

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Auditorium, Watersmeet Theatre, High Street Rickmansworth, WD3 1EH on Thursday, 15 August 2024 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Philip Hearn
Stephen King
Chris Lloyd
Debbie Morris

Sara Bedford (Vice-Chair)
Chris Mitchell
Harry Davies
Elinor Gazzard

*Joanne Wagstaffe, Chief Executive
Wednesday, 7 August 2024*

The Planning Committee welcomes contributions from members of the public to its discussion on agenda items. Contributions will be limited to one person speaking for and one against each item for not more than three minutes. 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 automatically be given the right to speak on that item at the next meeting of the Planning Committee. Details of the procedure and the list for registering the wish to speak will be available for a short period before the meeting.

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.

Please note that the meeting is being held virtually. The business of the meeting will be live streamed at –

The Planning Committee virtual meeting protocol can be viewed below:

1. APOLOGIES FOR ABSENCE

- 2. MINUTES** (Pages 5 - 8)
- To confirm as being a correct record, the minutes of the meeting of the Planning Committee, held on 18 July 2024.
- 3. DECLARATIONS OF INTEREST**
- To receive any declarations of interest.
- 4. NOTICE OF URGENT BUSINESS**
- Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.
- 5. 23/1795/FUL - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 NO. TWO STOREY DWELLINGS WITH ASSOCIATED BIN STORE, PARKING AND LANDSCAPING WORKS AT 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA.** (Pages 9 - 40)
- Recommendation: That subject to the recommendation of approval/no objection from the Landscape Officer and the Environmental Health Officer, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the Landscape Officer and Environmental Health Officer.
- 6. 23/1797/FUL - DEMOLITION OF EXISTING DWELLING AND BUILDINGS AND ERECTION OF TWO STOREY DETACHED BUILDING TO CREATE 17 NO. FLATS, INCLUDING LOWER GROUND FLOOR LEVEL, FIRST AND SECOND FLOOR BALCONIES AND ACCOMMODATION IN THE ROOFSpace WITH DORMERS, ROOFLIGHTS, SOLAR PANELS WITH ASSOCIATED PARKING AND LANDSCAPING WORKS AT CEDAR HOUSE, SANDY LANE, NORTHWOOD, HA6 3EZ** (Pages 41 - 98)
- Recommendation: That PLANNING PERMISSION BE GRANTED, subject to the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection
- 7. 24/0804/FUL - CONSTRUCTION OF PART SINGLE, PART TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION; FRONT PORCH, PARTIAL GARAGE CONVERSION LINKING TO MAIN DWELLING, ADDITION OF SIDE DORMER AND REAR TERRACE BALCONY; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR.** (Pages 99 - 114)
- Recommendation: That PLANNING PERMISSION be REFUSED.
- 8. 24/0814/FUL - ERECTION OF SINGLE STOREY FRONT AND SIDE EXTENSION AT SARRATT VILLAGE HALL, THE GREEN, SARRATT, HERTFORDSHIRE** (Pages 115 - 130)
- Recommendation: That subject to conditions PLANNING PERMISSION BE GRANTED.

9. **24/1064/FUL – DEMOLITION OF EXISTING CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION AND FRONT PORCH EXTENSION, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION; PROVISION OF WINDOW TO SIDE ELEVATION AT 26 POPES ROAD, ABBOTS LANGLEY, HERTS, WD5 0EY** (Pages 131 - 142)

Recommendation: That PLANNING PERMISSION IS GRANTED subject to conditions.

10. **WITHDRAWN - 24/1093/PIP – PERMISSION IN PRINCIPLE APPLICATION: ERECTION OF A BLOCK OF SIX APARTMENTS WITH ASSOCIATED ACCESS, BIN AND BIKE STORE, PARKING AND LANDSCAPING WORKS AT LAND ADJACENT TO 62-84 AND 99-121, SYCAMORE ROAD, CROXLEY GREEN** (Pages 143 - 166)

This item has been withdrawn from the agenda and will be presented at a future Planning Committee.

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

Exclusion of Public and Press

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

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

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

Background Information

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

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

- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

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

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 18 July 2024 from 7.30 - 8.08 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Adam Ralton, Development Management Team Leader
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC35/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Sara Bedford and Councillor Stephen King.

PC36/24 MINUTES

The minutes of the Planning Committee held on 13 June 2024 were confirmed as a correct record and signed by the Chair of the meeting.

The minutes of the Planning Committee held on 20 June 2024 were also confirmed as a correct record and signed by the Chair.

PC37/24 DECLARATIONS OF INTEREST

The Liberal Democrat Group declared a non-pecuniary interest in item 5. **24/0903/FUL – Construction of single storey front, side and rear extensions at Silver Birch Cottage, East Lane, Abbots Langley, Hertfordshire, WD5 0NY**, as the architect is a member of the authority and a member of the Liberal Democrat Group.

PC38/24 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC39/24 24/0903/FUL – Construction of single storey front, side and rear extensions at Silver Birch Cottage, East Lane, Abbots Langley.

Adam Ralton, Development Management Team Leader advised the Committee that a document has been circulated by the applicant to all Councillors regarding the application. Officers consider that the points raised in the document are all covered in the committee report.

The officer also provided an overview of the existing and proposed plans, highlighting the differences between them. The officer explained the various drawings that illustrate the planning history of the site, including previously approved extensions and the current proposals. Specific attention was given to the permitted developments, including a single storey rear and side extension. The officer emphasized the need for clarity regarding the proposed changes and their implications for the site.

In response to a request by Members, the officer informed the Committee that the floor area of the property with the proposed extension is 175 square meters. The officer also responded to another question raised by Members, explaining that the reason the elements may not all be able to be constructed at the same time is down to how the roofs of the individual elements of the planning permission scheme and the permitted development scheme interact. They interact in such a way that it wouldn't be possible to build both of them in accordance with the drawings that have been approved. It might mean that there would need to be an amendment made to those schemes before the roofs could be built and completed. Whilst on the floor plan the roofs don't touch, there is interaction above the floor.

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

The Committee requested that officers address the points raised by the applicant.

Adam Ralton, Development Management Team Leader explained that the concern the officers have is the total size and volume of the extensions that's being built cumulatively. The difference between a flat roof extension to the rear and a much larger, bulkier structure with a large roof. It can be seen on the drawings the difference the roof makes on the rear elevations. That is one part of the additional massing and the volume that officers have concerns with.

The officer further explained that officers are not suggesting box dormers and rubber roof cappings, but they might be something that would be achievable if that complies with the conditions in the permitted development order. Ultimately, whilst there have been a number of applications that have been approved, that allow a particular footprint and massing, officers' concern is the massing of the extensions overall.

Members of the Committee argued that multiple planning applications should not be combined to circumvent existing regulations, and the overall development's acceptability should be evaluated based on its impact on the green belt's openness rather than strict adherence to outdated metrics. Members concluded that, given the lack of direct neighbours to the property, the proposed extension would not harm the green belt's openness.

Members requested clarification on the square meterage information of the areas that are being proposed, and the officer clarified that it was 17 square meters.

The officer advised the Committee that if Members were minded to overturn the recommendation and grant planning permission, officers would suggest three conditions to be added, which are standard and would go on any planning permission. The first condition to set out that materials should match the existing building, the second condition to set out that the development starts within three years, and the third condition to set out that the development should be done in accordance with the current plans.

Members requested that informatives should also be added on working hours and the size of vehicles driving to and from the property.

The officer advised that they do not consider that it would be reasonable to restrict the size of vehicles driving to and from the property because it would be difficult to know what size they can be restricted to.

Members of the Committee summarised that the reason for overturning the officer recommendation for refusal was that the current application has a lesser impact on the green belt compared to permitted development schemes.

Councillor Philip Hearn proposed an alternative recommendation to grant planning permission, subject to conditions, seconded by Councillor Chris Lloyd.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 1 Against, 0 Abstention.

RESOLVED:

That PLANNING PERMISSION is APPROVED subject to conditions.

PC40/24 Retrospective: Installation of rooflight and alterations to fenestration at 6 HOLBEIN GATE, NORTHWOOD

Lauren Edwards, Senior Planning Officer provided the following update:

The report contains two typos; the first one being at 3.2 of the report, where it states that there are two first floor flank windows in situ. That should say that there are two first floor flank windows in situ, within each flank, making a total of four. The second typo relates to Condition 1 (C1), where the officer referred to 100 meters, it should refer to 100 millimetres. The last update is, following the publication of the report, on the basis of the amended plans that were received, Batchworth Community Council have withdrawn their objection.

Members raised concerns regarding the window over the staircase, and the fact that it has a handle and can be opened fully, and questioned whether a restrictor could be installed on it.

The officer explained that the recommendation is that the window can stay as it is, and although it is directly over the drop of the stairs, unless there was some form of platform placed over the drop, a person could not open the window, and there is potentially not another location for the stairs to be transferred to in the future. Therefore, officers don't think that it would be reasonable for them to require that the applicant replace the window, so as to put a restrictor on, but if Members think it would be necessary, then it could be explored.

In response to questions raised by Members regarding the window height and protecting neighbouring amenity, the officer confirmed that the stairwell window is definitely 1.7 meters above the floor, as it is over the ground floor turn of the stairs. The windows, as they are in situ, have openable parts less than 1.7 meters. Hence, the amended plan to seek they be changed such that their openable parts are bottom tilt and then together with the catch would mean views could not be afforded up and over the window. The officer further explained that they believe that there is no feasible alternative for the staircase's location, implying that the room in question is unlikely to become habitable. The officer also mentioned the possibility of installing a restrictor on the window but consider it unreasonable to replace the window, given the circumstances of the planning application and the need to address other windows as well.

Councillor Chris Lloyd moved, seconded by Councillor Harry Davies that subject to conditions RETROSPECTIVE PLANNING PERMISSION IS GRANTED.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 0 Against, 1 Abstention.

RESOLVED:

That, subject to conditions, RETROSPECTIVE PLANNING PERMISSION IS GRANTED.

PC41/24 OTHER BUSINESS - if approved under item 3 above

There were no items of other business.

CHAIRMAN

PLANNING COMMITTEE – 15 August 2024

23/1795/FUL - Demolition of existing building and erection of 6 no. two storey dwellings with associated bin store, parking and landscaping works at 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 19.01.2024
(Extension of Time: 23.08.2024)

Ward: Abbots Langley & Bedmond
Case Officer: Scott Volker

Recommendation: That subject to the recommendation of approval/no objection from the Landscape Officer and the Environmental Health Officer, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the Landscape Officer and Environmental Health Officer.

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council for reasons set out at paragraph 4.1.1 below.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S30Q92QFHHH00>

1 Relevant Planning History

1.1 None.

2 Description of Application Site

2.1 The application site is 'L' shaped, measuring approximately 1700m² and located to the northern end of the Abbots Langley High Street between the secondary shopping area to the south and residential properties to the north. The site has a single vehicular access onto the High Street approximately 10 metres to the south of a mini roundabout occupying the junction of the High Street and the residential cul-de-sac of St Lawrence Court opposite the site. St Lawrence Church is a Grade I Listed Building located to the north-west of the mini-roundabout and is clearly visible from the application site.

2.2 The site is occupied by a primarily flat roofed single storey building which was formerly operated as a Chinese restaurant. A car park occupies the front part of the site adjacent to the highway and continues along the southern boundary of the site adjacent to the shopping parade. The existing building also has a smaller two storey element which contained a residential unit at first floor level in keeping with the building's historic use as a Public House. This first floor element is set back from the highway and relatively unobtrusive from the High Street as it occupies an area of land that extends to the rear of the dwellings fronting the High Street. Apart from the two-storey building, this area at the rear is laid to grass and was formerly the pub garden.

2.3 The site is located within the Abbots Langley Conservation Area, is within an area of archaeological importance, directly abuts a designated secondary shopping area and is sited opposite a Grade I Listed Church. Two of the dwellings to the immediate north (23 and 25 High Street) are Grade II Listed Buildings, with the rear boundaries of these properties abutting the rear part of the site. A further two buildings immediately abutting the site are Locally Important (The Boys Home Public House and 27 High Street). Additional listed buildings and locally important buildings exist in the wider street scene, primarily to the north of the site.

- 2.4 The site is also identified in the Site Allocations Development Plan Document (Site H(3)) for residential development with an indicative capacity for ten dwellings.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site involving the erection of two 2-storey terraces providing a total of **six dwellings** with associated bin store, parking and landscaping works. The proposal would provide 1 x 3-bed unit and 5 x 2-bed units.
- 3.2 One row of three dwellings (Plots 1-3) would front the High Street and hold a uniform front building line. This row would be set back from the High Street and would continue to provide an active frontage to the road. Plot 1 would contain the sole 3-bed unit within the development. The terrace row would have width of 22.5m and would be two storey of red brick exterior and tiled pitched roof with gable ends. Each dwelling would benefit from a two-storey gabled rear projection but the main part of the dwellings would measure 6.3m in depth. Private amenity spaces would be provided to the rear ranging between 66.5-107.6sqm in size.
- 3.3 The other three terraced dwellings would be located to the north-east corner of the site and be oriented perpendicular to the road and would each benefit from a small frontage facing onto the parking forecourt. This row would measure 15.4m in width and share uniform front and rear building lines measuring 9.2m in depth. These dwellings would have a red brick exterior with tiled pitched roof and gable ends. Each dwelling would have access to a private amenity space ranging between 74.2-102.3sqm in area.
- 3.4 The existing access point to the south of the site would be retained and would lead to a courtyard, providing vehicular access to the parking spaces and lead to Plots 4-6. A total of 14 spaces are proposed. A secure refuse enclosure would also be located within the southern corner of the courtyard close to the vehicular access.
- 3.5 Amended plans were received during the application process making the following alterations:

Plots 1 - 3

- Two-storey rear projection of Plot 1 stepped in from outside flank elevation.
- Rear projections of all 3 terraced dwellings set down from the principal ridge.
- False blocked window added to the first floor on the front elevation of Plot 1.
- Brick band detail between ground and first floor to run through all three dwellings.
- Flat roof canopy porches added to all dwellings instead of pitched.
- False chimneys added to all three dwellings.

Plots 4 – 6

- Removal of flat roof dormer windows to the roof on front and rear elevations of all three dwellings.
- Removal of roof lights to roof on front elevation of all three dwellings.
- Reduced from 3-bed units to 2-bed units.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council - First Consultation: [Objection]

Given the location of this site in a conservation area and its proximity to both listed buildings and a church, Members feel the three houses fronting the High Street have a modular form that conflicts with the character of the High Street which has undulating elevations and a

variation of materials used between dwellings. Members object to the scheme as presented and should planning officers be of a mind to approve this application as presented, members would request this application be called into committee.

Furthermore, Members acknowledge this is a brownfield site and the use of this land for housing is a positive solution to the current housing crisis. Members feel, however, the proposed dwellings should be far more biodiverse with regard to the inclusion of bird housing within the design.

4.1.1.1 Abbots Langley Parish Council - Second consultation: [Objection]

Members have reviewed the proposed amendments and feel the concerns raised in our comments on the initial application have not been addressed. The modular form still does not configure with character and historical context of the site.

4.1.2 Conservation Officer - First consultation: [Objection]

This application is for the demolition of existing building and erection of 6 no. two storey semi-detached dwellings with associated bin store, parking and landscaping works.

The application site is located in the Abbots Langley Conservation Area and is within the immediate setting of designated and non-designated heritage assets which are highlighted below.

Designated assets:

- Number 23, early 19th century dwelling (possibly earlier), Grade II listed (list entry: 1100882)*
- Number 25, early 18th century dwelling (possibly earlier), Grade II listed (list entry: 1100883).*

Non-designated assets:

- Numbers 21, The Boy's Home Public House*
- Number 27, an early 19th century dwelling*
- Numbers 29-31, 19th century dwellings*

The application site is roughly an L-shape, wrapping around the domestic gardens of Numbers 23-31 High Street to the east and south. Historic map regression shows that there was historically built form in the approximate location of proposed units 1-3, annotated as the Kings Head P.H on the nineteenth century Ordnance Survey maps. The public house was demolished in the mid/late twentieth century and replaced with the current buildings on the site.

The existing site has a mid/late 20th century two-storey dwelling set on an east west axis and a large single storey structure to the front with a large area of hardstanding between the building and the High Street that is used for car parking. The Conservation Area appraisal notes that the site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. The site in its current form does not make a positive contribution to the significance of the Conservation Area.

The principle of sensitive redevelopment of the site would be considered acceptable from a conservation perspective. The proposed development would comprise of six new residential dwellings in two groups of three. Units 1-3 would occupy the front of the plot and front the High Street, units 4-6 would be set back within the plot occupying roughly the same position as the existing two-storey dwelling.

The submitted streetscene and cross section are useful, but they only depict the proposed dwellings from a limited perspective. For example, the streetscene from the High Street does not show how units 4-6 would be viewed within the gap between proposed dwelling 3

and Number 31. The cross-section showings units 4-6 does not show the rear gable projection of unit 1 and only shows the narrowest part of the row when viewed from the south looking north. I recommend additional street scenes or viewpoints are taken from other aspects in order to understand the full visual impact of the development.

Plots 1-3

I recommend that the two-storey projection of unit 1 is stepped in, currently it is one continuous massing, and this would benefit from some articulation. There is a preference from the rear projection to unit 2 and 3 to be set down from the principal ridge so that it is more consistent with other two-storey rear extensions throughout the area. Adding chimneys or a step in the ridge line would also add visual interest to the roofscape and break up the massing of units 1-3. This would also better relate to the historic residential dwellings along the High Street.

Plots 4-6

There are some concerns regarding the proposed two and a half storey scale of these units as this is contrary to scale of the surrounding buildings. I acknowledge that the dwellings would be set back within the plot which may reduce the perceived scale. However, as these units are not shown in the indicative streetscene, the full impact cannot be understood at present.

The large, flat roof dormers would not be supported in principle as they would appear untraditional and overly dominant. There appears to be no examples of flat roof dormers to the historic dwellings that are adjacent to the site, the proposed dormers would be an incongruous feature that would likely be visible from the streetscene as well as from the listed and locally listed buildings. I recommend that the dormers to the front are omitted, and the rear dormers significantly reduced in scale. There may be scope for small flat or duo pitched dormers to the rear of units 4-6.

Similarly, front roof lights would be avoided, these would be visible from the streetscene due to the orientation of the row and the gap between unit 3 and Number 31.

There is potential for sensitive redevelopment of the site. However, there are elements of the current scheme that would not preserve the character and appearance of the Conservation Area. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202.

4.1.2.1 Conservation Officer – Second Consultation: [No objection]

This is the second consultation within this application. Initial advice is summarised below:

Plots 1-3

- Recommend that the two-storey projection of unit 1 is stepped in.
- Recommend that the projection to unit 2 and 3 to be set down from the principal ridge.
- Adding chimneys or a step in the ridge line to add visual interest to the roofscape.

Plots 4-6

- Concerns regarding the 2.5 storey scale which did not relate to the scale of existing residential development.
- Concerns regarding the large flat roof dormers to both front and rear roof slopes.
- Omit roof lights visible from the streetscene.

The above recommendations have been adhered to. The rear projections of plots 1-3 have been reduced, chimneys added and brick banding added between the ground and first floor. There is a preference for the chimneys to be positioned along the party walls and to the

flank elevation; this would be a more traditional arrangement. in the Plots 4-6 are now two-storey in scale with no additions to the roof, better reflecting the scale and form of the existing building to the rear of the plot.

Were permission granted, I recommend that the following condition are attached:

- Samples of the proposed elevation treatment and roof covering shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- Details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority prior to their first installation or construction on site.*
- Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority.*
- Details of all hard and soft -landscaping and boundary treatments must be approved in writing by the local planning authority prior to the commencement of any landscaping works.*

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

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

- 1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
 - a. Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).*
 - b. Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.*

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

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

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

- vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).*
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.*

2. B: Highway Improvements – Offsite (Implementation / Construction)

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

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

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

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

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

4. Construction Management Plan

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

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

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

Highway Informatives:

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

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

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Comments / Analysis

The proposal comprises of a development of 6 residential dwellings at 35 High Street, Abbots Langley. High Street is designated as a classified C local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is

classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.

Access

There is an existing bellmouth access into the existing site, which is currently used by a restaurant. There is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 D. HCC as Highway Authority would not have an objection to the relocated position and there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.

It would be recommended that a vehicle crossover access is provided rather than a bellmouth access. This would be considered to be acceptable to provide access to 6 dwellings and would give greater priority to pedestrians using the existing footway along High Street, which would ensure that the proposals are in accordance with HCC's Local Transport Plan and its emerging Place & Movement Planning Design Guide.

Refuse, Service and Emergency Vehicle Access

No specific details have been provide in respect to emergency or service access. Whilst there would not be any significant concerns, it would be recommended that a swept path analysis / tracking plan is provided to illustrate that the largest vehicles requiring access to the site would be able to turn around and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes.

It would also be required that the refuse collection arrangements are also detailed (whether kerbside or within the site) and would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The Highway Authority does not have any specific concerns in respect to access for emergency vehicles. It has been considered that the arrangements would enable fire tender access to within 45m to all parts of the proposed dwellings, which is in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).

