan.

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. First floor extensions to the rear of properties should not intrude a 45 degree splay line, taken from a point on the shared boundary level with the rear wall of each neighbour.
- 7.3.2 The application dwelling would be subject to an increase in overall height and roof bulk including an extension to the roof with a hip to Dutch hip roof form. The land levels slope upward to the rear of the dwellings on this side of Whitelands Avenue. The land level also slope upwards in a north-westerly direction meaning that the neighbouring dwelling at no.122 is positioned on a higher land level and the dwelling at no.118 is at a lower level in relation to the host dwelling.
- 7.3.3 The proposed single storey and first floor rear extension would not project beyond the rear elevation of the bungalow at no.122 and would not result in an intrusion of the 45 degree splay line. The site circumstances are such that the application dwelling is positioned lower than this neighbour in terms of relative ground floor level. The dwelling at no.122 is built up

to the shared boundary. It is noted that the first floor rear extension would be sited some 3.2m from the boundary. It is noted that concerns have been raised by neighbours in terms of proximity to the boundary and loss of light. However, it is considered that the proposed extension, given its limited depth and distance from the neighbour would not result in an overbearing impact or loss of light to this neighbouring property.

- 7.3.4 The proposed part single, part two storey rear extension would not project beyond the rear elevation of the neighbouring property at No. 118 and would not result in any intrusion of the 45 degree splay line. The application dwelling is sited on a higher land level in relation to this neighbour. It is noted that No. 118 is set in from the common boundary and the proposed extension would also be set in from the common boundary by 1.8m. Whilst the proposal would increase the bulk and massing of the host dwelling including the enlargement of the main roof form, include an increase in the overall ridge height and hip to Dutch hipped roof form it would not result in an overbearing impact or loss of light to this neighbour.
- 7.3.5 In terms of overlooking, the proposed rear glazing within the ground and first floor elevations would not result in any unacceptable overlooking. The flank rooflight at first floor level serving an en-suite within the north-western flank would be conditioned within any grant of planning permission to be openable above 1.7m to prevent any overlooking to 122 Whitelands Avenue. A condition shall be added to any grant of planning permission to ensure that no windows/dormer windows or similar openings, other than those expressly authorised by this permission shall be constructed in the flank elevations or roof slopes of the extension to prevent any overlooking to any neighbouring properties. Additional glazing is also proposed at ground floor level within the north-western and south-eastern flanks. However this would not result in any unacceptable overlooking. The windows forming the front and rear dormers would overlook the front and rear amenity space of the host dwelling and as such would not result in any unacceptable overlooking. The proposed rooflights would not result in any harm.
- 7.3.6 The proposed garage conversion would retain its existing footprint. The proposed alterations to the roof would increase its height. However, it would have a flat roof with a maximum height of 3m. Given its scale and roof form, it is not considered that it would result in any harm to the neighbouring dwelling at No. 122. The proposed garage conversion would not result in any harm to the neighbour at No. 118 as it would be screened by the host dwelling.
- 7.3.7 The proposed amended front dormer windows given their scale and siting would not result in any harm to any neighbouring properties.
- 7.3.8 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 DM1 and Appendix 2 of the DMP LDD in this respect.
- 7.4 Amenity Space Provision for future occupants
- 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
- 7.4.2 Appendix 2 requires 126sqm to be provided for a five bedroom dwelling. The application site would retain in excess of 500sqm of amenity space and as such would comply with Appendix 2 in this respect
- 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 this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.5.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. However, given that the proposal involves works to an existing roofspace, an informative regarding bats would be added to any grant of consent

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site is not located within a Conservation Area nor are there any on-site TPOs. As such, it is not considered that the proposal would result in unacceptable harm in this regard.

7.7 Highways, Access and Parking

- 7.7.1 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.
- 7.7.2 The proposal would create a five bedroom property and the existing garage would be lost. It is noted that the parking standards within Appendix 5 outline that dwellings with 4 or more bedrooms should provide 3 on-site car parking spaces. The existing driveway would be retained which can accommodate 3 cars. As such, the proposal would comply with the parking standards.

8 Recommendation

- 8.1 That subject to no new material considerations being raised, 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: 01 Rev D, 02, 03, 04 REV J, 05 REV J and 06 REV E

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Plan (2020).

- C3 The proposed development shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on Drawing Number 04 REV J and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the works are 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).

- C4 The flank rooflight in the north-western elevation serving the en-suite at first floor level as shown on drawing number P04 REV J 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).

- 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 flank elevations and/or flank roof slopes of the extensions hereby approved.

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

Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows: All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered. There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk. Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed. Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering

materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) 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 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).

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PLANNING COMMITTEE – 26 MAY 2022

PART I - DELEGATED

7. **22/0375/FUL – Part single, part two storey side extensions, single storey rear extension and connection of outbuilding to main dwelling, loft conversion including extension to roof, increase in ridge height and installation of front and rear dormers and construction of raised terraces (amendments to planning permission 20/0589/FUL) at PIMLICO HOUSE, HYDE LANE, NASH MILLS, HP3 8SA (DCES)**

Parish: Abbots Langley Parish Council

Ward: Gade Valley

Expiry of Statutory Period: 05.05.2022

Case Officer: Lauren Edwards-Clewley

Recommendation: That Planning Permission be Granted

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

1 Relevant Planning History

- 1.1 13/0482/FUL – Erection of black painted steel electric gates, timber gates and brick piers to front and side vehicular entrances with fencing and associated works – Permitted 23.05.2013.
- 1.2 20/0589/FUL – Part single, part two storey side extensions, single storey rear extension and connection of outbuilding to main dwelling, loft conversion including extension to roof, increase in ridge height and installation of front and rear dormers and construction of raised terraces – Permitted 30.06.2020.
- 1.3 20/1711/CLPD - Certificate of Lawfulness Proposed Development: Construction of outbuilding with solar panels to roof – Permitted 19.10.2020 and partially constructed.

2 Description of Application Site

- 2.1 The application site is irregular in shape, measuring over 81,000sqm in area, and contains a large detached dwelling located on the northern side of Hyde Lane, Nash Mills. Hyde Lane is a country lane and is rural in character with some detached dwellings and farm buildings located within spacious plots.
- 2.2 The host dwelling is an early twentieth century construction and is considered to be of local historic interest, however it is not locally listed. There are single storey flat roofed garages to the east of the dwelling, and a detached cottage to the north which was a later addition. The dwelling is a Neo-Georgian style and is large and grand in appearance. The dwelling remains relatively unaltered from its original form. The dwelling is finished in mixed red brickwork with a shallow hipped roof form, set back from the parapet eaves of the dwelling. The dwelling has a number of characterful chimneys and a patio area abuts the rear elevation of the dwelling. There is a gravel driveway to the front of the dwelling. The dwelling is set back approximately 110m from the highway.
- 2.3 The neighbour to the west, Little Abbots, is set in from the shared boundary with the application site by approximately 87m. The neighbour to the east, Hyde Farm, is set in from the shared boundary with the application site by approximately 10m, and this neighbour is set forward of the host dwelling.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for the construction of part single, part two storey side extensions, single storey rear extension and connection of outbuilding to main dwelling, loft conversion including extension to roof, increase in ridge height and installation of front and rear dormers and construction of raised terraces (amendments to planning permission 20/0589/FUL).

3.2 The Officer's report for application reference 20/0589/FUL which was approved by members of the planning committee in June 202 described the previous scheme as:

At ground floor level, the proposed side extension would be constructed to the western flank of the dwelling, with a width of 6.2m, set back 0.7m from the two storey front projection, with a depth of 11.8m. The extension would extend approximately 3.2m beyond the main two storey rear elevation of the dwelling. To the rear, the extension would extend across the rear elevation of the dwelling, with a width of 30.9m, adjoining the existing detached cottage. The extension would include a curved recessed element to the centre of the rear elevation. The rear extension would adjoin the existing detached cottage, hereafter referred to as outbuilding, to the dwelling by a 3.9m deep rear extension. The single storey elements of the proposal would have a flat roof form with a height of 4.3m.

At first floor level, an extension is proposed to the western flank of the dwelling, above the proposed ground floor extension. The first floor extension would be set back 3.3m from the front elevation of the dwelling, with a depth of 5.3m and a width of 2.8m. This element would have a flat roof form, with a height of 7.9m, in line with the existing eaves of the host dwelling. The roof of the ground floor extension would be used as a raised terrace with balustrading.

A conservatory style extension is proposed to the eastern flank of the dwelling at ground floor level. This element would have a width of 2.9m and a depth of 6.8m. This element would have a pitched roof form with a maximum height of 3.6m and an eaves height of 3.1m.

A first floor side extension is also proposed to the eastern flank of the dwelling. This element would be set back 2.6m from the front elevation of the dwelling, with a width of 2.4m to the front, and a depth of 5.8m. This element would have a flat roof form, with a height of 7.5m. A terrace is proposed above the ground floor accommodation to the eastern flank.

The proposal would include a loft conversion, including roof alterations to remove the valleys and extend the area of the crown roof. The crown roof would have an area of 61sqm. The proposal would include an increase in ridge height of the dwelling by approximately 0.2m. Two flat roofed dormer windows are proposed within the front roofslope of the dwelling with two flat roofed dormer windows proposed within the rear roofslope and a terrace at second floor level located centrally within the rear roofslope.

Amended plans were received during the course of this application to remove the first floor rear extension, reduce the width of the first floor side extensions and alter the proposed roof form of the two storey side extensions and reduce the number of dormers within the rear elevation roofslope. The floorspace of the proposed extensions has been reduced by 77sqm.

3.3 This application now seeks to make revisions to the above scheme which are summarised as follows:

- Omission of the previously consented first floor side extensions. Now proposed to be single storey only. This element would have a height of 4.3m to the top of the parapet with 0.8m high railings around the edges of the parapet.
- Increased depth of the single storey rear 'orangery' extension by 0.8m.
- Increased depth of the proposed single storey rear 'family room' extension by 1m.

- Introduction of a mono pitched shaped glazed roof to the single storey side 'kitchen' projection. A roof lantern would also be included within the flat roofed section of the existing side projection.
- In place of two rear dormers four rear dormers are now proposed. Either side of the balcony two dormer windows are proposed. Each would have a width of 1.5m, height of 1.7m and depth of 1.4m.

3.4 Amended plans have been received to reduce the width of the central two dormers.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Had no comments to make.

4.1.2 Hertfordshire County Council – Footpath Section: No response received.

4.1.3 Herts and Middlesex Wildlife Trust: No response received.

4.1.4 Herts Ecology: No response received.

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: 0

4.2.3 Site Notice: Expired: 13.04.2022 Press notice: Expired: 24.04.2022

4.2.4 Summary of Responses: None

5 Reason for Delay

5.1 Committee cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM6, DM13 and Appendices 2 and 5.

6.3 Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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

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

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

7 **Planning Analysis**

7.1 Impact on the Green Belt

- 7.1.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt the NPPF stipulates at paragraph 145 that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the **original building** it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.
- 7.1.2 Policy CP11 of the Core Strategy (adopted October 2011) 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.
- 7.1.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.1.4 More specific guidance is provided in Supplementary Planning Guidance No.3, Extensions to Dwellings in the Green Belt. The SPG provided further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD (adopted July 2013) advises that the guidance will be taken into account in the consideration of householder

developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As the NPPF or the Local Plan Policies do not give any clear guidance on the interpretation of the scale of extensions that would be disproportionate, the SPG, whilst of limited weight by virtue of its age, does give useful guidance and states that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate. Furthermore, the SPG states 'extensions to isolated dwellings in the countryside will be judged on their own merits given site circumstances, as in some instances side extensions may be preferable to rear extensions. The floorspace of existing outbuildings within residential curtilages that may be proposed to be removed will not be taken into account in assessing the size of the original dwelling nor the proposed percentage increase.

7.1.5 Green Belt Calculations;

	Original dwelling	Approved scheme	Current proposal
Ground floor space	356	542	554.5
First floor space	266	296	266
Second floor space	105	126	126
Overall % increase		33%	30%
% increase inc outbuilding		43%	40%

7.1.6 At the planning committee meeting in June 2020 Officers made a recommendation for approval as the extensions were not considered to be disproportionate. Members resolved to grant permission on the basis of the revised plans considered at the meeting. As such the applicant benefits from an extant planning permission to implement the scheme as consented via 20/0589/FUL.

7.1.7 The scheme now submitted omits the first floor elements of the permitted two storey side extensions. The omission of these elements reduces the overall increase in floor space to 40% in accordance with SPG3 therefore further increasing the proportionality of the proposed extensions in comparison with the previously approved scheme. The removal of the first floor side elements also increases openness to the sides of the host dwelling and the perceived visual bulk of the extensions compared with the current approval.

7.1.8 The proposed single storey rear extensions would increase in depth by a maximum of 1m. However the increase in depth is reserved to the single storey side and rear projection and the element of the extension to the side of the curved bay feature. As such when considered in relation to the extensions as a whole the additional depth of the proposed single storey rear element is not considered to result in its appearance as disproportionate to the host dwelling.

7.1.9 SPG3 outlines that loft conversions served by subordinate rear dormer windows are generally considered to be acceptable in the Green Belt. Whilst the proposed rear dormers now submitted are wider and greater in number than those consented via 20/0589/FUL they would still be contained within the main rear roofslope, set back behind the parapet wall and therefore would not adversely impact openness.

7.1.10 Overall, having regard to the existing extant permission, in addition to the nature of the proposed alterations the proposed extensions now submitted remain proportionate to the original dwelling. On that basis, the development is considered appropriate development in the Green Belt and therefore automatically would not harm openness. The proposed development would therefore comply with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD, the Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003) and the NPPF (2021).

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene. Appendix 2 sets out that 'oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original dwelling and streetscene'.
- 7.2.2 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. 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. 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 extensions 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 Officer's committee report for application reference 20/0589/FUL considered the submitted extensions to be acceptable for the following reasons:

The proposed side extensions would be significantly set in from the flank boundaries of the application site, and as such, would comply with the spacing of 1.2m set out within Appendix 2 in this regard. In addition, the proposed single storey rear extension would have a depth of 3.2m, and would therefore comply with the guidance depth of 4m set out within Appendix 2 in this regard. In addition, given the depth, width and height of the proposed two storey extensions, it is not considered that the proposed extensions would result in any demonstrable harm to the character or appearance of the host dwelling.

The proposed dormer windows would be set in from the flank elevations of the dwelling, and whilst the dormers would not be set down from the maximum ridge or set up from the eaves, given that the hipped roof form of the dwelling is set back from the eaves itself, and the number of dormer windows proposed, it is not considered that the dormer windows would subsume the roof of the dwelling so as to result in demonstrable harm to the character or appearance of the host dwelling.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed amended plans relate better to the existing building, and reflect the neo-Georgian style of the dwelling. Whilst the proposed extensions would alter the appearance of the building, given that the building is not listed, and the original building would still be readable and would not be subsumed, particularly at first floor or roof level, it is not considered that the proposal would result in demonstrable harm to the character or appearance of the host dwelling. Moreover, given the location of the host dwelling, it is not considered that the proposed extensions would appear unduly prominent within the streetscene of Hyde Lane.

Concerns are raised in relation to the loss of the gap between the host dwelling and the outbuilding, as this is used to emphasise the hierarchy of buildings within the application site. It is therefore considered that the two storey side extension and connection of the two buildings would undermine the historical integrity of the site, and would dilute the relationship between the two buildings. Notwithstanding this, given that the extensions have been reduced, and relate better to the original building, it is not considered that the dilution of the relationship of the dwelling and the outbuilding would result in demonstrable harm so as to justify the refusal of planning permission in this regard.

- 7.2.5 The current proposal includes the omission of the first floor elements of the previously consented two storey side extension. It is considered that this alteration would result in an improvement to the previously consented scheme as it allows for better visual legibility of the existing dwelling and increases the subservience of the side extensions as they would now be at ground floor level only.
- 7.2.6 The proposed increase in depth of part of the single storey rear extension would be minimal and would not detract from the proportionality of this element as previously consented when considered in relation to the overall scale of the host dwelling.
- 7.2.7 The proposal also incorporates a mono pitched shaped roof to the single storey side extension serving the kitchen. This element would remain glazed and would not result in any increase to the overall apparent bulk of this extension in comparison with that previously consented. The proposed roof lantern within the existing single storey side extension serving the proposed kitchen would not be readily apparent behind the parapet wall.
- 7.2.8 The proposed rear dormer windows now submitted would be wider and greater in number than those consented via 20/0589/FUL. However they would remain subordinate to the overall scale of the host roof. There would be spacing between the dormers allowing the host roof form to be visible. Additional visual subservience would be had by the setback nature of the proposed dormers which would be obscured to a degree by the parapet wall of the main roof. As such the proposed dormer windows are not considered to result in harm to the character of the host dwelling and would respond to its appearance by respecting a hierarchy of windows expected to upper floors.
- 7.2.9 In summary, given the width, depth and height of the proposed extensions, the reduced width of the rear dormer windows made during the application, it is not considered that the proposal would result in demonstrable harm to the host dwelling so as to justify the refusal of planning permission in this regard and would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and Appendix 2 of the Development Management Policies LDD.

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 extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 Given the isolated nature of the site, and the separation distance between the proposed extensions and neighbouring properties, it is not considered that the proposed development would result in any harm to neighbouring amenity, nor result in any overlooking.

7.4 Amenity Space Provision for Future Occupants

- 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 The proposal would result in a seven bedroom dwelling with an adjoining two bedroom outbuilding (one additional bedroom). Appendix 2 of the Development Management Policies document sets out that a nine bedroom dwelling should provide 189sqm of amenity space. The application dwelling is situated within extensive grounds, thus it is considered that adequate amenity space would be retained to serve the proposed extensions and the dwelling.

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 which states 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. Hertfordshire Ecology were consulted as part of this application and no objections to the proposal have been received. However, given that the development would result in the works to the existing roof, an informative would be attached to any consent to advise the applicant of what to do should bats be discovered during the course of the development.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. As such it is not considered that the proposed development would result in any harm in this respect.

7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 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.

7.7.2 The proposed development would increase the number of bedrooms on site to nine (including the bedrooms contained within the detached outbuilding), thus the proposal would result in one additional bedroom. Appendix 5 of the Development Management Policies document sets out that a four or more bedroom dwelling should provide onsite parking provision for three vehicles. The existing gravel driveway would be retained to provide onsite parking provision for more than three vehicles. Therefore the proposal is considered to be acceptable in this regard.

8 **Recommendation**

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), 2221-SK-101, 2221-SK-101, SK-105, 2221-SK-500, 2221-SK-501 E, 2221-SK-505 E and 2221-SK-510
- Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the area and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.
- Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:
- All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.
- There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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.
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- 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 stipulates that construction activity (where work is audible at the site boundary) 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 – 26 MAY 2022

PART I – DELEGATED

8. 22/0394/FUL: Loft conversion including side dormer window and flank rooflights at 23 LEWES WAY, CROXLEY GREEN, HERTFORDSHIRE, WD2 3SN.

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 02.06.22

Ward: Durrants
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Croxley Green Parish Council called-in this application for the reasons set out at paragraph 4.1.1.

1 Relevant Planning and Enforcement History

- 1.1 22/0414/RSP - Demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height. Pending decision.
- 1.2 21/2446/FUL - Part Retrospective: Demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height and insertion of dormer window in the western roofslope and rooflights in both side roofslopes. Application withdrawn 22.12.21.
- 1.3 20/0222/COMP - Unauthorised extensions – Pending consideration.
- 1.4 20/1557/RSP - Part Retrospective: Loft conversion including hip to gable roof extension and insertion of rear dormer to provide habitable accommodation within the roof – Refused.

Refused for the following reasons:

R1 - The introduction of hip to gable roof alterations and rear dormer window would by virtue of the elevated roof bulk, massing, design and siting result in an uncharacteristic and visually intrusive form of development which subsumes and exacerbates the prominence of the host dwelling to an unacceptable degree. The development therefore fails to respect the character of the host dwelling and wider streetscene and results in demonstrable harm to the visual amenities of Lewes Way, contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).

R2 - The hip-to gable roof forms and rear dormer window, by virtue of their siting, design and significant increase in the overall elevated roof bulk and massing would result in an obtrusive and unneighbourly form of development, resulting in demonstrable harm to adjacent neighbouring residential amenity. The development is therefore contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

An appeal was submitted in relation to this refusal which was dismissed by the Planning Inspectorate (appeal reference: APP/P1940/D/20/3262933) with the Inspector upholding both reasons for refusal.

- 1.5 20/1253/FUL - Part Retrospective: Loft conversion including insertion of rear dormer to provide habitable accommodation within the roof - Withdrawn 30.07.2020.

- 1.6 19/2497/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable extensions and rear dormer - Withdrawn 27.01.2020.
- 1.7 19/1691/RSP - Part Retrospective: Construction of detached building - Permitted 21.10.2019.
- 1.8 19/0156/COMP - Enforcement Enquiry: Outbuilding on raised platform with no planning permission - Case Closed 28.10.2019.
- 1.9 18/0204/COMP - Enforcement Enquiry: Alleged breach of planning conditions (18/0049/PDE) - Case Closed 12.10.2018.
- 1.10 18/1680/FUL - Demolition of existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height - Permitted 16.11.2018 and part implemented (lawfully commenced within time limit so remains extant).
- 1.11 18/0049/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres) - Permitted 06.02.2018.
- 1.12 17/2534/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres) - Withdrawn 04.010.2018.

2 Description of Application Site

- 2.1 The application site, contains a two storey detached dwelling located on the southern side of Lewes Way, Croxley Green. Lewes Way is a residential street which comprises of two storey detached dwellings of a similar architectural style and design, some of which have been extended or altered. The land levels within the vicinity slope gently upwards from west to east.
- 2.2 The application dwelling is undergoing works which are substantially complete to implement approved planning application 18/1680/FUL. Other unauthorised works have also taken place including the construction of gable ends to the eastern and western flanks and a dormer window within the rear roof slope. These unauthorised works are subject to planning enforcement case 20/0222/COMP have been removed.
- 2.3 The dwelling is set back from the highway and has a driveway to accommodate three vehicles.
- 2.4 To the rear there is an area of lawn and an outbuilding located to the rear of the site. High level close boarded fencing encloses the rear amenity space provision. Land levels increase to the rear of the site.
- 2.5 The neighbour to the east, number 21 Lewes Way, benefits from a single storey rear extension and multiple outbuildings are located to the rear of the neighbouring site. Due to the topography, this neighbour is located at a lower land level than the host dwelling. The neighbour to the west, number 25 Lewes Way, on marginally higher land level, benefits from a single storey rear extension and outbuildings located to the rear of the neighbouring site.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for a loft conversion including side dormer window and flank rooflights. The submitted plans indicate that once constructed, the dwelling would essentially appear as if planning permission 18/1680/FUL (and 22/0414/FUL, pending decision) and this planning scheme have been constructed.