Section 278 Highway Works

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

- *vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs.*
- *extended pedestrian footway and highway verge and any associated works on the north side of the relocated access / the closure of the any parts of the existing vehicle access.*

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to obtain an extent of highway plan to clarify the works which would be within the existing highway and submit a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However, the works would need to be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire and MfS. The developer would need to put in place a permanent

arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

Car Parking

The proposal includes the provision of 14 car parking spaces for the dwellings. HCC as the Highway Authority's would not have any objections to the overall level of car parking.

An appropriate level of electric vehicle charging (EVC) provision should be provided, with an active EVC point for each dwelling. This is to ensure that the proposals are in accordance with LTP4, Policy 5h in this respect, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future". The layout of the car parking areas is considered to be acceptable by HCC as Highway and is accordance with guidance as laid out in Manual for Streets.

The Design and Access Statement states that "sufficient space is available for cycle storage within the curtilage of each dwelling". HCC as Highway Authority would deem this necessary to support and maximise cycling as a sustainable form of travel to and from the site and would therefore support covered cycle storage where possible and appropriate.

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

Trip Generation

The level of trips associated with 6 dwellings would not be considered to be significant enough to recommend refusal from a highways perspective, particularly when compared to existing restaurant use.

Conclusion

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

- 4.1.4 TRDC Tree and Landscape Officer: [No comments received. Any comments provided will be verbally updated]
- 4.1.5 National Grid: [No comments received. Any comments provided will be verbally updated]
- 4.1.6 TRDC Environmental Health Officer: - [No comments received. Any comments provided will be verbally updated]

5 Public/Neighbour Consultation

- 5.1 Number consulted: 16
- 5.2 No of responses received: 4 (3 objections, 1 neutral)

Site Notice: Posted 09.12.2023 Expired: 02.01.2024.

Press Notice: Published 08.12.2024 Expired 31.12.2024

- 5.3 Summary of responses:

- Concerns regarding asbestos management during demolition
- Dwellings are of modern design not in keeping with the Conservation Area

- Flat dormers of plots 4-6 do not complement the existing Elizabethan cottages in the High Street.
- Covenant determined that the site must always facilitate a public house of some description.
- Site has been a community area and would be a shame to turn it into private housing.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

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

6.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, 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, DM3, DM4, DM6, DM9, DM10, DM13, Appendix 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA1 and Site H(3) are relevant.

6.3 Other

Abbots Langley Conservation Area Appraisal (2014).

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Housing Land Supply Update (December 2023)

Housing Delivery Test Action Plan (published June 2024)

7 **Reason for Delay**

7.1 Submission of amended plans and obtaining consultation responses.

8 **Planning Analysis**

8.1 Principle of Development

8.1.1 The proposal would result in the net gain of six residential units within the application site. The site is allocated as housing site H(3) in the Site Allocations LDD (SALDD) (adopted November 2014) with an indicative capacity of 10 dwellings and an indicative phasing of 2021-2026. Policy SA1 of the Site Allocations LDD states that sites should be developed at an overall capacity which accords generally with the indicative capacity set out for each site.

8.1.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

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

8.1.3 Policy CP3 of the Core Strategy states the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.

8.1.4 Paragraph 124(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 124(d) states that decisions should promote and support the development of under-utilised land

and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

- 8.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place on previously developed land and appropriate infilling opportunities within Key Centres. Policy PSP2 indicates that the Key Centres including Abbots Langley will provide approximately 60% of the District's housing requirements over the plan period. The site is previously developed "brownfield land" within the settlement boundary and is on the Brownfield Land Register (2023) which confirms that the site is appropriate for residential development and that development is achievable.
- 8.1.6 Therefore, the principle of residential development is established when considering the proposal against Policy CP1 which states that development in Three Rivers will contribute to the sustainability of the District by guiding development onto brownfield land.
- 8.1.7 Currently, the Council are unable to demonstrate a deliverable supply of housing as required by the NPPF, with the Council's position at approximately 1.9-year supply of housing. Paragraph 11 of the NPPF is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. Consequently, when applying paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 8.1.8 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. The Action Plan published June 2024 states at paragraph 3.23 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.
- 8.1.9 This proposal would provide six dwellings (net gain of six) on the site which would weigh in favour of the development having regard to the Council's current position regarding housing delivery. Officers note that the provision of six dwellings is lower than the indicative capacity set out in the Site Allocations LDD; however, officers consider the proposed quantum is the most efficient use of the brownfield site when factoring in the sensitive location of the site within the Abbots Langley Conservation Area surrounding by several statutory listed and locally listed buildings. Therefore, the slight undersupply compared to the indicative allocation is considered acceptable.
- 8.2 Design and impact on Character, Street Scene and Heritage Assets:
- 8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 8.2.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- 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.)

- 8.2.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 8.2.4 Paragraph 135(c) of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 8.2.5 The application site is located in the Abbots Langley Conservation Area and close to listed buildings; as such Policy DM3 of the Development Management Policies LDD (adopted July 2013) applies. Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building's character as a building of special architectural or historic interest or its wider setting and any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability. With regard to development in Conservation Areas, Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character and appearance of the area and uses building materials, finishes, including those for features such as walls, railings gates and hard surfacing, that are appropriate to the local context.
- 8.2.6 The built form within this part of the High Street and Abbots Langley Conservation Area are typified by two storey development. Whilst there is some three storey development evident at the southern end of the High Street, this does not form part of the immediate surroundings of the site and is atypical in the Conservation Area. All of the properties on the east side of the High Street front onto the High Street and are predominantly built up to the pedestrian footway (excluding 23-27 High Street and the buildings contained within the application site (which are set back) with private residential amenity spaces and parking and associated space for the commercial parade located behind. The application site is set between the historic part of the conservation area situated to the north and the more modern element located to the south.
- 8.2.7 The proposed development would not result in a tandem form of development. Recognising that the application site is sensitively located within the Abbots Langley Conservation Area and in close proximity to the Grade I Listed Church of St Lawrence, directly adjacent to two Grade II Listed dwellings and two further locally important buildings means that the acceptability of the scheme would depend significantly to the appearance of the proposed buildings and the layout of the site.

- 8.2.8 The submitted details and plans indicate that the proposed buildings would be street or courtyard facing with private gardens located to the rear which would be in keeping with the general layout of residential plots in the area. Focussing on Plots 1-3, these street facing dwellings follow the key characteristics of the historic part of the conservation area to the north of the site by incorporating the slight setback from the highway to provide a front courtyard. This ensures a continuation of the character and appearance of the conservation area. Although there is some variation in plot shapes in regard to Plots 1-3, they would continue to be of a reasonable size and there is notable variation in plots shapes and sizes within surrounding area such that Plots 1-3 would not appear incongruous. Adequate spacing would be retained between the proposed terraces and their respective flank boundaries; and although the front corner of Plot 1 would be built in close proximity to its adjacent southern boundary, the dwelling is set beside the access into the site and the boundary line with the service road is splayed therefore allowing for a continued sense of spaciousness and ensuring the building would not appear cramped.
- 8.2.9 Turning to the Plots 4-6, these would not be readily visible from the public realm but even so, they continue to maintain the general character and layout of the historic part of the conservation area. There would be spacing of either 1.2m – 1.4m between the outside flanks of the end terraces and the adjacent boundaries which would be compliant with the guidance set out at Appendix 2 to ensure adequate spacing is maintained. The plots themselves would be uniform in shape – there would be some variation in size of the plots, but they would all conform to the varied size and shape of plots within the vicinity of the development site. The dwellings would also not appear disproportionate or cramped relative to their respective plots and are therefore considered acceptable in this regard.
- 8.2.10 The Conservation Officer was consulted on the application and drew upon the Conservation Area appraisal which highlighted that the application site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. Thus, the Conservation Officer identified that the site in its current form does not make a positive contribution to the significance of the Conservation Area and they did not raise an objection to the principle of a sensitively designed redevelopment from a conservation perspective; however they initially held concerns with some elements of the current scheme highlighting that the terraced properties fronting the High Street lacked visual interest and did not relate to the historic residential dwellings found along the High Street. Further recommendations were to reduce the size of the two storey rear projections of these dwellings so that they were more consistent with other two-storey rear extensions found in the area. With regards to Plots 4-6 the conservation officer raised in principle objections to the inclusion of flat roof dormers as they are considered untraditional and overly dominant. Additionally, they requested the removal of the dormers and rooflights proposed within the front roofslopes of these rear properties.
- 8.2.11 The applicant accordingly provided amended plans which implemented the suggestions made by the Conservation Officer. The rear projections of Plots 1-3 have been reduced so that the ridges are set below the main ridge and in respect of Plot 1 the rear projection has been set in to enable the depth and the continuous mass of the outside flank elevation to be broken up. Brick band detailing between the ground and first floor, false blocked window, false chimneys and flat roof canopy porches have been added to the design of the street facing properties to add some character and better relate to the historic residential dwellings along the High Street. In addition, Plots 4-6 no longer incorporate additions to the roof, thereby better reflecting the scale and form of the existing building to the rear of the plot. All the dwellings would incorporate traditional pitched roofs which are favoured. Supplementary street scene plans were provided to show how the two rows of properties would be viewed within the context of the existing built environment; however, officers wish to highlight that the two-dimensional nature of such elevation type drawings do not reflect the perspective, depth and context when viewing the site in reality. For example, the existing two storey part of the building which is located in a similar position to Plots 4 – 6 would be largely invisible from the public realm given that it is set back so far. Plots 1 – 3 are also positioned to the

front of the site, adjoining the High Street; these would obscure Plots 4 – 6 to such an extent that they are unlikely to be experienced in any meaningful way. The Conservation Officer was reconsulted on the amended plans and retracted their original objection to the proposed development and suggested conditions relating to submission of materials, further details on windows, doors, external features and landscaping.

- 8.2.12 To summarise the above assessment, it is considered that proposed development in terms of its layout of the plots and general appearance of the properties would accord with the characteristics of the surrounding area. The dwellings in Plots 1-3 have been sympathetically designed to reflect the historic character of the conservation area and Plots 4-6 although less visible would also be similar in design to ensure the character of the properties is continued throughout the scheme. The proposed materials used for all of the dwellings appear to be acceptable; however, a condition is attached requiring the submission of details/samples of the chosen materials for review.
- 8.2.13 Paragraph 212 of the NPPF states that opportunities should be sought for new development within Conservation Areas to enhance or better reveal their significance, and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The proposed redevelopment would result in a positive impact that enhances the visual amenities of the Abbots Langley Conservation Area by replacing an underused site which negatively impacts on the visual amenities of the conservation area with a development of two rows of terraces which reflect the architectural context of the conservation area. The proposal would not harm the setting of the adjacent listed buildings. Therefore, the proposal is viewed as an enhancement to the significance of heritage asset reflective of the requirements of paragraph 203 of the NPPF and is therefore viewed positively.
- 8.2.14 In conclusion, subject to conditions, the proposed amended scheme would result in an enhancement to the character and appearance of the Abbots Langley Conservation Area and is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

8.3 Impact on Amenity of Neighbours

- 8.3.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD also 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.
- 8.3.3 The Design Criteria at Appendix 2 of the Development Management state that two storey development 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 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.
- 8.3.4 With respect to the closest terrace property (Plot 3) to the south of 27 and 31 High Street, the building is positioned such that it would not intrude on a 45-degree splay line in respect of either of these neighbouring properties. It is also noted that 31 High Street has recently benefited from a two-storey rear extension which is not shown on the submitted Block Plan. Although the extension is not indicated on the submitted Block Plan, the assessment has taken it into consideration. Thus, it is not considered that the dwelling in Plot 3 would appear

overbearing or overshadow the private garden of this neighbour and is an acceptable relationship.

- 8.3.5 Turning to the Plot 4, this end-terrace property would be off set from the common boundary with 27 High Street by 1.2m and there would be a total distance of approximately 13m between respective rear and flank elevations. When factoring in this separation distance with the amendments to remove the front and rear dormers it is not considered that the dwelling in Plot 4 would appear overbearing to the detriment of this neighbour or cause loss of light to the windows contained within the rear elevation of this neighbouring property. In addition, whilst it is acknowledged that there may be some degree of overshadowing of the garden this would only be for a limited to the early morning due to the orientation of the sun and the positioning of the dwelling in Plot 4 and its pitched roof design. Furthermore, it is noted the existing two storey building on the site is built up to the rear boundary of 27 High Street and thus the siting of the new development would mean that this neighbouring property would not have a materially different outlook.
- 8.3.6 Appendix 2 of the Development Management Policies LDD further outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure of 28 metres should be achieved between the faces of single or two storey buildings backing onto each other with this distance increased with additional floors. Where garden length alone is relied upon to provide privacy a minimum length of 14 metres should be achieved. There is a distance shown of almost 15 metres between the rear elevations Plots 4-6 and the northern boundary which is considered sufficient. Furthermore, the gardens of these plots back on the garden of the Boys Corner Public House. In respect of Plot 6 and those properties to the north-east fronting The Crescent, those properties benefit from long rear gardens and hold a splayed relationship to the application site. In addition, a distance of at least 50m would be maintained between the rear elevations of these properties and Plot 6 such that it is not considered that the proposed development would be harmful to those properties on The Crescent.
- 8.3.7 With regards to overlooking the Design Criteria at Appendix 2 states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 8.3.8 No glazing is proposed at either ground or first floor level within the flank elevation of Plot 3 facing 27 and 31 High Street so no overlooking would occur in this instance. Given the splayed positioning of Plot 3 there may be outlook from the first-floor windows within the rear elevation onto the rear area of 27 and 31 High Street; however, this area is not regarded as the private zone for either neighbouring property and is used as a parking area. As such, it is not considered that any harmful overlooking would occur. Glazing is proposed at first floor level within both the flanks of Plots 4 and 6 however they would both be serving a stairwell and the plans show both would be obscurely glazed. Thus, it is not considered that any overlooking would occur to surrounding neighbouring amenity.
- 8.3.9 As such, it is not considered that that the proposed development would result in any significant adverse impact towards residential amenity and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011).
- 8.4 Quality of Accommodation for Future Occupants
- 8.4.1 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.

Section 3 of Appendix 2 of the Development Management Policies LDD sets out indicative levels of amenity space dependent on the number of bedrooms.

- 8.4.2 Appendix 2 of the Development Management Policies LDD sets out that 2-bed dwellings should provide 63sqm of private amenity space and 84sqm for 3-bed dwellings. The submitted block plan indicates that the proposed units would benefit from private amenity spaces ranging from 66-102sqm for the 2-bed units and 107sqm for the 3-bed unit. The provision for each unit is considered acceptable and in all cases would exceed the required standard.
- 8.4.3 Plots 1-3 would share uniform front building lines, and whilst at the rear each property would benefit from a two storey rear projection, they would either be connected, in the case of Plots 2 and 3, or in respect of Plot 1 set in from the shared boundary with Plot 2, such that there would be no infringement of a 45-degree splay line. Therefore, each of the rear projections would not have an overbearing impact. Turning to Plots 4-6 these would share uniform front and rear building lines and therefore would not impact on one another.
- 8.4.4 There would also be sufficient separation distance of approximately 20m as a minimum between the rows of terraces to ensure that no demonstrable harm would occur in terms of overlooking or loss of light and would benefit from sufficient privacy.
- 8.4.5 As such, it is considered that sufficient amenity space would be provided to adequately serve the occupants of the apartments and each plot would benefit from good quality accommodation in accordance with Policy CP12 of the Core Strategy and Appendix 2 of the Development Management Policies LDD.

8.5 Access

- 8.5.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 8.5.2 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application and highlighted that High Street is designated as a classified 'C' local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.
- 8.5.3 As existing the site is served by a bellmouth access and there is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 D. HCC did not raise an objection to this change as there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.
- 8.5.4 A vehicle crossover access is proposed to provide access to the six dwellings and give greater priority to pedestrians using the existing footway along High Street. This was considered acceptable to HCC.
- 8.5.5 Due to the nature of the works, including demolition and construction and the location of the site with access from a busy road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details required will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway.
- 8.5.6 Overall, HCC considered that the proposal, subject to conditions and a section 278 agreement would not have an unreasonable impact on the safety and operation of the

surrounding highway. A Section 278 Agreement would need to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, subject to appropriate conditions and informatives the application is considered acceptable on highways grounds.

8.6 Parking Provision

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

2 bedroom dwellings – 2 spaces (1 assigned)
3 bedroom dwellings – 2.25 spaces (2 assigned)

8.6.2 A development comprising of five 2-bed units and one 3-bed unit would require a total of 10.25 parking spaces, of which 7 should be assigned.

8.6.3 The submitted site layout plan shows that 14 parking spaces would be provided. Each of the spaces would also measure 2.5m x 5m in accordance with Hertfordshire County Council guidance. The submitted plans do not indicate the allocation of parking spaces, thus a condition is attached requiring the submission of Parking Management Plan. The proposed development would exceed the required number of parking spaces; however, it is noted that the Highway Authority have recommended a condition requiring swept path analysis and tracking details for larger service vehicles to be submitted to the LPA for approval in order for them to be satisfied that such vehicles can enter and exit the site in forward gear. This may result in the provision of a turning space which could result in a slight reduction in the parking provision. Even if that is the case, sufficient parking would be provided to adequately serve the proposed development.

8.6.4 As such, it is considered that sufficient parking would be provided and the development is considered acceptable in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

8.7 Refuse and Recycling

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

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

8.7.2 The submitted Proposed Site Plan 06 REV-F details that a bin stand would be located in the south-western corner of the site beside Plot 1 and close to the access point. Bins associated to Plots 1-3 would be located within the individual plots. A bin store area for Plots 4-6 is located beside the parking spaces forward of these plots.

8.7.3 The TRDC Waste Services Manager was consulted on the plans and confirmed that the bins would need to be left at the kerbside for collection. The applicant has confirmed that it would be the expectation for future occupiers to transfer bins to the bin stand area for collection days. A condition would be added to secure this arrangement.

8.7.4 The development is therefore considered acceptable in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.8 Housing Mix

- 8.8.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.
- 8.8.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 8.8.3 The indicative targets for affordable housing are:
- 1 bedroom 40% of dwellings
 - 2 bedrooms 27% of dwellings
 - 3 bedrooms 31% of dwellings
 - 4+ bedrooms 2% of dwellings
- 8.8.4 The proposed development would provide 83% 2-bed units and 17% 2-bed units. Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. Despite not strictly according with Policy CP3, it is not considered that a development of this form and scale would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 8.9 Affordable Housing
- 8.9.1 **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.
- 8.9.2 As there would be a net gain of six units, the proposed development would be liable for a commuted sum payment towards affordable housing. The proposed development would result in a requirement for a commuted sum of £367,202.84 (inclusive of indexation) towards affordable housing based on a habitable floorspace of 304sqm multiplied by £750 per sqm which is the required amount in 'The Langleys and Croxley' market area.
- 8.9.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 8.9.4 The applicant submitted information with the application indicating that the scheme could not afford to make a financial contribution towards affordable housing and remain viable, due to a deficit between the Residual Land Value and the Benchmark Land Vale of £420,000. The submitted Financial Viability Appraisal was reviewed by an independent viability assessor who concluded that the scheme was able to support the full off-site affordable housing payment of £367,202.84 and remain viable.

- 8.9.5 Following receipt of the report, the applicant disputed the approach undertaken and therefore Quantity Surveyors Johnson Associates were appointed to independently review the Costs Plan produced by Westway Construction Ltd. They concluded that the rates used by the applicant were not unreasonable. As such, the viability assessor incorporated the revised build cost into their appraisal which subsequently produced a deficit of £115,814 and concluded that the scheme would not be able to support an affordable housing payment and remain viable.
- 8.9.6 As a result, based on the site circumstances it is not considered that the proposed development would be viable if required to contribute to affordable housing.
- 8.10 Trees and Landscaping
- 8.10.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 8.10.2 By reason of the conservation area designation any trees located in the boundary of the heritage asset are afforded protection. The application is supported by an Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 221158-PD-11). The report identifies that the site contains one tree (T4 – Sycamore Tree), two shrubs (S6 & S7 - Elders) and one hedge (H12 – Cherry Laurel). The west and north sides of the rear garden area is overgrown with brambles. There are six other trees which are recorded in the tree survey (T2, T3, T5 - Sycamores, T8 - Ash, T9 – Cherry and T10 - Yew) and one formally maintained hedge (H1 – Leyland Cypress) which are located close to but outside of the site boundaries.
- 8.10.3 The scheme does propose the loss of one tree which is the Sycamore tree - T4 to facilitate the development. Specifically the removal of this tree is to provide adequate clearance for the construction of the proposed dwellings and to ensure that juxtaposition of the retained trees and proposed dwellings is appropriate. No other trees are proposed for removal, the Cherry Laurel hedge – H12 and the brambles are to be removed which are Category ‘C’ and ‘U’ respectively. The tree for removal is rated a Category ‘B’ tree and is located along the eastern boundary of the site. It is only the upper crown which is visible when viewed from the High Street and the Arboricultural Impact Assessment states that its removal would have a low visual impact on the area. This partly due to the larger Sycamore trees (T2 and T5) either side and one small Sycamore tree (T3) behind will be retained.
- 8.10.4 New planting is proposed as part of the development to mitigate against the loss of T4. It is proposed to plant four new trees and several smaller plants. Subject to a condition requiring a hard and soft landscaping scheme, officers consider the proposed development to be acceptable in respect of Policy DM6. The condition will also ensure that the soft landscaping takes account of the recommendations set out at Section 6 of the Environmental Impact Assessment prepared by Windrush Ecology dated October 2023. The Landscape Officer has been consulted on the application but at the time of writing has not provided comment. Any comments received will be verbally updated.
- 8.11 Sustainability
- 8.11.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part C would continue to apply.
- 8.11.2 The application is accompanied by an Energy Statement prepared by Watts dated 9th October 2023 (Ref. 201152) which identifies that the proposed dwellings would achieve

between 59-64%% reduction in carbon emissions. The development would therefore exceed the 5% CO2 saving over Building Regulations 2013. This has been achieved through an incorporation of air source heat pumps to each property. A condition would require that works are carried out in accordance with this statement.