- 3.2 The proposed side dormer window would be located on the western flank roof slope, facing neighbour no.25. It would have a width of 2.7m, a depth of 2.8m and a partial crown roof with a height of 2.2m falling to an eaves height of 1.7m. It would also be set down from the ridge line by 0.2m. It would have a fixed shut obscurely glazed window.
- 3.3 There would also be 1 rooflight inserted within the western flank roof slope and 2 rooflights within the eastern roof slope. All rooflights would be located at a high level.
- 3.4 Amended plans were provided as part of this application to ensure that the plans were correctly labelled to indicate the proposed development and the pre-existing extent of the dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: Objection.

CGPC object for the following reasons:

- 1. Development does not comply with CA2 of the Neighbourhood Plan.*
- 2. This further development would result in a total over massing of site.*
- 3. There are concerning privacy issues and loss of light for neighbours.*

Neighbours comments should be taken into account. If the planning officer is minded to approve the application then CGPC request that it be considered by TRDC planning committee.

4.1.2 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 No of responses received: 2 objections received

4.2.3 Summary of responses:

- Plans are incorrect and insufficient;
- Concern that future applications for more roof enlargement will occur e.g. second dormer on eastern flank;
- Unduly dominate and overbearing;
- Loss of light;
- Overlooking;
- Poor quality design;
- Out of character;
- Contrary to planning policies;
- No information on pre-application advice given to the applicant;
- Appeal decision dismissed roof enlargements;
- No valid planning permission exists on the site;
- The fenestration alterations have not been granted permission;
- 18/1680/FUL could only be achieved by the Council under-enforcing;
- Enforcement action has been delayed;
- There is no reason for the proposal e.g. staircase to the dormer window;
- Crown roof of the dormer would be dominant;

- Side dormer would overlook no.25;
- Dormer will not be used for its stated purpose;
- Roof lights should be 1.8m above the finished floor level;
- Cumulative increase of the dwelling and the side dormer would be harmful on neighbours;
- Dormer is large in scale and reduced spacing between buildings;
- Dormer would accentuate the impact of the increase in ridge height;
- Not overcome the Appeal considerations;
- The site has been a building site for 4.5 years – never-ending project;
- Not able to enjoy property;
- Eyesore;
- A 5 year hiatus on planning applications should be applied.

Officer comment: Only material planning considerations can be assessed as part of this application. Officers are not able to pre-empt future development and as such, future development is not assessed within this application. During the course of this application amended plans were sought and plans were labelled correctly and now portray the proposed development in a street scene context.

The Local Planning Authority (LPA) are content that the 2018 planning permission was lawfully commenced in-time and therefore remains extant. Whilst the works in relation to the 2018 permission subsequently deviated away from the approved plans; works are now underway to ensure that they are built in accordance with the plans. Any enforcement action which was going to be undertaken if works had not progressed would have required the implementation of the 2018 planning permission or the removal of the unauthorised extensions.

The LPA must assess all validated planning applications it receives, unless it is a similar submission to an application which has been previously approved or refused and the time within which an appeal could be made to the Secretary of State has not expired (section 70B of the Town and Country Planning Act 1990 (as amended)).

4.2.4 Site Notice: Not required.

4.2.5 Press notice: Not required.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In 2021 the updated 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”.

6.1.2 The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Development Plan

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

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

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

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policy CA2 and Appendices B and C. The site is within Character Area 7.

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 Overview:

7.2 Planning permission was granted in 2018 to demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height under application reference 18/1680/FUL. This application was approved at Three Rivers Planning Committee on Thursday 15th November 2018.

7.3 During the investigation it came to light that planning permission granted in 2018 under application 18/1680/FUL had not been implemented in accordance with approved plans. Breaches on site included a loft conversion including hip to gable roof extension towards the rear and the insertion of a rear dormer.

7.4 As above, Officers consider that works permitted under reference 18/1680/FUL lawfully commenced.

7.5 It should be noted that this application **only** seeks the addition of a loft conversion including side dormer window and flank rooflights. It does not make an assessment of unauthorised works nor the works subject to 22/0414/RSP. Only the development proposed within the submitted plans are assessed within this application.

7.6 Impact on Character and Street Scene

- 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'.
- 7.6.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out that development should not have a significant impact on the visual amenities of the area. In relation to new development, the Design Criteria of the DMP LDD stipulates that oversized, unattractive and poorly sited development can detract from the character and appearance of the street scene. With specific regards to dormers, Appendix 2 states that dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible. Crown roof can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roof are generally favoured.
- 7.6.3 The Croxley Green Neighbourhood Plan (adopted December 2018) states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The Neighbourhood Plan comments in relation to character area and Lewes Way that;
- “Areas 7 is a large district and more homogeneous than the rest of the parish with 1930s two storey semi-detached houses dominating in the southern part and extensive frontages of 1930s bungalows, particularly in Links Way. Development of the northern part of this area ceased during the Second World War and resumed afterwards. There were some plots where foundations had been laid and these remained incomplete for years. When development recommenced it included a substantial area of 1950s social housing, both terraced houses, maisonettes and flats. There are also two sizeable later developments on previously non-residential sites. At the north end of Manor Way, on the site of the former Durrants School. More recently, Durrants, formerly private playing fields after the sale of the old estate. To the ancient byway of north Little Green Lane forms a distinct edge to the Parish boundary with beautiful countryside of open farmland and woods beyond. This “green edge” is an important characteristic around most of the perimeter of the Parish and is especially important on the eastern boundary where the Green Belt is so narrow”*
- 7.6.4 Policy CA2 of The Croxley Green Neighbourhood Plan requires that domestic extensions should seek to conserve and enhance the Character of the area through the control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted. Appendix C states that “Box” dormers should be avoided on front and side elevations and any roof lights should be appropriately scaled. Additionally, flat roofs on front or side extensions are generally inappropriate, except on small dormers.
- 7.6.5 Owing to the position of the proposed side dormer, it would be visible from the wider street of Lewes Way. Although visible, the views would largely be from an oblique angle from a westerly direction. Additionally, the proposed side dormer would be positioned some 8m back from the front elevation which reduces its prominence when viewing the dwelling from Lewes Way. However, the side dormer roof would be of a limited extent and includes a hipped to crown roof. As such, when considered against the guidance provided within The Croxley Green Neighbourhood Plan it cannot be said to be a ‘box’ dormer. Consequently, given its limited size, design and siting it would not be unacceptable when viewed against the extended dwelling and wider streetscene which includes various examples of similar side dormers. The submitted plans also indicate that the dormer would be finished in

materials which would match the existing dwelling which would contribute to ensure it blends in with the existing house.

7.6.6 The proposed rooflights would be of a size, extent and positioning which would not be excessive or prominent in relation to the host dwelling or wider area. It is also noted that there are numerous rooflights within the wider street of a similar design such that they would not appear out of character.

7.6.7 In summary, it is considered that the proposed extensions would not result in any adverse impact on the host dwelling or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).

7.7 Impact on amenity of neighbours

7.7.1 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'.

7.7.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.7.3 The proposed rooflights are of a size, extent and positioning that they would not result in any unacceptable overlooking. Nevertheless, to ensure privacy is maintained, a condition is recommended that the rooflights are non-openable unless they are 1.7m above the internal floor level.

7.7.4 The proposed dormer would have no adverse impact on adjacent neighbour to the east, no.21 given it is sited to the western roofslope facing no.25.

7.7.5 The proposed dormer would introduce built form on an already extended dwelling closest to neighbour no.25. The proposed side dormer would extend beyond the first floor rear wall of no.25 and thus would be noticeable from within the rear garden. Nevertheless, this neighbouring property has extended at ground floor level and thus, the dormer would not be facing the rear garden. Additionally, the window within the dormer is shown to be fixed shut and obscurely glazed and this will be conditioned to that effect to ensure no unacceptable overlooking. Given its elevated height and minimal scale, contained within the roof slope, there would not be a harmful loss of light or overshadowing nor would the dormer be overbearing on this neighbour.

7.7.6 The proposed dormer would face directly towards no.25 and includes a flank window. The dormer window would serve a stairwell providing access to the loft space, rather than a habitable room. As such, a condition is recommended and considered reasonable and necessary to ensure that the window is obscure glazed and non-openable unless above 1.7m from the internal floor level in which it is positioned. This would ensure no actual or perceived overlooking could take place. Subject to this condition, the window is considered acceptable.

7.7.7 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.8 Amenity Space Provision for future occupants

7.8.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.8.2 The indicative amenity space for a 4 bedroom dwelling is 105sqm. The application site would retain approximately 200sqm amenity space which would exceed the standards. Further, the proposal would not result in any addition of bedrooms and as such there would be no alteration to the existing amenity space.

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.

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 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.

7.9.3 The application has been submitted with a Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.10 Trees and Landscaping

7.10.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.10.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.11 Highways, Access and Parking

7.11.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.11.2 The indicative car parking level for 4 bedrooms is 3 assigned spaces. The block plan submitted as part of this application indicates that there would be 3 assigned parking spaces, of which when measured, would be of an appropriate size to accommodate 3 vehicles. Given that the proposed plans indicate the dwelling would be 4 bedrooms, it is considered that the parking circumstances are acceptable.

8 RECOMMENDATION

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted that have not yet been carried out shall be begun before the expiration of 3 years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 Following the substantial completion of planning permission 18/1680/FUL or 22/0414/RSP (if granted) the development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 REV D (Block Plan); TRDC 002 REV A (Location Plan); 3879/2K (dated Mar 2022); 3879/8B (dated Mar 2022); 3979/9C (dated Mar 2022); 3879/7G (dated Apr 2022); 3978/12.
- Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).
- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.
- Reason: To prevent the proposed dormer from 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 proposed window serving the stairwell within the dormer hereby permitted facing neighbour dwelling No.25 shall be fitted with purpose made obscured glazing and shall be permanently fixed shut. 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 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**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

PLANNING COMMITTEE – 26 MAY 2022

PART I - DELEGATED

9. **22/0414/RSP: Part Retrospective Demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height at 23 LEWES WAY, CRXOLEY GREEN, HERTORDSHIRE, WD2 3SN (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 20.05.22
Extension of Time: 31.05.22

Ward: Durrants
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Croxley Green Parish Council called-in this application for the reasons set out at paragraph 4.1.1.

1 Relevant Planning and Enforcement History

- 1.1 22/0394/FUL - Loft conversion including side dormer window and flank rooflights. Pending decision.
- 1.2 21/2446/FUL - Part Retrospective: Demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height and insertion of dormer window in the western roofslope and rooflights in both side roof slopes. Application withdrawn 22.12.21.
- 1.3 20/0222/COMP - Unauthorised extensions – Pending consideration.
- 1.4 20/1557/RSP - Part Retrospective: Loft conversion including hip to gable roof extension and insertion of rear dormer to provide habitable accommodation within the roof – Refused.

Refused for the following reasons:

R1 - The introduction of hip to gable roof alterations and rear dormer window would by virtue of the elevated roof bulk, massing, design and siting result in an uncharacteristic and visually intrusive form of development which subsumes and exacerbates the prominence of the host dwelling to an unacceptable degree. The development therefore fails to respect the character of the host dwelling and wider streetscene and results in demonstrable harm to the visual amenities of Lewes Way, contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).

R2 - The hip-to gable roof forms and rear dormer window, by virtue of their siting, design and significant increase in the overall elevated roof bulk and massing would result in an obtrusive and unneighbourly form of development, resulting in demonstrable harm to adjacent neighbouring residential amenity. The development is therefore contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

An appeal was submitted in relation to this refusal which was dismissed by the Planning Inspectorate (appeal reference: APP/P1940/D/20/3262933) with the Inspector upholding both reasons for refusal.

- 1.5 20/1253/FUL - Part Retrospective: Loft conversion including insertion of rear dormer to provide habitable accommodation within the roof - Withdrawn 30.07.2020.
- 1.6 19/2497/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable extensions and rear dormer - Withdrawn 27.01.2020.
- 1.7 19/1691/RSP - Part Retrospective: Construction of detached building - Permitted 21.10.2019.
- 1.8 19/0156/COMP - Enforcement Enquiry: Outbuilding on raised platform with no planning permission - Case Closed 28.10.2019.
- 1.9 18/0204/COMP - Enforcement Enquiry: Alleged breach of planning conditions (18/0049/PDE) - Case Closed 12.10.2018.
- 1.10 18/1680/FUL - Demolition of existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height - Permitted 16.11.2018 and part implemented. (lawfully commenced within time limit so remains extant).
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- 1.12 17/2534/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres and eaves height 2.9 metres) - Withdrawn 04.010.2018.

2 Description of Application Site

- 2.1 The application site, contains a two storey detached dwelling located on the southern side of Lewes Way, Croxley Green. Lewes Way is a residential street which comprises of two storey detached dwellings of a similar architectural style and design, some of which have been extended or altered. The land levels within the vicinity slope gently upwards from west to east.
- 2.2 The application dwelling is undergoing works which are substantially complete to implement approved planning application 18/1680/FUL. Other unauthorised works have also taken place including the construction of gable ends to the eastern and western flanks and a dormer window within the rear roof slope. These unauthorised works are subject to planning enforcement case 20/0222/COMP have been removed.
- 2.3 The dwelling is set back from the highway and has a driveway to accommodate three vehicles.
- 2.4 To the rear there is an area of lawn and an outbuilding located to the rear of the site. High level close boarded fencing encloses the rear amenity space provision. Land levels increase to the rear of the site.
- 2.5 The neighbour to the east, number 21 Lewes Way, benefits from a single storey rear extension and multiple outbuildings are located to the rear of the neighbouring site. Due to the topography, this neighbour is located at a lower land level than the host dwelling. The neighbour to the west, number 25 Lewes Way, on marginally higher land level, benefits from a single storey rear extension and outbuildings located to the rear of the neighbouring site.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission to demolish existing garage and construct a single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height.

3.2 During application 18/1680/FUL the Officer described the proposed works as:

The proposal would result in an increase in ridge height of the dwelling by 0.3m, from 7.8m to 8.1m. The main eaves height of the dwelling would remain the same at a height of 5.4m.

The proposed front extension would have a maximum depth of 1.9m from the eastern aspect of the frontage and a depth of 2.2m from the currently recessed western aspect of the frontage incorporating a front porch at ground floor level. The front porch would hold a width of 2.1m at its deepest point and the eastern aspect would hold a width of 3.6m at its deepest point. The front porch would have pitched roof form with a maximum height of 3.5m sloping down to an eaves height of 2.6m. At first floor level, the front extension would hold a depth of approximately 1.3m from the western flank and 1.6m from the eastern aspect reflecting the existing stepped frontage of the application site. The two storey front extension to the eastern aspect of the front elevation would have a hipped roof form with a maximum height of 6.8m, sloping down to an eaves height of 5.4m. The front extension to the western aspect would adjoin the main roofslope of the dwellinghouse with a maximum height of 8.1m, sloping down to an eaves height of 5.4m.

The front extension would adjoin the proposed side extension constructed to the eastern flank of the host dwelling replacing the existing adjoining garage. The side extension would hold a width of 2.2m from the existing main two storey flank elevation at ground floor level and a depth of 13.2m, extending approximately 3.6m beyond the existing main two storey rear elevation of the dwelling, adjoining the existing single storey rear extension. At ground floor level, the proposed side extension would be constructed up to the eastern flank boundary with a dummy pitched roof form with a maximum height of 3.4m and a pitched roof behind with a height of 2.9m.

At first floor level, the side extension would hold a width of 1m and a depth of 12.9m including a 3.6m deep rear extension. The extension would be set in approximately 1.3m from the eastern flank boundary and the extension would adjoin the ridge of the main two storey dwelling with a height of 8.1m, sloping down to an eaves height of 5.4m.

During the course of the application, the applicant confirmed in writing that the proposal would include white render to the flank elevations and rear elevation of the dwelling with the brickwork to the frontage retained to match the existing. Amended plans have now been received to remove the proposed white render from the proposal and the revised plans indicate that the proposed development would be finished in brickwork to all elevations to match the existing dwelling.

3.3 The **only** difference between previously approved planning application 18/1680/FUL and this application is:

- The alteration from white framed windows to grey framed windows.

3.4 Amended plans were provided as part of this application to ensure that the plans were correctly labelled to indicate the proposed development and the pre-existing extent of the dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC object for the following reasons:

- 1. Development does not comply with CA2 of the Neighbourhood Plan.*
- 2. The extension of the increased ridge height would create an overbearing structure.*

3. *This further development would result in a total overmassing of site.*

4. *There are concerning privacy issues and loss of light for neighbours.*

Neighbours comments should be taken into account. If the planning officer is minded to approve the application then CGPC request that it be considered by TRDC planning committee.

4.1.2 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 No of responses received: 1 objection received

4.2.3 Summary of response:

- Plans are misleading;
- Bulk and design impacts the street scene – appeal reference APP/P1940/D/20/3262933;
- Loss of character;
- Development exacerbated 22/0394/FUL;
- No street scene elevations have been provided;
- Fenestration alterations have occurred without permission;
- Conditions relating to 18/1680/FUL have not been upheld;
- The public footway and verge have been damaged;
- No dimensions on the plans have been provided;
- The application form has been filled out incorrectly;
- Request the application is withdrawn due to inaccuracies in the plans and application form;
- Object to design due to loss of character in the road.

Officer comment: Only material planning considerations can be assessed within this application. Officers are not able to pre-empt future development and as such, future development is not assessed within this application. It is acknowledged that initial plans had not been labelled correctly. During the course of this application, amended plans were sought and plans were labelled correctly, including the amendment of the street scene plan. Concerns relating to the public footway etc. would be a matter for the highway authority. Officers are not able to make an assessment of works outside of the red line indicated on the location plan.

4.2.4 Site Notice: Not required.

4.2.5 Press notice: Not required.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In 2021 the updated 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”.

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

6.2 The Three Rivers Local Development Plan

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

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

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

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policy CA2 and Appendices B and C. The site is within Character Area 7.

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 Overview:

- 7.2 Planning permission was granted in 2018 to demolish existing garage and construction of single storey and two storey front, side and rear extensions, first floor rear extension and alterations to roof to include increase in ridge height under application reference 18/1680/FUL. This application was approved at Three Rivers Planning Committee on Thursday 15th November 2018.

- 7.3 This application has come forward following planning enforcement 20/0222/COMP.

- 7.4 During the investigation it came to light that planning permission granted in 2018 under application 18/1680/FUL had not been implemented in accordance with approved plans. Breaches on site included a loft conversion including hip to gable roof extension towards the rear and the insertion of a rear dormer.
- 7.5 Officer consider that works permitted under reference 18/1680/FUL lawfully commenced.
- 7.6 It should be noted that the **only** difference between previously approved planning application 18/1680/FUL and this application is the alteration from white framed windows to grey framed windows.
- 7.7 Impact on Character and Street Scene
- 7.7.1 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'.
- 7.7.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) sets out that development should not have a significant impact on the visual amenities of the area. In relation to new development, the Design Criteria of the DMP LDD stipulates that oversized, unattractive and poorly sited development can detract from the character and appearance of the street scene. In relation to front extensions, Appendix 2 sets out that applications will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent within the streetscene. In relation to side extensions, Appendix 2 sets out that at single storey level, the proximity to the flank boundary will be individually assessed and however, in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, side extensions should be set in a minimum of 1.2m from the flank boundary at first floor level. Applications for two storey rear extensions will be assessed on their individual merits in terms of size and volume and according to the characteristics of the particular property. Generally, the maximum depth of single storey rear extensions to detached dwellings should be 4m.
- 7.7.3 The Croxley Green Neighbourhood Plan (adopted December 2018) states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The Neighbourhood Plan comments in relation to character area and Lewes Way that;
- “Areas 7 is a large district and more homogeneous than the rest of the parish with 1930s two storey semi-detached houses dominating in the southern part and extensive frontages of 1930s bungalows, particularly in Links Way. Development of the northern part of this area ceased during the Second World War and resumed afterwards. There were some plots where foundations had been laid and these remained incomplete for years. When development recommenced it included a substantial area of 1950s social housing, both terraced houses, maisonettes and flats. There are also two sizeable later developments on previously non-residential sites. At the north end of Manor Way, on the site of the former Durrants School. More recently, Durrants, formerly private playing fields after the sale of the old estate. To the ancient byway of north Little Green Lane forms a distinct edge to the Parish boundary with beautiful countryside of open farmland and woods beyond. This “green edge” is an important characteristic around most of the perimeter of the Parish and is especially important on the eastern boundary where the Green Belt is so narrow”*
- 7.7.4 Policy CA2 of The Croxley Green Neighbourhood Plan requires that domestic extensions should seek to conserve and enhance the character of the area through the control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.