8.12 Wildlife and Biodiversity

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

8.12.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist, an Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 and a Phase 1 Habitat Survey.

8.12.3 The submitted report concluded that the former restaurant building and its grounds are both considered to have 'negligible' potential. Overall, the proposals will not result in significant ecological impacts. The loss of the buildings and hardstanding will not affect habitats of any ecological value, and the loss of the existing garden would be compensated for through the creation of new gardens and amenity areas associated with the proposed residential development. In addition, the calculations included within the report indicate that the development would result in a biodiversity net gain of +26.98 habitat units. This gain would be achieved through the inclusion of increased levels of landscaping across the development site. The submitted EIA recommends that the landscape areas should comprise native species where possible, as well as ornamental plants of known value to wildlife. A suggested list is provided at Appendix 6 of the EIA. It further recommends both bird boxes and bat boxes/bricks are incorporated into the development. This will be secured by condition.

8.12.4 The proposal therefore delivers a measurable net gain in biodiversity. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. As such, it is considered that the scheme would be acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

8.13 Mandatory Biodiversity Net Gain

8.13.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

8.13.2 This application was received prior to the 2 April 2024 and as such the above does not apply to this proposal.

8.14 Contamination

8.14.1 Policy DM9 advises that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

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

8.14.2 The application is supported by a Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd. dated November 2022 (Ref. R22134). The report provides several recommendations including the undertaking of an asbestos survey of the existing structure on site prior to the demolition. Provided that the recommendations are adopted, the report concludes that the risk to future occupants and controlled waters because of contamination identified at the site will be low.

8.14.3 In light of the above, a condition requiring the development to be implemented in accordance with the submitted Phase 1 and 2 Interpretative Ground Investigation Combined Report is recommended.

8.14.4 The Environmental Health Officer has been consulted on the application to seek their views on any potential contamination and remediation requirements and any comments received will be verbally updated.

8.15 CIL

8.15.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area B' within which the charge per sq. metre of residential development is £120 (plus indexation).

8.16 Planning Balance / Tilted Balance and Conclusion

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

8.16.2 In respect of part (d)(i), the development is not considered to result in any demonstrable harm when assessed against all material planning considerations and therefore would not conflict with the NPPF in respect of promoting sustainable development. It is also recognised that the development would contribute to the shortfall in housing. In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF that there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

9 **Recommendation**

9.1 That subject to the recommendation of approval/no objection from the Landscape Officer and the Environmental Health Officer that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the Landscape Officer and Environmental Health Officer:

- 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 (Existing Floor Plans)

171123/1

171123/2

171123/3

171123/4

00 B

12 - B

05 REV-H

06 REV-G

07 REV-G

08 REV-E

09 REV-E

10 REV-G

11 REV-F

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area; in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM9, DM10, DM13, and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Tree Protection Plans 22/1158-P-12 (Tree Protection Plan for Demolition) and 221158-P-13 (Tree Protection for Construction) contained within the Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 221158-PD-11) accompanying this application.

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

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

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

- a. Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).

- b. Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.

The development shall thereafter be implemented only in accordance with the details approved by this condition.

Reason: This is a pre-commencement condition to ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 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).

- C6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C7 Before any above ground works commence, , additional drawings showing details of new windows, doors, eaves and cills in section and elevation, at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C8 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground

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

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

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

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

C9 Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.

The development shall be carried out in accordance with the approved details prior to the first use of the development.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C10 No above grounds works shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The soft landscaping scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping and account of the recommendations at Section 6 of the Ecological Impact Assessment dated October 2023, and the hard landscaping shall include a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (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 LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 Before above ground works commence, a schedule with clear photographs of samples and details of the types, colour and finish of all external materials including brick type, mortar mix and bond, tiles, and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their first use on site. Development shall be carried out only in accordance with the approved details.

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

- C12 The development hereby permitted shall be undertaken in accordance with the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd dated November 2022 (Ref. R22134).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 Before above ground works commence, details of the location, type and number of the bird brick houses and bat bricks and/or bat boxes to be installed as recommended within the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 shall be submitted to and approved by the Local Planning Authority, installed in full prior to the first occupation of the development and permanently maintained thereafter. These maintenance free roosts shall be installed at least 3m off of the ground and facing in a southerly direction.

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

- C14 Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority. The items shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details and evidence as to the allocation of parking spaces to the occupants of the dwellings, visitors and the number of disabled parking spaces. The agreed details shall be adhered to thereafter.

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

- C17 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Any fencing proposed shall incorporate hedgehog highway in accordance with the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 with the location of these include in the plan submitted to the LPA. The boundary treatment shall thereafter be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the character of the locality and to maintain wildlife habitat in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C18 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.

- C19 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities and the collection point shall be provided in accordance with drawing number 1002 REV-K. The refuse/recycling facilities shall be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

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

Reason: In the interests of visual amenity of the Abbots Langley Conservation Area to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C21 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling
Class B - enlargement consisting of an addition to the roof
Class C - alteration to the roof
Class D - erection of a porch
Class G - provision of a chimney, flue, soil or vent pipe

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, in the interests of the visual amenities of the site, and to preserve the setting and significance of the Abbots Langley Conservation Area and surrounding Listed Buildings and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

9.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

(a) Making a Non-Material Amendment

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community

Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk
or an appropriately qualified and experienced ecologist.

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

- 16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

17 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

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

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

This page is intentionally left blank





Addendum Report

23/1797/FUL - Demolition of existing dwelling and buildings and erection of two storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works at Cedar House, Sandy Lane, Northwood, HA6 3EZ

Parish: Batchworth Community Council
Expiry of Statutory Period: 09.02.2024
(Extension of Time: 27.09.2024)

Ward: Moor Park and Eastbury
Case Officer: Scott Volker

1 Update

- 1.1 This planning application was presented to Members at the Planning Committee meeting in May 2024. At that meeting Members resolved to refuse planning permission on grounds relating to overdevelopment demonstrated by insufficient parking and the lack of useable and quality of amenity space; and the absence of a S106 to secure affordable housing review mechanism and private refuse collection. The applicant and their acting agent were present at the meeting and heard the discussions and resolution. The original committee report for the application is appended to this addendum report at **Appendix A**.
- 1.2 Prior to Officers issuing the decision the agent contacted the council and supplied Officers with revised plans and additional information seeking to overcome the concerns expressed at the Committee meeting. This has included drawings proposing a material change to the scheme to provide an additional parking space and supplementary supporting information relating to amenity space provision and useability.
- 1.3 This additional information is considered material to the determination of the application and therefore the application is now being returned to Committee for further consideration.
- 1.4 Officers could have refused to accept the revisions and additional information; however, this potentially would have been presented as part of any future appeal and considered in any costs application.
- 1.5 The details have been uploaded to Planning Online for information and clarity and can be viewed on the council's website [here](#).
- 1.6 List of plans provided following the May Committee meeting:

0452 - P - 002 Rev E – (Updated constraints plan); 0452 - P - 003 Rev F – (Updated site plan); 0452 - P - 005 Rev J – (Updated upper ground floor plan); 0452 - P - 006 Rev G – (Updated first floor plan); 0452 - P - 007 Rev F – (Updated second floor plan); 0452 - P - 008 Rev F – (Updated roof plan); 0452 - P - 010 Rev D – (Updated schedule); 0452 - P - 300 (Proposed Landscape Plan – Amenity Diagram); 0452 - S - 002 Rev F – (Updated block plan); 0664-24-B-1B LPP – (Updated landscape plan); 0664 Landscape Strategy Issue 1; and Transport Statement (June 2024); Planning Update.

2 Consultee Comment Update

- 2.1 At the committee meeting in May officers provided a verbal update on the comments received from the Lead Local Flood Authority confirming the removal of their initial objection. These comments are set out in full below:

'Thank you for your re-consultation regarding the above application (received 9 April 2024) for the demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works.

Since our previous response, the applicant has provided a technical note to address our comment regarding the half drain time in the soakaway. We are satisfied with the response which has been provided and so can remove our objection to this application.

We recommend the following conditions if this application is to be approved.

Condition 1

Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Rev P4, February 2024), remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of Three Rivers District Council.

Condition 2

The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.*
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.*
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.*

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Three River District Council.

Condition 3

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

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

Condition 4

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Planning Authority.

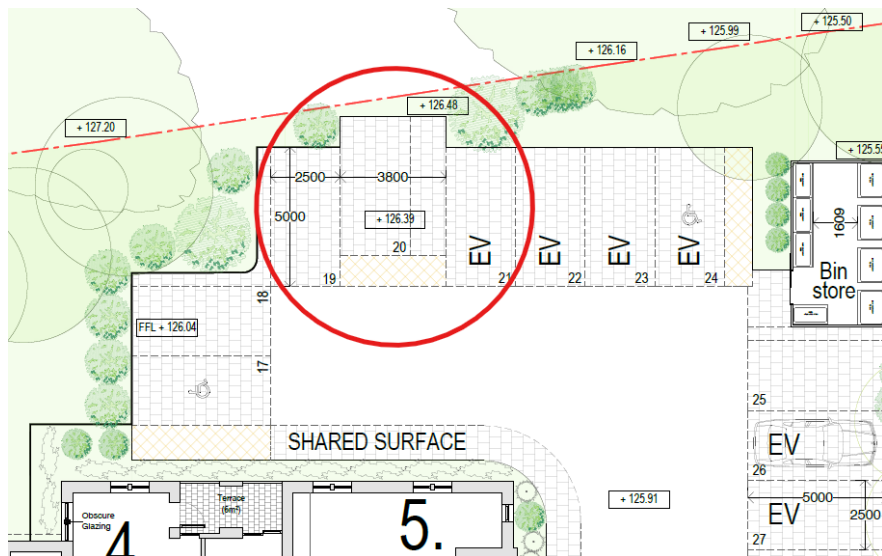
Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

Informative:

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

3 Description of Proposed Changes/Additional Information

- 3.1 The amended plans received provide an additional parking space within the above ground parking area. The additional parking space (no. 20 on plan 0452-P-005 REV-J) has been created using the turning area adjacent to Wildacre as shown on the snapshot of the plan below. The space would measure 3m x 5m (excluding the area marked out for turning space). This results in the provision of 13 spaces above ground and increases the overall provision of parking spaces to 29 spaces when factoring in the 16 below ground spaces.



- 3.2 The updated Transport Statement prepared by Paul Basham Associates Ltd contains a vehicle tracking assessment of the parking layout at Appendix D which shows that sufficient manoeuvrability is achievable throughout the parking areas.
- 3.3 With regards to the amenity space provision, the additional plan 0452-P-300 provided shows a breakdown of useable communal amenity space calculated to be 375sqm and visual amenity space – 586sqm. Visual amenity as detailed within Appendix 2 of the Development Management Policies LDD (DMP LDD) may well include mature trees and key areas of planting and serves as a visual asset to the development without necessarily being heavily used by the occupants. A Landscape Strategy has also been provided and demonstrates how the amenity space can be used including planters, yoga area, swings, table tennis tables and

other elements that will be available for use by future occupants. Further discussions were had with the applicant to provide additional daylight/shadowing surveys in respect of the impact of the tree coverage; however, regard is had to the BRE Guidelines which advise that trees do not need to be considered when assessing potential loss of light to existing gardens and amenity spaces. This is because daylight is at its scarcest and most valuable in winter when most trees will not be in leaf, and during the summer, when trees are in leaf, the movement of trees in the wind and the introduction of some shadowing is beneficial during the hotter months.

4 Consideration

- 4.1 In considering this additional information regard should be had to the pending appeal at this site for a similar application proposing 18-units (PINs Ref: APP/P1940/W/23/3330598) which was submitted following the refusal under delegated powers of planning application 23/0576/FUL. That scheme required 34 parking spaces to be provided to accord with the Parking Standards set out at Appendix 5. The scheme incorporated 31 spaces and thus resulted in a shortfall of three spaces. Although the application was refused, the shortfall of parking did not form a reason for refusal and the level of parking was considered acceptable by officers to meet the needs of the development due to the availability of other suitable alternative modes of transport available for future occupants (walk, bus and bike) to enable future occupants to travel to local services. The amendments received to this current application would mean that the current proposal would have less of a shortfall (2.5 spaces) than the previous scheme which is now subject of an appeal (3.5 spaces).
- 4.2 Turning to the provision of amenity space, the applicant has provided information on the provision of amenity space and what would be considered as useable space. In this case the useability is calculated from space not adjacent to car parking or under tree cover. This equates to 375sqm. The space is well screened from highways and casual passers-by in accordance with guidance set out at Appendix 2 of the DMP LDD. Furthermore, each of the units would benefit from private amenity space measuring 6-7sqm provided by the individual balconies and/or terraces. This would equate to 104sqm. When combined the development provides a total of 479sqm of useable amenity space. The amenity space requirement for the proposed development is 427sqm as set out for a development of this size within Appendix 2 of the DMP LDD and this figure is exceeded. In addition to the useable amenity space, the development would also provide 586sqm of visual amenity space. Appendix 2 sets out that visual amenity space plays a different role; it should be prominent and may well include mature trees and keys of planting and serves as a visual asset to the development without necessarily being heavily used by the occupants. In this case, the development would provide an 586sqm of visual amenity space.
- 4.3 In addition, the site is in walking distance of Oxhey Woods (10 min walk) which is public space and Eastbury Playing Fields (15min walk) which provide additional areas of public space and both will provide recreation opportunities for local residents.
- 4.4 Focussing on the comments provided by the LLFA, the applicant provided a technical note regarding the half drain time in the soakaway to address the objection of the LLFA. The LLFA are now satisfied with those details and thus removed their objection to the application. They suggested addition of four conditions requiring construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms, a construction method statement along with details of the maintenance and management of the sustainable drainage scheme, submission of verification report and details of temporary drainage measures during demolition and construction of the development. These conditions have been added. As such, the development is considered to be in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 4.5 Given the council can only demonstrate a 1.9-year housing land supply, it must apply a presumption in favour of sustainable development in line with paragraph 11 of the NPPF, although noting that the local planning policies referred to carry significant weight.

Nevertheless, the tilted balance is engaged. It should also be noted that since the refusal of the previous application at this site (23/0576/FUL) the LPA have received two appeal decisions at 97 Church Lane Sarratt (PINs Ref: APP/P1940/W/22/3311477) and Ved House, Tolpits Lane (PINs REF: APP/P1940/W/23/3320530) which have both been allowed on the basis of housing delivery in the consideration of the very special circumstances and the tilted balance exercise of each application. With regard to the comments on the council's housing supply by the Planning Inspector in their decision to allow 83 dwellings in the Green Belt within Sarratt

“The severe housing shortfall attracts very substantial weight in favour of granting permissions for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing these proposals establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with development plan policies, it follows that both appeals should succeed, subject to conditions.”

- 4.6 In addition to the above, the Inspector for Ved House agreed on the level of harm to the character of the area but concluded that the identified harm did not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole and therefore the presumption in favour of sustainable development applied. This appeal draws similarities to the application at Cedars House.
- 4.7 The application site is located within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Eastbury will provide approximately 24% of the District's housing requirements over the plan period. This is an existing brownfield site located within a Secondary Centre where the council should be focussing its housing development and to assist in mitigating the further development pressures in the Metropolitan Green Belt.
- 4.8 In conclusion, the development would boost the supply of housing where there is currently a very significant deficit. It would also be a large development, creating new jobs during the construction phase and future occupiers would support local economies. Furthermore, the applicant has agreed to enter into a legal agreement to secure a late-stage review mechanism in relation to affordable housing.
- 4.9 Factoring in the above, along with the Councils shortfall of housing land supply carries very significant weight in favour of the development and it is therefore recommended that planning permission be granted.

5 Recommendation

- 5.1 That PLANNING PERMISSION BE GRANTED, subject to the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection, and the conditions as set out below:

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

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

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

PD/393/SE/01

PD/393/SE/02

0452-P-010 REV-C

179.0014-0004 REV - P04

0452 - P - 001 – A

0452 - P - 002 - E
0452 - P - 003 - F
0452 - P - 004 - D
0452 - P - 005 - J
0452 - P - 006 - G
0452 - P - 007 - F
0452 - P - 008 - F
0452 - P - 009 - D
0452 - P - 010 - D
0452 - P - 011 - C
0452 - P - 012 - B
0452 - P - 020 - C
0452 - P - 021 - B
0452 - P - 022 - B
0452 - P - 023 - C
0452 - P - 100 - A
0452 - S - 002 - F
0452 - P - 300
0664-24-B-1B LPP
22-1494-TPP-C

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12. of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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

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

- C4 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Rev P4, February 2024), remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C5 Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C6 No works or development shall take place until a scheme of supervision by a suitably qualified tree specialist for the arboricultural protection measures in relation to T3 – Douglas Fir to include ‘no-dig’ method and soft landscaping shown to be within the root protection area on drawing 0452 - P - 002 – D has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.

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

- C7 The development hereby permitted shall not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

- C8 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- C9 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to commencement of the development hereby permitted the existing shared vehicular access shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side and any other associated and necessary highway works in accordance with the Hertfordshire County Council residential access construction specification.

Reason: This is a pre-commencement condition to ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C11 Before above ground works commence, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives (for example but not limited to compensation native-species tree and hedgerow planting; and enhancements such as wildflower areas, areas of longer vegetation, pond creation, use of plant species of benefit for invertebrates and bats, woodland enhancement, building-integrated and tree-mounted bat and bird boxes, habitat piles, bio-diverse roofs).
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
- g. Management responsibilities.
- h. Ongoing monitoring and remedial measures.
- i. These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate net gain can be achieved from the development in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C12 Before above ground works commence, a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

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

ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C13 Before above ground works commence, samples and details of the types, colour and finish of all external materials and hard surfacing across the site, shall be submitted to and approved in writing by the local planning authority prior to their first use on site. Development shall be carried out in accordance with the approved details/ samples.

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

- C14 Prior to the first occupation of the development hereby permitted the proposed internal access road, on-site car parking, turning areas and turning space between spaces labelled 19 and 20 shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 179.0014-0001 P04 contained within the submitted Transport Statement. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C17 The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme

throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 of the Development Management Policies LDD (adopted July 2013).

- C18 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.

- C19 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities shall be provided in accordance with drawing number 1002 REV-K. The refuse/recycling facilities shall be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C20 Prior to the first occupation of the development hereby permitted, the cycle storage shall be provided in accordance with the approved drawing no 0452 - P - 004 REV-D. The cycle storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C21 Prior to the first occupation of the development hereby permitted, a parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces; management and allocation of disabled parking spaces; and long-term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in accordance with the approved management plan and thereafter retained in accordance with it.

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

- C22 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with Policy CP1 of the

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

- C23 No other external lighting shall be installed on the site or affixed to the building(s) on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (unless its erection would require express planning permission). The submitted lighting details shall be installed in accordance with the approved details before the first use commences.

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

- C24 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).

6 Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a

development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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

- 16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

17 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

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

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

APPENDIX A – ORIGINAL COMMITTEE REPORT

PLANNING COMMITTEE – 23 May 2024

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

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

Ward: Moor Park and Eastbury
Case Officer: Scott Volker

Recommendation: That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA.

Or:

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

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

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

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

1 Relevant Planning History

- 1.1 W/127/53 - Division of house and use of land for 3 building plots – Permitted.
- 1.2 W/526/56 - Bedroom over existing garage, existing garage into playroom, new double garage – Permitted.
- 1.3 W/114/63 - Extension to lounge, bedroom over – Permitted.
- 1.4 96/0800 - Two storey side extension – Permitted.
- 1.5 19/2425/OUT - Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) – Refused, March 2020 for the following reasons:

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

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

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

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

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

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

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

R1: The proposed development, by virtue of the buildings excessive scale, poor staggered design and elevated bulk and massing, including crown roof forms and dormers that create a three-storey appearance would result in an incongruous form of development detrimental to the visual amenity of the area and the character of the street scene of Sandy Lane. The scale of the building in conjunction with its large area of hardstanding to facilitate above ground parking areas and the lack of useable amenity space would also represent overdevelopment of the site which would be detrimental to the sylvan character and appearance of the site and wider area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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

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

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

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

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

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

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

Relevant Planning History of Neighbouring Sites

Knoll Oak, Sandy Lane

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

Wildacre, The Woods

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

2 Description of Application Site

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

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and buildings and the erection of a two-storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels along with associated parking and landscaping works.
- 3.2 The form of the proposed building can be broken into two elements. The front block, nearest to Sandy Lane, is set at ground level over three stories with the top storey incorporated via roof level accommodation served by dormers, recessed balconies and rooflights. The rear block would follow the natural topography of the site and will appear similar in scale to the front block, also being over three stories including use of the roof space, although the rear part of the building would be higher and accommodate basement parking beneath for 16 spaces, bike store (32 spaces), plant room, lift and internal staircase.
- 3.3 The replacement building would be set back from Sandy Lane by a minimum of 15m; set in 8.5-14.5m from the splayed boundary with Knoll Oak and 11.5-14m from the splayed boundary with Wildacre. The building would have a maximum width of 21m and a depth 31m. The building would have a crown roof form split across two levels – at the front the building would have a height of 10.2m and the rear stepped element of the building measuring 11.5m in height. Eaves would be 6m reducing to 5.7m at the rear of the building.