- 7.7.5 It is acknowledged that the proposed window frames are grey in colour which contrast with the white framed windows within the pre-existing dwelling and appear more modern in appearance. Further, it is noted that the majority of other dwellings within Lewes Way have retained white framed windows. However, although contrasting in colour, the windows retain a broadly similar size and profile to the pre-existing and neighbouring windows and a greater variety exists within the area, beyond Lewes Way. In this regard, the grey window frames are not unduly prominent or so out of character that they have a harmful impact on the visual amenity of the host dwelling and wider area.
- 7.7.6 Since the 2018 approval and this application, it is considered that there has not been a material difference in the character and appearance of the wider street. Nor has there been a material alteration to adjacent neighbour's nos. 21 and 25. It is however, acknowledged that since the 2018 permission, the Croxley Green Neighbourhood Plan (adopted December 2018) has been adopted and therefore is now a material consideration within decision making. Also, the NPPF has been updated (2021). The existing Development Management Policies have remained un-altered.
- 7.7.7 Having regard to the Croxley Green Neighbourhood Plan, the development has increased the size and scale of the host dwelling. However, the increase in ridge height has not exceeded the height of the dwelling to the west (no.25) and maintained the eaves height. As such, it does not appear incongruous or of a prominent height in relation to the wider street. Furthermore, the rear extensions are not readily visible from the wider street of Lewes Way and therefore, is not prominent from the wider street. Also, it is acknowledged that the street scene of Lewes Way does have some degree of variation with regard to extensions of varying styles and design such that the rear extension does not appear unduly excessive or out of character. Although extended to the side, the dwelling in from the western flank and set in at first floor level by 1.3m from the eastern boundary. At this spacing, side extension complies with the guidance set out within Appendix 2 and has not resulted in terracing between the dwellings. The scheme includes a front extension which has a gable end and forward of the neighbouring dwellings. It is noted that there is no uniform building line of dwellings along the wider street and there are other gable features such that the front extension, including porch, is not out of character or unduly prominent. Although increasing the scale of the pre-existing dwelling, it is considered that the development accords with Appendix 2 of the Development Management Policies LDD and Croxley Green Neighbourhood Plan.
- 7.7.8 Given that this application essentially seeks what has previously been approved in terms of built form, the site circumstances have not materially changed, planning policies have not significantly varied, the development accords with the Croxley Green Neighbourhood Plan and the darker framed windows within this application do not arise in harm to the dwelling or wider street.
- 7.7.9 It is also acknowledged that the dismissed appeal at the site, APP/P1940/D/20/3262933, occurred following the previous 2018 approval. The appeal sought extensions including hip to gable roof extensions and a rear dormer which significantly deviated away from the 2018 planning permission. The appeal scheme found the unauthorised additions unacceptable. Given that the roof within this application remains hipped, respecting the character of the wider street, and is in line with the 2018 planning permission it is considered the proposed scheme is materially different and not comparable to the appeal scheme.
- 7.7.10 In summary, it is considered that the proposed development does not result in any adverse impact on the host dwelling or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Croxley Green Neighbourhood Plan (adopted December 2018).
- 7.8 Impact on amenity of neighbours

- 7.8.1 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'.
- 7.8.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. 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 the position of windows and development on neighbouring properties.
- 7.8.3 The two storey extensions does not intrude into a 45 degree splay line and therefore does not give rise to an unacceptable loss of light nor is it overbearing on either neighbour. The two storey side extension is set in 1.3m from the shared boundary with neighbour no.21, and is in accordance with the guidance set out within Appendix 2 with regard to spacing between dwellings. Further, although the ground floor is built up to the boundary with this neighbour, this neighbour also benefits from a ground floor extension abutting the boundary line. In addition the site boundary treatment is high between the sites, providing some screening. Given the land levels at the site and the positioning of the rear extension, it is not overbearing on this neighbour. The ground floor extends further than neighbour no.25. However, this neighbour also benefits from a rear extension. Owing to the side, extension and positioning of the rear extension is not overbearing nor does it result in a harmful loss of light to this neighbour. The first floor flank windows are conditioned to be obscure glazed and fixed shut which ensures no unaccepted overlooking to either neighbour.
- 7.8.4 As highlighted above, the extensions and window positioning within this application have previously been approved and not altered. Therefore, the extensions would not give rise to any additional intrusion, loss of light nor are they considered to be overbearing on any neighbour.
- 7.8.5 The proposed alteration of window colouring within this application does not give rise to any further overlooking or intrusion.
- 7.8.6 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.9 Amenity Space Provision for future occupants
- 7.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.9.2 The indicative amenity space for a 4 bedroom dwelling is 105sqm. The application site would retain approximately 200sqm amenity space which would exceed the standards. Further, the proposal would not result in any addition of bedrooms and as such there would be no alteration to the existing amenity space, raising no objection in this regard.
- 7.10 Wildlife and 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.
- 7.10.2 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.
- 7.10.3 The application has been submitted with a Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.11 Trees and Landscaping

- 7.11.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.11.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value have been harmed or removed by virtue of the development.

7.12 Highways, Access and Parking

- 7.12.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.12.2 The indicative car parking level for 4 bedrooms is 3 assigned spaces. The block plan submitted as part of this application indicates that there would be 3 assigned parking spaces, of which when measured, would be of an appropriate size to accommodate 3 vehicles. Given that the proposed plans indicate the dwelling would be 4 bedrooms, it is considered that the parking circumstances are acceptable.

8 RECOMMENDATION

- 8.1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions:
- C1 Those parts of the development hereby permitted which have not been completed shall be carried out in accordance with the following approved plans: TRDC 001 REV F (Block Plan); TRDC 002 REV A (Location Plan); 3879/1A (dated Apr 2022); 3879/9D dated Apr 2022); 3879/8C (dated Apr 2022); 3879/11A (dated Apr 2022);

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

- C2 Unless specified on the approved plans, all new works or making good to the retained fabric (excluding the grey framed windows hereby permitted) shall be finished to match in size, colour, texture and profile those of the existing dwelling.

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

- C3 The first floor flank windows hereby permitted within the eastern and western flank 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 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).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission or any other permission] shall be constructed in the flank elevations or flank roof slopes of the extensions (excluding the ground floor extension) hereby approved.

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

8.2 **Informatives**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage

occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

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

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

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PLANNING COMMITTEE – 22 MAY 2022

PART I - DELEGATED

11. **22/0480/FUL: Demolition of single storey side extension, construction of part single and part two storey side/rear extension, front porch canopy and single storey rear extension at 128 BALDWINS LANE, CROXLEY GREEN, WD3 3LJ. (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 09.05.22
Extension of Time: 31.05.22

Ward: Durrants
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Croxley Green Parish Council called-in this application for the reasons set out at paragraph 4.1.1.

1 Relevant Planning History

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling located on the northern side of Baldwins Lane, Croxley Green. This end of Baldwins Lane is predominantly residential and contains dwellings of a similar architectural style and design although, the host dwelling is of very different design to the others within the street and is included within Character Area 6 of the Croxley Green Neighbourhood Plan. The application dwelling (known also as 'Old Lodge House') is identified in the Neighbourhood Plan (Policy CA4) as a 'Landmark Building'. It is described as 'early Victorian, original lodge to Durrants'.
- 2.2 The application dwelling has gable roof features and is finished in part cream render, part red brick. There is a single storey garage (with timber cladding to its front gable) and side projection. It is also characterised by 2 large characterful chimneys. The dwelling is set back from the highway by a driveway serving at least 3 vehicles.
- 2.3 The rear is stepped in an 'L' shape. There is a side projection with a roof lantern. There is a large rear garden laid to lawn. Boundary treatment with neighbours consists of close boarded fencing approximately 1.5m in height and vegetation of varying heights.
- 2.4 The neighbouring dwelling to the east, No. 126, benefits from a single storey rear extension, set in from the shared boundary. The neighbouring dwelling to the west, No.128a, has also been extended with a stepped single storey rear extension.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the single storey side extension, construction of part single and part two storey side/rear extension, front porch canopy and single storey rear extension.
- 3.2 The proposed two storey side and rear extension would be located on the western side of the dwelling closest to neighbour No.128a. It would have a width of 4.2m, a depth of 8.9m and a gable ended roof form with its ridge level with the existing ridge line, at 7.5m in height. It would serve bedroom 4 and bedroom 2 with en-suite. There would be 2 rooflights within the western roofslope. Bedroom 4 would be served by a window to the front and bedroom 2, a window to the rear. There would be 1 flank window at first floor serving the en-suite bathroom. To the front of the two storey side extension there would be a part single storey

extension which would extend in line with the existing front gable, on the western side closest to neighbour no.128a. It would have a maximum width of 4.2m. It would have a mono-pitched roof with a ridge height of 3m falling to an eaves height of 2.5m.

- 3.3 The proposed single storey rear extension would have a maximum depth of 4.8m. It would have a flat roof with parapet with a maximum height of 3.2m. It would accommodate a living room, dining room and kitchen. There would be 3 rooflights within the flat roof, below the parapet. There would be 2 sets of doors within the rear elevation.
- 3.4 To the front, a porch canopy would be erected. It would have an entrance open porch feature with a mono-pitched roof with a ridge height of 3m falling to an eaves height of 2.5m.
- 3.5 Two rooflights are proposed within the existing eastern facing roofslope. All proposed rooflights would be located within a vaulted roof serving bed 2 and bed 1.
- 3.6 The proposed development would be finished in materials to match the existing dwelling.
- 3.7 The proposed development would result in a 5 bedroom dwelling (increase of 1).
- 3.8 Amended plans were provided during the course of this application to reduce the depth of the single storey rear extension by 0.7m from 5.5m to 4.8m. Also, further amendments reduced the extent of the front extension such that it does not project forward of the existing front gable and omitted the central front extension, replacing this with a central open porch feature. Further, details of the vaulted roof were provided.
- 3.9 This application has come forward and has been amended following pre-application advice provided.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC have the following concerns:

1. The front ground floor extensions do not meet the policies set out in the Neighbourhood Plan as the style is different to the existing house roof pitch.
2. No sections submitted.
3. Proximity to neighbours and potential loss of daylight

This is a Landmark Building (Old Lodge House) and covered by policy CA4 in the Neighbourhood Plan. With minor modifications this application could be sympathetic to the existing house.

If Planning Officer is minded to approve, then CGPC request that it be considered by TRDC planning committee.

Officer comment: The Parish Council have been notified of the amendments and the committee will be updated if further comments are received.

4.1.2 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: 0

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

6.1.1 In 2021 the updated 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”.

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

6.2 The Three Rivers Local Development Plan

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

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

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

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policies CA2 and CA4 and Appendices B and C. The site is within Character Area 6.

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. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or to the general street scene. Further, it should not result in loss of light to the windows of neighbouring properties nor allow overlooking. Appendix 2 also sets out that single storey rear extensions should be a maximum depth of 4m in the case of detached dwellings. Front extensions will be assessed on their individual merits but should not result in a loss of light to neighbouring windows nor be excessively prominent in the street scene. Two storey side extensions in order to prevent a terracing effect and maintain an appropriate spacing between properties shall be a minimum of 1.2m from the flank boundary. Two storey rear extensions, in terms of size and volume will be assessed on its individual merit according to the characteristics of the particularly property.

7.1.3 Policy CA2 of the Croxley Green Neighbourhood Plan (adopted December 2018) states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The Neighbourhood Plan comments in relation to character area 6 and Baldwins Lane that;

"Almost separated from the streets to the south by a band of open spaces and allotments, this large area and Area 7 to the north (both relatively level) are more homogeneous than the rest of the parish, with semi-detached two storey houses dominating, but there are almost complete streets of bungalows as well. Development of the area was commenced at the eastern end in the late 1920s and continued into the 1930s. There is some 1950s social housing at the western end, both terraced and semidetached houses, such as Owens Way. There are also some more recent redevelopments, for instance Cherwell Court, off Dulwich Way, contains a sheltered housing block for the elderly, very rare in the Parish."

7.1.4 Policy CA2 of The Croxley Green Neighbourhood Plan also requires that domestic extensions should seek to conserve and enhance the character of the area through the control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.

7.1.5 Policy CA4 of The Croxley Green Neighbourhood Plan refers to landmark buildings and structures and sets out that improvements will be encouraged as long as they maintain or enhance the positive contribution the buildings make to the surrounding character. Any proposed change to or replacement of these buildings and structures will only be permitted if the design respects the character and scale of the immediate environment. Any loss of these buildings and structures will be resisted unless the public benefits of any proposal outweigh the loss.

- 7.1.6 The application dwelling, previously known as 'Old Lodge House' is listed within Policy CA4 as an early Victorian dwelling, original to Durants. Therefore, it is considered to make a positive architectural contribution to the area. However, it is not statutory listed or locally listed.
- 7.1.7 Owing to the position of the two storey side/rear extension, it would be readily visible from the wider street of Baldwins Lane. Although visible, the two storey side extension would reflect the existing design of the dwelling and would follow the same ridge line and eaves height. It would also be set off the adjacent boundary line with no.128a by 1.9m. Thus, the proposed two storey side extension would not result in a terracing effect between the dwellings. It is acknowledged that the existing dwelling has a different architectural style and design compared with the semi-detached dwellings located within the immediate vicinity of the application site which does increase its prominence within the wider streetscene. However, the proposed materials and design features such as the gable parapet and brick detailing under the eaves would be retained such that the two storey side extension would not appear out of character with the existing dwelling. Given the proposed extension would mirror the existing design approach to the house, it is considered that the proposed two storey side extension would not be unduly prominent as to result in harm to the landmark building or wider street. Having regard to bulk and massing, the proposed two storey extension would not extend beyond the existing rear most gable projection and given its separation from the boundary and roof design and material detailing, would respect the character of the host dwelling. It is also considered that the extension would respect the character of the early Victorian dwelling as set out within Policy CA4 of the Croxley Green Neighbourhood Plan and would conserve the positive contribution the host dwelling would have within the wider street.
- 7.1.8 The proposed front extension, as amended, would be visible from the wider street. However, it is acknowledged that there are a number of front extensions of varied design and scale within the wider area. Therefore, the proposed front extension would not be out of character in this regard. The front extension would also be of limited extent and footprint and would not project forward of the existing front gable and would have a mono-pitched roof form which would reduce its bulk and prominence. The amended central open porch entrance would not be dissimilar in design and scale to the existing storm porch. It would be of limited width and depth and would respect the design of the existing dwelling ensuring the character of the landmark building is retained. It would also be finished in materials which would match the existing dwelling and as such would integrate with the existing dwelling by way of design and appearance. Whilst altering the appearance of the front elevation to some degree, it is considered that the proposed front extension would not be of detrimental harm nor would prominent or excessive as to detract from the architectural style of the host dwelling.
- 7.1.9 The proposed single storey rear extension, as amended, would hold a maximum depth of 4.8m beyond the rear elevation which would exceed the guidance within Appendix 2 of the Development Management Document. Although exceeding the guidance, the rear extension would be contained within the flanks of the dwelling and as such, would be set off the western boundary with neighbour no.128a by 2m and the eastern boundary with neighbour 126 by 1.6m. Furthermore, the application site is large and can accommodate an extension of this depth. Additionally, when read against the back drop and in-conjunction with the existing two storey dwelling, the proposed single storey rear extension would appear subordinate in nature and owing to its positioning and roof design would not appear disproportionate or unduly prominent in relation to the host dwelling, wider street or immediate vicinity of the application site. It is also noted that there are a number of single storey rear extensions which vary in style and design located within the immediate vicinity. Therefore, the proposed single storey rear extension would not be out of character in this regard.
- 7.1.10 The proposed window alterations within the ground floor rear elevation are large in size and would appear more modern in style compared with the existing dwelling. It is acknowledged

that the windows would be located at ground floor to the rear and therefore not visible from the wider street. Although the windows would differ in style to those existing, given that they would not be visible from public vantage points it is not considered that their introduction would result in demonstrable harm to the dwelling.

- 7.1.11 The proposed rooflights would be positioned in the roof plane and therefore would not be prominent. Further, rooflights are not an uncommon feature within the wider street of Baldwins Lane. Owing to their positing they would also be viewed at an oblique angle and not readily visible from the wider street. It is considered that the rooflights would not be unduly prominent or out of character and therefore would not arise in undue harm on the host dwelling or wider area.
- 7.1.12 In summary, it is considered that the proposed amended extensions would not result in any adverse impact to the character or appearance of the host dwelling (a landmark building as identified in the Neighbourhood Plan) or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Policies CA2 and CA4 of the Croxley Green Neighbourhood Plan (2018).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey development at the rear of properties 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 and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions to neighbouring properties.
- 7.2.3 The proposed development would increase the built form to the western side and rear of the dwelling. The two storey side extension would be contained within the existing footprint of the existing dwelling and would be set off the flank boundary with neighbour 128a by 2m and would not intrude the 45 degree splay line. This neighbour is also set off the boundary line. As such, the two storey side extension would not adversely impact this neighbour in terms of loss of light or intrusion. Owing to the position of the two storey extension, it would not adversely impact the neighbour to the east, no. 126.
- 7.2.4 The proposed single storey rear extension at a maximum depth of 4.8m would exceed the guidance set out within Appendix 2 which indicates that 4m is generally the maximum depth considered acceptable. Although exceeding the guidance, the rear extension would extend broadly in line with the deepest part of neighbour 128a to the west and would be set off the boundary line with this neighbour by 2m. It would extend approximately 1.3m beyond the rear of neighbour no.126 to the east. Although extending beyond this neighbour, the rear extension would be set in from the boundary line by 1.9m and this neighbour is also set off the boundary line. Given the spacing it is not considered that it would result in demonstrable harm through overshadowing or loss of light and no flank openings are proposed within the single storey rear extension.
- 7.2.5 The proposed front extension would be set off the boundaries with adjacent neighbours and would extend broadly in line with the front of these dwellings. The front extension would not therefore result in harm to either neighbour.

- 7.2.6 Although there would be fenestration within the rear elevation, the primary outlook of these would be over the private rear amenity space. As such, there would be no unacceptable levels of overlooking as a result of this fenestration to any neighbours. Rooflights within the flank roof slopes would have a limited outlook due to their positioning within the vaulted roof and in this regard would also be considered to be acceptable. Nevertheless, to ensure there would be no unacceptable overlooking, it is necessary to ensure the rooflights do not open below 1.7m above the internal floor level, secured by condition. Additionally, the proposed first floor western flank window serving the en-suite would be of a limited size. However, to ensure no-unacceptable overlooking, it is necessary to ensure the window is obscurely glazed and would not open above 1,7m of the internal floor level, secured by condition.
- 7.2.7 Subject to conditions, the proposed development is not considered to result in any adverse impact upon neighbouring properties and would be acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 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 amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 The proposal would result in a 5 bedroom dwelling. The site benefits from a private rear amenity space of approximately 420sqm. The indicative level for a 5 bedroom dwelling is 126sqm. Thus the amenity space provided would exceed policy requirements.
- 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 has been submitted with 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 bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.
- 7.5 Trees and Landscaping
- 7.5.1 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the development.
- 7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.6.2 The indicative car parking level for 5 bedrooms is 3 assigned spaces. The submitted plans indicate that there would be 4 assigned parking spaces, as such sufficient parking would be provided.

8 RECOMMENDATION

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: E100; E101; LP01.1; P101.5; P102.5; SP01.5; SP02.3.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies CA2 and CA4 the Croxley Green Neighbourhood Plan (adopted December 2018).

- 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 dwelling.

Reason: To prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policies CA2 and CA4 the Croxley Green Neighbourhood Plan (adopted December 2018).

- C4 The first floor flank window(s) hereby permitted within the western flank elevation, facing no.128a 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).

- C5 The flank 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**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 26 MAY 2022

PART I - DELEGATED

PRELIMINARY REPORT

12. **22/0491/FUL - The provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling at Warner Bros. Studios Leavesden, Warner Drive, Watford, Hertfordshire, WD25 7LP (DCES)**

Parish: Abbots Langley
Expiry of Statutory Period: 04.07.2022

Ward: Leavesden
Case Officer: Claire Westwood

Recommendation: That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.

NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.

Reason for consideration by the Committee: Called-in by the Head of Regulatory Services in accordance with Part 3, Section 11.5.1(4) of the Constitution.

1 Planning History

1.1 Background

- 1.1.1 The Leavesden Aerodrome site has a complex planning history. The site, which originally included land now developed to the east, has previously been owned by the Ministry of Defence where it was an important centre for the production of Mosquito and Halifax aircraft during World War II; and by Rolls Royce where it was used for manufacture of helicopter engines until 1993. At its peak, the site employed over 3,000 people, but this had been reduced to approximately 1,800 by 1991. The airfield remained open for flying until March 1994, being used by a private flying club; the Leavesden Flight Centre. At its peak in 1990, there were some 60,000 aircraft movements at the site.

- 1.1.2 In 1995 the site was purchased by Third Millennium Group and part of the site was used as a film production studios. In 1999, the site was purchased by MEPC who leased the studios to Warner Bros. until they acquired it.

1.2 Planning Brief

- 1.2.1 A Planning Brief was prepared by Three Rivers District Council and Watford Borough Council and approved for the site in 1993. This set out principles to guide future development of the overall Leavesden Aerodrome site (totalling 119 hectares). The basic concept was to constrain development to the eastern part of the site and release the remainder of the site to form an attractive and accessible Green Belt wedge between Abbots Langley and Watford.

1.3 Relevant Planning History for Studios Site

- 1.3.1 10/0080/FUL - Continued use of land and buildings for film production and associated activities including retention and refurbishment of existing studios to accommodate stages, backlot, workshops, offices, production facilities, canteen /commissary and ancillary studio facilities and services, replacement and extended workshops, stage and offices. Two new stages (approx. 13,000 sqm floorspace) for the storage and public exhibition of film sets and artefacts (including cafe and gift shop), new accesses from Aerodrome Way, revised internal road layout and parking, extended backlot, landscaping and associated works. Approved with a S106 Agreement.
- 1.3.2 10/2425/FUL - Erection of an electricity sub-station (in connection with redevelopment of the Studios under reference 10/0080/FUL). Approved 26 January 2011.
- 1.3.3 11/0376/RSP - Part retrospective: Amendments to planning permission 10/0080/FUL to include: Reduction and modifications to K Stage, modifications to J Stage and revised layout of external display areas; revised layout of security gatehouses, internal road layout (temporary consent sought for internal road link) and cycle storage; minor realignment of spur access from northern roundabout; revised landscaping including re-profiling and realignment of bunds; new paved area for picnic use and security hut; revised materials for car park; and associated works. (No alteration to operation of visitor centre, visitor numbers, no. of parking spaces or traffic generation as per the section 106 agreement dated 15 June 2010). Approved 19 May 2011 with a deed of variation to the Section 106 Agreement.
- 1.3.4 11/0590/RSP – Part retrospective: Revised layout for the northern part of Leavesden Studios (previously approved under application 10/0080/FUL), including demolition and replacement of the Mill building to be built in two phases, the relocation and construction of the approved multi-purpose workshop building, revised parking layout, hard and soft landscaping including omission of bunding and associated ancillary works. Approved 20 June 2011.
- 1.3.5 11/1607/ADV - A total of 9 individual advertisement signs, including directional signage, at Warner Bros. Studios Leavesden and the associated Studio Tour (including externally illuminated entrance signs, fascia signs and poster advertisements). Approved 21 September 2011.
- 1.3.6 12/0344/FUL - Variation of Condition 2 of planning permission 10/0080/FUL to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.7 12/0345/FUL - Variation of Condition 2 of planning permission 11/0376/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012 with a deed of variation to the Section 106 Agreement.
- 1.3.8 12/0346/FUL - Variation of Condition 2 of planning permission 11/0590/RSP to allow substitution of plans to reflect minor amendments to design. Approved 22 May 2012.
- 1.3.9 12/1150/FUL - Amendments to flight shed at Warner Bros. Studios comprising minor modifications to the existing fabric of the building, replacement cladding to the west elevation and removal of the 'beehive' ventilation units (cross boundary application). Approved 31 July 2012.
- 1.3.10 12/2169/FUL - Construction of a new permanent workshop building with associated parking, demolition of existing workshop/store, relocation of an existing refuse and recycling facility and associated ancillary works. Approved 15 January 2013.
- 1.3.11 12/2324/FUL - Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to allow earlier openings (from 0900 hours) on Saturdays, school holidays and

on 15 'floating days' and up to 5,540 visitors on these days. Approved 1 March 2013 for a temporary period of 2 years.

- 1.3.12 13/0110/RSP - Part retrospective: Temporary consent (6 months) for construction/retention of exterior filming tank and associated storage of spoil. Approved 28 March 2013.
- 1.3.13 13/1173/FUL - Variation of Conditions 2 and 3 of planning permission 12/2169/FUL for a new permanent workshop building to allow: Substitution of plans to reflect minor amendments to building design and improvements to internal Studio roundabout and retention of existing store building for a minimum of two years from first occupation of the workshop due to significant existing production commitments. Approved 23 September 2013.
- 1.3.14 13/1352/RSP - Part Retrospective: Exterior filming tank with associated hard-standing, drainage works and access road and spoil storage. Approved 12 September 2013.
- 1.3.15 13/1924/FUL - Extension of 'J' stage of the Warner Bros. Studio Tour including accommodation for a new feature set, educational support facilities, revised parking layout including the provision of an additional 226 car parking spaces, extension of the internal link road, an external picnic area, a toilet block, revised landscape proposals and resiting of the cycle storage and refuse area. Approved 13 January 2014.
- 1.3.16 13/2066/FUL - Full planning permission for the construction of a new permanent sound stage with associated parking and hard landscape work and temporary (18 months) construction access on to South Way. Approved December 2013.
- 1.3.17 13/2239/FUL - Full planning permission for the construction of a new permanent sound stage (Stage N), studio support space, associated parking and hard landscape works, external lighting, use of temporary construction access on to South Way for a period of 18 months and associated ancillary works. Approved 24 February 2014.
- 1.3.18 14/1232/FUL - Deed of Variation: Variation of the existing S106 Agreement and Traffic and Visitor Management Plan (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to enable hospitality events to take place and studio tours to commence up to 21:00 hours on such days. Approved 25 September 2014 (for 8 events within limited period of 1 year).
- 1.3.19 14/1752/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 10/0080/FUL) at Warner Bros. Studios Leavesden to insert additional clauses relating to visitor numbers; to vary clauses to increase daily visitor numbers from 5,000 to 5,728 and from 5,540 to 6,383 on Saturdays, school holidays and floating days; to vary clauses to increase number of floating days from 15 to 20; to vary clauses to permit floating days within 10 days of any school holiday; and updates to definitions. Approved 5 December 2014.
- 1.3.20 14/1831/FUL - Variation of Condition 2 (Plans) of planning permission 12/0344/FUL to amend the existing parking layout to increase staff parking provision by 71 spaces and provide additional landscape planting. Approved 5 December 2014.
- 1.3.21 15/0744/FUL - Application for the operation of Hospitality Events at the Warner Bros. Studio Tour London until 23.00 hours on any given day and until 00.00 hours (midnight) on 24 occasions during a calendar year ('special' Hospitality Events). Approved 16 July 2015.
- 1.3.22 15/1852/FUL - Hybrid Application to include detailed approval of new sound stages, workshops, post production facility and extension to the Studio Tour car park together with outline approval (matters reserved: appearance and landscaping) of extension to the Studio Tour, workshops, production support building, Studio parking deck, Studio cafe extension, Studio support facilities and associated works as well as continued use of land and buildings for film production and associated activities (including use of Stages J & K for the storage

and public exhibition of film sets and artefacts (Studio Tour) and hospitality events). Approved 25 January 2016.

- 1.3.23 16/2430/FUL - Deed of Variation: Variation of the existing S106 Agreement (relating to planning permission 15/1852/FUL) at Warner Bros. Studios Leavesden to vary the studio tour hours of opening to allow the first tour to start at 09:00 on Sundays for a temporary period of one year. Approved 7 February 2017.
- 1.3.24 16/2554/FUL - Studio parking deck to provide 2,150 additional parking spaces, bicycle store, security office, post room facilities and rearrangement of internal vehicular circulation. Approved 27 February 2017.
- 1.3.25 16/2611/AOD - Approval of Details: Details pursuant to hybrid planning permission 15/1852/FUL comprising construction of a new permanent workshop building with associated hardstanding, drainage and landscape (Development Area 7). Approved 2 March 2017.
- 1.3.26 17/0286/NMA - Non material amendment to planning permission 15/1852/FUL: Alteration to external finish of the rear elevation of P-Stage. Approved 22 February 2017.
- 1.3.27 17/0591/ADV - Advertisement Consent: Three internally illuminated fascia signs and six internally illuminated signs to Studio parking deck. Approved 28 April 2017.
- 1.3.28 17/0683/NMA - Non Material Amendment to planning permission 15/1852/FUL - Alterations to hardstanding (Development Area 1 - L Stage Workshop). Approved 19 April 2017.
- 1.3.29 17/1790/NMA - Non Material Amendment to planning permission 16/2554/FUL: Additional ramp to southern elevation; Electrical room provision; and amendments to Warner Drive. Approved 4 September 2017.
- 1.3.30 17/2240/FUL - Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis. Approved 10 January 2018.
- 1.3.31 17/2570/NMA - Non material amendment to planning permission 16/2554/FUL: Alterations to external materials and alterations to post room. Approved 3 January 2018.
- 1.3.32 18/0019/ADV - Advertisement Consent: Erection of internally illuminated signage. Approved 2 February 2018.
- 1.3.33 18/2343/NMA - Non Material Amendment to planning permission 17/2240/FUL: Replacement of hedgerow species and removal of six trees. Approved 10 December 2018.
- 1.3.34 18/2545/ADV - Advertisement Consent: 7 x externally illuminated advertising posters, 1 x externally illuminated Warner Bros shield and fibre glass lettering. Approved 6 February 2019.
- 1.3.35 19/1445/FUL - Extension to the Studio café and landscape improvements. Approved 20 August 2019.
- 1.3.36 19/1944/FUL - Development of T, U and V stages along with new office building and landscape improvements. Approved 3 April 2020.
- 1.3.37 19/2369/FUL - Extension to the backlot café. Approved 21 January 2020.
- 1.3.38 20/2645/FUL - Erection of a 2.4m high fence, to the south (A41) and west (Gypsy Lane) boundaries including gates to the west (Gypsy Lane) and east (Backlot) boundaries and the

erection of 3 no. 6m high CCTV poles adjacent to the northern and eastern boundaries. Approved 20 January 2021.

- 1.3.39 20/2667/FUL - Temporary change of use of land for the purposes of external film production for a period of 2 years. Approved 26 February 2021.
- 1.3.40 21/0852/NMA - Non material amendment to planning permission 20/2645/FUL: Amendment to Conditions 2 and 5 to allow alterations to landscaping and planting scheme and environmental management plan. Approved 12 April 2021.
- 1.3.41 22/0509/FUL - Construction of storage building. Approved 9 May 2022.
- 1.3.42 There have been numerous applications to discharge conditions.

2 Site Description

Wider Studio Site - Background

- 2.1 Leavesden Studios has been used for film making since the mid 1990s and from 2000 by Warner Bros. for the Harry Potter series of films, amongst others. The Studios (WBSL) comprise the main part of the original Leavesden Aerodrome dating back to the 1930s and operated from 1967 to 1994 when the site was occupied by Rolls Royce for aero engine manufacture.
- 2.2 The site is now owned by Warner Bros. and has been redeveloped through the implementation of various planning consents outlined in section 1 of this report. These consents have essentially allowed:
 - 1) The continued use of the land and buildings for film production and associated activities including the retention and refurbishment of existing studio buildings.
 - 2) Erection of a replacement 'Mill' building and new workshop building to the northern part of the site.
 - 3) Erection of two new stages (J and K) for the storage and public exhibition of film sets and artefacts, including cafe and gift shop, located between the main studio complex and Aerodrome Way. These new stages house the 'Warner Bros. Studio Tour London: The Making of Harry Potter', and have since been extended.
 - 4) Revised internal road layout and parking, new gatehouses, extended backlot, landscaping including new bunding and associated works.
 - 5) Consent for an external water tank used to film water based scenes.
 - 6) Construction of additional workshops, two new sound stages and production offices (M, N and O).
 - 7) Studio Tour and Studio parking.
 - 8) Studio Tour hospitality events.
- 2.3 Permission was granted under application 15/1852/FUL for further development at the wider Leavesden Studios site for the following elements:

Detailed elements:

- 1) L Stage Workshop located adjacent to existing L Stage to the south of the site to replace existing temporary workshop structures at the backlot.
- 2) P Stage located on the northern part of the site, opposite N & O and M Stages to be a new permanent sound stage.
- 3) Q and R Stages and ancillary production offices within a new permanent sound stage with three storey offices attached to the northern elevation to the west of C Stage.
- 4) Post production facility to the south of the main Studio buildings to include re-recording stages, cutting rooms and a preview theatre.

Outline elements:

- 5) Studio Tour Extension - new stage to extend from the southern elevations of J & K Stages onto part of the existing visitor car park including additional single storey staff accommodation located around K Stage, with a maximum height of 10m.
 - 6) Workshop on an existing hardstanding area to the north of the site, known as Car Park 5 (CP5).
 - 7) Studio Café Extension to meet enhanced catering needs.
 - 8) Production Support Building adjacent to the backlot and proposed Q & R Stages, to be used for a range of support activities including workshop, wardrobe, make-up and special effects.
 - 9) Island Site development - accommodation for a range of Studio support facilities such as workshops and production services together with supporting office accommodation with access via a new arm on the existing Aerodrome Way/High Road/Ashfields Way signalised junction.
- 2.4 Some Reserved Matters applications pursuant to the outline elements have been approved as detailed in the full planning history above.
 - 2.5 Permission has been given under application 17/2240/FUL for 'Extensions and additions to the Studio Tour with associated parking, drainage, landscaping and enabling works (including the provision of temporary reception facilities) and a variation to the S106 to allow the Studio Tour to open at 9am on Sundays, on a permanent basis'.
 - 2.6 Planning permission 19/1944/FUL granted consent for 'Development of T, U and V stages along with new office building and landscape improvements', with some slight variations to that approved pursuant to the Hybrid Planning Permission.
 - 2.7 Planning permission 20/2667/FUL granted consent for 'Temporary change of use of land for the purposes of external film production for a period of 2 years' in February 2021.

Site Location

- 2.8 The 70 hectare site lies to the north of Watford just within the M25 and north of Hunton Bridge M25 spur roundabout. The residential area of Leavesden is to the east, with Abbots Langley to the north and Watford to the south. To the west of the site are open fields with some residential roads and individual properties.
- 2.9 The majority of the site lies within Three Rivers District Council (TRDC) area, however, a proportion (approximately 10%) encompassing part of L Stage and approximately two-thirds of the Island Site fall within Watford Borough Council (WBC) area.

Site Accessibility

- 2.10 The site benefits from good rail links with the West Coast Main Line from London Euston, with services departing from London Euston for Watford Junction (approximately 3km from the site) every 10-15 minutes. Kings Langley Station is approximately 2.5km to the north of the site.
- 2.11 Public bus services run past the site frontage along Aerodrome Way providing direct access to and from Watford as well as other neighbouring residential areas. Other services can be accessed via South Way or Leavesden High Road, a short walk from the site. There is also a dedicated bus service between WBSL and Watford Junction.
- 2.12 The site is well located in terms of road connections, with connections to junctions 19 and 20 of the M25 and junctions 5 and 6 of the M1 motorway. The A41 provides access to London and Hemel Hempstead. The A405 provides access to St Albans. The site is accessed by two roundabouts on Aerodrome Way. Warner Drive provides access to the Studio from the northern roundabout and Studio Tour Drive provides access to the Studio Tour from the southern roundabout.

- 2.13 All pedestrian routes to/from the site consist of lit pavements, with signal controlled crossings at the Aerodrome Way junctions with Hercules Way, Ashfields and Hill Farm Avenue. Within the site, approximately 30m west of the back lot, a public footpath runs south from Hunton Bridge, along Gypsy Lane to the Hunton Bridge interchange. The footpath runs between two fields owned by WBSL.

Site Designations

- 2.14 Leavesden Studios was identified in the Local Plan 1996-2011 as a Major Developed Site in the Green Belt. However, the Site Allocations document adopted in November 2014 removed the Green Belt designation from the built areas of the Leavesden Studios site. This area of the site (including the Island Site) is allocated specifically for Leavesden Studios Operations and associated uses (Site GB(2)).
- 2.15 Whilst the majority of the existing complex of WBSL buildings, as well as the part of the Island Site within TRDC fall outside of the Green Belt, the backlot, stages Q, S, T, U, V and L and fields to the west are located in the Green Belt, together with the part of the Island Site falling within WBC.
- 2.16 Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 protect trees within the Lower Field and Island Site respectively.
- 2.17 There are 3 Local Wildlife Sites within the site and surrounding area, one wholly within the site. The Grade II* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling.
- 3.2 As noted previously, a small part of the site falls within WBC area. As such, duplicate applications have been submitted to TRDC and WBC.
- 3.3 The development is split between 5 main areas as listed/described below:
- 1) Central Site
 - 2) Island Site
 - 3) Western Site
 - 4) Triangle Site
 - 5) Northern Access

3.4 CENTRAL SITE:

3.4.1 SOUND STAGES

- 3.4.1.1 Eleven new permanent sound stages are proposed. The proposed stages are labelled as Stages 2A – 2K on the submitted plans. A range of sizes are proposed, from 1,858sqm to 3,437sqm and a total floorspace of approximately 28,614sqm.
- 3.4.1.2 The height of the stages will vary from 18m on the outer edge closest to Gadeside, up to 21.5m within the centre of the site. It is proposed that the stages following the same scale, architectural language, colour and profile of the existing stages.

3.4.2 ANCILLARY PRODUCTION OFFICES

- 3.4.2.1 Four ancillary production office buildings are proposed, each three-storeys in height. These would be constructed to the north-western elevation of Stages 2A – 2D (Offices 1 and 2), facing the existing backlot, and to the south-eastern elevation of Stages 2H – 2K (Offices 3 and 4), providing an active frontage to Gadeside.
- 3.4.2.2 The buildings will each have a floorspace of approximately 2,260sqm, with a total floorspace of 9,040sqm. They would have a height of 12m and would reflect the appearance of existing office buildings on the site. The offices will provide day-to-day support for the film studio activities.

3.4.3 WORKSHOPS AND L STAGE WORKSHOP CONVERSION

- 3.4.3.1 Three new workshops are proposed. In addition it is proposed to add a mezzanine level to the existing L Stage to convert this into workshop space.
- 3.4.3.2 The new buildings will be 14.5m in height at eaves level and will be sited close to the associated Stages. 'Base Camps' will provide external areas adjacent to the Stages and Workshops for production catering or other temporary support activities.
- 3.4.3.3 The workshops will support the filming activities, providing space for set construction, costume and prop storage etc. Their external appearance/colour will reflect the existing workshops on site.

3.4.4 STUDIO AMENITY SPACE

- 3.4.4.1 A new amenity space is proposed to serve the development, comprising of a 660sqm single storey amenity building with external landscaped terrace. The building will face south-east towards the open woodland and internal green spaces, with the external design/materials palette again reflecting of existing buildings on site.

3.4.5 STUDIO SOUTH GATE ENTRANCE WITH SECURITY FACILITIES

- 3.4.5.1 A new access will be created to serve the new Studio development to the south of the site, connecting to Gadeside and serving as an entry point to the Studios. This entrance will be served by a dedicated security building, acting as the arrival tower for visitors coming from the Island Site parking structure via the footbridge (described below). It will include a security hub, WC facilities and secure bicycle and golf buggy parking and charging.

3.5 ISLAND SITE:

3.5.1 STUDIO PARKING DECK

- 3.5.1.1 The Studio Parking Deck will comprise a total of 2,500 parking spaces over ground, first, second, third floors and roof deck, providing parking for studio and production staff. The parameters for a building on this site were set by the 2015 planning permission and these are broadly followed now and include a lower building height to the eastern side in recognition of the residential development beyond the site.
- 3.5.1.2 The parking deck will be up to a maximum height of 15m adjacent to Gadeside, with the lower level (11m) towards Ashfields to the east in accordance with the 2015 parameters. Localised pop ups include the staircases and lift core.
- 3.5.1.3 The parking deck has been designed to look more like a building rather than a typical open sided multi-level car park and will be a modular steel structure with concrete floors. The structure will include a greater proportion of solid walls and horizontal banding to add interest whilst also screening cars from view. A detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site,

particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.

3.5.1.4 The parking deck will be accessed from Gadeside via the proposed South Gate roundabout (described below), with vehicle barriers controlling entry.

3.5.2 STUDIO SUPPORT LIGHTING FACILITY (SET LIGHTING)

3.5.2.1 The support facility (Building 75 on the submitted plans) on the Island Site will be used for set lighting, with accommodation totalling 4,856sqm provided over two floors. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter.

3.6 WESTERN SITE:

3.6.1 BACKLOT 2

3.6.1.1 Backlot 2 is to the immediate west of the main Studios site and currently benefits from temporary planning permission (ref. 20/2667/FUL) to allow external film production. The current application proposes that the use of Backlot 2 for filming become permanent. The backlot enables temporary sets to be constructed near to the permanent support functions.

3.6.1.2 Landscape mitigation measures are proposed and include earth bunds to be constructed behind the existing security fence. This would be a minimum height of 3m and designed so that the existing hedgerows/trees are unaffected. In addition to 1,500 trees previously planted along the boundary with Gypsy Lane, new native woodland will be planted along the outer edge and on top of the earth mound. New woodland planting is also proposed in areas where little or no planting currently exists.

3.6.1.3 It is proposed that an Operational Management Plan (OMP) be agreed to include restrictions such as in relation to the height of temporary structures and protocols for night filming to ensure that the impacts of any activity on Backlot 2 are managed/mitigated.

3.6.2 LOWER FIELD

3.6.2.1 It is proposed to create a 12 acre area within the Lower Field that is accessible for public use via Gypsy Lane and Old Mill Road. Planting will include: 40 new trees including an orchard and semi-mature Oak trees; 4,857sqm of new woodland planting; 492sqm of coppice planting; and 1,565sqm of native scrub planting. A naturalised floodwater basin will also create a wetland habitat whilst providing surface water attenuation.

3.7 TRIANGLE SITE:

3.7.1 SOUTHERN ACCESS ROUNDABOUT

3.7.1.1 The proposed southern access roundabout would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond.

3.7.2 PEDESTRIAN BRIDGE ACCESS

3.7.2.1 The proposal includes a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.

3.7.2.2 The construction of the bridge will follow a modular steel truss design concept, rectangular in section. It will be supported by two tapered 4-point piers. The bridge will be fully enclosed

with glazed sides. Vertical aluminium fins (to match those on the decked car park) will support the fenestration and will be bronze in colour. The roof and floor will be silver-grey.

3.8 **NORTHERN ACCESS:**

3.8.1 The Studio North Gate proposals to Warner Drive/Aerodrome Way roundabout include widening the access road to assist with traffic flow into the site.

3.9 **LANDCAPE STRATEGY:**

3.9.1 A comprehensive landscape strategy (as described in part above) forms part of the application proposals and seeks to achieve a significant increase in biodiversity net gain across the site. In summary:

- 175 new trees to be planted including an orchard and semi-mature Oak trees;
- 19,519sqm of new woodland planting;
- 487sqm of native hedgerow;
- 429sqm of coppice planting;
- 1,565sqm of native scrub planting;
- 425 linear metres of formal hedgerows;
- 3,458sqm of ornamental shrub planting.

3.10 **AMENDMENTS:**

3.10.1 In response to concerns raised from residents in relation to planting on the Island Site and Backlot 2 (Western Site), amended landscape drawings have been submitted. Additional bund and planting depth has been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high).

4 **Consultation**

4.1 **Summary of Consultation Responses**

Abbots Langley Parish Council	4.2.1	Support application but highlight concerns of residents
Affinity Water	4.2.2	No objection
British Film Commission	4.2.3	Support
British Film Institute	4.2.4	Support
British Pipeline Agency	4.2.5	No objection
CPRE Hertfordshire	4.2.6	Objection
Creative England	4.2.7	Support
Environment Agency	4.2.8	No objection
Film London	4.2.9	Support
Gypsy Lane Residents Group	4.2.10	Objection
Hertfordshire Constabulary	4.2.11	No objection
Hertfordshire County Council – Footpath Section	4.2.12	No response received
Hertfordshire County Council – Growth & Infrastructure Unit	4.2.13	No objection
Hertfordshire County Council – Highway Authority	4.2.14	Holding Response

Hertfordshire County Council – Lead Local Flood Authority	4.2.15	No comment
Hertfordshire County Council – Waste & Minerals Team	4.2.16	No objection
Herts. Archaeology	4.2.17	No response received
Hertfordshire Ecology	4.2.18	No response received
Hertfordshire Fire and Rescue Service	4.2.19	No response received
Hertfordshire Local Enterprise Partnership	4.2.20	Support
London Screen Academy	4.2.21	Support
London Underground Infrastructure Protection	4.2.22	No objection
National Film and Television School	4.2.23	Support
National Grid	4.2.24	No objection
National Highways	4.2.25	No response received
National Planning Casework Unit	4.2.26	No comment
Natural England	4.2.27	No objection
Network Rail	4.2.28	No objection
Screen Skills	4.2.29	Support
Thames Water	4.2.30	No objection
The Chiltern Society	4.2.31	Objection
Three Rivers District Council – Heritage Officer	4.2.32	No objection
Three Rivers District Council – Development Plans	4.2.33	No objection
Three Rivers District Council – Environmental Health (Residential)	4.2.34	No response received
Three Rivers District Council – Environmental Protection	4.2.35	No response received
Three Rivers District Council – Landscape Officer	4.2.36	No response received
Transport for London	4.2.37	Advisory comments
University of Hertfordshire	4.2.38	Support
Watford Borough Council	4.2.39	No response received
Watford Borough Council – Environmental Health (Commercial)	4.2.40	No objection
West Herts College Group	4.2.21	Support

4.2 Consultees

4.2.1 Abbots Langley Parish Council: [Support application but highlight concerns of local residents]

Whilst members support the application, members would like to ensure the planning officer is aware of the concerns of local resident groups by including herein attached residents' comments received by the Council.