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

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

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

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

4.1.2 Batchworth Community Council - Second Consultation: [Objection]

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

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

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

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

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

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

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

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

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

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

2. *Existing Access – Improved*

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

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

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

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

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

4. Provision of Visibility Splays

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

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

5. Construction Management

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

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

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

Highway Informatives:

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

AN) 278 Agreement with Highway Authority:

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

Comments / Analysis:

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

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

Access:

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

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

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

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

The proposals include the utilisation of this existing access point leading to a driveway /internal access road with a width of 4.8m to 6m, the layout of which is shown on submitted drawing no. 0452-P-005 rev C. HCC as Highway Authority (HA) considers

that the access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another and is accordance with Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore there would be considered to be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp.

Refuse, Service and Emergency Vehicle Access:

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

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

Vehicle Parking:

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

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

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

Trip Generation & Distribution:

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

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

Sustainable Travel & Accessibility:

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

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

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

Drainage / SUDs:

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

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

Conclusion:

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

4.1.4 Thames Water – [No objection, informatives suggested]

Waste Comments:

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

With regard to Surface Water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments:

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

4.1.5 Ministry of Defence: [No objection]

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

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

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

Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter

how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of defence sites or assets.

In the event that any:

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

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

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

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

4.1.7 TRDC Housing Officer – [Advisor comments provided]

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

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

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

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

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

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

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

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

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

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

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

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed. The main points of this are;

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

Informative:

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

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

4.1.10 Landscape Officer – First Consultation [Objection]

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

T3 (Douglas Fir) protected by Tree Preservation Order (TPO 681 T1 Fir) and previously shown for removal would be retained.

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

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

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

Previous comments to 23/0576/FUL

Recommend: Refusal

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

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

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

4.1.11 Landscape Officer – Second Consultation

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

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

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

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

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

4.1.14 Hertfordshire Ecology - [No comments received. Any comments provided will be verbally updated]

4.1.15 Affinity Water – [No comments received. Any comments provided will be verbally updated]

4.1.16 Environment Agency – [No objection]

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

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

4.2 **Public/Neighbour Consultation**

Initial Consultation

4.2.1 Number consulted: 10

4.2.2 No of responses received: 5 objections

4.2.3 Site notice: Posted 22.11.2023 Expired: 11.12.2023.
Press Notice: Not required.

Summary of responses:

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

- Unnecessary and unwanted.

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

Summary of further responses:

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

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

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

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

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

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

5.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

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

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

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

5.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Frith Wood Conservation Area Appraisal 2008

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

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

6 Reason for Delay

6.1 Submission of amended plans and obtaining consultation responses.

7 Planning Analysis

7.1 Background

7.1.1 This application submission follows the LPA's decision to refuse application referenced 23/0576/FUL. The 2023 application was refused on seven grounds 1) Character; 2) Impact on Neighbours; 3) Living Conditions; 4) Trees; 5) Affordable Housing; 6) Flood Risk and 7) Turning Space. The reasons are set out in full within the planning history at Section 1 paragraph 1.7 in this report.

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

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

- Reduction in number of units from 18 to 17.
- Unit mix no longer includes 3-bed units.
- Height of building is 11.5m at its maximum (previously 10.5m).
- Reduced footprint of the building.
- Increase distance to shared boundary between rear part of building with Knoll Oak by 2.4m.
- Alterations to internal access and service road.
- Parking provision of 28 spaces (previously 31 spaces).
- Internal alterations to the layout of the units at ground, first and second floor levels.

- Changes to fenestration serving units to make most dual aspect.
- Loss of tree 'T14' (Beech) within the site frontage.
- Retention of tree 'T3' (Douglas Fir) within the frontage.
- Increased level of soft landscaping across the site which includes tree replanting.

7.2 Principle of Development

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

7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

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

7.2.3 The application site is within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Eastbury will provide approximately 24% of the District's housing requirements over the plan period.

7.2.4 With respect to the definition of previously developed land as set out in the NPPF (2023), parts of the site which are built up are considered previously developed but the proposal would represent development on garden land which spreads beyond the footprint of the existing dwelling. The site sits on the outskirts of Northwood, but within a built-up area. Notwithstanding this, the location of the site is within the Secondary Centre of Eastbury and is situated approximately 1 mile from both Northwood High Street and 1.3 miles from Carpenders Park High Street. As such, it is considered that although the site is well located, it is still not the most ideal in terms of accessibility.

7.2.5 Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 124(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

7.2.6 In respect of achieving appropriate densities the NPPF at paragraph 129 emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

7.2.7 Policy CP3 of the Core Strategy states the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.

- 7.2.8 Currently, the Council are unable to demonstrate a deliverable supply of housing as required by the NPPF, with the Council's position at approximately 1.9-year supply of housing. Paragraph 11 of the NPPF is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. Consequently, when applying paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.
- 7.2.9 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.
- 7.2.10 This proposal would provide seventeen dwellings (net gain of 16) on the site which would significantly weigh in favour of the development having regard to the Council's current position regarding housing delivery.
- 7.3 Design and impact on Character, Street Scene and Heritage Assets:
- 7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.3.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.3.3 Paragraph 135 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.3.4 The application site and the surrounding area immediately to the north, east and south comprise of large detached residential dwellings (with the exception of the derelict property at Knoll Oak to the north) located on spacious plots within a heavily

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

- 7.3.5 Whilst the application site is surrounded by large single detached dwellings on spacious plots, it is noted that planning permission has been granted (subject to S.106 agreement) at Knoll Oak for a flatted scheme comprising 28 units (22/1875/OUT) and likewise at Wildacre for 8 units (23/1032/FUL). Thus, the principle of a flatted development in this location is not considered unacceptable and many other flatted developments exist within the local area.
- 7.3.6 The proposal would not result in a tandem form of development. It is recognised that the development as shown on the submitted amended site layout plan (0452-P-002 REV-E) follows that of application 23/0576/FUL by proposing a large residential development on the site; however, Officers have been in discussions with the applicant to amend the scheme to improve its overall design.
- 7.3.7 To start, the footprint of the building no longer includes a staggered/overlapping design between the front and rear block. In terms of overall plot coverage, the built form would equate to approximately 22%. The rear block now shares the same building line along either flank as the principal block. Thus, the rear block would be partially obscured from Sandy Lane. This also increases the spacing between the built form and the adjacent flank boundaries with Knoll Oak and Wildacre. The principal elevation of the building would cover approximately 47% of the plot width with retained distances ranging between 8.5m to 14m to adjacent flank boundaries. Adequate spacing would therefore be maintained, allowing views through towards the rear of the site; however, the building would continue to have a substantial footprint.
- 7.3.8 The design of the replacement building still incorporates a crown roof; however, given the relatively spacious plot and distances between the proposed building and neighbouring properties, officers considered there was scope to increase the overall height of the building to improve its overall appearance, to the betterment of its design. As such, amended plans were received to increase the ridge height of the building by 1m. This increase lessens the overall extent of the crown roof and improves the design of the building by creating larger roofslopes which, when coupled with the amendments to reduce the size of the proposed dormers make them appear more subordinate and in turn would improve the visual appearance of the building by enabling a more proportionate roofspace which will appear less cramped and contrived relative to the main elevations of the building. Notwithstanding this, the inclusion of the crown roof coupled with the deep flank elevations would still result in the building appearing substantial in size.
- 7.3.9 There would be a setback distance of approximately 13m retained, increasing to 22m from the highway pavement on Sandy Lane when factoring the wooded verge which would provide some level of screening of the development, limiting views from public vantage points on Sandy Lane. The building would also have a two-storey form with subordinate dormer windows which would prevent any unacceptable impact upon the streetscene. However, given the size and scale of the rearward projections, the proposed building would have an adverse impact on the sylvan character of the site which would be visible, in part, from neighbouring properties.

- 7.3.10 In terms of the visual appearance of the building, the flatted development would be predominantly bricked with some detailing to the elevations in the form horizontal render bands. The chosen materials are said to reference a vernacular art deco style of materials used elsewhere in the locality and this is considered acceptable.
- 7.3.11 The layout of the development has been improved with a reduction in the provision of parking spaces within the frontage of the site to enable for greater levels of soft landscaping to be provided. In addition, the scheme will now retain protected tree 'T3' (Douglas Fir) which is located in a prominent location close to the entrance into the site which, when coupled with the increase landscaping would improve the visual appearance of the development.
- 7.3.12 Policy DM3 of the Development Management Policies document states that applications only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment and that permission will not be granted for development outside but near to a conservation area if it adversely affects the setting, character, appearance of or views in to or out of that conservation area. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage assets paragraph 209 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 7.3.13 The Frith Wood Conservation Area is situated approximately 135m south of the application site. Given the distance, it is not considered that the development would harm its setting. There are also several non-designated heritage assets and Grade II Listed Buildings (Lodge to Admiralty House, Admiralty House and The Glade, Bracken Hall) within the local area; however, given the separation distance no harm would arise (closest is Bracken Hall situated approximately 150m away).
- 7.3.14 It is recognised that the principle of a flatted development is akin to the previous scheme under application 23/0576/FUL which was found to be harmful to the sylvan character of the area. Whilst improvements have been made to the design, the development by reason of its overall size and scale continues to hold a significant footprint and retain substantial bulk and mass similar to the refused scheme which would be visible from surrounding vantage points. Due to these reasons, it is considered that the introduction of a building of this scale would appear out of character with the sylvan character of the area. As a result, the development would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management policies LDD.
- 7.4 Impact on amenity of neighbours
- 7.4.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Policy DM1 and Appendix 2 of the DMP LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.
- 7.4.3 Knoll Oak is located to the north and fronts Sandy Lane and is currently an uninhabited, dilapidated dwellinghouse. Whilst this is the case, consideration would still need to be given to future occupants of this dwelling. Regard is also had to the

outline planning permission for the redevelopment of Knoll Oak to provide a flatted scheme comprising 29 units which is to be granted (Planning Committee resolution to approve) pending the completion of a legal agreement, however, this is yet to be approved. In its current form and based on current site circumstances, there would be a separation distance of 22m between the proposed building and this neighbouring building. Were the outline permission be implemented, this distance would increase to 30m. Wildacre is to the south, the principal elevation of this neighbour faces east and its associated private amenity space within the western part of the site abutting Sandy Lane. Again, regard is had to the approved flatted scheme approved under 23/1032/FUL. Nevertheless, at this current time, the dwelling on site is set in from the common boundary by 5.5m at its closest point but the main two storey element of this dwelling is approximately 9m from the boundary. Oxhey Cottage to the east of the site is a new dwelling currently under construction following grant of planning permission under 16/2427/FUL. This new dwelling is primarily located adjacent to Wildacre with its associated private amenity space extending northwards and behind the application site and a separation distance of 34m would be retained between this neighbour and the proposed building. Both Hilltop Cottage and Frog Place are sited on the opposite side of the curtilage of Oxhey Cottage.

- 7.4.4 The Site Constraints plan 0452-P-002 supporting the application provides distances between the proposed flatted development, adjacent boundaries and to those surrounding neighbouring properties. The proposed residential building would be located approximately 19m from the nearest neighbouring residential property, Wildacre. If the approved schemes at both Knoll Oak and Wildacre were to be implemented, this distance would be increased to approximately 21m – at its closest point with the scheme at Wildacre. However, given the existing distance and the siting and orientation of the surrounding neighbouring properties it is not considered that the proposed residential building would have an adverse impact on the amenities of the occupants of any neighbouring properties in relation to loss of light or become overbearing. For comparison, at its closest point the development refused under application 23/0576/FUL was 10.7m from the closest neighbouring boundary which was shared with Knoll Oak.
- 7.4.5 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved. The criteria also states that where rear garden length along is relied on to provide privacy the minimum length should be 14m.
- 7.4.6 The flatted development includes extensive glazing to all elevations at ground, first floor levels and above. With regards to Knoll Oak and Wildacre, the revised scheme has increased the distance between the built form and the shared boundary with both. Whilst there may be an increase in perceived overlooking, it is considered that there would not be any significant loss of privacy due to the presence of mature vegetation, which is protected and very dense, coupled with separation distances either exceeding or just below the 14m guidance within the Design Criteria and is therefore acceptable. For comparison, the approved distances between Knoll Oak and the common boundary with the application site in the assessment of 22/1875/OUT was a minimum of 13m increasing to 26m. Similarly, with Wildacre the approved distances were 7.5m increasing to 12m in the assessment of 23/1032/FUL.
- 7.4.7 With respect of Oxhey Cottage, the distance between the building and the common boundary is less than the 14m at approximately 12m. That being said, Oxhey Cottage itself is located away from the application site, approximately 34m to the south-east. The proposed fenestration within the east elevation facing towards Oxhey Cottage would be facing towards the rear most part of the garden of this neighbouring property

and would not be directly overlooking into the windows of Oxhey Cottage or its “private zone” directly abutting the rear elevation of the building. Furthermore, the boundary is lined with mature vegetation which would provide some screening limiting views across to this neighbour. As such, it is not considered in this instance that the development would result in demonstrable harm would arise in terms of loss of privacy and is therefore considered acceptable.

- 7.4.8 To the west is the NHQ which has been considered under section 7.8 below.
- 7.4.9 Due to the nature of the proposed development and the increased density there would be a higher level of on-site activity such as additional vehicle movements and future occupants utilising the communal gardens. A condition is suggested to requiring details of boundary treatments to be submitted to ensure that appropriate boundary treatments are installed to minimise any noise and disturbance from the intensification of use of the site.
- 7.4.10 Officers recognise that given the scale of the development, the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further detail concerning timing of construction activities and deliveries to avoid unacceptable impacts to neighbouring properties and the locality more generally.
- 7.4.11 To summarise, the development proposal is not considered to have a detrimental impact on the privacy levels of surrounding neighbouring amenity. The development therefore complies with Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

7.5 Access and Impact on Highway Safety

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

Access and trip generation

- 7.5.2 As existing the application site benefits from an access via Sandy Lane within the north-western corner of the site which also provides access to Knoll Oak with separate gates serving each property, set back from Sandy Lane by 8m. The area between the road and front boundary is very informal and made up of loose gravel which would be unacceptable unless altered. Sandy Lane is a Classified A main distributor road with speed limit of 40mph and is a highway maintainable at public expense.
- 7.5.3 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application who confirmed that the utilisation of the existing access rather than proposing a new access from Sandy Lane is the appropriate method and is considered acceptable. HCC noted that the re-development of Knoll Oak (referenced 22/1875/OUT) included alterations to the shared access fronting both Knoll Oak and Cedars House which falls within the highway boundary. Those highway works were recommended by HCC as to be provided/completed prior to first use of the development; however, given the poor access for construction vehicles officers considered that the works should be undertaken prior to the commencement of the development (secured via an appropriately worded planning condition). Within their comments for this current application HCC advised that if for whatever reason Knoll Oak does not proceed then then highway improvements would still be required for

Cedars House in the form of a 6m kerbed radii entrance (shared with the adjacent property); tactile paving / pedestrian dropped kerbs on either side; any necessary surfacing of the vehicular access area and removal or cutting back of any highway vegetation to provide the necessary levels of visibility on the north side of the access along Sandy Lane. The access changes are all within the highway boundary, not ownership of the app site. Thus, a similarly worded condition would be attached to any grant of planning permission in respect of this application.

- 7.5.4 HCC considers that the internal access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another. Furthermore, there would be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp. A trip generation assessment for the proposed use has been included as part of the Transport Statement, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC. The number of vehicular trips associated with the proposed use are estimated to be 4 two-way vehicle movements in the AM peak (0800-0900) and 6 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, HCC considered the impact on the operation of the surrounding highway network from the trip generation perspective to be acceptable and not a reason to recommend refusal from a highways perspective.
- 7.5.5 HCC also advised that works would need to occur to provide the necessary visibility splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south). Those splay lines are shown on drawing number 179.0014-0001 P04 of the Transport Statement supporting the application. To provide the visibility splay lines some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The Highway Authority have confirmed that they have no issues with the removal of the vegetation; however, depending on the size of the tree to be removed, a payment of £550 per tree to HCC would be necessary to cover the cost of planting and maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss. This would be subject to a Section 278 Agreement which falls outside of the remit of this application.
- 7.5.6 Due to the nature of the works, including demolition, significant excavation and construction and the location of the site with access from a busy 40mph road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway. In addition, due to the current informal condition of existing access, the new access would be required to be in place prior to construction works given highway safety concerns regarding visibility splay lines and the speed of the road.
- 7.5.7 Overall, the HCC considered that the proposal, subject to conditions and a section 278 agreement would not have an unreasonable impact on the safety and operation of the surrounding highway. A Section 278 Agreement would need to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, HCC raised no objections on highway grounds to the application, subject to conditions and informatives.

7.6 Parking Provision

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

- 1 bedroom dwellings – 1.75 spaces (1 assigned)
- 2 bedroom dwellings – 2 spaces (1 assigned)
- 3 bedroom dwellings – 2.25 spaces (2 assigned)
- 4 or more bedroom dwellings – 3 spaces (3 assigned)

- 7.6.2 A development comprising of ten 1-bed units, seven 2-beds units would require a total of 31.5 parking spaces, of which 17 should be assigned.
- 7.6.3 The submitted site layout plan shows that 12 surface parking spaces (unallocated) would be provided which includes 2 accessible spaces and six EV charging spaces. A further 16 spaces (allocated) would be provided within the undercroft parking area. This would result in a total of 28 spaces. The proposed development would therefore result in a shortfall of 3.5 parking spaces. The two accessible spaces would meet the size required as set out within Appendix 5 and the provision of two is considered sufficient for a development of this size. One of the spaces would also have the benefit of EV charging station. A turning space is provided amongst the above ground spaces to enable future occupants to safely manoeuvre in and out of some of the spaces.
- 7.6.4 The application is supported by a Transport Statement which sets out that the site is located within an area of high accessibility with several walking/cycling routes present in the locality of the site with excellent access to various modes of public transport such as local bus services and both a train and London Underground Station located nearby. Whilst there are bus stops located close to the application site, it is not considered to be within close proximity of local services and other transport links. Northwood Underground Station is located 1 mile away and Carpenders Park Overground Station and Moor Park London Underground Station are located 1.5 and 2.1 miles away respectively. Furthermore, Northwood High Street and South Oxhey High Street are a minimum of 1 mile away. Therefore, it is considered that there would still be a heavy reliance on car ownership for occupants of the flats.
- 7.6.5 With regard to cycle parking, Appendix 5 states that for flats there is a requirement for 1 space per 2 units. Two bike stores with a combined capacity for 32 bikes are to be provided within the undercroft parking level. The development would therefore comply with the cycle parking standards. Details would be secured by condition in the event of an approval to ensure they are provided for future occupants.
- 7.6.6 As mentioned above the site is not considered to be located within a highly sustainable location and there is no on street parking available on Sandy Lane. Whilst there is a shortfall, the deficiency is small (3.5 spaces) and there would be suitable alternative modes of transport available for future occupants (walk, bus and bike) to enable future occupants to travel to local services. It is therefore not considered that the shortfall is significant enough to justify refusal of planning permission in this regard. A condition is attached requiring a parking management plan to ensure that spaces are allocated and visitor spaces will exist

7.7 Refuse and Recycling

- 7.7.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines

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

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

7.8 Impact on National Security

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

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

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

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

7.8.3 The distances between the proposed residential block and NHQ site are more than the separation distances set out within Appendix 2 which states that “*as an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other. Distances should be greater between buildings in excess of two storeys.*” Whilst this guidance relates to residential scenarios it can be used in this instance as a guide. The proposed building is approximately 45m from the front of the NHQ site (front boundary line), approximately 75m from the site’s gated entrance and therefore substantially away from any buildings within NHQ, thus well in excess of the guidance. In addition, due to the layout of the NHQ, the majority of the buildings are located a substantial distance from the site entrance, on a lower

land level and are screened by on-site trees. Views from those units served by glazing within the principal elevations would also be limited by the existing line of mature evergreen trees which are to be retained along with the mature woodland trees found within the highway verge.

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

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

7.9 Housing Mix

7.9.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

7.9.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:

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

7.9.3 The indicative targets for affordable housing are:

1 bedroom 40% of dwellings
2 bedrooms 27% of dwellings
3 bedrooms 31% of dwellings
4+ bedrooms 2% of dwellings

7.9.4 The proposed development would provide 59% 1-bed units; 41% 2-bed units. Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. Despite not strictly according with Policy CP3, it is not considered that a development of this form and scale would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.10 Affordable Housing

7.10.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable. Following the Written Ministerial

Statement in May 2021 which set out the Government's plan for delivery of First Homes, the tenure mix for affordable housing under Policy CP4 has altered to 70% social rented, 25% First Homes, and 5% intermediate.