START OF RESIDENTS' COMMENTS

"Our Group represents 40 households in residential streets close to the proposed "Backlot 2". We presume that others will comment on the impacts of the proposed expansion for the Main Site and Island Site; our primary interest is the proposed permanent expansion into Green Belt land – the entirety of the upper field above the Gypsy Lane path - to create Backlot 2, which we believe is inappropriate, contrary to planning principles and is going to progressively destroy the green belt between Watford and Abbots Langley.

Our residents group will provide comments by the due date of 23rd April, but we have already written to Three Rivers to state our expectations for their review of the application, based upon the lack of challenge provided when temporary use of the field was granted in 2021. We thought the Parish Council should have the benefit of seeing these expectations before you make your own submission to Three Rivers. They are as follows.

The proposed Backlot 2: When WB applied for permission for temporary use of the field that is now proposed to become Backlot 2, the challenge and due diligence by Three Rivers District Council ("TRDC") was inadequate. Aspects that are key when considering the Green Belt under NPPF were not adequately debated. There was a cursory assessment of the material change of use and no challenge that all reasonable options had been explored before seeking to take over Green Belt land. No attempt was made by WB, or demanded by TRDC, to present an assessment of the visual impact of the facilities, despite visual impact being a key consideration under NPPF and ignoring residents' predictions that a backlot area would present an unsightly view in the Green Belt (which it now is).

So, our expectations for the review of the current planning application are that TRDC will demand and properly consider;

- the valid types of material change of use of Green Belt land, which do not include the proposed industrial use;
- that WB prove the very special circumstances required to redesignate Green Belt, as we believe this test is not met;
- business plans from WB that justify that the extra space of backlot 2 is really required in addition to all the other space on the site, under the planning principle that all reasonable alternatives be considered before destroying the Green Belt;
- a full analysis of the visual impact that permanent use will have on local viewpoints in the Gade Valley, from viewpoints including the Hunton Bridge roundabout, the Gypsy Lane path and Langleybury Lane;
- that the local employment gains be described quantitatively - both the gains created to date through temporary use and the gains forecast by permanent use of, specifically, the upper field;
- screening proposals that are designed to provide relief to the public in the near term; that means the planting of significant numbers of mature trees. The references in the application to cosmetic measures of young trees which will take 10-15 years to provide screening of the required height shows that WB are not yet taking seriously the disruptive impacts that they create for residents, walkers and wildlife in the area and the industrial views currently presented from local viewpoints; and
- screening proposals that also address noise and light pollution, which are now frequent issues in the neighbourhood.

Field below Gypsy Lane: We view positively the proposals for the lower field below Gypsy Lane to be protected and enhanced as a natural environment. This would be a welcome change of behaviour as there is a history of broken commitments to preserve grasslands on the studio site, a point made previously by both local residents and by Herts Ecology.

The proposals include that a portion of this field be used to create a nature area, with the remainder (the area towards the Hunton Bridge roundabout) being left as an arable field area. However, we believe from discussions with WB that WB will seek permission at a later date to make commercial use of some of that green space towards the Hunton Bridge roundabout. This would harm wildlife established in that area and would threaten the public amenity, or even the future, of Gypsy Lane itself - an ancient deep cut lane and of historical value as a part of the toll road running North. So, we expect that the entire lower field will be protected as a cohesive green space, and formally covenanted as such for its long term protection. "

END OF RESIDENTS' COMMENTS

On the main site, members appreciate the scale of the project and the employment opportunities it will bring to the area. However, members urge the planning officer to take onboard the concerns of local residents with respect to traffic management. Members recommend a more detailed traffic management plan based on traffic survey data be added as a requirement. Members also recommend the scale of the building on the main site could be further softened with planted areas and further enhanced Bio Diversity elements increasing the elements already highlighted.

On the Island Site, members are concerned about biodiversity and feel section 7.9(2) of the Biodiversity Conservation (BC) Act 2016 should be upheld. Members recommend the creation of wildlife tunnels be applied as a requirement to allow the rehoused badgers and other wildlife the opportunity to forage on neighbouring areas without the need to cross roads. Also as this development is in a high bat activity area, members request a full bat mitigation strategy be applied, especially during night time activity and the potential for increased light pollution.

4.2.2 Affinity Water: [No objection, subject to conditions]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be 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 (THEG). This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The development site is also within an area of historical contamination, therefore great care needs to be taken during planning and construction to ensure contamination isn't exacerbated and mobilised towards public water supply abstractions.

We require that the following conditions are implemented and the requested documents covering our specific concerns are submitted in consultation with Affinity Water, so we are able to review risks to public water supply:

1. Contamination

Any works involving excavations that penetrate into the chalk aquifer below the groundwater table (for example, piling or the installation of a geothermal open/closed loop system) should be avoided. If these are necessary, then the following condition needs to be implemented:

Condition

A) No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water:

- i) **An Intrusive Ground Investigation** to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- ii) A **Risk Assessment** identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination.
- iii) A **Method Statement** detailing the **depth** and **type** of excavations (e.g. piling) to be undertaken including **mitigation measures** (e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

Reason: To avoid displacing any shallow contamination to a greater depth and to prevent and/or minimise any potential migration of pollutants to a public water supply abstraction.

2. Contamination during construction

Construction works may exacerbate any known or previously unidentified contamination. If any pollution is found at the site, then works should cease immediately and appropriate monitoring and remediation will need to be undertaken to avoid any impact on water quality in the chalk aquifer.

Condition

B) If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a **Remediation Strategy** detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in conjunction with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water.

3. Infiltration

Surface water should not be disposed of via direct infiltration into the ground via a soakaway in contaminated areas.

Condition

C) Prior to the commencement of development, details of a Surface Water Drainage Scheme that considers ground contamination and public water supply as a receptor of that contamination shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: The potential presence of contaminated land and the risk for contaminants to remobilise through direct infiltration causing groundwater pollution potentially impacting public water supply.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

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

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact

with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

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.co.uk. Please note that charges may apply.

4.2.3 British Film Commission: [Support]

The British Film Commission (BFC) is the UK Government's national organisation responsible for supporting inward investment film and TV production in the UK, funded by the Department for Digital, Culture, Media and Sport (DCMS) through the BFI and by the Department for International Trade (DIT). The BFC leads on:

- Maximising and supporting the production of major international feature film and high-end television in the UK;
- Strengthening and promoting the UK's film and television infrastructure;
- Liaising between the Government and the film and television industry to secure and maintain production- friendly policies.

The global demand for audio visual content for theatrical release, broadcast and streaming has never been greater. A combination of factors, including the ongoing success of the UK film and HETV tax reliefs, and our award-winning cast and crew, continue to encourage productions to maximise their production activity throughout the UK. Due to this growing demand for filmed content, the film and TV industry has become increasingly valuable in terms of employment and investment. Film, TV and the wider Creative Industries are the fastest growing sector, growing at five times the rate of the UK economy as a whole.

Despite a global suspension of production due to COVID-19 in March 2020, as a result of Government endorsed production protocols launched by the BFC in June 2020, the UK is supporting more inward investment production than pre-pandemic. The combined total spend on film and high-end television (HETV) production in the UK in 2021 was £5.6 billion, the highest figure on record.

UK Government recognises that film and TV studios are a unique economic and cultural proposition, highlighting "the impact that creative anchor institutes can have on pride and economic performance in an area", and citing film and TV studios as an example of how creative businesses and local investment increase employment and share spill-over benefits across the area and the supply chain.

The success of the UK as a production destination has led to extreme stage space capacity issues. To meet the continuing demand for content, the requirement for additional stage space of the right scale and in the right geographical locations, with access to the UK's world-class skills and infrastructure, has never been greater. In recognition of this need, in 2020, HM Treasury awarded the BFC £4.6 million over three years to work with commercial and public partners to increase the provision of studio space in the UK to accommodate and support additional film and TV content production, which leads to essential inward investment and employment. Warner Bros. Studios Leavesden (WBSL) is a crucial partner of the BFC's in this endeavour.

WBSL has played a distinct and significant role in supporting film and TV production in the UK since it opened in 2012 (though of course Warner Bros.' history at Leavesden extends significantly further back). It is a unique proposition in that Warner Media is both a content creator and studio, thus ensuring a pipeline of high-end, high-value productions, with the

associated direct economic impact, in addition to the indirect and induced impacts of employment, local business usage and, of course, tourism. Further development of the site such as that proposed, will not only build upon the studio's established and impressive reputation amongst international clients, and provide a considerable boost to local, regional and national economies, but it will contribute significantly to the combined efforts of the BFC and our public and commercial partners in promoting the studio, the county of Hertfordshire, and the businesses therein, to the global marketplace.

As such, the BFC is fully supportive of the expansion plans proposed by WBSL. If the BFC can provide any further support or evidence of the importance of additional capacity at WBSL, please do not hesitate to contact us.

4.2.4 British Film Institute: [No objection]

The BFI is the UK's lead organisation for film and the moving image. We are a cultural charity and a National Lottery distributor. We work with Government and industry to ensure the continued growth of the UK's screen industries and it is in this latter role that we write this letter.

The UK is a global hub for film, TV and screen sector production. We have world-class skills, locations and production facilities that are the envy of the world. And yet, there is a proven lack of studio stage space in the UK with compelling evidence of significant future demand from inward investors in the global feature film and high-end TV drama market to come here to make their content. In short, there are more films and dramas that wish to film in the UK than the existing studio space available can accommodate. In order to enable the UK to capitalise on this opportunity and remain globally competitive, more studio space or expanded existing facilities are needed.

The UK film and high-end TV (HETV) production sector is a global success story that has witnessed extraordinary economic growth in recent years, generating hundreds of thousands of jobs, building skills and creating opportunities for young people from all backgrounds. The latest Screen Business report - UK screen sector economy | BFI - published by the BFI in December 2021 and covering the period 2017-2019, reported spend in 2019 on film production of £2.02 billion and on HETV of £2.08 billion. The latest official figures published by the BFI's Research and Statistics Unit in February 2022 highlight the growth in the economic recovery of UK film and high-end TV (HETV) production in the wake of the pandemic with record levels of spend contributed to the UK economy. The combined spend by film and high-end television production (HETV) during 2021 reached £5.64 billion, the highest ever reported and £1.27 billion higher than for the pre-pandemic year 2019.

Warner Bros. Studios Leavesden is already a well-established Studio in the UK - home to numerous major film franchises including Fantastic Beasts, Wonder Woman, Fast and Furious, Mission Impossible and Batman – and this represents a solid commitment to the UK by the company, which is set to continue with an increasing number of HETV productions, such as HBO's House of The Dragon. The scale and nature of their facilities includes on-site Virtual Production, expansive backlot and on-site Post Production facilities. This delivers a highly sustainable location that is attractive for productions resulting in time and financial efficiencies.

The studio in Leavesden creates and supports long-term employment opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry to catering. While the majority of jobs created are in the local areas, the benefits of additional investment will also support the wider UK economy through production on-location filming and local spend across the Nations and Regions, as seen in recent productions such as The Batman which filmed in Liverpool and Glasgow, and Wonka which was shot in Bath.

We welcome the expansion plans proposed by Warner Bros. Studios in Leavesden as the resulting capacity in studio infrastructure will create jobs and bring many economic benefits to the community there, to the UK film and screen sector and to the UK as a whole.

4.2.5 British Pipeline Agency: [No objection]

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

However, if any details of the works or location should change, please advise us of the amendments and we will again review this application.

Whilst we try to ensure the information we provided is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

4.2.6 Countryside Charity Hertfordshire (CPRE): [Objection]

I write with regard to the above application and would raise a number of concerns due to its location mainly in the Green Belt. We recognise the long-standing nature of the studios and the contribution they undoubtedly make to the local and wider economy, and their identification in the emerging Three Rivers and Watford Local Plans, and the support of their respective Councils.

We also note that this proposal is one of several similar related to the expansion of the film and television production industry in Hertfordshire which are also being positively promoted by the Councils involved. Most of these proposals affect significant areas which are presently designated as Green Belt, and their implementation will result in a considerable reduction in the area of protected open countryside in the County.

In this case, significant resources have clearly been used in the preparation of the application and supporting documents and studies, but it is reasonable to question the strategic issues surrounding the further concentration of such activities in an area with so many constraints. The Government's levelling-up agenda would also suggest that economic activity should be re-balanced to provide jobs where they are needed more.

Estimates for the provision of the employment to be provided by new development are regularly exaggerated by their promoters. The changing nature of employment, especially in the South and East of England, means that specific location is becoming less of a factor for employment provision.

Ideally therefore, we would seek any expansion of activity at Warner Studios to take place within their existing premises, preventing the need to use Green Belt land. In the event that the Council agrees that very special circumstances have been demonstrated for this inappropriate development, as required by the National Planning Policy Framework, we would urge you to impose wide-ranging and comprehensive conditions.

Recent legislation, including the Environment and Climate Change Acts, will place increasing responsibilities on local planning authorities and agencies to ensure that environmental issues are addressed appropriately, notably towards carbon reduction and biodiversity net gain. Together with recent Ministerial statements regarding the need to maintain the integrity of the Green Belt, these should constrain and guide any development which takes place in this location.

The opportunity should be taken, through this application if permitted, to improve those areas of the Green Belt which are released, to provide an enhanced open space for the

surrounding communities. Similarly, the proposals made in the application for biodiversity net gain and carbon reduction are crucial, and Warner Bros should be encouraged to go further to provide an exemplar development, given their high public profile and influence.

4.2.7 Creative England: [Support]

Creative England is the national agency endorsed by the Department for Digital, Culture, Media and Sport (DCMS) and funded by the British Film Institute (BFI) to maximise and support international and domestic film and TV production to shoot in England, outside London. We work to develop a production-supportive environment and support further spread in the levels of feature film and high-end TV production activity taking place across the English regions, ensuring communities across the nation enjoy the profile, job opportunities and economic benefits that the sector generates. Creative England would like to extend their full support to this planning application to expand Warner Bros. Studios Leavesden and grow the world-class facility in Hertfordshire.

The film and TV sector is a major contributor to the UK creative industries economy, with an important role to play in the UK's economic recovery from the Covid-19 pandemic and contributing to the Government's ambitions to grow and develop industries UK-wide. Official 2021 BFI statistics demonstrates the growth and resilience of the sector with record-breaking level of film and TV production spend in the UK reaching £5.64 billion, the highest ever reported and £1.27 billion higher than for the pre-pandemic year 2019. This highlights the confidence international filmmakers have in the UK's creativity, the expertise of our crews, and world-class production facilities combined with the generous UK creative tax reliefs.

Despite the UK's success in attracting the biggest names in film and high-end TV, the supply of studio space has not been in-step with demand. The current unprecedented demand for content has never been on a greater trajectory and this planning application directly responds to the shortage of studio space in the UK that Creative England have seen over the last number of years. The expansion plans at Warner Bros. Studios Leavesden supports the UK remaining internationally competitive by ensuring sufficient infrastructure to support inward investment.

Warner Bros. Studios Leavesden is studio facility of significance for the UK film industry. Warner Bros. became the first Hollywood major to establish its own studio outside of the US and celebrates a long and rich history of hosting commercially successful franchise films such as *Harry Potter*, *Fantastic Beasts*, *Fast & Furious* and *Mission Impossible*, and multi-season TV shows like HBO's *House of The Dragon*, driving growth and stability in the sector. The scale and nature of the studio facilities, including on-site virtual production stage, extensive backlog and post-production facilities, makes it a highly sustainable location of choice for productions. Creative England are proud to support productions based out of Warner Bros. Studios Leavesden to film on location across the English Regions, most recently *The Batman* in Liverpool and *Wonka* in Bath. The economic impact brought by filming both at Warner Bros. Studios Leavesden and on location across the Nations and Regions is clear to see.

On a more local level, Warner Bros. Studios Leavesden is central to establishing long-term employment & training opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry and catering to accountants and electricians. This supports the UK in developing a sustainable and diverse workforce that is world leading and can support the huge quantities of content being produced.

The expansion plans at Warner Bros. Studios Leavesden offers the opportunity to ensure local communities enjoy the profile, job opportunities and economic benefits that the sector generates. If Creative England can provide any further support or evidence in support of this planning application, please do not hesitate to contact us.

4.2.8 Environment Agency: [No objection]

Thank you for consulting us on the above application on 17 March 2022.

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

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

The previous land use at this site suggests the potential presence of contamination. As the site is situated in a vulnerable groundwater area within Source Protection Zone 3 these proposals need to be dealt with in a way which protects the underlying groundwater. Please therefore take note of the following advice.

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

Advice for LPA/Applicant

We recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our Approach to Groundwater protection (commonly referred to as GP3) and the updated guide Land contamination: risk management (LCRM). LCRM is an update to the Model procedures for the management of land contamination (CLR11), which was archived in 2016.

In order to protect groundwater quality from further deterioration:

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

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

1. Follow the risk management framework provided in the updated guide LCRM, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. The Planning Practice Guidance defines a "Competent Person" (to prepare site investigation information) as: "A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation." For this definition and more please see here.

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

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

In the absence of any applicable on-site data, a range of values should be used to calculate the sensitivity of the input parameter on the outcome of the risk assessment.

Further points to note in relation to DQRAs:

- GP3 version 1.1 August 2013 provided further guidance on setting compliance points in DQRAs. This is now available as online guidance: <https://www.gov.uk/guidance/land-contamination-groundwater-compliance-points-quantitative-risk-assessments>
- Where groundwater has been impacted by contamination on site, the default compliance point for both Principal and Secondary aquifers is 50 metres.
- For the purposes of our Approach to Groundwater Protection, the following default position applies, unless there is site specific information to the contrary: we will use the more sensitive of the two designations e.g. if secondary drift overlies principal bedrock, we will adopt an overall designation of principal.

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

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

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

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

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

Please can you also include the below informative for any permission granted.

Informative - Flood Risk Activity Permit

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

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

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

Final comments

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

Should you have any queries regarding this response, please do not hesitate to contact me.

4.2.9 Film London: [Support application]

I write to you in my capacity as the Head of Production Services for Film London. Film London is the capital's screen industries agency, funded by the Mayor of London, the National Lottery through the BFI, with support from Arts Council England and Heritage Lottery Fund.

Inward investment from the production of international feature film and high-end TV (HETV) drama reached record levels in the UK in 2019 and again in 2021 hitting £5.64bn. London

attracts over 75% of the film and TV industries UK spend. The screen industries support thousands of jobs and have wider benefits for our city and the South East of England, boosting tourism and raising our international profile. Despite the COVID19 pandemic halting all production in March 2020, our ability to be one of the first industries to re-start in the summer led to only 21% reduction on combined total spend in the UK (at £2.84bn) compared with the previous year. 2022 is already exceedingly busy as the industry continues to make up for lost time. We fully expect that film and TV production will continue to play a key role in the economic recovery of the region over the coming years.

With this success come challenges: London's increased popularity as a filming destination has led to severe capacity issues, most notably for studio space. By nature, our film and HETV tax reliefs encourage productions to maximise their UK-based activity, and are well suited to major high-end projects. These typically require multiple large-scale sets spread over stage space totalling an average of anywhere between 40,000 and 120,000sqft, plus associated workshop, office, back lot, and other auxiliary space. The finite amount of purpose-built, or re-purposed, studio space in the UK has led to the loss of several major multi-million dollar feature film and TV projects to competitor territories, with the resultant loss of investment, employment, and tax revenue for UK plc and the London economy. Even in an industry that utilises alternative stage space resourcefully, the loss of projects and resultant loss of investment is considerable. As Warner Brothers, Disney and Netflix's long-term residence continues, newer major players such as Amazon, Apple and Hulu continue to enlarge the marketplace. Combined with a film-friendly government, a relatively attractive £:\$ exchange rate and the proliferation of major film and HETV projects, the resultant capacity issue is set to continue – if not, more likely, to increase.

In recognition of the importance of the creative industries, which are worth £92 billion, employ two million people, and are growing twice as fast as the rest of the economy, the UK Government sustains Creative Sector Tax Reliefs to attract further business and ensure the UK retains its position at the forefront of global production.

Inward tourism spend is also strongly associated with the production of film and HETV – tourism as a result of British film is estimated to have brought 8,400 FTEs and £400m GVA, while more than £200m of inward tourism spend is associated with HETV.

Due to the large and experienced crew base, diverse and cinematic filming locations, easy access to the world's leading VFX and post-production hub in Soho, and film-friendly local government, London and the South East of England are probably the busiest areas for high-end production in the world. As such, studio/stage space capacity is a key priority for the area. Additional stage capacity would not only allow London and the South East to build their already established and impressive reputation amongst international clients, and increase the level of stage space in the UK, but would also provide a considerable and essential boost to the combined efforts of Film London, and our public and commercial partners, to market London and the South East globally as a leading destination for major HETV and feature film production.

The contribution that the expansion to Warner Brothers Studios Leavesden would make to increasing London and the South East's studio capacity would be extremely significant both in terms of helping fix our studio space deficit as well as providing increased local employment, both directly and in-directly, through the broad supply chain required for film making. Film London therefore wholeheartedly supports the proposal.

If Film London can provide any further support or evidence of the necessity for a significant increase in stage and auxiliary space capacity in and near London, please do not hesitate to contact me.