- 7.10.2 The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
- 7.10.3 The proposed delivery of 17 flats would result in a policy requirement of 8 affordable units.
- 7.10.4 No affordable housing is proposed as part of this application on viability grounds. The Core Strategy sets out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability. Where non-viability is cited as the reason for a development proposal not complying with the affordable housing requirements, applicants for planning permission must support this reason with financial evidence to be submitted alongside the planning application.
- 7.10.5 A viability assessment was submitted with the application indicating that it would not be viable for the development to contribute to the provision of affordable housing. This has been independently assessed with the review concurring that no affordable housing contribution would be viable, concluding that the policy compliant scheme results in a negative residual land value of -£170,913 when compared to the Benchmark Land Value £1,760,000. As such there would not be a requirement for the development to make provision for affordable housing in accordance with the provisions of Core Strategy Policy CP4.
- 7.10.6 On the basis of the above, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonable related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure a mechanism, subject to the particulars.
- 7.11 Living conditions of future occupants
- 7.11.1 Policy CP12 of the Core Strategy states development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.11.2 Application 23/0576/FUL was refused on grounds that the scheme failed to provide satisfactory living conditions for all future occupants of the development. More specifically, eight of the proposed eighteen units were single aspect – three of which (units 4, 8 and 14) would be facing north-west. Floor plans showed deep rooms narrow rooms served by a single window, thus the rooms would have been heavily reliant on artificial light. In addition, habitable rooms of some of the units within the roofspace (units 15, 16 and 17) were only served by rooflight(s) and therefore had limited outlook.
- 7.11.3 This current application has proposed alterations to the scheme that includes changes to the layout of the units proposed across all floor levels so that the rooms are not as deep and narrow as previously proposed and refused. Also, either additional fenestration is provided or openings are increased in size when compared to previous schemes. Furthermore, the changes include a reduction to the number of units provided within the roofspace (previously 6 units, now 5). This allows for a rearrangement of the layout of the remaining units in the roofspace so that the all the habitable rooms bar one (Bedroom 1 of unit 15) are served by terraces or dormers and supplemented by rooflights rather than being solely reliant upon them. This would improve the quality of outlook for future occupiers of the units. With regards unit 15

this would be the sole single aspect property within the development. Despite this, the future occupant(s) of this unit would benefit from a south-facing private terrace area serving the main living space and an additional rooflight is proposed to serve the bedroom area to allow for greater levels of light into the room. Thus, the living conditions of future occupant(s) of this unit would not be sub-standard. Consequently, compared to the previously refused scheme all the units would be served by sizeable windows and would generally receive adequate levels of natural light to all habitable rooms.

7.11.4 Officers therefore consider that the scheme put forward has overcome the previous concerns which amounted to a reason to refuse application 23/0576/FUL and the current application is acceptable in accordance with Policy CP12 of the Core Strategy.

7.12 Open Play Space and Amenity Space Provision

7.12.1 Amenity space standards for residential development are set out in Appendix 2 of the DMP LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.

7.12.2 The proposal would result in the construction of 17 apartments split as follows: 10 x 1-bed, 7 x 2-bed. The amenity space requirement would therefore be 427sqm.

7.12.3 In addition to the requirement for provision of private amenity space to serve the development, Policy DM11 of the Development Management Policies document sets out that in order to ensure that new residential developments do not exacerbate deficiencies in open space and children's play space, new residential development will be expected to provide for amenity and children's play space.

7.12.4 Each of the proposed units would benefit from a private balcony/terrace which would measure 6-7sqm. The associated balconies/terraces of units 1, 2, 7, 8 and 13 would not receive direct sunlight due to the positioning and orientation of the sun. The submitted Planning Statement also states that in addition to the individual spaces that the areas surrounding the building would be accessible for use as shared communal space – this has been roughly calculated to be 750sqm. Whilst it is acknowledged there are areas or greenery around the residential block it is not considered that all of the space would be useable given that a large proportion of the site would be overshadowed by the retained trees and the block itself or directly adjacent to the parking spaces or ramped access.

7.12.5 Nevertheless, each of the units would benefit from a private amenity space and the area of communal space is more than the policy requirement of 427sqm. In addition, the site is in walking distance of Oxhey Woods which is public open space and provides recreation opportunities for local residents. The development therefore accords with Policy CP12 of the Core Strategy and Policies DM1 and DM11 and Appendix 2 of the DMP LDD.

7.13 Trees and Landscaping

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

7.13.2 The application site contains a number of trees, eight of which are protected by Tree Preservation Orders. An Arboricultural Method Statement prepared by Canopy

Consultancy dated March 2023 has been submitted with the application. The submitted statement details that a total of seventeen individual trees, three groups of trees, part of three further groups and one hedge would be removed. 22 of the 23 of the trees proposed for removal are rated Category 'C' because they are either young and easy to replace or in a poor condition with a limited life expectancy. These low-quality trees or hedges are of no significance to public amenity. There is a single Category 'B' tree to be removed which is the Beech tree ('T14').

- 7.13.3 The Beech Tree 'T14' is protected, and its removal is to facilitate the parking area located within the frontage of the site; however, it should be noted that no objection to the loss of this tree was raised by the Landscape Officer in their assessment of a historic application 20/2314/OUT. Whilst the Beech Tree would be lost, the application is supported by a Landscaping Scheme detailing mitigation of replacement planting to cover the loss of the existing trees which has been further enhanced during the course of the application process through with the retention of the protect Douglas Fir tree ('T3') located close to the entrance of the site and is a visually prominent tree upon entry into the site. The loss of this tree was previously objected to by the Landscape Officer in their assessment of 23/0576/FUL.
- 7.13.4 The plans were amended to remove a parking space beside T3 to reduce the level of encroachment of hardsurfacing into the root protection area of the tree and therefore improve the visual amenity of the entrance into the site. Furthermore, the proposed development is now considered to improve the existing site situation where the root protection area is significantly encroached by hardsurfacing which currently provides three parking spaces near the entrance and enables cars to park within 1.5m of the stem of the tree. The Landscape Officer commented that the cellular confinement may have some benefit over the existing informal gravel surface, provided it is correctly installed and this will need to be combined with suitable landscaping of the remaining RPA, which should include a composted bark mulch, and should avoid the use of any landscaping fabric or geotextile layer. The Landscape Officer suggested that a detailed method statement on the installation of the 'no dig' surface and landscaping around the tree's RPA should be required. A condition to secure site supervision during the implementation of the works surrounding this tree is also added.
- 7.13.5 Therefore, given the retention of the 'T3' tree and the betterment of the proposed scheme to enhance the life of the tree, officers consider the proposed development acceptable in respect of Policy DM6 of the Development Management Policies LDD.

7.14 Sustainability

- 7.14.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO₂ over 2013 Building Regulations Part C would continue to apply.
- 7.14.2 The application is accompanied by an Energy and Sustainability Statement prepared by B Sussed dated 15th March 2023 which identifies that the proposed development would achieve a 74.53% reduction in carbon emissions. The development would therefore exceed the 5% CO₂ saving over Building Regulations 2013. This has been achieved through an incorporation of PV solar panels and an air source heat pump to support the residential block. The solar panels would be located on the flat sections of the crown roof. A condition would require that works are carried out in accordance with this statement.

7.15 Flooding and Drainage

- 7.15.1 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take into account advice from the lead local flood authority.
- 7.15.2 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage.
- 7.15.3 The proposed development seeks to utilise infiltration techniques, into superficial gravel deposits to manage all surface water runoff from the site for rainfall events up to, and including, the 1:100year +40% climate change. The roof areas are to infiltrate via soakaway located at the western site boundary beneath the parking bays. The external road areas are proposed to be laid as a permeable pavement to also self-drain into the gravel superficial deposits. A green roof has been proposed atop the flat roof areas to offer increased biodiversity and temporary storage at source that will assist to reduce the peak volume in the soakaway downstream. The application is supported by a Flood Risk Assessment & Surface Water Drainage Strategy document prepared by Meridian Civil Engineering Consultancy dated February 2023. The Lead Local Flood Authority (LLFA) were consulted on the application and raised an objection to the proposed development citing that the submitted information does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.
- 7.15.4 The applicant has been working with the LLFA to overcome the objection and has provided an updated Flood Risk Assessment which is currently under review by the LLFA. Any comments received will be verbally updated.
- 7.16 Wildlife and Biodiversity
- 7.16.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.16.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application. The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist, a Preliminary Ecological Report prepared by Urban Edge Environmental Consulting (UEEC) dated 20th January 2023.
- 7.16.3 Both Herts Ecology and Herts & Middlesex Wildlife Trust (HMWT) were consulted on the application; however, no comments have been received from either consultee. Notwithstanding this, both consultees commented on the previous application 23/0576/FUL where they stated the Ecological Report set out that the existing building is of moderate suitability for roosting bats and that further surveys would be required to determine their presence and formulate suitable mitigation measures or compensation and a Bat Survey dated June 2023 was provided which found that no

roosting bats were recorded. However, precautionary measures were nevertheless advised and suggested a number of ecological enhancements for consideration to improve the site for bats following construction. These included bat boxes. The surveys concluded that the proposed development is unlikely to result in negative impacts to roosting bats. Proportionate measures have been recommended to manage residual risks associated with the sites ongoing suitability for these species.

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

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

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

7.17 CIL

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

7.18 Planning Balance / Tilted Balance and Conclusion

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

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

7.18.3 Nevertheless, if the LLFA were to remove their objection following the additional information, it is considered that the development would still contravene the

development plan for the character reason expressed above. An assessment would therefore still be required as to whether any adverse impacts identified would be significantly and demonstrably outweighed by the benefits of the scheme.

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

7.19 Conclusion

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

8 Recommendation

- 8.1 That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA:

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

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

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

PD/393/SE/01
PD/393/SE/02
0452-P-010 REV-C
179.0014-0004 REV - P04
0452 - P - 001 – A
0452 - P - 002 – D
0452 - P - 003 – E
0452 - P - 004 – D
0452 - P - 005 – I
0452 - P - 006 – F
0452 - P - 007 – E
0452 - P - 008 – E
0452 - P - 009 – D

0452 - P - 011 – C
0452 - P - 012 – B
0452 - P - 020 - C
0452 – P - 021- B
0452 – P - 022 - B
0452 - P - 023 - C
0452 – P - 100 - A
0452 - S - 002 – E
0664-24-B-1A LPP
22-1494-TPP-C

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

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

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

- C4 No works or development shall take place until a scheme of supervision by a suitably qualified tree specialist for the arboricultural protection measures in relation to T3 – Douglas Fir to include ‘no-dig’ method and soft landscaping shown to be within the root protection area on drawing 0452 - P - 002 – D has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.

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

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

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

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

Reason: This condition is a pre-commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and

to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Any traffic management requirements
 - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities to avoid school pick up/drop off times;
 - g. Provision of sufficient on-site parking prior to commencement of construction activities;
 - h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

Reason: This is a pre-commencement condition to ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C9 Before above ground works commence, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a) A Description and evaluation of the features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives (for example but not limited to compensation native-species tree and hedgerow planting; and enhancements such as wildflower areas, areas of longer vegetation, pond creation, use of plant species of benefit for invertebrates and bats, woodland enhancement, building-integrated and tree-mounted bat and bird boxes, habitat piles, bio-diverse roofs).
 - e) Prescriptions for management options.
 - f) Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
 - g) Management responsibilities.
 - h) Ongoing monitoring and remedial measures.
 - i) These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate net gain can be achieved from the development.

- C10 Before above ground works commence, a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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

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

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

Reason: To ensure acceptable allocation of on-site parking including visitors in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted

October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

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

- C16 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

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

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

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

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as to not prejudice the free flow of traffic and in

the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

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

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

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

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (cil@threerivers.gov.uk). If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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

- 16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

17 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Water Comments

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

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

Or:

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

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

8.4 **Informative:**

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.









PLANNING COMMITTEE – 15 August 2024

24/0804/FUL - Construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration at HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 24.07.2024

Ward: Chorleywood North And Sarratt
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council unless Officers are minded to approve the application for the reason set out at 4.1.2.

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

[24/0804/FUL | Construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration | HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR. \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0804/FUL)

1 Relevant Planning

- 1.1 07/1077/FUL – Substantial demolition of existing dwelling and rebuild including single storey front, two storey front, side and rear extensions and internal alterations to include a new detached garage – Permitted.
- 1.2 08/1072/FUL - Amendment to permission 07/1077/FUL: Substantial demolition of existing dwelling and rebuild, including single storey front, two storey front, side and rear extensions and internal alterations and detached garage to include: single storey rear extension with terrace above, fenestration changes to front elevation – Permitted.
- 1.3 11/1203/FUL - Renewal of 08/1072/FUL: Amendment to planning permission 07/1077/FUL for substantial demolition of existing dwelling and rebuild, including single storey front, two storey front, side and rear extensions and internal alterations. Detached garage to include single storey rear extension with terrace above, fenestration changes to front elevation – Permitted.
- 1.4 21/2132/FUL - Demolition of existing garage, part single, part two storey rear extension, first floor balcony, two storey side extension, loft conversion including replacement roof, increase in ridge height and rear dormers, front porch, single storey front/side extension to accommodate a double garage and alterations to driveway – Withdrawn.
- 1.5 21/2869/FUL - Demolition of existing garage, part single, part two storey rear extension, first floor balcony, two storey side extension, part single, part two storey front extension, replacement roof and increase in ridge height and construction of detached garage to front and alterations to driveway- Refused for the following reasons:

R1: The proposed extensions by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area. The existing dwelling is of architectural merit and positivity contributes to the character and appearance of the conservation area. As a result of the extensions proposed a significant proportion of the existing house will be demolished. The resultant extensions would neither preserve nor

enhance the original character of the house, thereby resulting in less than substantial harm to the heritage asset. Additionally, by virtue of its siting, scale and design the proposed garage would also appear as an unduly prominent and unsympathetic addition to the application site resulting in unacceptable harm to the character of the streetscene and setting of the Conservation Area. No public benefits have been identified which outweigh the identified harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2021).

R2: In the absence of elevations confirming the height and form of the raised decking area it has not been demonstrated that this element would not give rise to unacceptable loss of privacy to neighbouring properties. Therefore in the absence of elevations, this element fails to comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

R3: In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the protected on site trees, given the proximity of the proposed development to the root protection area of the trees within the rear garden and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).

Appeal dismissed.

- 1.6 22/0229/FUL - Single storey rear extension, two storey side extension, replacement roof with 3 no dormers to rear, new porch, attached garage and alterations to driveway configuration – Refused for the following reasons:

R1: The proposed extensions including the proposed attached garage by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area. The existing dwelling is of architectural merit and positivity contributes to the character and appearance of the conservation area. As a result of the extensions proposed a significant proportion of the existing house will be demolished. The resultant extensions would neither preserve nor enhance the original character of the house, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2021).

R2: In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the protected on site trees, given the proximity of the proposed development to the root protection area of the trees within the rear garden and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).

2 Description of Application Site

- 2.1 The application site is an irregular shaped plot located on the southern side of Trout Rise, Loudwater. The application dwelling is a two storey detached dwelling with some first floor accommodation served by a side dormer within a catslide roof feature. To the rear is an existing single storey rear projection built of brick which also includes a first floor terrace. The application dwelling is of a typical Arts and Crafts design which retains many characterful features reflective of this architectural style.
- 2.2 Land levels slope down from the highway towards the rear of the application site. To the front of the application site is a driveway with an area of soft landscaping. There are existing detached outbuildings/sheds to the eastern side of the site. To the rear are raised sections of decking and areas laid as lawn.
- 2.3 To the west of the application site is 'Stepping Stones' which is a McNamara style dwelling with a thatched roof.
- 2.4 To the east is Cherry Hill Cottage which is a two storey dwelling. This neighbour sits further back in the plot than the application dwelling.
- 2.5 The application site is located within the Loudwater Conservation Area. The area is also covered by an area wider Tree Preservation Order (TPO 231).

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of part single, part two storey side extensions including side dormer and rear balcony, single storey rear extension; front porch, partial garage conversion linking to main dwelling; internal alterations and alterations to fenestration.
- 3.2 A side extension is proposed to the western side of the dwelling. This element would have a width of 4m beyond the existing main flank. It would have a depth of 4.4m, in line with the existing main front elevation. First floor accommodation would also be facilitated by the creation of a catslide roof form which would extend from the existing eaves to the eaves of the ground floor of the single storey side extension. A side dormer would also be inserted within the new catslide roof which would have a depth of 2.8m, a height of 1.5m and a width of 2m. The existing front canopy would also be extended across this element.
- 3.3 A part single, part two storey extension is also proposed to the eastern side of the site which would connect the existing main dwelling to the existing detached garage. The existing gap between the two elements is splayed as the rear elevation of the garage is orientated away from the main dwelling. Therefore the proposed extension would also be splayed at ground floor level but the main two storey section would be parallel with the main dwelling. The two storey section would have a width of 4m infilling the gap to the front and would have a depth of 7m and would extend 1.2m beyond the existing main rear elevation. The main two storey section would have a pitched roof, set down 1m from the main ridge and would have Dutch hips to the front and rear and a catslide to the east. This element would be connected to the main dwelling by a new sideways ridge, 6.5m in width. The single storey element would have a flat roof with a height of 2.8m.
- 3.4 A first floor balcony is also proposed to the rear elevation of the two storey side extension. It would have a depth of 0.8m and a width of 2.5m.
- 3.5 The proposal includes a single storey rear extension which would extend 2.6m in line with the main western flank. It would have a width of 7.9m with the existing rear projection removed to facilitate this. This element would have a hipped roof with a height of 3.8m.
- 3.6 A rooflight is also proposed within the existing catslide roof form.
- 3.7 An existing first floor front window would be enlarged by one casement and the existing rear French doors replaced with a window.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Chorleywood Parish Council (1st response): [Call in unless Officers minded to approve].

The Committee had no Objections to the application but would ask that the application be Called-In if it is proposed for refusal.

4.1.2.1 Chorleywood Parish Council (clarification): [Call in unless Officers minded to approve].

Please note the request for Call In request is only if the Planning Officer is minded to refuse the application, and not a blanket request this happen. The Chair of the Planning Committee advises as follows:

Applications for this site have previously been refused on Conservation Grounds. The Committee is happy that this application is acceptable on these grounds and, therefore, if this application is recommended for refusal on these grounds by TRDC's Planning Officer we would ask that the application be considered by the full TRDC Planning Committee.

4.1.3 Conservation Officer: [Objection].

This application is for the construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration.

The property is located in the Loudwater Estate Conservation Area. The area's significance derives from the surviving Arts and Crafts dwellings in a variety of styles, designs and materials. The properties are set within generous plots surrounded by mature planting providing a verdant and undulating landscape. Holly Trees is of a typical Arts and Crafts design with a catslide roof, exposed rafter feet, traditional materials and asymmetrical form. Therefore, the property is considered to make a positive contribution to the significance of the Conservation Area by virtue of its derivation, form, scale and appearance.

The proposed extensions would substantially increase the scale and massing of the dwelling, resulting a sprawling footprint. Cumulatively, the extensions would not be appear subservient to the host dwelling and would too far alter the existing, characterful appearance of the property. The proposed extensions would result in a convoluted composition and detract from the simple but attractive, asymmetrical form of the property. The catslide roof with dormer to the right-hand elevation would undermine the defined building line and views of the attractive chimney. The proposed extensions would detract from the architectural interest of the property and the positive contribution it makes to the Conservation Area. Linking the principal dwelling to the garage would also raise concerns as this would dilute the hierarchy of built form on the site. The proposed rooflight would be visible from the streetscene and would not be supported in principle.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 208. 'Great weight' should be given to the heritage asset's conservation as per paragraph 205.

4.1.4 HCC Footpath Section: No response received.

4.1.5 TRDC Tree and Landscape Officer: No response received.

4.1.6 Herts Ecology: [No objection].

Thank you for consulting this office on the above application.

Overall Recommendation:

- *Application can be determined with no ecological objections (with any conditions/Informatives listed below).*

Summary of Advice:

- *Sufficient information has been provided in respect to protected species (bats).*

Supporting documents:

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

- *Bat Survey Report – NKM Associates (December 2023)*

Comments:

A Preliminary Roost Assessment has been carried out at the property in accordance with best practice. This assessment found the property to have negligible suitability for roosting bats and I find no reason to dispute these findings. The likelihood of adverse impacts occurring to bats as a result of this proposal will likely be negligible. However, in the unlikely event that bats are found, given the proposal will involve modification to areas of the roof, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

“If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 10, all supporting comments.

4.2.3 Summary of comments received:

- Final house will be attractive family home in keeping with neighbourhood.
- Will better meet the needs of the average sized family.
- Aesthetic sympathetic to the original property.
- Small compared to other extensions being carried out in Conservation Area.
- Preserve the McNamara design in the estate
- Preserves and enhances the character of the existing dwelling and Conservation Area.

4.2.4 Site Notice: Expired 26.06.2024.

4.2.5 Press notice: Expired 28.06.2024.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

6.1.5 The Environment Act 2021

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

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

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

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

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Relevant policies include: Policies 1 and 2.