4.2.10 Gypsy Lane Residents' Group: [Objection]

Our Group represents 40 households in residential streets close to the proposed "Backlot 2". Whilst we presume others will comment on the impacts of the proposed expansion for the Main Site and Island Site, our primary interest and the subject of local residents' comments by 17th April will be the proposed permanent expansion into Green Belt land - the upper field above Gypsy Lane - to create Backlot 2, which we believe is inappropriate, contrary to planning principles and is going to progressively destroy the green belt between Watford and Abbots Langley.

I would like to make you aware in advance of the concerns of residents about the upper field and the proposed nature area in the lower field below Gypsy Lane, and to set out our expectations of TRDC's due diligence review of this planning application.

The proposed Backlot 2

When WB applied for permission for 2 years temporary use of the field that is now proposed to become Backlot 2, the challenge and due diligence by TRDC was inadequate. Aspects that are key when considering the Green Belt under NPPF were not adequately debated in the Officer's Report or the Planning Committee.

There was a cursory assessment of the material change of use and no challenge that all reasonable options had been explored before seeking to take over Green Belt land. We recall that WB sought temporary use of the upper field based on a lack of space even though there was spare space in the existing site; see the WB consultation video for the evidence of this. The clear conclusion is that the temporary use of the upper field above Gypsy Lane to address post-Covid schedule backlogs was simply a ruse to progress towards permanent expansion.

As we had pointed out at the time, it was unacceptable that no attempt was made by WB, or demanded by TRDC, to present an assessment of the visual impact of the facilities, despite visual impact being a key consideration under NPPF and ignoring residents' predictions that a backlot area would present an unsightly view in the Green Belt. The view expressed by councillors at the Planning Committee was generally that WB should "just be allowed to get on with it" and "no one will see it". We can now see though, one year on, what a horrendous blot on the landscape has been created. The views from the A41, the Hunton Bridge roundabout, Langleybury Lane and the Gypsy Lane pathway are unacceptable.

Furthermore the site creates noise and light pollution, about which residents have to regularly complain to WB. WB's attention to screening by vegetation is as limited as they can make it.

Being a good neighbour is about more than corporate responsibility exercises and funding parks. It is about minimising disruption to residents and this is not happening around the proposed Backlot 2. We consider, with the benefit of a year of experience of temporary use, that the proposed commercial use of the upper field by WB (which would cover an even greater portion of the upper field) is inappropriate and not in line with planning principles.

So, our expectations for your review of the current planning application are that you will demand and properly consider;

- screening proposals that are designed to provide relief to neighbours in the near term; that means the planting of significant numbers of mature trees. The references in the consultation documents to cosmetic measures of young trees which will take 10-15 years to provide screening of the required height shows that WB are not yet taking seriously the disruptive impacts that they create for residents, walkers and wildlife in the area and the industrial views currently presented from local viewpoints.

- screening proposals that also address noise and light pollution

Field below Gypsy Lane

The proposals include that a portion of this field be used to create a nature area, with the remainder (the area towards the Hunton Bridge roundabout) being left as an arable field area. However, we believe from discussions with WB that WB will seek permission at a later date to make commercial use of some of that green space towards the Hunton Bridge roundabout. This would harm wildlife established in that area and would also threaten the public amenity, or even the future, of Gypsy Lane itself - an ancient deep cut lane and of historical value as a part of the toll road running North.

We presume that the details of the habitats will be defined later through the planning process, but we do expect that the entire lower field will be protected as a cohesive green space, and formally covenanted as such for its long term protection.

In Conclusion, please confirm that you will undertake full due diligence of the above matters when reviewing WB's application, to include our expectations above.

4.2.11 Hertfordshire Constabulary: [No objection]

I have no objection to this application, I recently met with the Director of security, the architects and our counter terrorism advisor to discuss security at the site and this proposal.

4.2.12 HCC Footpath Section: No response received.

4.2.13 Hertfordshire County Council Growth & Infrastructure Unit: [No objection]

I refer to the above mentioned application and am writing in respect of planning obligations sought by Hertfordshire County Council towards early years; primary and secondary education; library and youth services, to minimise the impact of development on HCC's services for the local community.

Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Therefore we will not be seeking financial contributions.

However, you may receive separate comments from the Highways Unit.

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.

4.2.14 Hertfordshire County Council – Highway Authority: [Holding Response]

I am e-mailing to provide an update on progress in relation to our technical assessment of Planning Application Ref. 22/0491/FUL for the provision of new sound stages, workshops, production and post-production offices etc at Warner Bros. Studios Leavesden.

We have met with the applicant's transport consultant and have further meetings arranged. Positive discussions on a package of measures to mitigate the effects of the development proposals on the transport network are taking place. The focus of these is measures to encourage the use of active and sustainable modes of transport to access the site, in line with LTP4 which seeks to encourage a switch from the private car to sustainable transport wherever possible. The package of measures consists, which Warner Bros appear to be supportive of, consists of a mixture of physical improvements to the pedestrian and cycle infrastructure in the area around the site to be delivered under a S278 Agreement, financial contributions towards more strategic improvements and subsidy of public transport and the

implementation of measures specific to the Studio including shuttle buses and a bespoke car sharing phone app.

We anticipate that these measures and mode shift targets for the Studio will be secured through either planning conditions or a S106 Agreement that will include requirements for monitoring and further management.

I will keep you updated on progress of these discussions and set them out in a full consultation response in due course.

4.2.15 HCC Lead Local Flood Authority: [No comments submitted]

Thank you for your consultation.

The Lead Local Flood Authority (LLFA) is currently unable to respond to any new planning consultations.

LLFA guidance is available under Policies and Guidance on our website: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>. We recommend that any new development site follows the LLFAs policies on SuDS, which are contained within the Local Flood Risk Management Strategy 2 (LFRMS2). The Guidance for developers contains a Developers Guide and Checklist for developers to understand requirements. A climate change allowance note for Hertfordshire is also provided on the website. The surface water drainage webpages also contain links to national policy and industry best practice.

If the site contains an ordinary watercourse, we advise that: Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and/or temporary works, regardless of any planning permission. For further advice on Ordinary Watercourses, please visit our Ordinary Watercourse webpage via the following link: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/ordinary-watercourses/ordinary-watercourses.aspx#>

When we have cleared our backlog of consultations, we will be working on the principle of addressing the most significant cases; triaging and prioritising. This means that for many applications we will not be able to provide detailed comments or input.

4.2.16 Hertfordshire County Council Minerals & Waste Policy Team: [No objection]

I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the Borough Council be minded to permit this application, a number of detailed matters should be given careful consideration.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The Department for Communities and Local Government published its National Planning Policy for Waste (October 2014) which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the borough council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

As a general point, new housing and other built development should have regard to the overall infrastructure required to support it, including a sufficient number of waste management facilities that should be integrated accordingly and address the principles of sustainability and the proximity principle. This includes providing adequate storage facilities for waste arisings through the arrangement of separate storage of recyclable wastes.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan

(SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

The Minerals and Waste Planning Authority are pleased to see that a SWMP has been submitted as part of the application. The SWMP submitted is considered adequate and sets out sufficient details the Waste Planning Authority would expect to see included.

Section 2 of the SWMP identifies persons responsible for producing and monitoring the SWMP, as well as the means of waste minimisation. Section 3 outlines the methods and options for managing the different expected waste streams as well as providing estimated figures and space for recording actual figures of waste arisings.

As a reminder, the SWMP must be available to any contractor carrying out work described in the plan and should be forwarded to the Waste Planning Authority when completed. There is no need to provide monthly progress; instead, the final figures at the completion of

the project would be sufficient. These should be sent to the Spatial Planning and Economy Unit at the above postal address or by email to: spatialplanning@hertfordshire.gov.uk

Evidence supplied by the applicant suggests hazardous material may be present at the site. This material may need to be removed during construction, should the application be permitted. Other than treatment and transfer centres, waste facilities in Hertfordshire do not accept hazardous waste and therefore, provisions must be made by the applicant, within the SWMP, in order to dispose of this waste safely and appropriately. With specific regards to the potential for asbestos containing materials (ACMs) on site, proper management and provision of this hazard must be adhered to given the risks presented to the adjacent residential area.

Minerals

It is noted that the application site falls within the adopted Sand and Gravel Belt. Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of any deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport primary materials to the site and make sustainable use of these valuable resources.

- 4.2.17 Herts. Archaeology: No response received.
- 4.2.18 Herts Ecology: No response received.
- 4.2.19 Hertfordshire Fire & Rescue Service: No response received.
- 4.2.20 Hertfordshire Local Enterprise Partnership: [Support]

I am writing in support of your planning application to Three Rivers District and Watford Borough Council to include 11 new state-of-the-art sound stages, production workshops, dedicated production offices, storage, support and backlot filming space.

This is a really exciting step forward in the development of the film and TV industry, reinforcing the UK's position as a global player and stimulating local job creation, skills development and future inward investment opportunities.

Hertfordshire is already a global leader in the industry and its creative sector has rapidly expanded in the past 12 months, strongly establishing the county as a key location for film and TV production in the UK and a prime destination for on-location filming with screen tourism a key focus for Visit Herts recovery strategy post COVID.

An independent report into the health of the sector commissioned by Hertfordshire LEP, has identified what will be needed to enable the industry to grow sustainably as well as leverage its economic, social, and environmental value both locally and nationally.

One of the key interventions will be to address the acute lack of stage space in the UK and evidence of significant future demand, from inward investors in the global feature film and high-end TV drama market. Hertfordshire is perfectly positioned to respond to this unprecedented demand. Driven in large part by access to Heathrow Airport and central London, the hub of UK Film and TV Production is defined around a 'wedge' that extends

from central London (Soho) out through west London across an arc that (loosely) follows the M25 – approximately from the M3 in the west to the A1(m) in the east. Hertfordshire is fully part of this broader footprint.

The future expansion of Warner Bros. Studios Leavesden will be key. It is already a well-established studio in the UK. Due to its scale and nature of its facilities including on-site virtual production, expansive backlot and on-site post production facility, it is a highly sustainable location for productions resulting in time and financial efficiencies.

It is also open to other production studios and has been home to some of the most commercially successful franchises filmed in the UK including Fast & Furious (Universal) and Mission Impossible (Paramount).

Securing planning consent to support its continued expansion will be central to establishing long-term employment opportunities for local people in Hertfordshire and the surrounding counties, across a wide range of areas from carpentry to catering. Crucially, the benefits of additional investment to The Studios is not limited to the local area but will also support the wider UK economy through production on-location filming across the Nations and Regions, as seen in recent productions The Batman filming in Liverpool and House of The Dragon filming in Cornwall.

Our Annual Conference broadcast live from Warner Bros. Studios Leavesden last year demonstrated that there is a real appetite to work together to stimulate future investment, drive local job creation and spearhead skills development, putting Hertfordshire at the fulcrum of the film and TV industry's future growth.

We strongly support this planning application which will continue to grow a world-class facility on our doorstep and deliver huge positive benefits to residents and businesses in the supply chain.

4.2.21 London Screen Academy: [Support]

I am writing to express the support of The London Screen Academy for the planning application submitted by Warner Bros. Studios Leavesden.

As background, The London Screen Academy was set up by some of the UK's most successful producers to enable 16-19 year olds to access the screen industries or progress to higher education through high quality learning within a diverse, accepting and supportive community.

It is an incredibly exciting time for our students as the UK screen industry has never been stronger offering young people the opportunity to carve a lasting career in the sector.

For the UK to maintain its position in the international market the high demand for stage space needs to be met. It's vital that studios invest in their facilities to fulfil significant future demand from inward investors in the global feature film and high-end TV drama market.

WBSL has a proven track record in reinvestment and is an established high-end facility which is much sought after. It is uniquely owned by a producing studio (Warner Bros. Discovery) and therefore is particularly important to the economic sustainability and sector growth driven by franchise films (Fantastic Beasts) and multi-season TV shows (HBO's House of The Dragon) which create stability and security within the industry and long-term employment and training opportunities for crew. Its doors are also open to non-Warner Bros. films and the studios have hosted some of the most commercially successful franchises filmed in the UK including Fast & Furious (Universal) and Mission Impossible (Paramount).

The benefits of additional investment to the studios are not limited to the immediate area but will support the wider UK economy through productions on-location filming across the Nations and Regions, as seen in the recent productions of The Batman filming in Liverpool and Wonka filming in Bath.

These plans are a real opportunity for the growth of our sector and have our full support.

4.2.22 London Underground Infrastructure Protection: [No objection]

I can confirm that London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.

This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

4.2.23 National Film & Television School: [Support]

As Director of the National Film and Television School, I write in support of the planned expansion of Warner Bros Studios Leavesden.

The proposed development is critical to cementing the local area as the leading destination for Film and Television in the UK whilst helping to maintain our position globally against fierce competition. There is a proven lack of stage space and evidence of significant future demand.

I support all aspects of the development including the additional stages, workshops and backlot filming space. Warner Bros have always been at the forefront of setting standards and practices. Their WonderWorks, health and wellbeing facility is a model for studios globally.

At the NFTS we run more behind the camera courses than any other film school in the world, with courses covering all aspects of film and television production. We have an extremely close connection with Warner Bros Studios Leavesden, and many of our graduates and alumni have gone on to work on some of the biggest films in the world there. Recently, no less than sixteen of our graduates worked on Fantastic Beasts (including the film's Director David Yates) and many are currently at Leavesden working on Mission Impossible and Barbie in the art department and other key production roles.

At the NFTS we welcome all inward investment into the UK film industry, and particularly when it will create and support so many jobs and opportunities for our graduates locally on both Warner Bros and HBO projects but also projects for other major studios.

I hope you will give your full support to this investment, which will ensure that Warner Bros Studios Leavesden can continue to support UK film students for years to come, and will ensure that they have world-class facilities in which to practice their trade once they graduate.

4.2.24 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.linerearchbeforeudig.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.

4.2.25 National Highways: No response received.

4.2.26 National Planning Casework Unit: [No comment]

I acknowledge receipt of the environmental statement relating to the above proposal. I confirm that we have no comments to make on the environmental statement.

4.2.27 Natural England: [No objection]

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.2.28 Network Rail: [No objection]

Network Rail has the following comments:

- (1) Network Rail notes that the proposal includes use of the west side of the site and therefore there is a risk of road vehicle incursion (rvi) on to the railway. The applicant will need to agree with Network Rail all RVI risk mitigation measures to prevent any vehicle incursion onto the railway.
- (2) Network Rail notes that there was a derailment at Watford Tunnel a few years back – with works undertaken which were not notified to Network Rail to the cutting slope.

As the applicant owns all the land to the west of the down fast from the tunnel up to and beyond Gypsy Lane bridge – this land falls away from the railway - it looks as though there is no buildings or hardstandings being planned (can the developer please confirm) so it is unlikely this will be an issue to Network Rail so the main area of concern is behind the tunnel portals and slightly on the up side where although new temporary buildings are being shown, it is assumed that they will have hardstandings and potentially parking areas created. It will be essential that these drain away from the railway and if there is any attenuation planned, it is well away from the tunnel portal / up slope.

In light of the previous derailment, it is essential that all hard standings be they permanent or temporary have positive drainage falls away from the railway and drained away from Network Rail infrastructure to avoid a repeat incident. Network Rail need to review the applicant's drainage design / plans as part of their planning application.

Whilst Network Rail has no objection to the proposal in principle there are areas of concern which require Network Rail interface and review/agreement of works in relation to RVI and drainage and therefore at this stage no works are to commence until the above are agreed with Network Rail.

4.2.29 Screen Skills: [Support]

I am writing as CEO of ScreenSkills, the industry-led skills body for the UK's screen industries, to support the expansion plans of Warner Bros. Studios Leavesden.

The UK is currently benefiting from a production boom attracting high levels of investment from the global film and high-end TV drama market. This is of significant benefit to the economy and means there are considerable employment opportunities for a wide range of people with different skills from carpentry to catering and hair and make-up to accounts as well as those working with new and evolving tech.

Warner Bros. Studios Leavesden is already a well-established studio in the UK and the scale and nature of its facilities including on-site virtual production and post-production facility mean there are time and financial efficiencies that help make the studios a sustainable location for productions.

As Warner Bros. Studios Leavesden is owned by a producing studio, Warner Bros. Discovery, it is particularly valuable to the economic sustainability and growth of the sector, driven by franchise films such as Fantastic Beasts and multi-season TV shows like HBO's House of The Dragon which create stability and security within the industry and long-term employment and training opportunities for crew. The studios also host other commercially successful franchises such as Fast & Furious, made by Universal, and Paramount's Mission Impossible.

Warner Bros. Studios Leavesden has an important role in establishing long-term employment opportunity for local people in Hertfordshire and the surrounding counties. There is a broader benefit to the wider UK economy as it is common for large-scale productions based at the studios to do on-location filming in other parts of the country, as The Batman did in Liverpool.

Warner Bros. Discovery collaborate closely with ScreenSkills, on a range of training initiatives, including the Trainee Finder trainee programme and an apprenticeship programme, to ensure there is the skilled and inclusive off-screen workforce this activity requires. We would expect the expansion plans to contribute further to this very important work.

4.2.30 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.

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.

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://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

Water Comments:

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

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>)

and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.2.31 The Chiltern Society: [Objection]

The Chiltern Society is well-established with circa 7000 members acting as a voice of all those championing the Chilterns and our countryside; campaigning to cut overbearing development, conserving the Chiltern landscape, and promoting the enjoyment and environmental understanding of the area.

The Chiltern Society object to the expansion of the Warner Bros site at Leavesden principally on the grounds of the permanent loss of Green Belt land and the adverse impact on the environment around Gypsy Lane which is a heritage feature of the area. Also, the development of the 'Island Site' robs an area of Green Belt separating the towns of Watford and Abbots Langley. The special circumstances required for release of the Green Belt land are not adequately proven. The Society does however support the plans for the Lower Field to the West of Gypsy Lane.

The impact on the wider views from the A41 in the vicinity of the junction with the M25 Spur and from the higher ground to the West, around Langleybury, are not presented in any detail and this needs to be corrected. Today, use of Backlot 2 is clearly visible with inadequate screening around the site.

Should the Development proceed, more attention to screening is required. Current tree planting to the East of Gypsy Lane is inadequate – more mature trees are required. The cross-section (A-A) of land profile taken across Gypsy Lane to show the shielding of Backlot 2 is not representative of the whole lane as the contours vary along the lane. Generally, screening across the current site is poor, not helped by the hideous yellow slab-sided buildings. Cannot the buildings be multi-shades of green to better blend with the environment? The impact of the new car park and overhead walkway need to be better assessed with views presented from the resident areas. The appearance of these buildings is crucial to the look of the site and there seems to be little attention given to the style, screening and materials used.

There is clearly a traffic problem today around the site which is likely to get worse with the proposed expansion. Details of this are best left to the local residents who have to live with the consequences. The traffic surveys taken are possibly invalid due to the reduced traffic in times of Covid, however it is suggested that an independent survey and assessment is made with appropriate modelling of the proposed new road scheme.

4.2.32 Three Rivers District Council - Heritage Officer: [No objection]

This application is for the provision of new sound stages, workshops, production and post-production offices, Studio support facilities (including new welfare and café building) and new roundabout to provide vehicular access to the Studios and Island Site; the construction of decked car parking and a pedestrian footbridge (Island Site); the use of land to the west of the Studios for film production and associated activities (Backlot 2); ecological improvements to existing field (Lower Field) together with site-wide landscape and necessary utilities and infrastructure works, bund construction, and ground re-profiling.

The application is located within the setting of several designated and non-designated heritage assets. The northwest corner of the application site bounds the Hunton Bridge Conservation Area, however, this section of the site would be preserved as verdant field and will benefit from ecological enhancements. This would preserve the setting of the Conservation Area.

Taking into consideration the distance of the other assets from the application site; the extent of existing development of the Warner Bros. Studios as well as other residential development within the locale; existing landscaping and topography of the land it is unlikely that the proposed development would have an adverse effect on the significance of the surrounding heritage assets. Any views of the structures within the application would only be glimpsed so the visual impact (if any) would be low. It is also understood that the structures located in the Backlot and Support Facility area would not be permanent. Therefore, I would not raise an objection to the proposal. The proposal would be compliant with section 16 of the NPPF 'Conserving and enhancing the historic environment' as well as Section 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.2.33 Three Rivers District Council - Development Plans: [No objection]

The Core Strategy (adopted 2011) recognises the Studios as being nationally important (Place Shaping Policy PSP2) and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District such as Leavesden Aerodrome.

In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy, both as a local employer and as a centre to contribute to the growth of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios (adopted 2014). Despite this, the application site falls within the Metropolitan Green Belt. The National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt is inappropriate. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). Policy CP11 of the Core Strategy states that 'there will be 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'.

Policy DM12 of the Development Management Policies (adopted July 2013) is met by the proposal by not only protecting the filming operations at the Studios, but also by enhancing them. Policy SA8 of the Site Allocations LDD states that development on the Leavesden Studios site 'must be in relation to the Leavesden Studios operations and associated uses'. This proposal meets the requirements of both policies.

4.2.34 Three Rivers District Council - Environmental Health (Residential): No response received.

4.2.35 Three Rivers District Council - Environmental Protection: No response received.

4.2.36 Three Rivers District Council - Landscape Officer: No response received.

4.2.37 Transport for London: [Advisory comments]

Thank you for consulting Transport for London (TfL). Although the proposed development is some distance from the London boundary, the sheer scale of the development and the expected number of trips is likely to generate cross boundary travel and have an impact on transport services provided by TfL and on the strategic road network within London.

Based on the approach taken to car parking within London set out in the London Plan, we would encourage a restraint based rather than a demand led approach to the provision of car parking. Evidence shows that parking restraint at new developments is the most effective tool to manage pressures on local and strategic road networks. This approach could be combined with charging for car parking at the site and more ambitious measures to encourage active travel and promote public transport use by staff and visitors.

Drawing on best practice in managing travel to large employment sites and visitor attractions, the updated Travel Plan could adopt a number of complementary measures to reduce car use. These measures could include targets in the Travel Plan to progressively reduce on site car parking linked to increases in parking charges. Charging for parking would provide an income stream to recycle into measures that supported sustainable travel including conventional public transport, shuttle buses, active travel improvements and a guaranteed ride home for shift or late workers. Discounts could be offered to staff and visitors so that use of public transport and active travel modes is incentivised. A particular target could be to reduce the occasional peaks in demand which have been referred to in the Transport Assessment. This could avoid the perceived need to provide a replacement for the car parking which has been removed from the site in the last couple of years.