6.4 Other

Loudwater Estate Conservation Area Appraisal 2013.

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

7 Planning Analysis

7.1 Background and Planning History

7.1.1 In 2007 planning permission was granted (via 07/1077/FUL) and amended in 2008 (via 08/1072/FUL) for substantial demolition of the existing dwelling and significant extensions. That permission was not implemented and was renewed in 2011 (via 11/1203/FUL).

7.1.2 Application 21/2869/FUL sought planning permission for an identical scheme as that approved via 11/1203/FUL. Due to the time that has elapsed and changes in planning policy it was considered by officers that only limited weight can be attached to the 2011 consent as outlined below:

Therefore this necessitates consideration to be given as to the weight which can be attached to the previous permissions. The 2011 consent elapsed in July 2014. Therefore there are no extant permissions which can be implemented at the application site. 8 years have passed since this permission expired which is considered to be a reasonably long period of time in planning terms.

However not only has there been an 8 year period since the 2011 consent expired but there has been an overwhelming change in the policy framework in this interim period. The NPPF, Local Development Framework, Chorleywood Neighbourhood Plan and Loudwater Conservation Area Appraisal have all been adopted since consent was granted in 2011. Thus all policies within the development plan against which this application needs to be assessed have changed. As such the weight which can be attached to the previous consents has diminished and is now only afforded limited weight.

7.1.3 That application was refused planning permission and the subsequent appeal dismissed.

7.1.4 Following the abovementioned refusal, planning application 22/0229/FUL was submitted. This proposed more works than those subject to 11/1203/FUL and 21/2869/FUL including additional roof extensions. This scheme was subsequently refused. No appeal was lodged against that decision.

7.1.5 Whilst the current application is materially different and is assessed in full below, the planning and appeal history are material considerations..

7.2 Impact on the character and appearance of the host dwelling and the locality including the heritage asset

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.2.2 Policy 1 of the Chorleywood Neighbourhood plan outlines that development within the Loudwater Conservation Area should have regard to the relevant part of Annex C1 and

should preserve or enhance the character of the Conservation Area. 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 The test set out in Policy DM3 outlines that proposals must seek to preserve or enhance the character and appearance of the Conservation Area. By virtue of the overall scale of the proposed extensions it is not considered that the proposal complies with this test as the extensions would subsume the form of the existing dwelling to the detriment of its character. Thus resulting in adverse impacts to the wider Conservation Area and therefore resulting in less than substantial harm to the heritage asset contrary to the NPPF. This is expanded upon further below.
- 7.2.4 Holly Trees is pictured in the Loudwater Conservation Area Appraisal document which indicates that it has some significance within the Conservation Area. As also outlined by the Conservation Officer in their comments pursuant to previous proposals the existing dwelling has a number of features which are typical of the Arts and Crafts style. Furthermore the Conservation Area's significance derives from the surviving Arts and Crafts dwellings in a variety of styles, designs and materials. As such examples of dwellings which possess these characteristics would be considered to make a positive contribution to the Conservation Area and their loss would be resisted.
- 7.2.5 Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in a minimum of 1.2m from the side boundary, however additional spacing may be sought in areas of lower density. The proposed two storey side extension to the western side would be set in over 1.5m from the boundary and as such would provide sufficient spacing to respect the spacious character of the Conservation Area. Nevertheless maintaining adequate spacing does not in itself automate the acceptability of a scheme. As set out above the application dwelling has a number of characterful features and a form which makes a positive contribution to the Conservation Area. It is noted that the proposed side extension would not extend the full depth of the application dwelling. However the proposed extension would be in line with the main front elevation and whilst it would have a catslide roof form it would undermine the existing characterful form of the dwelling. Catslide roof forms are a characteristic feature of the architectural style of the application dwelling however by replicating this feature to the western side this erodes the existing lack of symmetry which contributes to the character of the existing dwelling. The existing bay would also be replicated and the existing canopy extended. An additional bay would appear awkward and would erode the contribution that which exists makes. The resultant canopy would appear excessively wide which would further exacerbate the lack of subservience achieved by the extension. Furthermore by virtue of its siting this side extension diminishes the visual appreciate of the existing characterful chimney as experienced from the frontage. The proposed side dormer window would appear subservient in its form however it's width and height result in its appearance as being awkward within the new catslide roof form. The horizontality of the side dormer is further exacerbated by the triple casement window.
- 7.2.6 The existing dwelling does have an unsympathetic dormer window to the western side. However it is contained within the catslide roof form and is detailed and of a proportion that does not detract significantly from the character of the main dwelling such that its removal would justify larger extensions.
- 7.2.7 The proposal includes a part single, part two storey infill extension between the main dwelling and the existing ancillary outbuilding, replacing the existing side dormer window. This extension would project rearwards of the existing main rear elevation. Whilst the existing garage does add built form to the eastern side of the site the existing gap gives rise to its clear appearance as an ancillary building. The proposed extension would not only diminish the ancillary appearance of the existing outbuilding but would also give rise to a sprawling footprint. The proposed extension fails to appear subservient to the host dwelling

and undermines the plan form of the main dwelling. The incongruous nature of the proposed extension is also exacerbated by the resultant convoluted roof forms. The introduction of a stand alone two storey element with a catslide roof form and Dutch hips appear awkward in the context of its siting and the form of the main dwelling. As previously outlined introducing roof forms or features that are reflective of a certain style does not automate acceptability of an extension. The use of character features must be used so as to appear sympathetic to the host dwelling. This is not achieved by the proposal. Overall the proposed infill extension would appear as an incongruous and unsympathetic form of development detracting from the character of the main dwelling.

- 7.2.8 Whilst a rear balcony may not be unacceptable in principle the balustrading lacks congruity with the character of the dwelling with its unduly contemporary appearance.
- 7.2.9 The comments of the Conservation Officer are noted in respect of the side rooflight. However there are other visible rooflights in the locality. Subject to a condition requiring further details of the rooflight it is not considered that this element, in isolation, would be unacceptable.
- 7.2.10 Appendix 2 of the DMP LDD outlines that single storey rear extensions should not generally exceed a depth of 4m. The proposed single storey rear extension would not exceed the guidance of Appendix 2. Given its limited width, contained to the main part of the host dwelling and hipped roof form it is considered that this element, in isolation, would be a subordinate addition to the host dwelling. However it further adds to the cumulative excessive spread of floorspace which arise from the other extensions.
- 7.2.11 The proposed side extensions would diminish the characterful features of the host dwelling which currently makes a positive contribution to the Conservation Area. Thus the proposal fails to preserve or enhance the character of the heritage asset. It is therefore concluded that the proposed extensions would result in less than substantial harm to a heritage asset which in this case is the Conservation Area. Paragraph 208 of the NPPF outlines that this harm can be outweighed by the evidence of public benefits. However in this case it is not considered that any public benefits exist to outweigh the identified harm.
- 7.2.12 For the reasons set out above the proposal is considered unacceptable on its own merits. This scheme is materially different to previous schemes however has not overcome previous reasons for refusal.
- 7.2.13 In summary, by virtue of their scale, siting and design, the proposed extensions would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Loudwater Conservation Area Appraisal (2013) and the NPPF (2023) and Policies 1 and 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.
- 7.3.2 The proposed two storey extension to the eastern side of the main dwelling would increase the level of built form adjacent to the neighbour at Cherry Hill Cottage. However would

remain set in a minimum of 4.2m from the boundary with further spacing achieved towards the rear. Given this in addition to the siting of this neighbour, set back from the application dwelling and its orientation away from the boundary it is not considered that this element of the proposed development would result in an unacceptable overbearing impact or loss of light to their amenity.

- 7.3.3 The proposed side extension to the western side of the main dwelling would be set in a minimum of 2.5m from the boundary with Stepping Stone, with spacing increasing towards the frontage. Given the spacing achieved, and that the neighbour is set back from the application dwelling it is not considered that this element of the proposed development would result in an unacceptable overbearing impact or loss of light to their amenity.
- 7.3.4 The proposal also includes a first floor balcony. Whilst balconies are generally resisted in residential areas by Appendix 2 in this case the balcony proposed would be set in 8.8m from the boundary with Cherry Hill Cottage and 16m from Stepping Stones. Owing to the separation distances at siting of both neighbours set back from the application site the proposed balcony would not afford direct views to the private rear patios or windows of either neighbour. However to prevent unacceptable perception of overlooking a 1.8m obscure glazed screen would be conditioned to the side of the balcony.
- 7.3.5 The window within the side dormer window which would be inserted in the side extension facing Stepping Stones would be conditioned to be obscure glazed and top level opening to prevent overlooking to this neighbour.
- 7.3.6 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached dwellings should not generally exceed a depth of 4m.
- 7.3.7 The single storey rear extension would have a depth of 2.6m and as such would not exceed the guidance of Appendix 2. The proposed single storey rear extension would not be readily apparent to the neighbour at Cherry Hill Cottage. Whilst it could be visible to Stepping Stones, owing to its compliance with Appendix 2, its siting 5.7m from the boundary and its hipped roof form it is not considered that it would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.3.8 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Highways & Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage could accommodate at least 3 cars thus would comply with the guidance of Appendix 5.

7.5 Rear Garden Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 Appendix 2 requires 105sqm to be provided for a four bedroom dwelling. The application site would retain approx. 750sqm of amenity space and as such would exceed the requirements of Appendix 2 in this respect.

7.6 Trees & Landscape

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 174 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.6.3 The application site is located within a Conservation Area and as such all trees are protected. The site is also covered by TPO 231.
- 7.6.4 There are a number of mature trees within the application site including a Pine and an Acacia tree within the rear garden. These trees are visible from the streetscene and do have amenity value, particularly the Acacia tree which stands tall between the gap in the dwellings.
- 7.6.5 This application has been accompanied by an Arboricultural Impact Assessment. The submitted report notes that development will take place within the RPA of the on site Scots Pine and Robina trees. However the development would take part in a small portion of the RPA and as such would not impact the long term health of the trees. Subject to the attachment of a condition requiring the development to be carried out in accordance with the submitted details it is not considered that the development would result in short or long term unacceptable impacts to on site trees.
- 7.6.6 As such the development would be acceptable in accordance with Policy DM6 of the DMP LDD and has overcome previous reasons for refusal in this respect.

7.7 Biodiversity

- 7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.7.3 The application has been submitted with a Preliminary Roost Assessment which has been reviewed by Herts Ecology. Herts Ecology identified that the PRA confirmed the dwelling as having negligible suitability for bats. They had no reason to dispute these findings. As such a precautionary informative only is recommended.

7.8 Mandatory Biodiversity Net Gain

- 7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

- 7.8.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1: The proposed extensions by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), The Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2023).

- 8.2 Informative

I1 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 has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.







This page is intentionally left blank

PLANNING COMMITTEE - Thursday 15th August 2024

24/0814/FUL - Erection of single storey front and side extension at Sarratt Village Hall, The Green, Sarratt, Hertfordshire

Parish: Sarratt Parish Council
Expiry of Statutory Period: 23.08.2024 (Agreed Extension)

Ward: Chorleywood North and Sarratt
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION BE GRANTED subject to the conditions set out below.

Reason for consideration by the Committee: Called in by three members of the Planning Committee to 'discuss the impact on the Green Belt'.

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

[24/0814/FUL | Erection of single storey front and side extension | Sarratt Village Hall The Green Sarratt Hertfordshire \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0814/FUL)

1 Relevant Planning History

- 1.1 W/1375/70 – Extension at rear – Permitted.
- 1.2 8/482/82 – Bedroom, bathroom – Permitted.
- 1.3 8/876/88 – Toilet, utility room, bathroom – Permitted.
- 1.4 8/574/91 – Demolition of rear of building, re-build and extend – Permitted.
- 1.5 95/0113 – Single storey rear extension – Refused.
- 1.6 95/0324 – Single storey rear extension – Permitted.
- 1.7 97/0296 – Rebuilding of village hall – Refused.
- 1.8 97/0297 – Demolition of part of the village hall – Permitted.
- 1.9 98/0097 – Redevelop rear part of existing hall and add side and rear extensions plus access to first floor areas – Permitted.
- 1.10 99/01739/FUL – Amendments to previously approved planning permission 98/0097 – Permitted.
- 1.11 07/1190/FUL – Single storey rear extension – Permitted.
- 1.12 12/0907/FUL – Amendments to elevations to the front section of the Hall of approved scheme 99/01739/FUL (redevelopment of rear part of existing hall and addition of side and rear extensions plus access to first floor areas) – Permitted.
- 1.13 14/1345/NMA – Non-Material Amendment to Planning Permission 12/0907/FUL: Reduction in the number of rooflights within the northwest elevation – Permitted.
- 1.14 22/1763/FUL – Erection of single storey front to side extension including front porch – Withdrawn.

2 Description of Application Site

- 2.1 The application site contains a community village hall sited on Sarratt Green. The building is a gabled, chalet style building with first floor useable space, served by rooflights within the roof space.
- 2.2 A gabled end fronts onto The Green, with gravel hard standing to the north of the building serving the car park. The primary access to the hall and associated facilities is within the gabled front elevation. Parish Council offices are housed toward the rear of the building with their entrance to the side of the building adjacent to the carpark. Ground floor windows of varying sizes run along the front and side elevations of the building.
- 2.3 The application site falls within The Sarratt (The Green) Conservation Area and the Metropolitan Green Belt. The Village Hall appears on the Sarratt Local List, the key points of interest are as follows: *'an example of low-key modern development that blends into the character of the area-sustainable development'*.
- 2.4 To the southeast of the building there is The Old School and The Old School House, residential dwellings formed from the conversion of the Old School House. The dwellings to the southeast are finished in flint and yellow stock brick.
- 2.5 To the north of the building there is No's 1-4 Dell Cottages, a row of residential dwellings. To the southwest there is No. 1-4 Clutterbucks, a row of relatively modern terrace houses finished in red brick.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the erection of single storey front and side extension.
- 3.2 The proposed single storey front extension would project from the main front elevation of the building visible from The Green. The proposed front extension would have a maximum depth of 2.7m and a width of 10m. The extension would not project beyond either flank and for the main part would have a depth of 2m, however the central porch element would project 0.7m beyond this. The extension would be set down from the main gable and would have a part pitched, part flat roof form, with a total height of approximately 4.6m sloping to an approximate eaves height of 2.8m. The porch canopy would have a gabled roof which would project beyond the pitch by approximately 2m and sit at a total height of approximately 4.2m. This would serve as a new main entrance to the village hall.
- 3.3 Two rooflights are proposed within the pitched roof of the front extension facing The Green. A new main entrance door is proposed within the porch and glazing is proposed within the front gable. The extension would be finished in brickwork to match the existing in both colour and bond. The roof tiles and copings are proposed to match the existing.
- 3.4 The proposed single storey side extension would infill an area to the side of the building under an existing roof canopy. The extension would not project beyond the existing side or rear building line and would have a total depth of approximately 1.6m and a width of approximately 3.3m. A small section of the existing roof would be extended over the new built form to align with the gutter line. The additional roof would match the existing in all respects including slope. The extended area would have a total height of approximately 3m and an eaves height to match that of the existing. No fenestration is proposed within the extended area.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Sarratt Parish Council – We support these modest additions which will aid health and safety requirements as well as help reduce energy usage through improved front entrance access arrangements. We recognise that this application represents expansion of a building in a

Greenbelt location, however we believe that the benefits to the community and the operation of a community asset provide very special circumstances to allow this very small expansion.

4.1.2 Conservation Officer – [Concerns]

This application is for the erection of single storey front and side extension.

The property is located in the Sarratt (The Green) Conservation Area.

The proposed infill single storey side extension would not raise an objection.

The scale and form of the proposed front extension would be acceptable. However, there are concerns regarding the proposed rooflights and apex glazing.

Rooflights would be an incongruous addition to the front elevation and would be widely visible from the streetscene. If it is required to light the cloak room and toilets, traditionally proportioned windows to the front or side elevation would be more appropriate.

The proposed apex glazing would appear overly modern and would not preserve the traditional character and appearance of the Conservation Area.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.

Were the local planning authority to grant planning permission, I recommend that the following conditions are attached: - Samples of new brick and roof tiles - Section and elevations drawings of the new windows, rooflights and doors.

4.1.3 Herts Archaeology – [No comment]

In this instance, I consider that this development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 9 No of responses received: 0

4.2.2 Site Notice Posted: 19/06/2024, Expired: 10/07/2024.

4.2.3 Press Notice Published: 21/06/2024, Expired: 12/07/2024.

4.2.4 Summary of Responses: [No responses received]

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6)

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

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

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

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

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM13 and Appendix 5.

The Green, Sarratt Conservation Area Appraisal 1994.

Other

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

7 Planning Analysis

7.1 Impact on the Metropolitan Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 The NPPF identifies the five purposes of including land in Green Belts as:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.1.3 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this area:
- a) Buildings for agriculture and forestry;
 - b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**
 - d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) Limited infilling in villages;
 - f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) Limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - Not have a greater impact on the openness of the Green Belt than the existing existing
- 7.1.4 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.
- 7.1.5 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.
- 7.1.6 It is not considered that the proposed development meets exceptions (a), (b), (d), (e), (f) or (g) set out in Paragraph 154 of the NPPF. With regard to exception (c), having reviewed the buildings history it would appear that there are a number of existing additions to the building, see Figure 1 below. From reviewing the planning history, it appears that the red line indicates the original footprint (deduced from the plans of the earliest planning application

linked to the site; W/1375/70). The yellow line indicates the footprint of the extensions that have been added to the building at ground floor level. Additionally, the below table sets out the floor space, depth and width of the building in terms of its original, current and proposed footprint taken from the location and proposed site plan.

7.1.7 The existing footprint is currently 106% greater than the original, with the proposed footprint (following the extensions) being approximately 113% greater than the original. Additionally, it is clear that the building has also already been significantly enlarged in terms of its depth and width compared to the original. In light of the existing situation and when viewed cumulatively with earlier additions, the extension of the building would result in disproportionate additions over and above the size of the original building. The proposal would therefore not meet the exception at 154 (c) of the NPPF and would therefore be considered inappropriate development by definition.

Figure 1. Ground Floor Plan of Sarratt Village Hall showing previous extensions



	Ground Level Footprint (sqm)	Maximum depth (m)	Maximum width (m)	Percentage Increase %
Original (red line on Figure 1)	217	28.6	9.5	0%

Existing (yellow line on Figure 1)	448	41.7	15	106%
Proposed Extensions	462	42.7	15	113%

- 7.1.8 It is also important to assess whether the proposed development would result in actual harm to the openness of the Green Belt. The proposal would result in the spread of urbanising development towards the access road. It is however noted that the extensions would be set on an area of existing hardstanding which has already resulted in urbanising development within the Green Belt beyond the confines of the existing building. The proposed front extension is single storey in nature, set down from the ridge and remains subservient to the building. Whilst this would add additional built form to the building, the extension would not project beyond the existing flanks and on balance is not considered to increase the visual prominence of the building to an unacceptable degree. It is also not considered to conflict with the five purposes of the Green Belt and would not on balance result in harm to openness.
- 7.1.9 The single storey side element is limited in scale, would not project beyond the existing footprint of the building and is considered to infill beneath the existing roof overhang. As such it is not considered to negatively impact the openness of the Green Belt and would also not conflict with the purposes of including land within it.
- 7.1.10 In summary, the proposed extensions are considered disproportionate to the original building and therefore are inappropriate by definition, however, given the infill nature of the side extension and small scale of the front extension within the flanks of the existing building the extensions are not considered to result in harm to openness or conflict with the purposes of including land within the Green Belt. However, as it is inappropriate by definition the proposed development would fail to comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October 2013) and the NPPF (December 2023).
- 7.1.11 The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Very special circumstances will be discussed in a later section of this report.

7.2 Character, Street Scene and Heritage

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 The site is a Locally Important Building and is also located within Sarratt, The Green Conservation Area. Core Strategy Policy CP12 states that development should conserve or enhance the character and quality of an area. Policy DM3 stipulates that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. With regards to Locally Listed Buildings, Policy DM3 sets out that "the Council encourages the retention of Locally Important Buildings. Where planning permission is required for the alteration or

extension of a Locally Important Building, permission will only be granted where historic or architectural features are retained or enhanced.”

- 7.2.3 The Conservation Area was one of the first designated within the District and covers the linear village running alongside a medieval green. The area is characterised by domestic vernacular architecture dating from between the 16th and 19th centuries, with some later development, which is focussed around the green. The village feel and low-key vernacular architecture are fundamental to the areas character, as is the predominance of brick, flint and timber framing in the buildings and the presence of front boundary treatments.
- 7.2.4 The proposed single storey side extension is set back from The Green and would not project beyond the existing footprint of the building. This addition is considered to infill beneath the existing roof overhang and would remain subordinate to the host building. Thus, it is not considered that this would appear incongruous or prominent within the context of the existing building, streetscene or wider Conservation Area setting. The Conservation Officer raised no objection to the single storey side extension.
- 7.2.5 The proposed front extension would be readily visible from the streetscene and Conservation Area given its position adjacent to The Green. The Conservation Officer advised that the scale and form of the proposed front extension would be acceptable, however raised concerns regarding the proposed rooflights and apex glazing. The Conservation Officer commented that in their opinion the rooflights would appear incongruous within the streetscene and if light is required to the internal rooms more traditional proportioned windows to the front or side would be considered more appropriate. In addition, they felt that the apex glazing would appear overly modern and is not considered to preserve the traditional character and appearance of the Conservation Area.
- 7.2.6 The Conservation Officer sets out that *‘the proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.’* With regards to the NPPF the Conservation Officer has identified the level of harm arising from the above as ‘less than substantial’ as per paragraph 208 of the NPPF.
- 7.2.7 Whilst the level of harm identified by the Conservation Officer is noted, the LPA note that the proposed extension would remain set down from the main ridge line of the building and would not project beyond the existing flank walls and as such the addition is considered to remain subservient and of an appropriate scale and proportion. In addition to this, the proposed extensions would be finished in materials to match the existing building which would retain its character within the streetscene and wider Conservation Area. Whilst the comments of the Conservation Officer regarding the proposed rooflights and apex glazing are noted, the velux are considered to be small in scale and proportionately spaced within the pitched roof slope and are not considered to be of a scale that would increase the visual prominence of the building to an unacceptable degree. The apex glazing above the new main entrance door, whilst a modern addition is not considered to be of a scale that would increase the visual prominence of the building or detract from its existing character within the Conservation Area such to justify the refusal of planning permission. It is therefore not considered that the proposal would result in harm to the host building or the significance/setting of the Conservation Area. As such it is not considered that the public benefits of the proposal need to be tested as per Paragraph 208 of the NPPF.
- 7.2.8 In the event permission were to be granted, the Conservation Officer has suggested conditions regarding samples of new brick and roof tiles and section and elevation drawings of new windows, rooflights and doors. The proposal indicates that the materials of the proposed extensions would be to match those existing and as such it is not considered reasonable to attach conditions requiring samples, however, a condition would require that the extensions are constructed in materials to match those existing.

- 7.2.9 In summary, the proposal is not considered to result in harm to the character or appearance of the building or wider Conservation Area and the proposed development would therefore comply with Policies CP1 and CP12 of the Core Strategy (2011), Policy DM3 of the Development Management Policies LDD (2013), The Green, Sarratt Conservation Area Appraisal 1994 and the NPPF (2023).
- 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 of disposition of privacy, prospect, amenity and garden space'.
- 7.3.2 The proposed extensions would not project beyond the existing flank building line on either side of the building. The proposed front extension would remain set off the boundary with the neighbour at The Old School House by approximately 3.5m, this neighbouring dwelling is set off the shared boundary by another 1.8m resulting in a total spacing of 5.3m. The proposed side extension would remain set off the shared boundary with Dell Cottages by approximately 12.7m.
- 7.3.3 The proposed front extension whilst projecting forward of The Old School House front building line, would be single storey in nature and set down from the overall ridge height. Given the separation maintained to the shared boundary it is not considered that this would give rise to an overbearing form of development or harmful loss of light as experienced by the occupiers of this neighbouring dwelling. The proposed side extension is single storey in nature and would infill under the existing roof overhang, given the separation maintained to the boundaries it is not considered that this would result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.
- 7.3.4 The proposed glazing and rooflights in the front elevation would predominantly overlook the site frontage and The Green and are therefore not considered to give rise to additional overlooking of any neighbour beyond that of the existing fenestration within the front elevation.
- 7.3.5 In summary, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policies CP1 and CP12 of the Core Strategy (2011).
- 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.4.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Mandatory Biodiversity Net Gain

7.5.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.5.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the development is subject to the de minimis exemption (development below the threshold).

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 located within a Conservation Area, therefore all trees on or adjacent to the site are afforded protection. To the east of the site and in close proximity to the proposed front extension are two mature trees, which are protected by the Conservation Area designation. These trees are considered to add value to the setting of the Conservation Area. The trees are proposed to be retained and the proposed front extension would remain set back from the trees. The area around the trees is already laid to hardstanding and there is an existing buffer of hedging around the trunks of both trees. As such it is not considered that these trees would be affected by the proposed development. The proposal is therefore considered acceptable in this regard.

7.7 Highways, Access and Parking

7.7.1 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.

7.7.2 Whilst it is recognised that the former Class D1 (as referenced in Appendix 5 of the DMP LDD) now falls within Class E. In any case the current parking standards in Appendix 5 require that):

- 1 space per 9sqm gross floor area plus 1 space per full time staff member or equivalent.

7.7.3 Given the location of the proposed extensions, it is not considered that the works would impact upon the provision of the existing car parking spaces. The floor area of the building would increase minimally, this would however serve as an entrance, WC and storage area, thus it is unlikely that the use of the building and level of activity would significantly increase as a result of the proposed development. The existing provision would remain unchanged and the proposal is therefore considered acceptable in this regard.

7.7.4 Very Special Circumstances

7.7.5 As set out above, the proposed extensions are considered disproportionate to the original building and therefore are inappropriate by definition, however, given the infill nature of the side extension and small scale of the front extension within the flanks of the existing building the extensions are not considered to result in harm to openness or conflict with the purposes of including land within the Green Belt.

7.7.6 Paragraph 153 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.7.7 As part of the application, a design statement has been submitted. The design statement sets out several 'benefits' of the scheme including:

- *Provide a better reception area.*
- *Provide additional ground floor storage space – always in demand.*
- *The existing front elevation has old single glazed metal windows and brickwork that does not match the rest of the building with poorer insulation. The proposal will give a more harmonious feel to the building and make it more energy efficient.*
- *The redesign will enable us to increase the number of disabled car spaces and to re-surface and re-sign them.*
- *Improve visual aesthetic of this area of the village and enhance the facilities of this very important community asset.*

It is considered that the proposal would provide social benefits to the local community by enhancing the current facilities of the building. The benefits are considered to constitute material considerations of sufficient weight to amount to 'very special circumstances' that clearly outweigh the identified harm to Green Belt by virtue of inappropriateness, to enable planning permission to be granted subject to conditions.

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: 12518 - E & S, 12518 – F, 12518 – R, 1944/SP-B, 1944/15/B, 1944/20A, 1944/22, 1944/23, 1944/21, TRDC01 (Location Plan)

Reason: For the avoidance of doubt, and in the proper interests of planning to safeguard the openness of the Green Belt and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM6 and DM13 and Appendix 5 of the Development Management Policies (adopted July 2013), The Green, Sarratt Conservation Area Appraisal 1994 and the NPPF (December 2023).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 15 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

- Development below the de minimis threshold, meaning development which:
- a) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - b) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

This page is intentionally left blank

Sarratt Village Hall Site Photos





PLANNING COMMITTEE – 14 AUGUST 2024

24/1064/FUL – Demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation; provision of window to side elevation AT 26 POPES ROAD, ABBOTS LANGLEY, HERTS, WD5 0EY

Parish: Abbots Langley
Expiry of Statutory Period: 30.08.2024

Ward: Abbots Langley and Bedmond.
Case Officer: Claire Wilson

Recommendation: That PLANNING PERMISSION IS GRANTED subject to conditions.

Reason for consideration by the Committee: The application has been brought to committee as the agent for the application is a District Councillor.

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

[24/1064/FUL | Demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation; provision of window to side elevation | 26 Popes Road Abbots Langley Hertfordshire WD5 0EY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/1064/FUL-Demolition-of-existing-conservatory-and-construction-of-single-storey-rear-extension-and-front-porch-extension-conversion-of-garage-into-habitable-accommodation-provision-of-window-to-side-elevation-26-Popes-Road-Abbots-Langley-Hertfordshire-WD5-0EY)

1 Relevant Planning and Enforcement history

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site consists of a two storey semi detached dwelling located on the western side of Popes Road, Abbots Langley, in close proximity to the junction with Trowley Rise. The host dwelling has a brick external finish, with two storey front gabled projection. At ground floor level, there is an integral garage, with mono pitched roof form which extends across part of the width of the dwelling to form an open porch. It is noted that no.26 is part of a group of semi-detached dwellings which are similar in terms of their architectural design, although no.22 and 24 to the north have been altered. Both of these neighbouring dwellings have had garage conversions, with no.22 also having a porch. In addition, it is noted that the wider streetscene of Popes Road is varied in character.

2.2 The building line in this location is stepped, with the host dwelling sitting forward of the adjacent neighbour, it is also noted, that the dwelling sits at a lower land level to the adjoining highway. There is a paved driveway to the frontage, which can accommodate three off street car parking spaces.

2.3 To the rear of the dwelling, is an existing single storey conservatory which sits off the boundary with the adjoining neighbour. Within the rear roofslope are two rear rooflights. With regard to the neighbouring dwellings, both appear to have single storey conservatories, however, no.28's conservatory is set away from the boundary with the host dwelling. A brick wall is located on the boundary with this neighbour.

2.4 Beyond the rear of the dwelling, is a rear garden which is mainly laid to lawn.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for the demolition of existing conservatory and construction of single storey rear extension and front porch extension, conversion of garage into habitable accommodation, provision of window to side elevation.

- 3.2 The existing single storey conservatory would be demolished, and a single storey rear extension would be located in its place. It would have a depth of 3.3m and would be the same width as the existing dwelling. The extension would have a mono pitched roof form with a height of approximately 3.3m. Three rooflights would be located in the roof form of the proposed extension with a door and window to the rear.
- 3.3 The existing integral garage would be converted to habitable accommodation to form a new reception room. This would involve the removal of the garage door and insertion of a window which would be flush with the existing front elevation. Adjoining the garage, a new porch is proposed which would effectively infill the existing open porch structure. It would have a width of approximately 1.4m and a depth of 1.3m. A window would be installed in the flank wall of the porch facing towards the boundary with no.24. The roof form would remain unaltered.
- 3.4 A new window would be located in the flank wall of the existing dwelling facing towards the boundary with no.24. The plans indicate that this would serve a utility room.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Abbots Langley Parish Council: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 5.
- 4.2.2 Responses received: None received.
- 4.2.3 Summary of objections: N.A
- 4.2.4 Site Notice: Not required.
- 4.2.5 Press Notice: Not required.

5 Reason for Delay

- 5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

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

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

weight should be given to them, according to their degree of consistency with this Framework”.

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

6.3 The Three Rivers Local Plan

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

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

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

6.4 Other

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

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

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

The Environment Act 2021.

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Policy DM1 and Appendix 2 of the Development Management Policies LDD provides further guidance on residential development and sets out that development should not be unduly prominent within the streetscene.

7.1.2 The development would involve the removal of the garage door and its replacement with a window which would be flush with the front wall of the dwelling. Given that there would be no increase in footprint and the fenestration would be of a similar style to existing, it is not considered that the alteration would be unduly prominent. The application form also confirms that matching materials will be used.

- 7.1.3 Adjoining the garage, a porch is proposed which would effectively infill the existing open porch structure. Given the modest nature of the alteration and that the roof form would remain unaltered, it is not considered that this would appear prominent. Furthermore, it is noted that no.22 has a similar porch structure and as such this would not be uncharacteristic.
- 7.1.4 A new window is proposed within the original flank wall of the dwelling at ground floor level. Whilst there would be some views of this from the frontage, it is not considered that there would be any harm due to the siting of the window and its position at ground floor level.
- 7.1.5 Appendix 2 of the Development Management Policies LDD advises that extensions should not be disproportionate to the original dwelling; and that generally single storey rear extensions to semi detached dwellings should have a maximum depth of 3.6m. In this case, the proposed single storey rear extension would have a depth of 3.3m and therefore would be in accordance with the guidance in Appendix 2. In addition, it would not be significantly deeper than the existing conservatory and would be single storey which also would also prevent any unacceptable visual impact.
- 7.1.6 In summary, subject to a condition requiring the use of matching materials, the development is viewed as acceptable and in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed garage conversion would result in a new window being located in the front elevation of the dwelling at ground floor level. It is noted that this would have some outlook towards the neighbouring frontages, however, given these are publicly visible areas, it is not considered that any harm would occur to neighbouring dwellings.
- 7.2.3 The proposed front porch would be screened from the adjoining neighbour by the existing forward projection. In addition, there would be no harm to no.24 as the new porch would be set in from the boundary with this neighbour. The plans do indicate that a window would be located in the flank wall of the porch facing towards this neighbour. However, again, given this would be located away from the boundary and that it would not serve habitable accommodation, it is not considered that there would be adverse harm in terms of overlooking. In addition, a new flank window would be installed at ground floor level facing no.24. Given this would be at ground floor level and would be in part screened by existing timber fencing, it is not considered that there would be harm in terms of overlooking.
- 7.2.4 As already set out, Appendix 2 notes that generally the maximum depth of single storey rear extensions to semi-detached dwellings is 3.6m. In this case, the proposed extension would have a depth of 3.3m, which would be in accordance with the above guidance. With regard to no.24, the extension would be set in from the boundary with this neighbour and it is also noted that the rear elevation of this neighbour is set back further than the original rear elevation of no.26. As such, it is not considered that the extension would be overbearing or result in a loss of light.
- 7.2.5 With regard to no.28, it is acknowledged that the extension would be located immediately adjacent to the boundary with the adjoining neighbour. This neighbour has a single storey conservatory which is set in from the boundary with the host dwelling and therefore the ground floor rear facing window in the original rear wall of the dwelling would become more

enclosed. However, given the depth of the rear extension at 3.3m and the existing site circumstances it is not considered that significant harm would occur to justify refusal on this basis. In addition, it is noted that the extension would have an eaves height of 2.4m at the deepest point of the extension which would further minimise any significant harm. A condition shall be added preventing the installation of any flank windows within the extension.

7.2.6 The rear boundary of the site adjoins the flank boundary of a neighbour fronting Trowley Rise. There would be no impact to this neighbouring dwelling or to its private amenity space which would be the part located closest to the dwelling.

7.2.7 There would be no harm to neighbours opposite the site due to the separation by the highway.

7.2.8 In summary, given the site circumstances, it is considered that there would be no harm to the residential amenities of neighbouring dwellings. The development is considered acceptable and in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

7.3 Highways & Parking

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

7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. Whilst the proposal would result in the loss of the existing garage, there is provision for three off street car parking spaces on the driveway in accordance with Appendix 5 and thus no objections are raised.

7.4 Rear Garden Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD advises that a four bedroom dwelling should have 105 square metres of amenity space.

7.4.2 In this case, the plans indicate that the existing garden has an area of approximately 84 square metres, and that the proposed single storey rear extension would reduce this area to approximately 74 square metres. Consequently, there would be a shortfall in amenity space. However, given the existing shortfall and the modest depth of the single storey rear extension which would replace an existing conservatory for part of its footprint, it is not considered that this would result in increased harm to justify refusal on this basis. Furthermore, the development would not result in the creation of any additional bedrooms.

7.5 Trees & Landscape

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

7.5.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. As such, no objections are raised in this regard.

7.6 Biodiversity

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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.7 Mandatory Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development [or enter alternative exemption here].

8 **Recommendation**

8.1 That retrospective PLANNING PERMISSION IS GRANTED subject to 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:

2399-SK-100 B

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

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011)

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

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevation of the extension facing no.28 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 £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 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.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.







This page is intentionally left blank

PLANNING COMMITTEE – 15 AUGUST 2024

24/1093/PIP – Permission in Principle Application: Erection of a block of six apartments with associated access, bin and bike store, parking and landscaping works AT LAND ADJACENT TO 62-84 AND 99-121, SYCAMORE ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS

Parish: Croxley Green
Expiry of Statutory Period: 22.08.2024

Ward: Dickinsons.
Case Officer: Suzanne O'Brien

Recommendation: That PERMISSION IN PRINCIPLE IS REFUSED.

Reason for consideration by the Committee: The application has been brought to committee as the application has been called in by three committee members. It has been called in due to the loss of open space, previous decisions of the Local Planning Authority and the level of public interest.

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

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SGB5QSQF0F100>

1 Relevant Planning and Enforcement history

- 1.1 8/162/93 - Flat development comprising fourteen 2 bedroom flats with associated parking and creation of new access road. Refused
- 1.2 8/163/93 - Flat development comprising twelve 2 bedroom flats with associated parking and creation of new access road. Refused
- 1.3 05/1055/OUT - Outline Application: Erection of two storey building comprising eight apartments – Refused - 21.10.2005

Refused for the following reasons:.

- R1 The proposed development would involve the loss of an open space which was provided as part of the original development and has subsequently become an established feature of the area and has been used and enjoyed by local residents for many years. The loss of such an open space would have a detrimental effect on the character and appearance of the area. This fails to meet the requirements of Policies GEN1, GEN3, H14, L9 and Appendices 1 and 2 of the Three Rivers Local Plan 1996 – 2011.
- R2 The proposed development is adjacent to the Metropolitan Green Belt. The development of the site would be detrimental to the visual amenities of the Metropolitan Green Belt failing to satisfy the requirements of Policy GB1 of the Three Rivers Local Plan 1996 – 2011 and Planning Policy Guidance Note 2 (Green Belts).

The subsequent planning appeal was dismissed in relation to R1.

- 1.4 20/2737/FUL - Erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping – Refused - 30.04.2021

Refused for the following reasons:

- R1 The proposed development by reason of its design and layout would be detrimental to the visual amenities, spacing, setting and general open character of the area,

harming the 1960's character of the area and locality. The proposal would therefore be contrary to 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), Policy CA1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018), and NPPF.

R2 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

1.4.1 Planning refusal 20/2737/FUL was dismissed at appeal (appeal reference: APP/P1940/W/21/3276715; decision dated 10 March 2022). The Planning Inspector identified that:

‘Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood’.

1.4.2 The Planning Inspector’s decision will be expanded on in greater detail within the Analysis Section of this report (Attached as **Appendix A**).

2 Description of Application Site

2.1 The application site has an area of 0.3Ha and is located on the south eastern side of Sycamore Road. The site is currently open land and has an individual TPO tree within the centre of the site and a group TPO to the northern boundary.

2.2 The site is relatively flat with little change in land levels and currently mostly comprises of a large grassed area enclosed by a low level chain link fence and hedging. Mature trees are also evident within and around the perimeter of the site. The lower part of Sycamore Road adjacent to the application site contains flatted development. The blocks of flats follow a similar building line, set back from the highway, with green amenity space to the rear. Parking bays are also evident within this vicinity providing parking for the flatted units. Soft landscaping and spacing is provided by way of verges with mature trees and front gardens within the area with the parcel of land subject to this application being the only larger area of open amenity space adjacent to existing development. This open space makes a positive contribution to the character and appearance of this part of the street scene.

2.3 To the north and east of the site are three storey flat roofed flatted developments with parking bays to the frontages, a garage block and areas of soft landscaping. To the western side of the site are two storey dwellings. The southern side of the site abuts the Grand Union Canal.

3 Description of Proposed Development

3.1 This application seeks permission in principle for the erection of 6 residential units on land adjacent to 62-84 and 99-121 Sycamore Road.

3.2 The application has been supported by an illustrative Site Plan; this provides indicative information to demonstrate how the development could be delivered on site including siting, parking, bike store, access and landscaping details. The Site Plan indicates the creation of public open space to the front of the site, however, this will not form part of the assessment of the proposal as detailed later in this report.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Croxley Green Parish Council: No response received to date; Committee will be verbally updated of any response received.
- 4.1.2 Hertfordshire County Council - Highway Authority: [No objection]

Recommendation

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

HCC as the Highway Authority would request that the technical details consent, as part two of the permission in principle application, shall include full details (in the form of scaled plans and / or written specifications) to illustrate the following:

- i) Proposed highway works
- ii) Widths of internal carriageway
- iii) Visibility splays
- iv) Turning head and swept path a suitable size for the largest anticipated vehicle to enter the site

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

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

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

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the 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) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free

passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

Comments/Analysis

Description of Proposal

Permission in Principle Application: Erection of a block of six apartments with associated access, bin and bike store, parking and landscaping works

Site and Surroundings

Sycamore Road is an unclassified local access route subject to a 30mph speed limit which is highway maintainable at public expense. As per Hertfordshire County Council's new design guide (Place and Movement Planning Design Guide (PMPDG)), Sycamore Road is classified as a P2/M1 (e.g. Residential Street). The site is currently an open space adjacent to the Grand Union Canal. The surrounding area is mostly residential and is located 2.3km to the west of the centre of Watford and is less than 1km to the east of Croxley Green. A footway fronts the site and the nearest bus stop is approximately 450m away on Watford Road, whilst Croxley Green underground station is approximately 1.1km from the site; along with a variety of shops in Croxley Green. The canal path along the Grand Union Canal, which is considered a shared use footway, and is therefore open to cyclists, is located at the rear of the site also. Therefore, the Highway Authority are satisfied the site is in a suitably sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking

As the application is a Permission in Principle, details of the exact vehicular access and any proposed highway works are not fully set out in the provided plans. Drawing number PA-SR-KH-201 and the Design and Access Statement suggest there are to be highway works involved at the access from the highway into the existing flats and the application site. The existing access and informal parking area which is used by the existing flats is highway land, meaning that any alterations to create formalised parking and a carriageway to allow access into the application site would require Section 278 works within the highway. As per the above condition, details of the proposed works should be provided during the second part of the application when technical details are provided.