We would also encourage the adoption of more challenging targets for reducing car trips in the Travel Plan that take account of emerging trends in transport and travel including mobility management. As an indication of future ambitions, the Mayor has set a target that 80% of all trips within London will be by sustainable modes by 2041.

We trust that these comments can be forwarded to the applicant's transport consultants so that they are able to respond to them positively before the application is determined.

4.2.38 University of Hertfordshire: [Support]

I am writing in support of the proposed expansion of Warner Bros. Studios Leavesden.

Leavesden studios are a globally renowned film studio, with its output seen worldwide and recognised as one of the finest in the world. Since the significant investment made at the site throughout the duration of the Harry Potter films, the studio has become one of the most important production hubs in the United Kingdom. Not only are some of the biggest films in the world made on the site, but significant television content for HBO is also produced there, showcasing the world-class craft work of British crews.

The UK industry is benefiting from extraordinary growth at this time. The BFI has announced that by 2025 there will be a skills shortage of almost 50,000 crew members, based on the current rate of investment into UK production. At a time when there is a national shortage of studio space, the growth of the Warner Bros studio is not only an essential requirement to meet the needs of productions requiring stages and studios, but it is a significant employer of UK talent – encouraging and nurturing young crew members and retaining the best of the industry in the UK, where we have the best crews in the world. This investment will help to beat that skills shortage and ensure more crew can be trained and gain experience.

At the present time, there is not enough studio space to accommodate the productions looking to film in the UK. We are at the point of outpacing Hollywood production, but the space to host these productions is not there. With Warner Bros owning the studio, as well as being one of the “big five” production companies, they are in a unique position to commission content to make best use of their stages. This is an almost unique position in the UK, with most other studios relying on other production companies to book their stages, Warner Bros are free to not only commission their own content, but also rent the stages to other productions. This benefits the wider UK economy, as well as locally in Hertfordshire.

Warner Brothers Studios Leavesden has been a key partner with the University of Hertfordshire in supporting students looking to gain a career in the film industry. Over the past eight years, countless students have benefited from mentorship, training, work experience and employment at the studio. With the identified skills gap by the BFI, the relationship between industry and education providers in the sector is even more vital than ever.

As an employer in the region, Warner Bros ensures that UK talent continues to be offered opportunities in Hertfordshire and doesn't have to look further afield. The benefits to a growing studio also go to surrounding industries, which service and feed into the film industry such as electricians, carpenters, security, props companies, production designers and costume designers.

As Hertfordshire strongly cements itself as the true "British Hollywood", I strongly recommend to the planning committee that they approve the planning application made by Warner Brothers Studios Leavesden.

4.2.39 Watford Borough Council: No response received.

4.2.40 Watford Borough Council Environmental Health (Commercial): [No objection]

Air Quality

I have reviewed Chapter 8: Air Quality & Technical Appendix E of the Environmental Statement. I have also reviewed the CEMP.

The assessment of construction phase impacts indicates that the proposed development will constitute a medium dust risk for demolition and construction activities and a low risk for earthworks and trackout activities. The consultant states that for the site the general mitigation measures applicable to a medium risk site should be applied.

A CEMP has been submitted in support of the planning application. The consultant states that with the implementation of the CEMP, which includes the aforementioned mitigation measures, the construction dust and vehicle emissions effects in the area will be temporary and not significant.

The assessment of operation phase impacts utilised dispersion modelling, predicted concentrations indicate that emissions from the proposed development will have a negligible impact on annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at existing and new receptors. No further mitigation is considered necessary.

I would suggest that a condition be applied to any permission granted requiring the development to be carried out in accordance with the CEMP, specifically with reference to Section 7: Air Quality & Dust.

I would suggest an informative relating to the following:

The use of vehicles (that are involved in demolition, earthworks, construction etc.) that meet the most recent European emissions standards.

The use of ultra-low emissions vehicles.

Consider innovation where possible, i.e. Non-Road Mobile Machinery (NRMM) low emission technology, replacing diesel powered equipment with ultra-low emission engines, the use of machinery/equipment that run on alternative fuels.

Contaminated Land

I have reviewed the Geo-Environmental Site Assessment (Report ref. 1620012265 03) and the Additional Environmental Assessment (Report ref. 1620012265 0.2) prepared by Ramboll.

The intrusive investigation did not identify any concentrations of contaminants of concern in exceedance of the relevant generic assessment criteria. The presence of asbestos was

identified within the made ground on the Central Site Area. The consultant has suggested that appropriate mitigation measures should be considered if areas of soft landscaping are introduced as part of the development i.e. a suitable thickness of clean cover in landscaped areas.

Ground gas monitoring results recorded over four separate events indicated that the Site Gas Screening Value is Characteristic Situation 1. The results obtained suggest that there is no requirement for gas protection measures as part of the proposed commercial development. However, the consultant has made the following recommendations:

- Further ground gas risk assessment may need to be considered if the current proposals change significantly or earthworks significantly change the ground profile;
- It is considered that, providing Network Rail approvals can be obtained, additional ground gas wells (or similar investigation method) and follow-on risk appraisal should be completed within the footprint of the proposed building 72 prior to construction; and
- Proposed building 56 is situated beneath an existing mound of material and it is considered that further ground gas risk assessment will be necessary following removal of the mound and prior to construction.

I would suggest that conditions be applied to any permission granted requiring a remediation method statement and verification plan to be submitted and approved, a verification report on completion of the works described in the approved remediation method statement and the reporting of any unexpected contamination identified during the development.

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

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

i) A remediation method statement, based on the results of the Geo-Environmental Site Assessment (Report ref. 1620012265 03) and the Additional Environmental Assessment (Report ref. 1620012265 0.2) prepared by Ramboll, giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

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

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

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

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

4.2.41 West Herts College Group: [Support]

I am writing this letter in support of the planning application submitted to Three Rivers District and Watford Borough Council for the expansion of the Warner Bros. Studios, Leavesden.

As a long-term partner of Warner Bros. Studios Leavesden (WBSL), West Herts College fully supports the application submitted for new state-of-the-art sound stages, production workshops, dedicated production offices, storage and support spaces and backlot filming space highlighting.

The College has seen a significant increase in the number of young people enrolling onto 'Creative' courses at the College over the past few years and with the vast majority of these students aspiring to work in TV and Film related jobs. In addition, many students studying other traditional occupations such as 'media make up, hairdressing, carpentry (set design), and many more, have strong aspirations for jobs within the TV and Film industry.

WBSL is important to the local area and central to providing long-term employment opportunities for local people in Hertfordshire and the surrounding counties.

West Herts College and WBSL have developed a strong relationship which allows students to further develop their skills through a range of opportunities at the Studios such as work experience, industry placements, apprenticeships, and seminars about life in TV and Film, through masterclasses provided by industry experts. These opportunities are critical to the development of work-readiness and significantly increase the employability of young people.

Warner Bros. Studios Leavesden is uniquely owned by a producing studio (Warner Bros. Discovery) and therefore is particularly important to the economic sustainability and sector growth driven by franchise films (Fantastic Beasts) and multi-season TV shows (HBO's House of The Dragon) which create stability and security within the industry and long-term employment and training opportunities for many people.

Crucially, the benefits of additional investment to The Studios is not limited to the local area but will also support the wider UK economy through production on-location filming across the Nations and Regions, as seen in recent productions The Batman filming in Liverpool and Wonka filming in Bath.

It is for all these reasons that West Herts College fully supports, in full, the application and I hope you will take the points included into consideration.

4.3 Public/Neighbour Consultation

4.3.1 Number consulted: 768

4.3.2 Site Notice: 7 x Site Notices displayed around site perimeter on 18/03/22, expired 20/04/22.

4.3.3 Press Notice: Published 25/03/22, expired 27/04/22.

4.3.4 No of responses received: 46 (44 objections, 2 support)

4.3.5 Summary of Responses:

Objections:

Overdevelopment; Site has already been overdeveloped; Prominent in landscape; Visual impact on the landscape is significant; Will detrimentally alter rural nature of Gypsy Lane; Gypsy Lane is one of Hertfordshire's last deep cut lanes; the character has changed to industrial wasteland; Gypsy Lane is well used; Concerns cannot be overcome by planting which in itself changes the character of the area; Cumulative impact of development; Creeping strategy; It is not possible to provide effective screening as demonstrated currently; Buildings and structures excessively high; Dominate skyline; LVIA is dismissive of visual impact; No redeeming features to the car park or footbridge which would dominate; Bridge will create industrial appearance; Out of keeping with residential and semi-rural character of the area; No proper analysis of environmental harm; Appearance; Unsightly warehouses; A further unsightly multi-storey car park; Original Island Site proposal was building not car park, the two cannot be compared.

Negative impact on Green Belt; Warner Bros. continue to expand into the Green Belt; Permission for backlot was temporary, it should not be permanent; Granting permanent consent contravenes previous decision; Temporary permission was not properly assessed; The proposed backlot is not a justified use of Green Belt land; M25 service station in Green Belt was refused and the same principles apply; No rigorous assessment of alternative sites contrary to NPPF; There is space within existing site which would avoid use of Green Belt; Harm to the environment and openness of the Green Belt; M25 factor not taken into account; Green Belt within the parish has significant role to play in offsetting negative impact of M25; Once Green Belt is lost it is gone forever; Production of entertainment cannot justify loss of Green Belt; Contrary to the purpose of the Green Belt to have no break; Would create urban sprawl; Contrary to initial plans for the site which sought to retain Green Belt; Screening should include mature trees to provide immediate relief.

No very special circumstances have been demonstrated; Covid and backlog of work is not justification for further expansion; Success of expansion is not known so cannot be relied upon, it cannot be guaranteed; Entertainment industry is shrinking; No justifiable evidence; Claims not supported; Is there really a need given all the expansion elsewhere in Hertfordshire and the UK; Need for additional car parking suggests jobs would not be local.

Adverse affect on Trees; Adverse affects on Conservation Area.

Concerns regarding previous land use/contamination; Concern that local water supply cannot support more development; Lead to flooding due to amount of buildings and hard surfaces.

TRDC has declared a climate emergency; Contrary to climate change emergency and climate change imperatives.

Impact on ecology needs to be fully considered; No amount of mitigation will ever negate the biodiversity lost; Requirement for 10% biodiversity net gain; The triangle site is a natural habitat for wildlife.

Additional Traffic to local infrastructure; Traffic studies during pandemic do not reflect reality; Create a car park on local roads; There are currently queues as cars try to get into the site in the mornings; There will be severe congestion; Addition of 2500 parking spaces will increase traffic, congestion, noise and emissions; Underground car park would avoid need for bridge; Unable to park at shops in Cunningham Way due to Warner Bros traffic/vehicles; Impact of new roundabout on local roads; Layout of new roundabout and access to car park inappropriate; Highways safety concerns; No provision for waiting taxis/drop off and pick up; Construction traffic will be significant.

No consideration of residents; Needs of residents should be considered; Fully support comments on behalf of Gypsy Lane Residents' Group; Overshadowing by large mustard coloured buildings; Impact on neighbouring amenity; Too close to boundary; Why should community suffer long term for short term gains of commercial entity.

Impact of construction on neighbouring amenity and environment; Construction period will be long; Noise and disturbance from construction and use; Use of backlot would result in noise intrusion; Neighbours have and will continue to endure noise pollution and disruption; Light pollution; Existing green space absorbs noise and helps with air pollution; Air pollution will increase as a result of development and significant additional numbers of cars; Should be looking to reduce carbon dioxide; Green spaces should be used for food growing; WB should be involved with "Plant Britain"; Impact on residents health.

New Local Plan is draft only; My application for extensions was refused so this proposal cannot be permitted.

View positively the proposals for lower field but this needs to be secured and protected.

Support:

Great opportunity to build on thriving local film industry; No great loss of nature.

Letter of support from director of WonderWorks nursery who support WBSL by providing flexible childcare.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 21 July 2021 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 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 PSP2, CP1, CP6, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM12, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA8 is relevant.

6.3 Other

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.

National Planning Practice Guidance (2019).

7 Planning Analysis

7.1 The report is a Preliminary Report and therefore the following sections (7.1 – 7.20) set out the policy framework against which the application should be considered in order to aid the discussion on the item. The analysis does not at this preliminary stage assess the acceptability or otherwise of the proposals.

7.2 Principle of Development

7.2.1 Place Shaping Policy (PSP2) of The Core Strategy (adopted 2011) recognises the Studios as being nationally important and that the sustainable growth of the District's economy will be supported by continuing to focus employment use within the key employment areas of the District such as Leavesden Aerodrome.

7.2.2 Policy CP1 of the Core Strategy (adopted October 2011) states that development must contribute to the sustainability of the District and recognises the need to maintain high levels of employment by attracting jobs and training opportunities for local people and Policy CP6 of the Core Strategy (adopted October 2011) supports development that provides jobs, promotes skills and learning of the local workforce, and re-enforces the south-west Hertfordshire area's existing economic clusters including film, printing and publishing, telecommunications and construction industries.

7.2.3 In order to not compromise the ability of the Leavesden Studios to contribute to the national and regional economy, both as a local employer and as a centre to contribute to the growth of the District, the Leavesden Studios Site was allocated specifically for Leavesden Studios

(adopted November 2014). The Site Allocations LDD (SALDD) (adopted November 2014) recognises the ability of Leavesden Studios to contribute to the national and regional economy and Policy SA8 of the SALDD sets out that development on the site must be in relation to the Leavesden Studios operations and associated uses so as not to compromise this ability. As part of the allocation (Policy SA8), the operational area was removed from the Green Belt. The backlot remained/remains in the Green Belt. It is relevant to note that the 'Island Site' (where it falls within Three Rivers) falls within the Studios 'operations' area identified by Policy SA8 and therefore is not within the Green Belt. Similarly, the 'Northern Access' is outside of the Green Belt. It is noted that the remainder of the application proposals fall within the Green Belt.

7.3 Green Belt

- 7.3.1 With the exception of the 'Island Site' (where it falls within TRDC) and 'Northern Access', the application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.
- 7.3.2 The NPPF states that the Government attaches great importance to Green Belts. Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also states that LPAs should ensure that substantial weight is 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.
- 7.3.3 The five purposes of the Green Belt are set out at paragraph 138 of the NPPF as follows:
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns;
 - To assist in urban regeneration by encouraging the recycling of derelict land and other urban land.
- 7.3.4 Paragraph 149 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in the development.
- 7.3.5 Paragraph 150 of the NPPF advises that certain forms of development are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of the including land within it. Two such exceptions listed at paragraph 150 are; b) engineering operations and e) materials changes in the use of land.
- 7.3.6 Policy CP11 of the Core Strategy (adopted October 2011) advises that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with purposes of including land within it. It also notes at criterion (d) that; 'The Council will review 'Major Developed Site in the Green Belt' status in relation to Leavesden Aerodrome having regard to the important contribution the site is expected to make to meeting needs for housing and employment.
- 7.3.7 It is accepted by the applicant that the parts of the development located within the Green Belt are inappropriate and are therefore, by definition, harmful to the Green Belt and should not be approved unless there are very special circumstances.

7.3.8 'Very Special Circumstances' are not defined and determining whether very special circumstances exist will depend on the facts and circumstances of the individual application.

7.3.9 The applicant in their submission contends that there are very special circumstances to justify the otherwise inappropriate development, namely the economic and social benefits of the proposed development which they consider to be of national significance.

7.4 Character and Appearance (including impact on the landscape)

7.4.1 Paragraph 126 of the NPPF states that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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..."

7.4.2 Paragraph 130 of the NPPF states amongst other things that:

"Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) 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); and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

7.4.3 Paragraph 134 of the NPPF states that:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes: and/or (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

7.4.4 Policy CP1 of the Core Strategy (adopted October 2011) advised amongst other things that:

"All development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to:

n) Promote buildings and public spaces of a high enduring design quality that respects local distinctiveness, is accessible to all and reduces opportunities for crime and anti-social behaviour"

Whilst this criterion talks about buildings and public spaces it stresses the importance of design quality and local distinctiveness.

7.4.5 In accordance with the requirements of Policy CP12 of the Core Strategy (adopted October 2011) development should amongst other things:

“a) Have regard to the local context and conserve or enhance the character, amenities and quality of an area.

d) Make efficient use of land whilst respecting the distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials”

7.4.6 The proposed sound stages on the ‘Central Site’ (2A - 2K on submitted plans) would range in height from 18m on the outer edge up to 21m within the centre of the site. Their design would follow the scale, colour and profile of the existing stages. The ancillary offices would be lower, up to 12m in height and would include active frontages. The new workshops would be 14.5m to eaves height.

7.4.7 The Studio Parking Deck would range from 11m – 15m in height, the lower height closest to residential properties in Ashfields to the east. A number of solid walls and horizontal banding are proposed to create the appearance of the building. The Pedestrian Bridge Access will provide access from the Studio Parking Deck to the Studio Site. This would be 100m in length with a road clearance height of 5.5m. Extensive landscaping is proposed around the perimeter of the ‘Island Site’ and across the development site more widely, including the Lower Field.

7.4.8 In terms of land use, the area is mixed in character. To the north-east of the main application site is the existing Studios and Studio Tour. To the north-west is the residential area of Abbots Langley. To the west of the site are open fields with some residential roads and individual properties. To the north-east on Aerodrome Way there are existing commercial units at Leavesden Park with residential properties beyond to the east. To the south is the residential area of Watford beyond the A41 North Orbital Road.

Impact on views and the landscape

7.4.9 In order to assess the visual impact of the development on various visual receptors and the character and appearance of the landscape the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) within their Environmental Statement (ES).

7.4.10 A 2.5km study area was chosen based on the Zone of Theoretical Visibility (ZTV) as the visibility beyond this distance will become limited. The assessment judges the potential effects of the proposals on the landscape and visual receptors that have been identified. The significance of a landscape and visual effect is determined by consideration of the sensitivity of the landscape and visual receptors and the magnitude of the landscape and visual effect as a result of the proposals. This follows the Guidelines for Landscape and Visual Impact Assessment, (GLVIA) 3rd Edition, Landscape Institute (LI) and Institute for Environmental Management and Assessment (IEMA) (2013).

7.4.11 Landscape effects arise either as a result of direct changes as a result of development in the physical elements of the receiving landscape, or from indirect effects on the character and quality of the surrounding landscape. Visual effects arise from changes in character and quality of people’s views resulting from a proposed development. In both cases, effects that are moderate (including slight to moderate) or above are considered to be significant for the Environmental Impact Assessment.

7.4.12 A baseline study is undertaken. This is to record the existing landscape conditions against which the effects of the proposed development will be assessed.

7.4.13 The LVIA considers the impact on 3 types of receptor, these being residential streets/areas, transport routes and recreational areas. A number of representative viewpoints (14) have

been selected within the study area to illustrate how the site is experienced by the identified visual receptors.

7.4.14 With regards to Primary Mitigation, key mitigation measures have been incorporated into the proposals which aim to minimise the initial predicted impacts. These include:

- Retention of historic lane (Gypsy Lane) that runs through the site;
- Retention of PROW no. 40;
- Retention of TPO trees along Gypsy Lane and within the Western Site;
- Island Site building heights in accordance with parameters;
- Introduction of low planted earth mounds to north and east of Island Site;
- Introduction of planted earth mounds around the Western Site's western field (Backlot 2);
- Ecological enhancements in the Lower Field including hedgerow planting, orchard and woodland planting;
- Introduction of woodland matrix along western side of Gadeside.

7.4.15 The principal sources of change to landscape and resources and visual amenity arise from the introduction of new built form and landscape elements. The changes that could occur to the landscape can be separated into temporary (that occur during construction) and permanent changes that occur at completion (post construction and during the operation of the site). Some of these changes may be beneficial, resulting in an improvement on quality or landscape resources, while others may be adverse. Some changes may initially be adverse, but on establishment and maturity may result in a gradual improvement as new landscape resources replace old or supplement existing.

7.4.16 The LVIA states that out of the 11 visual receptors assessed, 6 will have significant adverse visual effects during construction. By completion this is reduced to 5. Over time with the primary mitigation in the form of earth bunds and the detailed planting proposals taken into account the planting will begin to mature. The woodland planting will thicken and will begin to screen the Studios proposed development including Backlot 2. Five to 10 years after completion the woodland planting will reduce the visual effects. After 15 years there are not expected to be any significant adverse effects on the landscape character of the visual amenity of the 11 receptors identified. The degree of visual effects on the residential receptors from The Maltings and Old Mill Road will reduce to slight adverse and therefore not significant as the planting within the Studios matures. The visual receptors using Gypsy Lane and PROW no. 40 will also reduce to slight adverse and therefore not significant. The LVIA concludes therefore that there will be no significant landscape or visual effects after 15 years on any of the receptors.

7.5 Heritage & Archaeology

7.5.1 The Grade II* Listed Hunton Park and Grade II Listed Dairy at Hunton Park are located to the north of the site. Hunton Bridge Conservation Area is sited beyond, approximately 750m to the north-west of the site.

7.5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

7.5.3 Paragraph 195 of the NPPF advises that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

7.5.4 Paragraphs 199 and 200 of the NPPF state 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

7.5.5 Paragraph 202 of the NPPF advises that:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..."

7.5.6 The NPPG advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

7.5.7 Policy DM3 of the Development Management Policies LDD advises that the Council will preserve the District's Listed Buildings and that "Applications will only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment."

7.5.8 The application is accompanied by a Heritage Statement (March 2022) prepared by Terence O'Rourke. The report concludes that the proposed development is not predicted to result in any changes to the setting of designated or non-designated heritage assets that could harm their significance.

7.6 Impact on Neighbours

7.6.1 Paragraph 130 of the NPPF advises that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.6.2 Policy CP6 of the Core Strategy (adopted October 2011) advises that the Council will support development that sustains parts of the District as attractive areas for business.

7.6.3 Policy CP12 of the Core Strategy (adopted October 2011) states that the Council will expect development proposals to protect residential amenities.

7.6.4 The closest residential properties to the east of the 'Island Site' are those on Ashfields (within Watford Borough Council area). The Studio Parking Deck reflects the parameters (in terms of scale/mass/bulk etc) approved in 2015. The height would be 15m maximum, however, it would be stepped with the lower 11m high element sited closest to Ashfields.

The south-east corner of the Studio Deck Car Park would be over 80 metres from the closest property in Ashfields. A detailed landscape strategy has been submitted with the application and includes extensive landscape planting around the Island Site, particularly the eastern boundary, and includes a planted earth mound to act as both a visual and acoustic barrier.

- 7.6.5 The support facility (Building 75 on the submitted plans) on the Island Site will be used for set lighting. The building will have a maximum height of 11m, reflecting the lower height of Studio Parking Deck. As with the parking deck, extensive landscaping is proposed around the perimeter. The eastern flank elevation of Building 75 would be located approximately 90 metres from the closest properties on Ashfields.
- 7.6.6 The sound stages and supporting offices/workshops would be separated from residential properties to the south by the North Western Avenue, with a separation distance of over 100m at the closets point. The offices would front Gadeside (with North Western Avenue beyond) with the higher sound stages located more centrally within the site away from the site boundaries.
- 7.6.7 To the west there are some individual residential properties and residential roads. The residential part of Gypsy Lane adjoins the site boundary and the Lane itself continues through the site as a public footpath between the proposed Backlot 2 and Lower Field. There are residential properties on The Maltings which adjoin the Lower Field where ecological enhancements are proposed as part of the development.

7.7 Pollution – Air Quality

- 7.7.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.7.2 The NPPG provides guidance as to when air quality would be relevant to a planning decision. In summary, it states that when deciding whether air quality is relevant to a planning application, considerations could include whether the development would, amongst other considerations:

- *Significantly affect traffic in the immediate vicinity of the proposed development site or further afield.*
- *Introduce new point sources of air pollution eg. furnaces.*
- *Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.*

- 7.7.3 In relation to air quality, Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that development will not be permitted where it would:

- i. Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or*
- ii. Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.*

- 7.7.4 The application is accompanied by an Environmental Statement. Chapter 8 of the Environmental Statement specifically deals with air quality. The application is also accompanied by a Construction Environment Management Plan (CEMP).

7.7.5 The assessment of construction phase impacts indicates that the proposed development will constitute a medium dust risk for demolition and construction activities and a low risk for earthworks and trackout activities. The consultant states that for the site the general mitigation measures applicable to a medium risk site should be applied.

7.7.6 The assessment of operation phase impacts utilised dispersion modelling. Predicted concentrations indicate that emissions from the proposed development will have a negligible impact on annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at existing and new receptors and no further mitigation is considered necessary.

7.7.7 The Environmental and Protection Officer recommends conditions be applied to any permission granted requiring the development to be carried out in accordance with the CEMP, specifically with reference to Section 7: Air Quality & Dust. They also suggest an informative relating to the use of vehicles (that are involved in demolition, earthworks, construction etc.) that meet the most recent European emissions standards and the use of ultra-low emissions vehicles.

7.8 Pollution – Noise & Vibration

7.8.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

7.8.2 Policy DM9 of the Development Management Policies LDD (adopted July 2019) sets out that planning permission will not be granted for development that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development, has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation.

7.8.3 The application is accompanied by a Noise Assessment (ref. 206/0600/R2, March 2022) prepared by RSK Acoustics. The Assessment has considered noise from construction, road traffic noise and noise associated with the soundstages and backlot 2. It acknowledges that the proposals include elements that have the potential to produce noise with risks of disturbance to nearby residents. It sets out the design, including landscaping, have sought to minimise noise emissions where practical and that noise from the majority of activity is unlikely to be a material concern. The Assessment concludes that noise impacts would be minor, but if necessary, conditions could be attached to any permission if granted.

7.8.4 The Council's Environmental Health Officer is reviewing the submitted details.

7.9 Pollution – Light

7.9.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.9.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states in relation to lighting proposals, that development proposals which include external lighting should ensure that:
- i. Proposed lighting schemes are the minimum required for public safety and security*
 - ii. There is no unacceptable adverse impact on neighbouring or nearby properties*
 - iii. There is no unacceptable adverse impact on the surrounding countryside*
 - iv. There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians*
 - v. Road and footway lighting meets the County Council's adopted standards*
 - vi. There is no unacceptably adverse impact on wildlife*
 - vii. Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting is sensitively designed to prevent negative impacts on use of these habitat features.*
- 7.9.3 The application is accompanied by an External Lighting Strategy and Impact Assessment (March 2022) prepared by Ramboll which concludes that the external lighting for the proposed development will comply with relevant guidance and will be unobtrusive for adjacent residential properties.
- 7.9.4 The Council's Environmental Health Officer is reviewing the submitted details.
- 7.10 Highways & Access
- 7.10.1 Paragraph 110 of the NPPF advises that;
- In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 7.10.2 Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 7.10.3 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 113 of the NPPF).
- 7.10.4 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.10.5 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

- i) It provides a safe and adequate means of access*
- j) It is appropriate in scale to the existing infrastructure...*
- k) It is integrated with the wider network of transport routes...*
- l) It makes adequate provision for all users...*
- m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
- n) The impact of the proposal on transport has been fully assessed...*
- o) The proposal is accompanied by a draft Green Travel Plan*

7.10.6 On the 'Triangle Site' a new 'Southern Access Roundabout' is proposed which would serve the Studio Parking Deck and main Studio site. Access will be provided via Gadeside, keeping traffic away from adjacent residential areas. The roundabout will intercept traffic arriving from the M25 and A41, and similarly, departing traffic will have easy access to the A41 and M25 beyond. The proposals also include a direct link between the Island Site Parking Deck and main Studio site through the provision of a pedestrian bridge to enable safe/direct access. This will have an overall span of approximately 100m with a cross-section height of 2.8m and 5.5m road clearance.

7.10.7 At the 'Northern Access' it is proposed to widen the access road to assist with traffic flow into the site.

7.10.8 The application was accompanied by a Transport Assessment (TA) (March) 2022 and Travel Plan (March 2022), both prepared by Markides. The submitted details are being reviewed by HCC as Highways Authority (HCCHA). HCCHA have provided a holding response which confirms that they have met the applicant's transport consultant and that positive discussions have taken place regarding a package of measures to mitigate the effects of the development proposals on the transport network. HCCHA will provide a full consultation report in due course.

7.11 Parking

7.11.1 Three Rivers District Council are the Parking Authority, and Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the car parking requirements for the District.

7.11.2 There are no parking standards relating specifically to film studio use. The Policy advises that for uses not specifically identified, standards should be considered on a case by case basis. The most closely related standards are considered to be:

- Office and Research Development 1 space per 30sqm
- Light Industry 1 space per 50sqm
- General Industry 1 space per 75sqm

7.11.3 Applying the above standards to the proposed development would result in a requirement for 2,352; 1,411; and 941 spaces respectively.

7.11.4 Appendix 5 does indicate that the car parking standards may be adjusted according to which zone the proposed development is located in. The site is within Zone 4, equating to 75-100% of the demand based standard.

7.11.5 The proposed multi-storey car park on the 'Island Site' will accommodate 2,500 car parking spaces. It is intended to meet both the demand of the additional studio space being created, and to reintroduce the capacity on site to deal with the 1000 space buffer that the Studio has tried to maintain for extreme peaks.

7.11.6 The existing multi-storey car park on the main Studios site accommodates 2,250 spaces. The uplift in floor area of the proposed development is approximately two-thirds of the existing floor space of the site. Two-thirds of the existing parking provision would equate to

approximately 1,500 spaces. A parking accumulation calculation, based on trip rates derived from entry and exit counts at the site has also been undertaken which has identified average daily peak parking demand for the site to be in the order of 1,330 spaces.

- 7.11.7 The Transport Assessment sets out that the provision of a car park with space for 2,500 vehicles would therefore be sufficient for the typical day to day use associated with the new development and would also accommodate the extreme peak provision (1,000 spaces).
- 7.11.8 Parking requirements for disabled motorists are also set out in Appendix 5, with the development requiring 6 spaces plus 2% of the total capacity. The application proposes 56 accessible parking spaces.
- 7.11.9 It is noted that TRDC current adopted policy does not require Electric Vehicle Charging Points (EVCP), however, the draft parking policy approved by the Local Plan Sub-Committee and Policy & Resources Committee includes a requirement for 20% of spaces for such a development to be active provision and 30% to be passive. The application proposes 20% of spaces to be active provision from the opening of the car park with the option to passively allow for EVCP to all of the remaining spaces subject to demand.
- 7.11.10 Cycle parking standards are also set out within Appendix 5 of the Development Management Policies LDD (adopted July 2013). There are no specific standards for film studio use. The application proposes 150 covered/secure cycle parking spaces. Amenity facilities for staff would incorporate showers and lockers.

7.12 Wildlife and Biodiversity

- 7.12.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 9 of the Conservation of Habitat and Species Regulations 2017 (as amended) which states that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.12.2 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by:
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- 7.12.3 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
- 7.12.4 Paragraph 180 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.*
- 7.12.5 Policy CP1 of the Core Strategy (adopted October 2011) advises that; “all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to (amongst other things) (f) “protect and enhance our natural, built and historic environment from inappropriate development and improve the diversity of wildlife and habitats”.

- 7.12.6 Policy CP9 of the Core Strategy (adopted October 2011) advises that; “The Council will seek a net gain in the quality and quantity of Green Infrastructure, through the protection and enhancement of assets and provision of new green spaces”.
- 7.12.7 Policy DM6 of the Development Management Policies LDD advises that development should result in no net loss of biodiversity value across the District as a whole.
- 7.12.8 Policy DM6 advises that;
- (a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, 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:*
- ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.*
- (d) Development must conserve, enhance and, where appropriate, restore biodiversity through:*
- i) Protecting habitats and species identified for retention*
ii) Providing compensation for the loss of any habitats
iii) Providing for the management of habitats and species
iv) Maintaining the integrity of important networks of natural habitats, and
v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.
- (e) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.*
- 7.12.9 There are 3 Local Wildlife Sites within the site and surrounding area, one wholly within the site.
- 7.12.10 The application is accompanied by an Ecological Impact Assessment (March 2022) prepared by LC Ecological Services which was undertaken to assess the potential ecological effects of the proposed development. Walkover surveys have been completed in 2007, 2015, 2021 and 2022. Phase 2 surveys were undertaken to obtain further information on which protected species were likely to be impacted by the proposed works and include badger activity surveys; bat activity transects; breeding bird surveys; invertebrate surveys and reptile surveys. 28 Important Ecological Features (IEFs) were identified, including 17 designated sites, 3 habitats and 1 fauna of regional importance, and 3 habitats and 4 fauna of local importance. The Assessment concludes that the development scheme and mitigation measures will result in a minor positive impact overall.
- 7.12.11 The proposal will result in the loss of an area of a Local Wildlife Site (LWS), however, the design includes areas of translocation for the LWS grassland habitat. Mitigation measures are proposed including habitat translocation (as noted above), production of a Construction Environment Management Plan to control all potentially damaging operations, protection measures for hedgerows and woodlands and a mitigation strategy for badgers, bats, nesting birds, invertebrates and reptiles.
- 7.12.12 The submitted details are being reviewed by Hertfordshire Ecology.

Habitats & Biodiversity Offsetting

7.12.13 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by, among other matters:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

No % or quantum of 'net gains' is stipulated in the framework.

7.12.14 Paragraph 179 of the NPPF advises that in order to protect and enhance biodiversity and geodiversity, plans should:

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

7.12.15 Paragraph 180 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.

7.12.16 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that (d) 'development must conserve, enhance and, where appropriate, restore biodiversity through: ii) providing compensation for the loss of any habitats'.

7.12.17 The Environment Act (introduced as a Bill in October 2019 and enacted following receipt of Royal Assent on 9 November 2021) proposes to mandate the requirement for BNG in legislation, through changes made to the Town and Country Planning Act 1990. The Bill proposes to achieve a threshold 10% gain in biodiversity. The Bill received Royal Assent on 9 November 2021 meaning that it is now an Act of Parliament. Mandatory BNG as set out in the Environment Act applies only in England by amending the Town and Country Planning Act and is likely to become law in 2023. The requirement for 10% BNG is, therefore, not yet enshrined in planning law. As noted above, however, Local Plan Policy DM6 refers to the provision of compensation measures for the loss of any habitats.

7.12.18 The proposed enhancement measures, including to the 'Lower Field' where it is proposed to create a 12 acre area, accessible for public use, with 40 new trees including an orchard and semi-mature Oak trees; 4,857sqm of new woodland planting; 492sqm of coppice planting; 1,565sqm of native scrub planting; and a naturalised floodwater basin creating a wetland habitat whilst providing surface water attenuation, seek to achieve an increase in biodiversity net gain (BNG) across the site. A grant of planning permission would need to secure the provision and maintenance of 'Lower field', including for public access.

7.12.19 The submitted details are being reviewed by Hertfordshire Ecology.

7.13 Trees and Landscape

7.13.1 Tree Preservation Order (TPO) 310 protects trees in the vicinity of L Stage to the south of the site. TPOs 315 and 107 protect trees within the Lower Field and Island Site respectively.

7.13.2 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

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

i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding

landscape of the area and where appropriate integrate with adjoining networks of green open spaces.

- 7.13.4 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.13.5 The application is accompanied by an Arboricultural Assessment and Method Statement (ref. 21011-AA-PB, 8 March 2022) prepared by Barrell. A detailed planting strategy for the site has also been submitted as summarised at section 3.9 above, including:
- 175 new trees to be planted including an orchard and semi-mature Oak trees;
 - 19,519sqm of new woodland planting;
 - 487sqm of native hedgerow;
 - 429sqm of coppice planting;
 - 1,565sqm of native scrub planting;
 - 425 linear metres of formal hedgerows;
 - 3,458sqm of ornamental shrub planting.
- 7.13.6 As noted at section 3.10 above, in response to concerns raised from residents in relation to planting on the Island Site and Backlot 2 (Western Site), amended landscape drawings have been submitted. Additional bund and planting depth has been added to the eastern boundary of the Island Site closest to Ashfields. The sizes of the field maple and hornbeam on the boundary of Backlot 2 (Western Site) and Gypsy Lane have been increased to create a more immediate screening impact. The field maple were previously 8-10cm girth (2.5-3m high) and are now shown as 16-18cm girth (4-4.5m high); the hornbeam were previously 6-8cm girth (2.5-3m high) and are now proposed to be 14-16cm girth (4.25-6m high).
- 7.13.7 The submitted details are being reviewed by the Council's Landscape Officer.

7.14 Energy & Sustainability

- 7.14.1 Paragraph 152 of the NPPF states that "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
- 7.14.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.14.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 7.14.4 Three Rivers District Council declared a 'Climate Emergency' in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Following the

declaration of the 'Climate Emergency' Three Rivers District Council agreed a Climate Change and Sustainability Report at its Full Council meeting on 25 February 2021. The TRDC Climate Strategy is not a planning document, but an overarching Council Strategy which is informed by the draft policies in the new Local Plan. Whilst the declaration of the Climate Emergency and Climate Change Strategy are noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed.

- 7.14.5 The application is accompanied by an Energy Statement Report (March 2022) prepared by Ramboll. The report sets out that the energy strategy is based on the energy hierarchy of prioritising passive design and a general energy demand reduction before the incorporation of Low and Zero Carbon technologies.
- 7.14.6 Passive Design: It is proposed to improve insulation of the office fabric. In addition, solar control has been added to glazing to reduce cooling demand without excessively impacting beneficial solar gain during winter. Improvements in the air tightness of buildings, particularly when not in use, are also proposed to reduce heat loss.
- 7.14.7 Reduce Energy Demand: Appropriate ventilation and air conditioning systems will be used, alongside low energy LED light fittings and suitable smart lighting controls. Air Source Heat Pump will be utilised for Stages H and I and VRF systems will provide heating and cooling.
- 7.14.8 Low and Zero Carbon Technologies: In order to maximise on-site energy generation, photovoltaic (PV) panels will be provided on the roofs of the proposed Stages. The PV will generate over 1,600,000kWh per year. Whilst the primary purpose is to power the Studios, any surplus can be exported to the wider electricity network.
- 7.14.9 Enhanced fabric combined with efficient heating, ventilation and air conditioning systems and the inclusion of PV will ensure a minimum 20% reduction in regulated carbon emissions. The development is estimated to demonstrate an 86% reduction in overall regulated carbon emissions which is above the current 5% threshold and draft future guidance of 20%.
- 7.14.10 A BREEAM 2018 New Construction 'Excellent' rating is being targeted across the site. Through water efficient sanitary ware the buildings will be targeting a 40% reduction over the typical baseline water consumption. To reduce air pollution, electric vehicle charging points will be provided to encourage more sustainable modes. WBSL are also moving towards electrification of their vehicles on site, including the shuttle bus which transfers visitors to and from Watford Junction station.
- 7.15 Flood Risk & Drainage
- 7.15.1 The site is located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year. However, as the site area is over 1 hectare a Flood Risk Assessment is required.
- 7.15.2 Paragraph 159 of the NPPF states that;
- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*
- 7.15.3 Paragraph 174 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 7.15.4 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.

- 7.15.5 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 taking into account climate change, for example through flood resistant design.
- 7.15.6 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.
- 7.15.7 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (March 2022) prepared by Quattro Consult.

Sustainable Drainage

- 7.15.8 The Lead Local Flood Authority (LLFA) has advised that they are currently unable to respond to any new planning consultations and as such are not providing comments on this planning application. The LLFA publish guidance on SuDS and they recommend that new development follows these policies.
- 7.15.9 In the absence of comments from the LLFA, TRDC is in the process of instructing an external consultant to review the submitted Flood Risk Assessment and Drainage Strategy with reference to the LLFA's published guidance.

Railway Infrastructure

- 7.15.10 Network Rail raise no objection in principle but note that the applicant will need to agree 'road vehicle incursion' (RVI) mitigation measures with them to prevent vehicle incursion onto the railway. Network Rail also sought confirmation that hardstanding drains away from the railway.
- 7.15.11 In response the applicant has confirmed that there are no proposed works to the west side of the site within 12 metres of the Network Rail fence line and that a Heras style fence will be erected along this exclusion line to ensure no vehicular or pedestrian incursion. They have also confirmed that all drainage will be down to either the River Gade or pond/wetland area in the lower field, 20m lower than the Network Rail fence.

7.16 Contaminated Land/Groundwater

- 7.16.1 Paragraph 174 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other considerations:

(e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

- 7.16.2 Policy DM9 of the Development Management Policies LDD (adopted July 2013) advises that;

"The Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke,

soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.”

7.16.3 The application is accompanied by the following documents which have been reviewed by the Environmental and Protection Officer:

- Geo-Environmental Site Assessment (March 2022) prepared by Ramboll; and
- Additional Environmental Assessment (28/02/22) prepared by Ramboll.

7.16.4 The Environmental and Protection Officer has advised that the intrusive investigations have not identified any elevated concentrations of contaminants of concern in exceedance of the relevant generic assessment criteria. The presence of asbestos was identified within the made ground on the Central Site Area. The consultant has suggested that appropriate mitigation measures should be considered if areas of soft landscaping are introduced as part of the development i.e. a suitable thickness of clean cover in landscaped areas. They consider that further ground risk assessments may be needed if the current proposals were to change significantly or if earthworks significantly change the ground profile. Subject to approval from Network Rail, additional ground gas wells (or similar investigation method) and follow-on risk appraisal should be completed within the footprint of the proposed building 72 prior to construction; and as proposed building 56 is situated beneath an existing mound of material, it is considered that further ground gas risk assessment will be necessary following removal of the mound and prior to construction.

7.16.5 The Environmental and Protection Officer raises no objection subject to conditions requiring a remediation method statement and verification plan to be submitted and approved, a verification report on completion of the works described in the approved remediation method statement and the reporting of any unexpected contamination identified during the development.

7.16.6 With regards to regards to surface water and foul water sewerage network, Thames Water recognise that the catchment is subject to high infiltration flows during certain groundwater conditions. However, the scale of the development is not considered to materially affect the sewer network and as such they have no objection.

7.16.7 Thames Water recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities.

Ground Water

7.16.8 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone 1 (SPZ1) corresponding to Pumping Station (THEG) which is for public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. Affinity Water note that the site is within an area of historical contamination and therefore whilst they raise no objection, they do require that a number of planning conditions are included in order that the risks to public water supply can be properly considered. Requested conditions include no excavation such as piling unless a piling method statement has first been agreed; the requirement for works to cease if contamination not previously identified is found to be present and a surface water drainage scheme to ensure surface water is not disposed of via direct infiltration in contaminated areas. These requests reflect the comments/requests of the Environment Agency.

7.17 Refuse & Recycling

7.17.1 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

7.17.2 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal. Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP) which aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

7.17.3 The application is accompanied by a SWMP and HCC Minerals and Waste Planning Team have reviewed the submitted document and have confirmed that it is considered adequate and sets out sufficient details.

7.17.4 The SWMP will help reduce the amount of waste full stop, whilst also reducing waste that is removed from the site. As existing, waste will be processed on site where possible and will be collected by private contractors.

7.18 Safety & Security

7.18.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.18.2 The Police Designing Out Crime Officer has reviewed the submitted details and has raised no objections, noting that they met with relevant personnel to discuss site security.

7.19 Infrastructure Contributions

7.19.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule sets out that the charge per sq.m of non-residential development is £nil.

7.19.2 Full comments from HCC as Highway Authority are awaited at this time, however, it is anticipated (as indicated in their holding response), that in order to make the proposals acceptable to maximize sustainable travel options, that the Highway Authority will recommend appropriate developer contributions are sought via a Section 106 Agreement towards supporting the implementation, processing and monitoring of a full travel plan including any engagement that may be needed.

7.20 Referral to Secretary of State

7.20.1 The Town and Country Planning (Consultation) (England) Direction 2021 requires Local Planning Authorities to consult the Secretary of State before granting planning permission for certain types of development. These include inappropriate developments in the Green Belt that by reason of their scale or nature or location would have a significant impact on

the openness of the Green Belt. In the event that it is concluded that the development subject of this application is acceptable although contrary to the Development Plan, or that very special circumstances exist which are considered to outweigh the harm to the Green Belt by inappropriateness and any other harm, it would be necessary for the LPA to consult the Secretary of State prior to a decision being issued. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

8 Recommendation

- 8.1 There is no recommendation for approval or refusal at this stage in the consideration of the application.
- 8.2 Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.

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