Any carriageway, internal and as part of the access from the highway, should measure 5.5m to ensure two vehicles can pass each other. HCC would be supportive of the alterations to the access onto Sycamore Road to make the bellmouth a more standard size with a 6m radii alongside tactile paving and crossing points for pedestrians, especially if the front of the site is to remain as an open green space for the public. Visibility splays of 2.4m x 43m should be dimensioned on plans of the proposed altered access. Regarding matters within the site, HCC agrees in principle with the access into the site from the adjacent highway land but would request that a turning head be added to the internal layout to allow for the largest anticipated vehicle to enter the site to turn around, most likely a TRDC refuse vehicle measuring 12m in length. Swept path analysis drawings should also be provided showing that this size vehicle can enter and exit the site in forward gear. Overall, HCC does not object to the development in principle, but would request the above amendments and details before planning permission is decided once part two of the Permission in Principle is provided.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that cycle parking and electric vehicle charging should also be included when full details are provided. HCC are satisfied with the dimensions of the proposed parking spaces being 2.5m x 5m, in line with the Place and Movement Planning Design Guide, as well as the 6m behind the parking spaces to allow for manoeuvring.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of the footprint of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. The addition of a turning head within the site for large vehicles such as a fire tender would alleviate concerns regarding emergency access.

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 in principle.

- 4.1.3 Environment Agency: No response received to date; Committee will be verbally updated of any response received.
- 4.1.4 Canal and River Trust: No response received to date; Committee will be verbally updated of any response received.
- 4.1.5 Landscape Officer: No response received to date; Committee members will be verbally updated of any response received.
- 4.1.6 National Grid: [No Objection]

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 41

4.2.2 Responses received: 49 objections to date. The overall Consultation date expires on 16 August 2024; Committee members will be verbally updated on any further comments received.

4.2.3 Site Notice: Expires 16 August 2024

4.2.4 Press Notice: Not required.

4.2.5 Summary of objections:

Previous applications have been refused due to adverse impact on character and appearance of area due to loss of open space that provides a community space; Development will diminish an space that provides a cherished recreational area that is used for communal activities – especially important during COVID and provides a safe haven for many for social gatherings; Nothing has changed since previous applications and appeal decisions dismissing applications for development of the site; Impact on local wildlife habitat including bats, badgers, foxes and deer; Development would impact on surface runoff and increase flood risk; The open space is integral to community, is a cherished recreational area that has been around since 1963; The pitched roof design would conflict with the flat roofed aesthetic; Increase noise from additional traffic; Would remove secure boundaries affecting residents security; Would add more pressure on area already affected by parking pressures; Would involve removing land under lease which would affect emergency access; Land is maintained and funded by residents of flats; Site is integral to the community feel of Sycamore Road and Valley Walk; Development would result in the loss of Neighbourhood Green Space that provides spatial relief; Would erode the verdant space and spacious character of the site and corridor with the canal; Loss of privacy to existing residents; Will add to noise and congestion; Development would conflict with Policies within Local Plan and Neighbourhood Plan; Development would be within root protection areas of existing trees; Open space is good for mental health and should be preserved and not built on; Building on the green space will make existing residential properties feel hemmed in; Building on the land will be contrary to a condition requiring open space as part of the original permission; No affordable housing proposed to be delivered; This is not grey belt land.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004, S70 of Town and Country Planning Act 1990) and The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1, HO1, HO2 and HO3 and Appendix B

6.4 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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.

The Environment Act 2021.

7 Planning Analysis

7.1. Permission in Principle Nature of Development

7.1.1 This application is made pursuant to the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (PIP Order) that provides opportunity for an applicant to apply as to whether permission in principle is acceptable for a site, having regard to specific legislative requirements and, in accordance with ref. Paragraph 012 Reference: 58-012-20180615 of the NPPG, as to whether **the location, land use and amount of development** proposed is acceptable.

7.1.2 The permission in principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The current application is only at permission in principle stage.

7.1.3 In relation to the type of development that can be considered under permission in principle the PPG (paragraph 049; reference 58-049-20180615) advises that 'Non-residential development may also be given permission in principle providing housing occupies the majority of the floorspace of the overall scheme. Non-housing development should be compatible with the proposed residential development, and may include, for example, a small proportion of retail, office space or community uses'.

7.1.4 This scheme proposes a building consisting of 100% residential use. The Site Plan does indicate that the site outlined in red on the location plan would include public open space. As set out within the PPG the Local Planning Authority can only assess the principle of housing on the site as outlined in red on the location plan. The provision of community uses such as publicly accessible open space is not a material planning consideration under the assessment of this stage of the permission in principle process. As such, the inclusion of part of the site as publicly accessible open space as shown on the Site Plan will not form part of the assessment of this application.

7.2 Principle of Residential Development

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

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

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

7.2.2 Due to the nature of the application type, the following analysis assesses whether the location, land use and amount of development proposed is acceptable.

7.3 Location

7.3.1 With regards to the assessment of location this relates solely to whether the site is in a suitable location for housing based on the principles set out in the place shaping policy PSP2 and Core Strategy Policy CP2, as set out above. The application site is within Croxley Green which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas of Key Centres. Policy PSP2 advises that Key Centres will provide approximately 60% of the District's housing requirements over the plan period. PSP2 outlines that development should predominately be on sites within the urban area on previously developed land.

7.3.2 The application site is not previously developed land however given the location of the site within the Key Centre of Croxley Green and its setting within an existing residential area, there is no in principle objection to residential development on the site from a sustainability perspective in relation to the provisions of Policy CP2 and PSP2 of the Core Strategy. In assessing the application for development not identified as part of the District's housing supply, the Council will have regard to the location and sustainability of the development. Although the development would not be on previously developed land, given the infill nature of the proposal within an urban location, there are no in principle objections to residential development of the application site in relation to Policy CP2 of the Core Strategy.

7.4 Impact of Land Use and Amount on Character and appearance

7.4.1 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

7.4.2 Policy CP1 of the Core Strategy requires development to take into account the need to 'protect and enhance our natural, built and historic environments from inappropriate development' and to 'promote buildings and public spaces of a high enduring design quality that respect local distinctiveness'.

7.4.3 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 should make efficient use of land whilst respecting the distinctiveness of the surrounding area.' In terms of new residential development, Policy DM1 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area.

7.4.4 Policy CA1 of the Croxley Green Neighbourhood Plan (2018) relates to new developments and advises that;

'New development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design'

- 7.4.5 The application site is located within Character Area 5 of Appendix B of the Neighbourhood Plan. Appendix B references the landscaped nature of Sycamore Road stating: 'At the eastern end of Sycamore Road and Valley Walk is an estate of 1960s flat roofed terraced houses and flats with a landscaped green at the eastern end'.
- 7.4.6 The planning history for this site proposing residential development on the site is extensive dating back to 1993 with four refused planning applications and two dismissed appeals. In 2005 planning refusal 05/1055/OUT was dismissed; the Planning Inspector identified harm in two respects. Firstly the impact on the character and setting of the area contrary to the planning policies at the time and secondly the loss of the parcel of land which was said to fulfil a 'recreational and social function.
- 7.4.7 An application for the construction of six apartments and a terrace of three residential dwellings was submitted in 2020 (20/2737/FUL). The application was refused on the grounds that the design and layout would be detrimental to the visual amenities, spacing, setting and general open character of the area, harming the 1960's character of the area and locality.
- 7.4.8 Refusal 20/2737/FUL was dismissed on appeal. The Planning Inspector set out in detail within their decision (attached as **Appendix A**) the contribution the application site makes to the amenities and character of the street scene and residents stating:
- '5. The appeal site is a mainly grassed area within a residential area. The neighbourhood has a postwar twentieth century character, given its angular, flat-roofed dwellings in typically two storey terraces and three to four storey blocks, set within a fairly spacious and verdant framework of green areas in the neighbourhood. These include verges, the appeal site, gardens and pockets of green, including an approximately triangular-shaped space with trees to the south-west. These elements contribute to the characterisation of the neighbourhood in Appendix B of the Croxley Green Neighbourhood Plan (NP) as 1960s housing of unusual style, similar to Span housing in a landscaped setting, including a 'green' that includes the appeal site.
- '6. The appeal site is not designated as a public open space in the local development plan. Nevertheless, it reads 'on the ground' as having an established function and character as a neighbourhood green space given the following combination of factors.
- '7. It is a substantial part of an approximately L-shaped area of grassed space that fronts onto Sycamore Road and flows around a T-shaped block of dwellings to the north-east. Dwellings face towards three sides of the site. In combination with the edge of the adjoining canal corridor to the south-east, the site provides verdant views from the road and various dwellings. As a grassed area with trees and hedging without buildings on it, the site provides visual and spatial relief from built-up elements.
- '8. The presence of a barbecue, picnic table and informal tree swing indicate community use of the appeal site. Residents' descriptions of local people of various ages socialising outdoors and appreciating wildlife on the site further reinforce the impression of a neighbourhood outdoor space enjoyed by local residents. The description of the site as having a recreational and social function in the 2005 appeal dismissal further points to the established nature of this identity.'
- 7.4.9 The Planning Inspector identified that the application site provides a neighbourhood outdoor space enjoyed by local residents and identified through the dismissal of the application that this space is a feature that should be protected. It is noted that the land is within private ownership and is not allocated open space identified within the Local Plan. The private ownership of the site was identified by the Planning Inspector but the Inspector still confirmed that the site reads 'on the ground' as having an established function and character as a neighbourhood green space. The character, use and contribution of the site has not materially changed since the determination of the appeal in 2022. The

characteristics of the site are therefore considered to be material in the assessment as to whether the proposed use of the site for residential development and amount of development would be acceptable.

7.4.10 In relation to impact on the character of the area the Planning Inspector for the appeal identified:

'11. However, that said, the proposed substantial three storey apartment block towards the front of the site, together with the terraced row of houses towards the canal, and associated external works and domestic paraphernalia, would noticeably erode the verdant and spacious character of the site and the green of which it is part. It would reduce the amount of 'doorstep' outdoor space visible from the street, that is seen as established, community outdoor space by residents. This would reduce opportunity for community interaction and the family character of the area. Furthermore, the proposal would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor. This would lessen the sense of green infrastructure in the locality.

'12. Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood.

'13. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), Appendix 2 and Policy DM1 of the Three Rivers Development Management Policies Local Development Document, and Policy CA1 of the Croxley Green Neighbourhood Plan, which together seek, among other things, to ensure that development complements and where appropriate enhances local character.'

7.4.11 The current application is supported by a Site Plan which indicates that the frontage of the site would remain undeveloped and be provided as public open space. This plan is indicative only and any public open space could not be secured at Stage 1 of the permission in principle process. This application seeks to identify whether the site as a whole, as outlined in red on the Location Plan, is suitable for residential development. As identified within the previous refusals and subsequent appeal decisions the existing use as green amenity space provides a verdant postwar style landscape that, in conjunction with its relationship with the surrounding existing development, makes a material positive contribution to the character and appearance of the street scene and area.

7.4.12 The proposed use of the site for residential development with residential paraphernalia, irrespective of where the built form would be positioned within the site, would erode the existing verdant green space. The proposed use for residential development would irreversibly change the character and appearance of the site to the detriment of the visual amenities of the street scene and character of Sycamore Road and community who enjoy this visual amenities of this space. Any reduction in the verdant character of this space would serve to diminish its value and contribution as a neighbourhood community outdoor space.

7.4.13 In terms of the amount of development and impact on character and appearance the proposed development would result in a net gain of six dwellings on the site.

7.4.14 The precise layout and scale of the proposed development would be a matter for technical details consent. At this stage, few details are available on the exact nature of the housing that is being proposed (apart from an illustrative plan which indicates a block of flats to the southern part of the site and public open space). Based on the limited information submitted under Part 1 of the Permission in Principle application process an assessment of the visual effect of the design and layout of the proposal on the character and appearance of the area cannot be determined. Nevertheless, while the submitted layout is indicative, it

demonstrates that there would be a loss of open character of the site and incursion of built form and residential paraphernalia that would be detrimental to the open verdant character of the site. Further the indicative siting of the block of flats to the south of the site would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor.

7.4.15 As such, it is considered that the proposed residential use and amount of development including the associated residential paraphernalia including access, parking, turning facilities etc. would result in significant demonstrable harm to the visual amenities of the street scene and character of the area. The proposed use and amount of development would therefore be contrary to Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan.

7.5 Other Matters

7.5.1 Matters pertaining to design, appearance, layout, scale, impact on residential amenities, flooding, parking, biodiversity and affordable housing, would be considered at technical details stage.

7.6 CIL

7.6.1 A CIL Additional Questions form must be submitted with any future formal planning application. For further details, including of the process to claim exemptions and relief (which must be submitted prior to works taking place on site), please see <https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>

7.7 Planning Balance / tilted balance

7.7.1 The NPPF at paragraph 47 says that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This development proposal is in conflict with Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan and should therefore be refused planning permission unless there are material planning considerations that outweigh the presumption in favour of the development plan in section 38 (6) of the Planning and Compulsory Purchase Act 2004.

7.7.2 The NPPF makes it clear at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up to date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.7.3 In respect of 'out of date' above, Footnote 8 of the NPPF sets out that this includes, for applications involving housing, situations where (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over

the previous three years. In this respect, it is important to note that TRDC cannot deliver a five year supply and can only demonstrate a 1.9 year supply at this time. Furthermore, TRDC's housing delivery test indicates that the delivery of housing was below 75%. Therefore, for applications involving housing the policies that are most important for determining the application (Core Strategy CP2, CP3 and CP4) are out of date.

- 7.7.4 In respect of 'areas or assets of particular importance', Footnote 7 of the NPPF sets out that these are relating to habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.
- 7.7.5 In assessing this application there are no identified conflicts with policies protecting areas/assets. As such, it is necessary to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11(b)(ii)). While it is accepted that the NPPF guidance is a 'material consideration' relevant to the determination of this application, it is submitted that, on all the evidence, it is not of sufficient weight to override the presumption (S.38(6)) in favour of a determination of the application in accordance with development plan including Policy CP3 of the Core Strategy.
- 7.7.6 As identified in the preceding paragraphs the proposed use and amount of development would result in demonstrable harm to the visual amenities of the street scene and character of the area.
- 7.7.7 Although there is a pressing need for housing in the District, Officers are of the view that the provision of only six residential units would not materially contribute to the overall housing need within the District. As such, only moderate weight can be given to the uplift of six dwellings towards the councils housing supply including the minor economic benefits which would arise from construction and future occupiers integrating into the local economies. As the securing of affordable housing contributions are not a material consideration at this stage of the assessment process no weight can be attributed to contributions towards of affordable housing. Further as the provision of public open space is not to be secured at this stage of the application, no weight can be attributed to this the open space as shown on the indicative site plan.
- 7.7.8 Significant weight is attached to the identified harm that would result from the proposed use and amount of development on the application site. Given the totality of harm identified, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
- 7.7.9 The weight attached to the impact on the character of the area was supported by the Planning Inspector in the 2022 appeal decision for the construction of nine units on site where the Inspector stated:
- '19. On the evidence before me, I consider that for the purposes of making my decision there is a supply shortfall of deliverable housing sites in the district of in the region of three years.
- '20. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
- '21. The proposal would contribute to local housing supply in the form of six apartments and three terraced dwellings, with associated socio-economic benefits in the area during and

after construction. There is potential to deliver biodiversity gain through wildlife-friendly landscaping and management, albeit tempered by loss of the attraction to some wildlife of the unbuilt character of the site. Also, a contribution towards off-site affordable housing is proposed. Together the proposal's benefits carry moderate weight. That said, I have identified harm in relation to the character and appearance of the area and the adequacy of affordable housing provision, which carries significant weight.

'22. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.

'23. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.'

7.7.10 The proposal would be contrary to Policies CP3 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 Development Management Policies LDD and Policy CA1 of the Croxley Green Neighbourhood Plan and there are no other considerations which outweigh this finding. The application for permission in principle should therefore be refused.

8 Recommendation

8.1 It is recommended that permission in principle be REFUSED for the following reason:

R1 The residential use and amount of development proposed would erode and result in the loss of the verdant green character of the site, resulting in demonstrable harm to the 1960s character and appearance of the area and locality, including the canal. The loss of verdant character would diminish the value and positive contribution the existing site provides as a neighbourhood community outdoor space. The proposed use and amount of development would therefore be contrary to Policies CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 Development Management Policies LDD (adopted July 2013), Policy CA1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and NPPF.

8.2 Informatives

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

Attached

Appendix A – Appeal Decision for planning refusal 20/2737/FUL

Appendix A

Appeal Decision for Planning Refusal 20/2737/FUL

This page is intentionally left blank







This page is intentionally left blank



Appeal Decision

Site Visit made on 15 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2022

Appeal Ref: APP/P1940/W/21/3276715

Land Adjacent To 62-84 & 99-121 Sycamore Road, Croxley Green, Rickmansworth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Dudley Mills, Kebbell Homes against the decision of Three Rivers District Council.
 - The application Ref: 20/2737/FUL, dated 1 December 2020, was refused by notice dated 30 April 2021.
 - The development proposed is the erection of a block of six apartments and a terrace of three residential dwellings, with the associated access from Sycamore Road, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form and decision notice, in the absence of one on the application form.
3. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issues

4. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposal would make adequate provision for affordable housing.

Character and appearance

5. The appeal site is a mainly grassed area within a residential area. The neighbourhood has a postwar twentieth century character, given its angular, flat-roofed dwellings in typically two storey terraces and three to four storey blocks, set within a fairly spacious and verdant framework of green areas in the neighbourhood. These include verges, the appeal site, gardens and pockets of green, including an approximately triangular-shaped space with trees to the south-west. These elements contribute to the characterisation of the

neighbourhood in Appendix B of the Croxley Green Neighbourhood Plan (NP) as 1960s housing of unusual style, similar to Span housing in a landscaped setting, including a 'green' that includes the appeal site.

6. The appeal site is not designated as a public open space in the local development plan. Nevertheless, it reads 'on the ground' as having an established function and character as a neighbourhood green space given the following combination of factors.
7. It is a substantial part of an approximately L-shaped area of grassed space that fronts onto Sycamore Road and flows around a T-shaped block of dwellings to the north-east. Dwellings face towards three sides of the site. In combination with the edge of the adjoining canal corridor to the south-east, the site provides verdant views from the road and various dwellings. As a grassed area with trees and hedging without buildings on it, the site provides visual and spatial relief from built-up elements.
8. The presence of a barbecue, picnic table and informal tree swing indicate community use of the appeal site. Residents' descriptions of local people of various ages socialising outdoors and appreciating wildlife on the site further reinforce the impression of a neighbourhood outdoor space enjoyed by local residents. The description of the site as having a recreational and social function in the 2005 appeal dismissal¹ further points to the established nature of this identity.
9. Within this context, the setback of the appeal site from the street and its location towards the end of a cul-de-sac to some extent contains its prominence to a localised area within the housing estate.
10. Also, some outdoor space including the north-eastern leg of the approximately L-shaped area of grassed space would remain. Together with this, the retained street tree row in front of the site and perimeter trees along the canal corridor, the incorporation of large sycamore tree T3² as a focal point within the proposed development, and new tree planting would help preserve some verdancy.
11. However, that said, the proposed substantial three storey apartment block towards the front of the site, together with the terraced row of houses towards the canal, and associated external works and domestic paraphernalia, would noticeably erode the verdant and spacious character of the site and the green of which it is part. It would reduce the amount of 'doorstep' outdoor space visible from the street, that is seen as established, community outdoor space by residents. This would reduce opportunity for community interaction and the family character of the area. Furthermore, the proposal would substantially sever the visual connection across the verdant space to the leafy edge of the canal corridor. This would lessen the sense of green infrastructure in the locality.
12. Consequently, the proposal would erode the distinctive characteristic of verdant communal space between dwellings, and the postwar style landscape identity of the neighbourhood.

¹ Appeal Ref: APP/P1940/A/05/1193800.

² As numbered on the tree survey within the appellant's Arboricultural Advice Note.

13. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy (CS), Appendix 2 and Policy DM1 of the Three Rivers Development Management Policies Local Development Document, and Policy CA1 of the Croxley Green Neighbourhood Plan, which together seek, among other things, to ensure that development complements and where appropriate enhances local character.

Affordable housing provision

14. Small housing sites have an important role³ in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases⁴, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time.

15. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU⁵ proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need.

16. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.

Other Matters

17. I appreciate that the Planning Officer's Report to Planning Committee found insufficient harm to recommend refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.

18. Concerns have been raised by some local residents regarding flood risk, parking and highway safety. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

Planning Balance and Conclusion

19. On the evidence before me, I consider that for the purposes of making my decision there is a supply shortfall of deliverable housing sites in the district of in the region of three years.

³ As set out in paragraphs 1.7, 1.8 and 1.11 of the Council's Appeal Statement.

⁴ As per Footnote 2 of Appendix A of the Planning Officer's Report to Planning Committee 22 April 2021.

⁵ Paragraph 1.1.

20. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
21. The proposal would contribute to local housing supply in the form of six apartments and three terraced dwellings, with associated socio-economic benefits in the area during and after construction. There is potential to deliver biodiversity gain through wildlife-friendly landscaping and management, albeit tempered by loss of the attraction to some wildlife of the unbuilt character of the site. Also, a contribution towards off-site affordable housing is proposed. Together the proposal's benefits carry moderate weight. That said, I have identified harm in relation to the character and appearance of the area and the adequacy of affordable housing provision, which carries significant weight.
22. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
23. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.
24. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR