

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Thursday, 13 June 2024 at 7.30 pm in the Penn Chamber, Three Rivers House, Northway, Rickmansworth.

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Matthew Bedford
Philip Hearn
Stephen King
Chris Lloyd

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

*Joanne Wagstaffe, Chief Executive
Wednesday, 5 June 2024*

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

Details of the procedure are provided below:

For those wishing to speak:

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

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

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

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

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

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



1. APOLOGIES FOR ABSENCE

2. 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.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

- 4. 24/0120/FUL - VARIATION OF CONDITION 1 (PLANS) PURSUANT TO PLANNING PERMISSION 23/1809FUL TO INCLUDE ALTERATIONS TO THE DESIGN OF PLOT 3 TO INCREASE FOOTPRINT OF DWELLING AT GROUND AND FIRST FLOOR LEVEL, AS WELL AS ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS, ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS AT PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.** (Pages 5 - 20)

Recommendation: That PLANNING PERMISSION BE GRANTED.

- 5. 24/0187/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY DETACHED DWELLING WITH BASEMENT LEVEL AND ACCOMMODATION IN THE ROOFSPACE SERVED BY SIDE ROOFLIGHTS WITH ASSOCIATED PARKING AND LANDSCAPING WORKS AT 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.** (Pages 21 - 30)

Recommendation: That Planning Permission be refused.

- 6. 24/0215/FUL - CHANGE OF USE OF EXISTING PLAYROOM AND GARAGES INTO HABITABLE ACCOMMODATION TO PROVIDE TWO-BEDROOM DWELLING AND ASSOCIATED WORKS TO PROVIDE AMENITY SPACE, REFUSE STORAGE AND PARKING AT 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP** (Pages 31 - 66)

Recommendation: That Planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordance housing contribution).

- 7. 24/0267/FUL - CONSTRUCTION OF SINGLE STOREY DETACHED 'DRY ZONE' BUILDING AT BURY LAKE, THE AQUADROME, FROGMOOR LANE, RICKMANSWORTH.** (Pages 67 - 88)

Recommendation: That subject to no new material considerations being raised and the recommendation of approval/no objection from the Environment Agency (EA) that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to

conditions as set out below and any additional conditions as requested by the EA.

8. **24/0338/FUL – CONSTRUCTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION; RAISED REAR PATIO, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FRONT ROOFLIGHTS; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP** (Pages 89 - 100)

Recommendation: That Planning Permission be granted.

9. **24/0426/FUL - ALTERATIONS TO EXISTING PARKING INCLUDING THE PROVISION OF ADDITIONAL HARD SURFACING TO FACILITATE THE CREATION OF ADDITIONAL PARKING SPACES AND INSTALLATION OF TIMBER BOLLARDS AND KERBS AT STREET RECORD, SCHOOL MEAD, ABBOTS LANGLEY, HERTFORDSHIRE** (Pages 101 - 118)

Recommendation: That Planning Permission be GRANTED subject to conditions.

10. **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

PLANNING COMMITTEE – 23rd May 2024

24/0120/FUL - Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works at PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.

Parish: Batchworth Community Council Ward: Rickmansworth Town
Expiry of Statutory Period: 22.03.2024 (Extension of Time: 28.05.2024) Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to insufficient information on the changes proposed and concerns regarding the impact of the development on surrounding neighbouring properties.

To view all documents forming part of this application please go to the following website:
[24/0120/FUL - Variation of Condition 1 \(plans\) pursuant to planning permission 23/1143/FUL \(Variation of Condition 1 \(Plan Numbers\) pursuant to planning permission 23/0856/FUL \(Variation of Condition 1 \(Plan Numbers\) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2\) to include alterations to the approved design and layout to Plot 1\) to include alterations to Plot 3, alterations to front driveway, provision of raised rear patio with associated front /rear landscaping works | Plot 3, Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire](#)
(threeivers.gov.uk)

1 Relevant Planning History

- 1.1 16/1669/OUT - Outline Application: Construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access (appearance, landscaping and scale reserved) – Permitted October 2016.
- 1.2 19/1483/AOD - Approval of Details: Details pursuant to Condition 1 of Outline Permission 16/1669/OUT comprising appearance, landscaping and scale for construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access – Refused October 2019 for the following reasons:

R1: The development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. Furthermore, it has not been demonstrated that the proposed mix of housing is appropriate with regard to housing needs. The development therefore fails to meet the requirements of Policies CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R2: The proposed dwellings by virtue of their siting (close proximity to flank boundaries), scale and design including crown roof forms would result in a cramped and contrived form of development which would have a significant detrimental impact on the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3: The proposed dwellings, by virtue of their scale and design would result in an oppressive and overbearing form of development which would also result in actual and perceived levels of overlooking to the detriment of the residential amenities of adjacent

neighbouring occupiers. The development would therefore fail to accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R4: In the absence of sufficient information, it has not been demonstrated that the development would safeguard the protected trees and trees of visual importance on site. Therefore necessary consideration and appropriate mitigation cannot be given to mitigate the adverse impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

R5: The proposed development has failed to demonstrate that there would be adequate provision for the storage and collection of refuse and re-cycling, contrary to the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

An appeal was lodged and subsequently allowed. Pins Ref. APP/P1940/W/19/3242846
LPA Ref. 19/0051/MATREF.

- 1.3 22/0095/NMA – Non-Material Amendment to planning permission 19/1483/AOD: Revision of Plot 2 in relation to the garage so that it accords with approved site layout plan, amendments to front elevations to facilitate lowered entrance area and alterations to internal layouts – Refused February 2022.
- 1.4 22/1231/DIS – Discharge of Condition 5 (Construction Parking Plan) and Condition 7 (Arboricultural Method Statement) pursuant to planning permission 16/1669/OUT – Determined September 2019; conditions 5 and 7 discharged.
- 1.5 22/2076/DIS - Discharge of Condition 6 (Tree Protection Measures) pursuant to planning permission 16/1669/OUT – Determined November 2022; condition 6 discharged.
- 1.6 23/0856/FUL - Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2 – Permitted August 2023; under construction.
- 1.7 23/1143/FUL - Variation of Condition 1 (Plan Numbers) pursuant to planning permission 23/0856/FUL (Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2) to include alterations to the approved design and layout to Plot 1 – Permitted September 2023 under construction.
- 1.8 23/1809/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 23/1143/FUL to alter approved dwelling including lowering eaves height, alterations to dormers, addition of solar panels, alterations to design of rear projection and alterations to fenestration – Permitted December 2023, under construction.

2. Description of Application Site

- 2.1 The application site forms a parcel of land to the rear of three residential dwellings fronting Old Chorleywood Road; Woodlands, Dell House and Banstead Down. Planning permission was granted for the construction of three detached dwellings under application 16/1669/OUT, with details approved on appeal under application 19/1483/AOD. The application site is a construction site and HERAS fencing is in place to protect the trees in and around the site.
- 2.2 This application specifically relates to the most northern parcel of land within the application site, known as Plot 3. Plots 1 and 2 are positioned immediately to the south. To the south of the application site is Millen House, a detached two-storey property approved under application 16/1668/OUT which shares the same access road from Old Chorleywood Road

as Plots 1-3. To the west are 131-137 The Drive comprising detached dwellings with rear gardens of some 17m - 20m in depth. To the north is 4 Goosefields, a detached dwelling with a rear garden depth of around 13m.

2.3 The site is rectangular in shape and is steeply sloping from the east down to the rear gardens of the adjacent properties on The Drive to the west.

3. Description of Proposed Development

3.1 This application seeks planning permission for the Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works.

3.2 The following changes are proposed:

- Increase the depth of the rear central projection at ground floor level by 2m. This additional element would have a mono-pitched roof measuring 3.6m, sloping down to an eaves height of 3m.
- Increase to the depth of the north flank elevation at both ground and first floor level. An increase of 5.5m at ground floor level and an increase of 3.1m at first floor level.
- Alterations to the roof form to create a larger crown roof.
- Land level changes to the front of the dwelling to expose more of the lower ground floor level and insertion of two high level windows within the principal elevation.
- Replacement of front dormer with a gabled vaulted entrance hallway.
- Formation of a new external stepped entrance down to the new hallway.
- Change the external appearance of the dwelling to light/buff colour facing brick to all elevations with grey finish to the roof.
- Additional fenestration at ground and first floor level within flank elevations. With all fenestration to be grey colour.
- Minor alterations to fenestration at first floor level within rear elevation.
- Insertion of two rooflights to south flank roofslope.
- A raised patio is proposed to the rear of the dwelling. The patio would have a staggered depth and would extend the full width of the dwelling. The patio would extend out at ground floor level of the dwelling before stepping down into the garden area.

3.3 The application seeks to replace the approved drawings numbered OCWR- 005 REV-1 and OCWR 007 with AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010.

3.4 During the course of the application process additional plans, section drawings and 3D visuals were provided to aid the assessment of the proposed changes. The plans also included a change to the depth of the proposed patio reducing it from 5m across the full width to a staggered layout to facilitate a reduced depth along the flanks.

4. Consultation

4.1 Statutory Consultation

4.2 Batchworth Community Council: [Objection]

Batchworth Community Council very strongly objects to this application. Full appreciation of the changes to the original drawings is difficult as there are no dimensions and no comparison outlines between the two plan sets. Overall the sunken 2.5 floor dwelling has become an overbearing 3 full story building which is a total overdevelopment of the site.

Taking the plans floor by floor the increase in ground in floor space effectively doubles the size and further cuts into the hill side. Whilst the ground floor increase is not taken to the first floor the increase in usable space is carried up into the 3rd floor with the increase in the roof height which will almost guarantee that the upper storey will be able to overlook all the surrounding houses.

The introduction of a raised patio without full detail will allow plot 3 to overlook all of plot 1 and 2 and may even overlook the houses on the Drive below. The patio and separate garage also increases the overall amount of hard standing that this overall triple site overdevelopment will already have, the consequence of which could be as outlined in the survey reported as part of the objection raised to the 19/1483/AOD by number 33 below on the Drive. Unless proper drainage is installed the surface water runoff can only go downhill.

Batchworth Community Council wish to call this application in unless officers are minded to refuse.

Officer comment: Following receipt of the above comments, officers engaged in discussions with the applicant which resulted in the submission of additional plans and 3D visuals to reduce the size of the patio and enable a more detailed assessment on the impact of the patio to surround neighbouring amenity.

4.2.1 National Grid: No response received at time of writing.

4.3 Public/Neighbour Consultation

4.3.1 Number consulted: 10

4.3.2 No of responses received: 1 objection.

4.3.3 Site notice: Not required.

- Concerns regarding raised patio and potential for overlooking into neighbouring gardens.

5. Reason for Delay

5.1 Receipt of amended plans

6. Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include Chapter 2 and Chapter 4.

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5.

6.3 Other

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

National Planning Policy Guidance.

7. **Planning Analysis**

7.1 Background

7.1.1 Outline planning permission was granted under application 16/1669/OUT for the construction of three detached dwellings to include the reuse of the existing access from Old Chorleywood Road. A Reserved Matters application referenced 19/1483/AOD was approved on appeal for approval of details comprising appearance, landscaping and scale. (PINs Ref: APP/P1940/W/19/3242846 and LPA Ref: 19/0051/MATREF).

7.1.2 Works commenced in 2022 and a number of Section 73 applications have been subsequently approved, permitting changes to Plots 1 and 2 - the latest being 23/1809/FUL. This application relates solely to Plot 3 and no other changes are proposed to Plots 1 and 2 under this application.

7.1.3 The principle of works has therefore been approved and this application will solely focus on the acceptability of the changes proposed to Plot 3. The changes are listed at paragraph 3.2 above.

7.2 Design, impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council

will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. Crown roofs can exacerbate the bulk and massing of properties and are generally discouraged in favour of more traditional pitched roof forms.

7.2.3 With regards to size and scale of the proposed dwelling, regard is had to the comments made by the Inspector in determining the appeal for application 19/1483/AOD (APP/P1940/W/19/3242846). The comments on the scale and layout of the dwellings were as follows:

“10. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the topography, boundary treatment and mature landscaping along the boundaries of the site, the proposal would only be visible over short distances from the adjacent properties and in limited glimpses between the buildings when passing the rear of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.

11. Turning to the scale and layout of the development. The layout of the development accords with the previously approved details from the outline planning application. The proposed dwellings would be seen in the context of the surrounding large two storey detached properties, including the large two storey detached dwelling with a catslide crowned roof at Millen House in the backland location immediately to the south of the site.

12. Against this backdrop, the scale, form and layout of the proposed dwellings would not look out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The design and layout of the proposed dwellings, set back and stepped down, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.

13. Consequently, I conclude that the proposed development would not cause significant harm to the character and appearance of the area. It would be consistent with the overall design aims of Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS), and Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document 2013 (DMP). These policies seek, amongst other things, to ensure that development proposals are of a high standard of design that have regard to the local context and conserve and enhance the particular character and quality of an area.”

7.2.4 Plot 3 is the most northern dwelling on site, to be built within a row of the three properties and the furthest from the access road. The proposed development would result in an increased footprint to the dwelling within Plot 3; however, the overall width of the dwelling would remain as previously approved, with only the central projection within the rear elevation which will be increased in depth. The increase is only 2m to bring it relatively in line with the rear elevation of the dwelling in Plot 2. As a consequence of this, the roof form of the dwelling will be altered including an increase in ridge height and a larger crown roof. Whilst it is increased in size, it is located centrally and set between the hipped roof which lessens its impact. During the application process an indicative street scene plan was

provided to show how the altered dwelling in Plot 3 would appear alongside Plots 1 and 2. The plan shows that the ridge of Plot 3 would be set higher than those of Plots 1 and 2 but given the separation distances and the hipped roof forms the differences in ridge heights would not be readily noticeable.

- 7.2.5 The raised patio area would be located behind the dwelling, it would extend the built form into the garden but there would still be an area laid to lawn between the dwelling and the rear boundary (approximately 12 metres) and the patio is considered proportionate to the dwelling and size of the plot.
- 7.2.6 Furthermore, when considering the positioning of the dwelling at the end of a private access road, set back a significant distance from Old Chorleywood Road and on a lower land level, there would be limited visibility of the dwelling from wider views on Old Chorleywood Road, Chorleywood Road or The Drive. Lastly, when considering the above comments of the Planning Inspector in respect to the character of the area and the design of the appeal scheme, it is not considered that the proposed development would result in unacceptable impact to the surrounding character of the area or the street scene.
- 7.2.7 This the fourth Section 73 application following the grant of Approval of Details application 19/1483/AOD but the first in connection with Plot 3. It is acknowledged that the guidance contained in the NPPG states that *'it is important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality'* (Paragraph: 015 Reference ID: 26-015-20191001). For, the reasons set out above it is not considered that the proposed changes would diminish the quality of the development such that planning permission should be refused.
- 7.2.8 As such, it is not considered that the proposed development results in any adverse impact to the character and appearance of the host dwelling or street scene and is acceptable in accordance with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.'
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.3.3 With regards to overlooking the Design Criteria states that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved, between the faces of single or two storey buildings backing onto each other. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations. In addition, windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.3.4 In respect of impact to surrounding neighbouring properties the appeal Inspector in respect of the appeal scheme (APP/P1940/W/19/3242846) stated the following:

“Whilst I accept that there would be some impact from the development, given the overall height and design of the proposed dwellings, set back and stepped down, together with the landscaping, boundary treatment, site levels and the separation distances between the properties, I consider that the proposed dwellings would not result in significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden area at the rear of the adjacent properties at No.s 131, 133 and 135 (The Drive), nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of Nos. 131, 133, 135 and No.4 Goosefields.”

- 7.3.5 The proposed alterations would result in the distance between the dwelling in Plot 3 and the rear boundary shared with 129 The Drive to be reduced - the distance would now be slightly under 16m. As originally approved this distance was approximately 18m. When factoring in the raised patio area, this distance would reduce to 12m at its closest point. Whilst the distance would be reduced, there is no change to the fenestration detail contained within the rear elevation and the raised patio would not give rise to any additional views towards The Drive when considering the approved fenestration within the rear elevation. A gap of approximately 40m would remain between the rear of the dwelling in Plot 3 and 129 The Drive which directly backs onto the application site. This distance would continue to exceed the 28m guidance detailed within Appendix 2. The alterations would not increase any harm regarding overlooking in comparison to the appeal scheme and the existing boundary treatment comprised of mature vegetation, tree coverage and screening in the form of close boarded fencing along the rear common boundary line would prevent any unacceptable levels of actual overlooking.
- 7.3.6 As previously mentioned, the proposed development would not increase the width of the dwelling and thus the distance to 4 Goosefields and 5 Bankside Down to the north and north-east respectively would remain as approved. Whilst there would be an increase the depth of the northern flank adjacent to 4 Goosefields, it would not be extending any closer to the boundary and a separation distance of approximately 21m would be retained. The ridge height of the new dwelling would be increased but its highest point would be hipped away from the common boundary with this neighbour. Similarly, 5 Bankside is located approximately 25m north-east of the proposed dwelling. As such, when factoring in the Inspector’s comments above, it is not considered that the amended scheme would give rise to any unacceptable impacts towards these neighbouring properties and is therefore considered acceptable. A condition is attached requiring the first-floor windows installed within the flank elevations to be fitted with obscured glazed and non-opening below 1.7m above internal floor level of the rooms they serve. Likewise, a condition would be attached requiring rooflights to be 1.7m above internal floor level of the room they serve.
- 7.3.7 Concerns were received regarding the rear patio and therefore officers sought further clarification from the applicant on the proposed patio so an assessment of its impact Goosefields could be fully understood. Additional plans were received which reduced the depth of the patio adjacent to the shared boundary with Goosefields. The patio would have a height of 2m at its deepest point; however, it would be off-set from the shared boundary with Goosefields by 3m. A total distance of 21m to the rear elevation of this neighbour would be maintained. Visibility of this neighbouring property is limited due to the existing vegetation and trees such that the patio would not appear unduly prominent or give rise to unacceptable levels of overlooking. The plans also detail the provision of a 1.8m high planting screen along the northern flank of the patio and a condition is attached to the recommendation requiring details of the screening to be submitted. 3D visuals of the rear patio have been provided which also show how the development would be viewed in the context of the site. When considering the amendments to the depth of the patio and the site circumstances it is not considered that any unacceptable levels of overlooking would occur to the detriment of Goosefields.
- 7.3.8 With regards to impact on the neighbouring Plot 2, this is the middle dwelling in the row of properties in this development site. The dwelling is currently under construction and is sited on a relatively similar land level to Plot 3. The submitted plans detail that planting screen at

1.8m in height would be erected along the edge of the patio adjacent to this neighbour which would prevent any direct overlooking, Furthermore, given the relatively uniform land level change towards the rear of there would mutual levels of overlooking towards the rear most parts of the site between each of these new properties. However, a condition requiring submission of details of boundary treatments would be submitted prior to occupation. As such, it is not considered the proposed patio would give rise to unacceptable overlooking towards Plot 2. With regards to the other major changes to Plot 3, they are primarily located to the north flank of the dwelling and would not impact on Plot 2.

7.3.9 Lastly, due to the siting of the dwelling on a lower land level those properties fronting Old Chorleywood Road, a distance of approximately 14m would exist between the front elevation of Plot 3 and the rear boundary of Banstead Down directly in front, along with a total distance of 40m to the rear elevation of this neighbour. The increase in height would not increase the prominence of the dwelling in Plot 3 relative to Banstead Down to result in harm to the residential amenities of this neighbour. Whilst the dwelling appears as three storeys; it would actually be read as a chalet style bungalow when viewed from Banstead Down due to the land levels and the sunken floors of the proposed dwelling.

7.3.10 In conclusion, is not considered that the proposed development would result in demonstrable harm to the residential amenities of neighbouring properties and the development is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD states that 'amenity space must be provided within the curtilage of all new residential developments'. The Design Criteria at Appendix 2 provides indicative levels of amenity space which should be attained as individual gardens. A four-bedroom dwelling should provide 105sq. metres of amenity space with an additional 21sq. metres per additional bedroom.

7.4.2 The proposed dwelling would contain six bedrooms requiring 147sqm of amenity space. The dwelling would benefit from large private amenity space measuring approximately 270sqm which would exceed the indicative level for a dwelling of this size and is considered acceptable.

7.5 Highways, Access and Parking

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

7.5.2 Although the number of bedrooms would be increasing from four to six, the proposed development would not increase the parking requirements for Plot 3 which would remain at three off-street parking spaces. The dwelling would continue to benefit from a detached garage and a driveway which would provide sufficient off-street parking provision in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local

amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.6.2 No trees would be affected as a result of the proposed development. Works have commenced on site and tree protection measures approved under application 22/2076/DIS are in place and are required to be maintained throughout the period of construction.

7.7 Wildlife and Biodiversity

7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.7.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

7.8 Conditions

7.8.1 It is considered necessary to repeat all conditions attached to planning permission 23/1809/FUL to any planning permission granted under this application. Some of the conditions have been updated or removed in accordance with this planning application.

Recommendation

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

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2219-142-S01, OCWR RM001, OCWR001 Rev. B, OCWR RM 002, OCWR002, WDB2016R2, PD.02.04 (dated 17.08.2023), AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, and AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010, 2860-03 REV-W, 2860-04 REV-J and 2860 – 10 REV-B.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF.

C2 All landscape works shall be carried out in accordance with the details approved in the Landscaping Plan (Drawing no. OCWR RM001).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- C3 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained thereafter.

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

- C4 Before the first occupation of the dwellings hereby permitted the first-floor flank windows in the north and south elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C5 Prior to the first occupation of the dwelling within Plot 3, details of soft landscaping scheme including details of planting screen (e.g. evergreen species) to a height of 1.8m as measured from the surface of the rear patio to be erected to flanks of the rear patio and its future management shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation of the dwelling in accordance with the approved details and maintained as such thereafter.

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

- C6 The rooflights hereby permitted within the roofslopes of the dwellings shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

8.2 **Informatives:**

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

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

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

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

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

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

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

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

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

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

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 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.

This page is intentionally left blank





PLANNING COMMITTEE – 23 May 2024

24/0187/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works at 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD, HERTFORDSHIRE, WD19 4LF.

Parish: Watford Rural Parish Council
Expiry of Statutory Period: 23.05.24
Extension agreed to 28.05.24

Ward: Oxhey Hall and Hayling.
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on parking, highway safety and character.

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

[24/0187/FUL | Demolition of existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works. | 2 Brookdene Avenue Oxhey Hall Watford Hertfordshire WD19 4LF \(threerivers.gov.uk\)](#)

1 Relevant Planning

- 1.1 03/1265/FUL - Part two, single storey rear extension – Permitted.
- 1.2 08/1782/FUL - Renewal of planning permission 03/1265/FUL: First floor, two storey and single storey rear extensions – Permitted.
- 1.3 22/1948/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3 metres, maximum eaves height 2.87 metres) – Refused for the following reason:

The proposed single storey rear extension would directly adjoin and be physically attached to an existing single storey side extension as well as an existing two storey rear extension. Consequently the proposed extension exceeds the limitations of Classes A.1 (g)(ii), (h)(i), (i), (j)(i), (j)(ii), (j)(iii) and (ja) as the total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). Consequently planning permission is required and Prior Approval cannot be given for the extension.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the southern side of Brookdene Avenue, Oxhey Hall. The application site contains a detached two storey dwelling finished in a white painted rough render. The existing dwelling has a two storey front bay projection, front porch, single storey side projection and has undertaken part single, part two storey rear extensions.
- 2.2 Land levels slope upwards slightly towards the rear of the site. To the rear of the existing dwelling is a patio with the majority of the garden laid as lawn. To the front is a block paved driveway.
- 2.3 The neighbour at No.4 to the east is a detached two storey dwelling built of a similar scale and architectural style to the application dwelling. This neighbour is sited at a slightly higher land level. They have existing part single, part two storey rear projections which extend roughly in line with the application dwelling.

- 2.4 The neighbouring properties to the west along Hampermill Lane are orientated at right angles to the application site such that their rear gardens adjoin the flank boundary of the application site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and construction of two storey detached dwelling with basement level and accommodation in the roofspace served by side rooflights with associated parking and landscaping works.
- 3.2 The existing dwelling would be demolished to facilitate the construction of a new two storey (plus basement and loft accommodation) detached dwelling.
- 3.3 The proposed new dwelling would have a maximum depth of 13.5m at two storey level and 22.6m at ground floor level. It would have a width of 7.7m. To the rear the single storey projection would have a depth of 8m and to the front the 13.5m two storey depth includes a two storey front projection with a depth of 1.3m closest to the western boundary. The proposed new dwelling would be sited 0.5m from the eastern flank boundary and 1.2m from the western flank boundary. An open canopy porch projection is also proposed which would have a depth of 0.7m and would extend across the two storey front projection. It would have a height of 2.9m. The proposed dwelling would have a pitched roof with ridge running front to back with a length of 12.6m and front and rear gables. It would have an overall height of 8.5m and an eaves height of 5.2m. The proposed single storey rear projection would have a flat roof with a height of 2.8m. The proposed two storey front projection would be set down 1.4m from the main ridge.
- 3.4 A lower ground floor basement is also proposed which would sit beneath the footprint of the ground floor. It would be 2.6m below ground level. External access would be created to the rear to the patio with glass above to provide light to the lower ground floor level. A 1.4m deep section of walkway would be created across the width of the basement to the rear to allow access out to the steps. A void (lightwell) would also be created to the front within the 'L' shape of the front elevation which would be enclosed by glass balustrading which would have a height of 1m.
- 3.5 Loft accommodation is also proposed which would be served by a second floor window in the rear gable and 3 flank rooflights.
- 3.6 The proposed dwelling would be finished in white painted render with dark grey slate effect roof tiles and grey framed aluminium double glazed windows.
- 3.7 The plans submitted indicate that the existing block paving would be retained to the frontage to provide on site parking for 2 cars and to the rear a patio would be created stepping up to the existing rear lawn.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Watford Rural Parish Council: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 13.
- 4.2.2 Responses received: 6 objections (including one from a local residents association).
- 4.2.3 Summary of objections:

Loss of privacy.
Overlooking.
Adverse impact on well being/enjoyment of home.
Flank window should be obscure glazed/top level opening.
Unacceptable impact on character.
Less than 1.2m from the boundary contrary to Appendix 2.
Basement too close to protected tree.
Structural concerns from excavation.
Dust from construction.
Concerns regarding highway safety from construction vehicles.
Construction Management Plan should be required by condition.
Overdevelopment.
Flood risk from basement.

Officer comment: Structural damage from works is not a material planning consideration. This would be a civil matter. All other material considerations raised will be addressed in the analysis section below.

4.2.4 Site Notice: Expired 30.04.2024.

4.2.5 Press Notice: Not required

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

6.4 Other

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

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

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

7 Planning Analysis

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

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 The application site is not within a Conservation Area nor is the existing dwelling a designated or non designated heritage asset. As such the principle of its demolition is not objected to.
- 7.1.3 Whilst this application includes a replacement dwelling rather than extensions some of the relevant guidance in Appendix 2 is considered a useful tool in the assessment of impact in this respect.
- 7.1.4 Appendix 2 of the DMP LDD outlines that increases in ridge height will be assessed on their own merits but are unlikely to be supported where there is uniformity in the style, height and appearance in the streetscene.
- 7.1.5 The indicative streetscene which accompanies the application shows that the new dwelling would have a ridge height 0.8m higher than the neighbour at No.4. As existing the ridge heights of the application dwelling and this neighbour are roughly in line. Brookdene Avenue does not have uniformity in the height, style or appearance of ridges and the siting of the application site at the end of the street with no immediate neighbour to the east is also noted. Furthermore the difference in ridges between the neighbour at No.4 and that at No.6 would be roughly comparable to the new relationship between No.4 and the new dwelling. Thus an increase in ridge height or replacement dwelling with a higher ridge may not be, in isolation, harmful, however in this case adds to the cumulative unacceptable impact of the dwelling as is discussed further below.

- 7.1.6 Appendix 2 of the DMP LDD outlines that development should maintain a flank to boundary spacing of 1.2m at first floor level. An absolute minimum of 1m may be considered in areas of higher density.
- 7.1.7 The proposed new dwelling would be set in 1.2m from the eastern boundary but only 0.5m from the western boundary with No. 4. The proposed dwelling would therefore would fail to achieve even the minimum spacing required. It is noted that the existing first floor flank achieves ample spacing and therefore this cannot be used as justification.
- 7.1.8 The proposed dwelling by virtue of its width and resultant lack of spacing to the western flank boundary would fail to sit comfortably within plot. The overall cramped nature of the proposed new dwelling is further exacerbated by the height of the new dwelling which would lead to undue virtual emphasis. The resultant front gable feature would have some visual interest from the two storey bay feature however the dominant and predominantly unarticulated main front elevation would give rise to an unduly prominent and incongruous form of development within the streetscene. It is noted that the proposed new dwelling would have a comparable depth at two storey level to the existing dwelling however would be higher and wider therefore resulting in an increased bulk and massing of the flanks. Whilst the proposed first floor depth may be comparable to the existing dwelling, the introduction of front and rear gables, at an elevated height significantly increases the upper mass and bulk at roof level. There is existing screening to the eastern side of the site which limits some views of this side of the dwelling from public vantage points however vegetation cannot be relied upon for screening and in any event would not mitigate the unduly prominent and incongruous appearance of the new dwelling. Direct views would be had of the proposed dwelling from the frontage and to the western side of the site where there is a significant amount of spacing due to the site's position as the first on this side of the road. The excessive depth would be visually prominent and would fail to respect the character of the area.
- 7.1.9 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings. The proposed single storey rear projection would have a depth of 8m from the proposed two storey rear elevation. Whilst the flat roofed nature of this element is noted as is the siting set in from the boundary, the resultant overall ground floor footprint would be excessively deep in relation to the existing dwelling and the immediate locality. Whilst there are examples of single storey rear projections in the area, given that the proposed projection would be twice as deep as the guidance of Appendix 2 this is further indicative of the excessive scale of the proposed new dwelling.
- 7.1.10 There is variety within the streetscene of Brookdene Avenue in terms of the design of dwellings and evidence of extensions. However each site must be assessed on its own individual merits and it is not considered that there are any examples evident in the locality which would justify the unacceptable nature of the proposed new dwelling in this case.
- 7.1.11 The proposed basement would be fully subterranean and with the exception of the glass balustrading to the front and steps to the rear would not be readily apparent. It is not considered that the glass balustrading owing to its siting and modest height of 1m would appear as an incongruous or unduly prominent feature within the streetscene. Therefore it is not considered that the proposed basement would, in itself, be harmful.
- 7.1.12 The proposed new dwelling would include flank rooflights which would be visible from some public vantage points. However it is not considered that these features would appear incongruous additions to the streetscene where other rooflights are evident and would not be excessive in their scale or number.
- 7.1.13 The proposed landscaping arrangements would reflect those which currently exist and the character of the wider locality. The existing block paving would be retained to the front albeit of a slightly reduced area.

- 7.1.14 By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Whilst this application seeks to replace the existing dwelling rather than extend it the guidance of Appendix 2 is still considered a useful tool in assessing the impact of the new dwelling on neighbouring amenity.
- 7.2.3 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.4 When taken from the point on the boundary level with the two storey rear projection of No.4 the proposed new dwelling would not intrude a 45 degree splay line. It is also noted that the proposed dwelling would have a two storey flank closer to the shared boundary than that which exists (by approx. 1.8m). Nevertheless the proposed flank would be set in 0.5m from the boundary and the two storey section of the proposed new dwelling would not extend beyond the two storey elevations of this neighbour. Given this in addition to the roof form of the new dwelling pitching away from the boundary it is not considered that the two storey section of the new dwelling would give rise to an unacceptable impact by virtue of an overbearing impact or loss of light.
- 7.2.5 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached properties should not generally exceed a depth of 4m. The main two storey rear elevation of the neighbour at No.4 extends roughly in line with that of the application dwelling. They also have a single storey rear projection. The proposed single storey rear element of the new dwelling would have an overall depth of 8m however would extend approximately 4.7m beyond the rear elevation of the neighbour. When applying the guidance of Appendix 2 from the rear extension of this neighbour the proposed single storey element would exceed the guidance by approximately 0.7m. However given that it would be set slightly in from the boundary (by 0.5m) and would have a modest flat roof form it is not considered that overall this element would result in an unacceptable overbearing impact or loss of light to this neighbour so as to result in demonstrable harm to the amenity of this neighbour.
- 7.2.6 The neighbouring properties along Hampermill Lane are orientated such that their rear gardens adjoin the western flank boundary of the application site. It is acknowledged that the proposed new dwelling would be, overall, of a greater scale than that which currently exists. However these neighbours have rear gardens approx. 30m in length and the proposed dwelling would be set in 1.2m from the boundary to this side. Whilst the proposed dwelling would be visible to these neighbours, given the separation distances it is not considered that it would result in harm to their amenity by virtue of an overbearing impact or loss of light.

- 7.2.7 The proposed basement would be fully subterranean with the exception of glass balustrading to the front elevation to enclose the lower ground floor void and the staircase up to the garden level. In light of this it is not considered that the proposed basement would result in harm to neighbouring amenity.
- 7.2.8 Some additional views could be afforded to neighbouring gardens from the second floor rear window. However these would be angled towards their rearmost part of their gardens as opposed to direct views towards windows or patio areas. Furthermore it is not considered that the proposed development would result in views which would comprise unacceptable overlooking when compared with those which could be had from the existing first floor windows.
- 7.2.9 In the event of a recommendation for approval the proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflights conditioned to have a cill height of above 1.7m in order to prevent actual or perceived overlooking.
- 7.2.10 In summary, subject to conditions, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application in this regard and the development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3 Highways & Parking
- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces.
- 7.5 The existing dwelling has 4 bedrooms and provides two off street car parking spaces, a shortfall of one. Following the proposed development the site frontage would retain 2 parking spaces and as such would still have an overall parking shortfall of one parking space.
- 7.6 Given that there would be no change over the existing site circumstances either in terms of the level of parking required (based on Appendix 5 standard) or the shortfall (1 space in both the case of existing and proposed) it is not considered that the proposal would result in demonstrable harm in this regard.
- 7.7 Rear Garden Amenity Space
- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Appendix 2 requires 126sqm to be provided for a 5 bedroom dwelling. The application site would retain approx. 340sqm of amenity space and as such would comply with Appendix 2 in this respect.
- 7.8 Trees & Landscape
- 7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 There is protected tree (TPO 281 Weeping Willow) within the neighbouring garden to the east along Hampermill Lane (No.21). However it is set off the boundary with the application site into the garden of the neighbour. Owing to the separation distances it is not considered that the proposed new dwelling or basement would result in undue direct root severance to adversely impact the long term or short term health of the tree. Furthermore the siting of the canopy is such that felling or lopping would not be required to facilitate the proposed development.

7.9 Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1 By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

8.2 Informatives

I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.





PLANNING COMMITTEE – 23 May 2024

24/0215/FUL - Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking at 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP (DCES)

Parish: Croxley Green Parish Council
Ward: Dickinsons
Expiry of Statutory Period: 28.05.2024 (agreed extension) Case Officer: Lauren Edwards.

Recommendation: That Planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordability housing contribution).

Reason for consideration by the Committee: The application was called in by three members of the planning committee and the Parish Council due to local concern regarding overdevelopment of the site, access and parking.

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

[24/0215/FUL | Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking. | 39 Watford Road Croxley Green Rickmansworth Hertfordshire WD3 3DP \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0215/FUL|Change%20of%20use%20of%20existing%20playroom%20and%20garages%20into%20habitable%20accommodation%20to%20provide%20two-bedroom%20dwelling%20and%20associated%20works%20to%20provide%20amenity%20space,%20refuse%20storage%20and%20parking.%20|%2039%20Watford%20Road%20Croxley%20Green%20Rickmansworth%20Hertfordshire%20WD3%203DP)

Relevant Planning History

- 1.1 23/0889/FUL - Change of use of existing playroom and garages into habitable accommodation to provide two-bedroom dwelling and associated works to provide amenity space and refuse storage – Withdrawn.

Planning history relating to No.39 Watford Road

- 1.2 09/0314/FUL - Single storey rear extension with rooflight – Permitted.
- 1.3 08/2103/FUL - Conversion of dwelling into three flats and single storey rear extension – Refused. Appeal allowed. Implemented.

2 Description of Application Site

- 2.1 The application site pertains to a ‘L’ shaped parcel of land on the northern side of Watford Road, Croxley Green. The existing site includes an access to the eastern side of No.39 that extends along the eastern flank of No. 39 before increasing in width to the rear where there is an area of hardsurfacing in front of a single storey detached building. The existing building includes a playroom and WC and garage space for 2 cars and from the site visit appears to be mainly used for storage (it is understood by the applicant). The application site is separated from adjacent sites (including No. 39) by approximately 2m high timber fencing and there are metal gates to the frontage of the access.
- 2.2 ‘No.39’ is included within the blue line of the application site as it is within the ownership of the applicant. This is a two storey semi-detached building which currently accommodates three flats.
- 2.3 To the east is Lindiswara Court which is a three storey flatted block. The vehicular access serving this development runs along the boundary with the application site. To the north of

the site are the rear gardens of the neighbouring dwellings fronting Dickinson Avenue. To the west is No.37 Watford Road which is a two storey semi-detached dwelling.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for the change of use of existing playroom and garages into habitable accommodation to provide a two-bedroom dwelling and associated works to provide amenity space, refuse storage and parking.
- 3.2 The physical form of the existing building would remain as existing. Internally the building would be converted into a two bedroom dwelling with a bathroom and open plan kitchen, living / dining room. The existing garage doors would be replaced with 2 x two casement windows to serve the bedrooms. The rear door would also be replaced with French doors to serve Bedroom 1.
- 3.3 To the front of the building an existing area of the hardsurfacing would be laid as lawn and enclosed with 1.8m high closed boarded fencing to provide a private garden. Hardstanding would be retained to the eastern and south edges to provide access and parking.
- 3.4 Refuse and recycling bins are proposed to be stored on the area of hardstanding to the south of the new garden.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC object to the application due to it being an overdevelopment of the site, having insufficient parking, and no access for emergency vehicles. Application is also in contravention of the Local Plan due to it being backland development. If the Officer is minded to approve the application, CGPC request that it is called into the TRDC Planning committee for review.

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

Recommendation

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

Highway Informatives

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

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

Further information is available via the County Council website at:

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

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

Comments

The application comprises of the conversion of an existing double garage into habitable accommodation at the above address. Watford Road is designated as an classified A main distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.

There is an existing vehicle crossover / dropped kerb providing access to the property and the application does not include any altered or new vehicle access. The access to the existing garage / proposed new dwelling is a minimum width of 2.7m which (whilst tight) is acceptable to provide access to one dwelling (and in the case of this application a driveway for 2 vehicles).

HCC as Highway Authority would not have an objection to the overall size and nature of the proposals and there would remain a driveway with sufficient space for cars to park at the front of the existing dwelling and to the rear. Although the garage conversion would mean that the garage would no longer be available for parking, the effect would not be significant when taking into consideration the remaining driveway(s) for parking.

Emergency Vehicle Access

Parts of the proposed habitable accommodation would be greater than 45m from the highway on Watford Road. Therefore the proposals have been forwarded onto Hertfordshire Fire and Rescue for any comments, recommendations or objections in this respect. This is to ensure that the proposals are accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Conclusion

HCC as Highway Authority has considered that the proposals would not have a significant or negative impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds, subject to the inclusion of the above informatives and comments in relation to the emergency vehicle access.

This matter was referred to HFRS by Highways due to issues of access for firefighting purposes. Although this is an existing building, the change of use alters the level of risk due to the occupancy change. There is now a sleeping risk. The approved document informs that a fire appliance should be able to achieve access to a point that is within 45m of all habitable points of the building, this is not the case for this proposal due to the distance from the highway to the building and the width of the side access being less than the 3.1 m required

Officer comment: Further to the comments received above, confirmation has been received from Herts Fire and Rescue that *“the installation of sprinklers or misting system installed and maintained to the appropriate British Standard would overcome the extended hose laying distance in this instance.”*

4.1.3 National Grid: No response received.

4.2 **Public/Neighbour Consultation**

- 4.2.1 Number consulted: 23
- 4.2.2 No of responses received: 8 objections
- 4.2.3 Site Notice: Expired 11.03.2024 Press notice: Not required
- 4.2.4 Summary of Responses:

- Fire safety/access concerns.
- Parking spaces to the rear incorrectly shown.
- Damage to fence.
- Concerns regarding sewer pressure.
- Out of character.
- Occupants unlikely to object as they rent off the applicant.
- Access will make parking to the frontage difficult.
- Disruption from intensification of use.
- Noise disturbance.
- Increased waste generation/refuse collection.
- Will set precedent.
- Backland development.
- Intrusive.
- Adverse impact on quality of life.
- Concerns regarding storage of building materials.
- Site already overstretched by conversion of building into flats.
- Loss of privacy.

5 Reason for Delay

- 5.1 Committee cycle. Extension of time agreed.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP3, CP4, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

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

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: CA1 and CA2 and Appendix B.

6.4 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of one dwelling on the application site. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

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

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

- 7.1.3 The application site is within a Secondary Centre as set out within the Core Strategy. Policy PSP2 sets out that Key Centres should provide approximately 60% of the District's housing requirements.
- 7.1.4 The application site is not an allocated site for residential development and as such the proposal would be a windfall development. However the application site sits within an established residential area. As such there is no in principle objection to residential development on the site however this is subject to all other material considerations as outlined below.
- 7.2 Housing Mix
- 7.2.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below:
- 1 bedroom 5% of dwellings
 - 2 bedrooms 23% of dwellings
 - 3 bedrooms 43% of dwellings
 - 4+ bedrooms 30% of dwellings
- 7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide one 2-bedroom house which is the second least required within the district and the proposal would not strictly accord with the mix prescribed by Policy CP3 of the Core Strategy. However it is considered that a development of this nature, which proposes one new dwelling, would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
- 7.3 Affordable Housing
- 7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. This is set out further at **Appendix A**. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document. The proposed development would result in a net gain of one dwelling and as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.
- 7.3.2 Based upon a 49.2sqm creation of habitable floorspace multiplied by £750/sqm the development would require a contribution of £36,900 This figure would be index linked from the date of the SPD. As of the March RPI this would be £60,073.20.
- 7.3.3 This application was accompanied by a Financial Viability report which set out that it would not be viable for the scheme to support any contribution towards Affordable Housing. This report was reviewed by the Council's independent viability consultant who initially was of the view that the scheme could support the policy compliant sum. However, following further discussions our consultant agreed that the build costs should be amended but maintained

their position regarding the Benchmark Land Value. The revised figures identified a surplus of £28,557. The applicant has reviewed this and has confirmed in writing they would be willing to enter into a Section 106 agreement to secure this amount. Given that this is maximum viable amount the figure would be index linked from the date of the deed rather than from the date of the SPD.

7.3.4 Subject to the completion of a Section 106 agreement to secure the £28,557 commuted sum, the proposal would accord with Policy CP4 of the Core Strategy (adopted October 2011).

7.4 Impact on Character and Street Scene

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

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

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

7.4.3 Policy CA1 of the Croxley Green neighbourhood plan sets out that new development should seek to conserve the character and appearance of the Character Areas. New development should pay particular attention to the layout and urban grain, especially in the case of back land development. Policy CA2 in respect of subdivision/conversions sets out that regard must be given to additional parking demand and the shared use of gardens.

7.4.4 When considering the scheme against the guidance set out in Policy DM1 and the Neighbourhood Plan, the proposal would form a tandem development. However this is discussed in more detail below. Whilst the dwelling would be accessed to the side of the existing buildings it is not considered to be unduly awkward in its nature. There are similar side vehicular accesses evident within the locality including at Lindwara Court to the immediate east of the site. The proposal given its limited scale would not give rise to excessive levels of traffic nor would it result in the loss of residential amenity (highways and amenity are discussed in more detail below).

7.4.5 As set out above it is acknowledged that the proposed development would be a form of tandem or 'backland' development. However given the presence of the existing access and outbuilding it would not be a true form of backland development within the rear garden of an existing dwelling. The existing built form is already in situ and save for the creation of a

garden would not have any physical changes to the existing site circumstances with the site already physically separated by timber fencing from No. 39. It could even be argued that the creation of a garden and some additional green space would improve the existing situation as there would be a reduction in hard surfacing to the rear. It is noted that the prevailing character of dwellings along the Watford Road is street facing properties with similar plots shapes and sizes. However there are examples of other development including flatted blocks with rear parking areas. Furthermore the existing garden serving the flats is shorter than those which prevail and the site is immediately adjacent to Lindwara Court thus does not sit in the centre of uniformed pairs of semi-detached dwellings with linear gardens/plot shapes. The proposed plot serving the new dwelling would depart from general rectangular shaped plots however given the existing site circumstances and some variation evident within the locality is not considered to appear incongruous such that it would result in harm justifying refusal of planning permission.

- 7.4.6 The alterations to the fenestration of the existing building would not result in unacceptable harm. There are no other physical alterations proposed to the footprint or form of the existing building.
- 7.4.7 It is considered reasonable to require the removal of relevant permitted development rights in order to prevent further extensions to the building or loss of the proposed lawn without the express consent of the LPA.
- 7.4.8 Overall, it is considered that the proposed new dwelling would be acceptable in this regard. The proposal would be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policies CA1 and CA2 of the Croxley Green Neighbourhood Plan.
- 7.5 Impact on amenity of neighbours
- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.5.2 There would be no increase in the built form of the existing building in order to facilitate the proposed development. Whilst windows would be included within the front elevation these would be at ground floor level. Given the existing and proposed boundary treatments together with the separation distances to the neighbouring dwellings along Watford Road it is not considered that the proposed new dwelling would result in harm by virtue of unacceptable overlooking, loss of light or an overbearing impact. The proposed development would not be readily apparent to the neighbouring properties along Dickinson Avenue given that there would be no alteration to the physical form of the existing building.
- 7.5.3 It is noted that the proposed new dwelling could give rise to a minor increase in comings and goings along the access when compared with the existing outbuilding. However owing to the 2 bedroom nature of the single dwelling proposed it is not considered that these would be to a level that would intensify use/activity to such a degree that there would be demonstrable harm to neighbouring amenity. Furthermore it would appear that any flank windows in the existing building serve non habitable rooms so the use of the access slightly more intensely is not likely to result in any unacceptable harm.
- 7.5.4 Overall, it is not considered that the proposed development would result in any significant detrimental impact to the residential amenities of existing neighbouring dwellings. The development would therefore be acceptable in this regard in accordance with Policies CP1

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

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 The existing building at No.39 contains three flats, one has 2 bedrooms and two have 1 bedroom each, therefore No. 39 has an overall requirement for 5.75 spaces (3 assigned). As existing there are 2 parking spaces to the site frontage. The appeal scheme for the original consent for the flats indicates that 4 spaces would have been provided (2 in the garages and 2 in front). However it would not appear that in reality these spaces were made available to occupants and rather two parking spaces have been provided to the site frontage. The block plan submitted indicates that there would be three spaces provided to the frontage of No. 39 therefore each unit would retain 1 space. However it is not clear whether an additional space could be provided without impeding access to the new dwelling. Further details would be required by condition including arrangements for allocation. However overall there is no exacerbation of the existing shortfall in parking.
- 7.6.3 The proposed new dwelling would have 2 spaces and therefore would provide policy compliant parking.
- 7.6.4 Whilst the proposed dwelling would have policy compliant parking it is noted that the existing flats would have an overall shortfall of 2 spaces as a result of the proposal. In light of this a judgement needs to be made as to whether a resultant 2 parking space shortfall would be harmful.
- 7.6.5 There is limited availability for any on street parking along Watford Road however the site is within walking distance of Croxley Station (8 minutes, 0.4 miles) and is adjacent to local bus services. Additionally is within a 0.3 miles, 6 minute walk of local shops and services in New Road and a similar distance to those on Watford Road.
- 7.6.6 Owing to the proximity of the site to local shops and services and public transport links it is not considered that a shortfall of 2 spaces would result in demonstrable harm justifying refusal of planning permission.
- 7.6.7 The Highways Officer has reviewed the application and considers that the development would not give rise to unacceptable harm to highway safety. The concerns regarding the narrow access are noted however the Highways Officer considers the proposal would be acceptable to serve one dwelling. Concerns regarding construction traffic are also noted however there are limited physical alterations proposed to the existing building. Whilst the new garden would need to be provided it is considered that proportionate space would be had to the rear to allow for this without requiring further details via a construction management plan. Herts Fire and Rescue note that a fire appliance would not be able to achieve access within a 45m point of habitable rooms. However have confirmed that this could be addressed by the installation of sprinkler systems.
- 7.6.8 Overall it is not considered that the proposed development would result in unacceptable harm in this respect and would comply with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the DMP LDD.

7.7 Quality of accommodation for future occupants

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

- 7.7.2 Appendix 2 of the DMP LDD outlines that two bedroom dwellings should provide 63sqm of amenity space. The proposed plot would provide a private rear garden of 70sqm. As such the proposed development would comply with Appendix 2 in this respect. The existing flats would retain their existing levels of amenity space which was considered acceptable by the Inspector in allowing the appeal and granting planning permission.
- 7.7.3 It is acknowledged that some views could be had from the existing dwellings along Watford Road towards the amenity space which would serve the new dwelling. However a 16m separation distance would be achieved to the edge of the new garden and 25m to the front elevation of the new dwelling. Overall it is not considered that the proposed new dwelling or its private garden would be overlooked to an unacceptable degree when considering the residential context of the locality.
- 7.8 Wildlife and Biodiversity
- 7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.9 Trees and Landscaping
- 7.9.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.
- 7.9.2 The application site is not located within a Conservation Area nor are there any on site TPOs.
- 7.9.3 The proposed block plan indicates that the new garden would be lawned. The proposal would result in the introduction of additional soft landscaping when compared with the existing situation where the site is laid as hard surfacing. As such would be an improvement to the existing site circumstances.
- 7.10 Sustainability
- 7.10.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.10.2 This application is accompanied by an energy statement prepared by Premier Assessors which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 10.48%). As such the development complies with the requirements of Policy DM4.
- 7.11 Refuse and Recycling

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

i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.11.2 The proposed block plan makes provision for the storage of refuse/recycling bins to the south of the proposed garden which is considered appropriate in location and size. A condition would require further details of collection arrangements to ensure that the additional bins to serve the new dwelling when put together with the existing bins do not block the access or highway.

7.12 Planning balance/Summary

7.12.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2023) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking “the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites”. The most important policies for determining a housing application are Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, “Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect area or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

7.12.2 The development would be acceptable in accordance with the development plan and no harm has been identified within the analysis section above. It is recognised that the development would contribute to the shortfall in housing. The applicant has agreed to enter into a deed in accordance with Section 106 of Town and Country Planning Act 1990 in respect of affordable housing, and as such the development would make a financial contribution to the provision of affordable housing in Three Rivers. Furthermore, there would be economic benefits of the construction plus expenditure from future occupiers Overall it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF there are benefits to the scheme and would be complaint in respect of the relevant policies as set out above.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement (securing a financial affordance housing contribution):

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: C-23-02-1- A

Reason: For the avoidance of doubt and in the proper interests of planning, in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies CA1 and CA2 of the Croxley Green Neighbourhood Plan (2018).

- C3 The new dwelling shall not be finished other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as set out in the submitted application form and no external materials shall be used other than those approved.

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

- C4 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development and retained as such therefore.

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

- C5 Prior to the first occupation of the development hereby permitted the parking spaces to serve the new dwelling shall be provided and thereafter retained in accordance with the details and layout as more particularly shown on plan number C-23-02-1- A.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class D - erection of a porch

Class F- Provision of hardsurfacing

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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

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

- C7 Prior to the first occupation of the development hereby permitted a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan should show the proposed layout of parking to the frontage of spaces to serve the existing flats. This shall include tracking diagrams to shown access into and out of the spaces.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C8 The boundary treatment shall be carried out and maintained in accordance with the layout and details as more particularly shown on plan number C-23-02-1- A.

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

- C7 The development shall not be occupied until a scheme for the separate storage and details of the proposed collection arrangements of waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

- C9 Prior to the first occupation of the new dwelling hereby permitted the proposed area of lawn as shown on plan number C-23-02-1- A shall be provided and retained in that layout thereafter.

Reason: To ensure the dwelling has sufficient amenity space and in the interests of the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are

£145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990
- 15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

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

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

Background

- 1.1 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31st July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11th May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19th May 2016.
- 1.2 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1st September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 sq metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1st September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.
- 1.3 On 24th July 2018 a new version of the National Planning Policy Framework¹ (the Framework) was published with immediate effect for development management purposes. Paragraph 64 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 1.4 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
 - a) *“...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”*
 - e) *“In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”*
- 1.5 The supporting text to Policy CP4 summarises the justification for it:
 - Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.

¹ The National Planning Policy Framework was updated in February 2019 and July 2021 and retains the policies as stated in Paragraph 1.3 of this document.

- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

1.6 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 64 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Conservation and Head of Regulatory Services on the weight that they recommend should be given to NPPF 64 for these purposes in light of the Needs Analysis.

1.7 Since the adoption of its Core Strategy in 2011 and as of 31 December 2022, Three Rivers has received small site affordable housing contributions amounting to over **£2.9 million**. Utilising those monies has funded the delivery of 55 units of additional affordable housing to date. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

1.8 In addition to the £2.9 million already received, small scale (1-9 unit) schemes have secured to date a further **£760,000.00 to £2million²** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large-scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

1.9 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between 1 October 2011 and 31 March 2022, 255 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 7.1% of all such schemes³.

² The sums payable secured by Sec 106 will be subject to indexation, in most cases from June 2011 which will not be calculable until the date of payment. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified. Data is as of February 2023

³ The Needs Analyses (December 2019 and December 2020) referred to a lapse rate of 9% for minor developments; manual analysis has since demonstrated that a number of sites included in the 9% lapse figure have been subject to subsequent planning applications which were granted approval. Such sites have therefore still come forward for development despite earlier permissions lapsing. The lapse percentage in this Needs Analysis (January 2023) has therefore been revised to exclude application sites which are subject to later approvals which are either outstanding, under construction or complete.

- 1.10 Current evidence of housing need in the District is noted below at 2.4 to 2.11. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 1.11 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: from 1 April 2017 to 31 March 2022, 254 planning applications for residential development involving a net gain of dwellings were determined⁴ by the Council. Of these, 227 applications (89%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to the overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 1.12 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

2 Development Plan Policies and the WMS

- 2.1 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 2.2 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"

- 2.3 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

⁴ Includes refused and approved applications. Excludes prior approval developments.

“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy”

As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government’s intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *“whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.”* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

2.4 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

- **General House Price Affordability in Three Rivers**
- **Affordable Housing Supply Requirements in Three Rivers**
- **Affordable Housing Provision in Three Rivers**
- **Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings**
- **The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites**
- **Relevant Appeal Decisions**
- **The fact that the adopted development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

2.5 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016⁵, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **fifth**⁶ most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 1 below).

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

⁶ Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers was the seventh most expensive local authority area as two local authorities in Buckinghamshire ranked higher in lower quartile house price than Three Rivers in 2016 (South Bucks - £370,000.00; Chiltern - £335,000.00).

Number	Local Authority Name	Lowest Quartile House Prices (2016)
1	Elmbridge	£375,000.00
2	St Albans	£355,000.00
3	Windsor and Maidenhead	£340,000.00
4	Hertsmere	£330,000.00
5	Three Rivers	£325,000.00

Table 1.

Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS), the lowest quartile house price in Three Rivers in September 2021 was £385,000⁷. The lowest quartile house price of £385,000 places Three Rivers as the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and three local authority areas (see table 2 below). Although Three Rivers' position has improved slightly, the lowest quartile house price has risen by £60,000 from 2016 to 2021, demonstrating an ongoing worsening affordability position.

Number	Local Authority Name	Lowest Quartile house Prices (2021)
1	Elmbridge	£445,000
2	St Albans	£425,000
3	Hertsmere	£411,175
4	Windsor and Maidenhead	£402,750
5	Mole Valley	£400,000
6	Epsom and Ewell	£391,000
7	Three Rivers	£385,000

Table 2.

Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £27,003.00 in 2021⁸, 13.3 times worsening to 14.3 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings⁹). In a mortgage market where lenders are traditionally willing to lend 4 times a person's income, clearly a lending requirement at over 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first-time buyer in 2021 to have a deposit of £276,988.00, or (without such a deposit) to earn £108,012.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional Stamp Duty payment would also have been due (subject to COVID related temporary relaxation).

When one considers the median affordability ratio¹⁰ for Three Rivers compared to the rest of England and Wales, the position is even more serious: in 2016, the median quartile income

⁷ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6a* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁸ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6b* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

⁹ Office for National Statistics (2022) *Dataset: House price to residence-based earnings ratio Table 6c* <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹⁰ Affordability ratio statistics are revised annually by the ONS to reflect revisions to the house price statistics and earnings data.

to median quartile house price affordability ratio¹¹ was 13.77, the fourth¹² worst affordability ratio in England and Wales (excluding London), as set out in table 3 below, again when compared against three hundred and three local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ⁸ (2016)
1	Hertsmere	14.23
2	Mole Valley	14.18
3	Elmbridge	13.86
4	Three Rivers	13.77

Table 3.

Over the period 2016 to 2021, the median quartile house affordability ratio in Three Rivers has worsened with a rise from 13.77 in 2016 to 14.25 in 2021 (see table 4 below). Whilst Three Rivers now maintains the fifth worst affordability ratio in England and Wales (excluding London), the median affordability ratio has worsened (by 0.48), demonstrating a lack of improvement in Three Rivers' affordability position nationally.

Number	Local Authority Name	Median quartile house price affordability ratio (2021)
1	Hertsmere	14.88
2	Epsom and Ewell	14.82
3	Elmbridge	14.78
4	Mole Valley	14.69
5	Three Rivers	14.25

Table 4.

Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 13.26. By September 2021 that had risen to 14.26, showing a worsening ratio over the period from 2016 to 2021¹³.

It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 2.6 The Local Housing Needs Assessment (LNHA) (August 2020) is the most recent update to the South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) and estimates the need for affordable housing over the 2020-2036 period. The LNHA splits its analysis between affordable housing to rent and affordable housing to buy.

Affordable Housing Need - To Rent

¹¹ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 5c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

¹² Note that prior to the formation of the Buckinghamshire Council (now a unitary authority), Three Rivers had the fifth worst affordability ratio most expensive local authority area as a local authority in Buckinghamshire ranked higher in median affordability ratio than Three Rivers in 2016 (Chiltern – 14.49).

¹³ Office for National Statistics (2022) Dataset: House price to residence-based earnings ratio Table 6c <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

- 2.7 The South-West Hertfordshire Local Housing Needs Assessment (LNHA) (August 2020) found that at that time there were approximately 1,276 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the numbers of homeless households and in temporary accommodation, households in overcrowded housing, concealed households and existing affordable housing tenants in need. 57% of these households are estimated to be unable to afford market housing without subsidy, which means the revised gross need is reduced to 727 households¹⁴.
- 2.8 In addition to needs arising from those in unsuitable housing, the LNHA also analyses affordable need to rent arising from newly-forming households within the District. The LNHA estimates 800 new households forming per annum in Three Rivers over the period 2020 to 2036. 45% of these newly-forming households are estimated to be unable to afford market housing (to rent) resulting in 360 new households with a need for affordable housing to rent each year over the period 2020 to 2036¹⁵.
- 2.9 The LNHA also considers newly arising need for affordable rent from existing households (i.e. households residing in market accommodation now requiring affordable housing). The LNHA estimates an additional 77 existing households falling into need for affordable rent per year over the period 2020 to 2036¹⁶.
- 2.10 Taking into account the figures of need noted above and the supply of affordable housing to rent through re-lets, the LNHA calculates the annual affordable housing need to rent over the period 2020 to 2036 as 350 in Three Rivers¹⁷. This need involves households who cannot afford anything in the market without subsidy and is equivalent to 55% of the District's total local housing need requirement calculated by the standard methodology. This indicates the substantial scale of need for this type of affordable housing.

Affordable Housing Need - To Buy

- 2.11 In addition, the LNHA estimates a need of 162 units for affordable home ownership per annum¹⁸ over the period 2020 to 2036, although this is a need which is formed by households identified as being able to afford to rent privately without subsidy.

Total Affordable Housing Need

- 2.12 Combining the need for affordable housing to rent and affordable housing to buy results in the calculation of 512 affordable units per year, equating to approximately 80% of Three Rivers' total local housing need requirement (as calculated by the standard method).

Affordable Housing Provision in Three Rivers

¹⁴ Table 33: Estimated Current Rented Affordable Housing Need, South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁵ Table 34: Estimated Level of Rented Affordable Housing Need from Newly Forming Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁶ Table 35: Estimated level of Housing Need from Existing Households (per annum 2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁷ Table 37: Estimated Annual Level of Affordable/Social Rented Housing Need (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

¹⁸ Table 42: Estimated Annual Need for Affordable Home Ownership (2020-2036), South West Hertfordshire Local Housing Needs Assessment (August 2020)

- 2.13 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 2.14 Since the start of the plan period from 1 April 2001 to 31st March 2022 (the latest date where the most recent completion figures are available), 5,168 gross dwellings were completed. From this, 1,162 were secured as affordable housing, a total of 22.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of a further 1,162 or 22.5% affordable dwellings in order to fulfil the 45% affordable housing requirement up to 31 March 2022. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing.
- 2.15 In the latest monitoring period of 2021/22 (financial year), 22 sites¹⁹ delivered a net gain of one or more dwellings and would therefore be required to contribute to affordable housing under Policy CP4 (either through an on-site or off-site contribution). These were made up of three major developments (14%) and 19 minor developments (86%). 10 of the 22 schemes contributed to affordable housing provision whilst 12 of the 22 schemes did not contribute:
- Four out of the 22 sites provided viability justification, in line with CP4 policy, for the absence of affordable housing provision. One of the 22 sites was found to have suitable viability justification by the Planning Inspector at an Appeal.
 - One of the 22 sites was found to not have appropriately secured affordable housing contributions in breach of CS policy CP4. However there was no agreement between the parties in respect of the viable quantum of affordable housing and the Inspector nevertheless granted planning permission. This is the only appeal decision out of the 32 that have been determined since September 2017 where the Council's position on the relative weight to be afforded Policy CP4(e) was not fully upheld.
 - One of the applications completed during the monitoring period 2021/22 which did not contribute towards affordable housing had contributed towards on-site provision during the previous monitoring period 2020/21.
 - Five of the applications were determined during the 2014/15 and 2016/17 periods noted at 1.2 above (when the Council was dealing with applications on the basis that the WMS should be given overriding effect regardless of the viability position on specific schemes). Affordable housing provision was forgone on them on this basis, which is now reflected in the low affordable provision as they are built out.
 - Of the 10 schemes which did contribute, five made contributions via commuted sums towards off-site provision; all five schemes were minor developments, demonstrating the important role of small sites in collecting financial payments to be spent on affordable housing provision. Of the remaining five schemes which contributed via on-site provision in 2021/22, two were major developments and three were minor developments.

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

¹⁹ Sites with completions in the monitoring year 2021/22

2.16 In 2017/2018 (financial year), there were 67 planning applications determined²⁰ for net gain residential schemes, of which 57 were small site schemes (85%). In 2018/19 (financial year), there were 50 planning applications determined for net gain residential schemes, of which 46 were small site schemes (92%). In 2019/20 (financial year), there were 60 planning applications for net gain residential schemes determined, of which 55 were small sites schemes (92%). In 2020/21 (financial year), there were 38 planning applications for net gain residential schemes determined, of which 33 were small site schemes (87%). In 2021/22 (financial year), there were 39 planning applications for net gain residential schemes determined, of which 36 were small site schemes (92%). It is therefore clear that a high proportion of small site schemes have been proposed in the District, equating to 89% of applications over the past four financial years.

2.17 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-2022 (financial years) some 429 net dwellings were completed which equates to 39 net dwellings per annum and to 22.8% over the 2011-2022 period. 22.8% is a significant proportion of the overall supply. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on- site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to at paragraph 2.21 below: APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *"It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings."*

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small sites

2.18 As set out at paragraphs 1.7 and 1.8 above, the commuted payments (£2.9 million) spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 55 units of affordable housing. Furthermore, as set out at paragraph 1.8 above, small scale (1-9 unit) schemes have (as at February 2023) secured a further **£760,000.00 - £2million** (see footnote 2) in respect of unimplemented but current planning permissions. The Council continues to work with Registered Providers to deliver further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

2.19 As set out at paragraph 1.9 above, Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 124 of the Framework. The application of CP4, which includes this in-built viability allowance, cannot properly be said

²⁰ Includes refused and approved applications. Excludes prior approval developments.

to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between 1 October 2011 and 31 March 2022 there were 255 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (7.1%)²¹. This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 2.20 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. Copies of these three appeals are attached to Appendix 1. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 2.21 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 2.22 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS. A copy of this letter is attached to Appendix 2.
- 2.23 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 2.24 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

“...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only

²¹ See footnote 3.

*then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.*²²

2.25 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.

2.26 The Council's stance has been tested on appeal on numerous occasions (32 decisions as at the date of this document) and the Planning Inspectorate have repeatedly concluded that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21st June 2019:**

"The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision."

- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27th June 2019:**

"The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it."

- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5th August 2019:**

"The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary."

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1st November 2019:**

"The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no

²² Paragraph 7, Planning Inspectorate Letter, March 2017.

evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22nd October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date 11th October 2019:**

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

- **APP/P1940/W/18/3213370: No.9 Lapwing Way, Abbots Langley.**

Decision Date 22nd May 2019:

“In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required... There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011... Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In

making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.”

- **APP/P1940/W/19/3219890: 4 Scots Hill, Croxley Green**

Decision Date 5th May 2019:

Whilst the appeal was allowed the Inspector considered that when “having regard to TRDCS Policy CP4 and the Council’s Affordable Housing Supplementary Planning Document 2011, I consider that a contribution towards the provision of affordable housing is necessary. A draft unilateral undertaking was submitted at appeal stage and was agreed by the Council.”

- **APP/1940/W/19/3229274: 101 Durrants Drive, Croxley Green**

Decision Date 16th August 2019:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise... Therefore, I find that the proposal would fail to make appropriate provision for affordable housing and as such, would be contrary to policy CP4 of the CS which seeks to secure such provision, which although does not attract full weight, in light of the evidence provided, attracts significant weight sufficient to outweigh paragraph 63 of the Framework.”

- **APP/P1940/W/19/3229038: 124 Greenfield Avenue**

Decision Date 10th December 2019

“Furthermore, windfall sites make up the majority of the proposals in a District which is constrained by the Green Belt and so delivery of affordable housing from these sites is crucial. The submitted evidence supports the proportion of housing proposals which have been on small sites in the last few years. There is no evidence before me that seeking affordable housing on small sites has precluded small windfall sites coming forward – indeed such sites have contributed a significant amount to the affordable housing pot since 2011... Overall, there is substantial evidence of considerable affordable housing need in the District and it has been demonstrated that small sites make an important contribution to affordable housing delivery in the Borough. I attach very significant weight to this consideration. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance the Framework does not outweigh the relevant development plan policy.”

- **APP/P1940/W/19/3238285: Bell Public House, 117 Primrose Hill, Kings Langley**
Decision Date 9th March 2020

“Even taking the appellants figures that 22.8% of affordable units have arisen from non major sites, I consider this to be an important and meaningful contribution...even taking the appellant’s figures my conclusion remains unaltered.”

- **APP/P1940/W/19/3229189: Glenwood, Harthall Lane, Kings Langley**

Decision Date 7th May 2020

“The Council’s evidence sets out the acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. They also highlighted a large number of recent appeal decisions for small residential schemes where it has been considered that the exceptional local need should outweigh government policy, as set out in the Framework... Despite the appellant’s evidence, which included reference to a Local Plan Consultation Document (October 2018) and an analysis undertaken by them based on the Council’s Housing Land Supply Update (December 2018), it was clear to me, in the light of all the evidence before me, that a pressing need for affordable housing in the area remains. It was also clear that small sites play a key role in ensuring this provision. As such, in this case, I am satisfied that although considerable weight should be given to the Framework, it does not outweigh the development plan policy.”

- **APP/P1940/W/20/3249107: 2 Church Cottages, Old Uxbridge Road, West Hyde**
Decision Date: 21st October 2020
“The Framework at paragraph 63 sets out that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer. That said, there is clear evidence to suggest that there is an acute need for affordable housing in the Three Rivers District and there have been several appeal decisions which supported this view... I agree that there are special circumstances which justify the provision of affordable housing below the Framework’s suggested threshold... As a result, the proposal would be contrary to Policy CP4 of the CS which amongst other matters seeks to increase the provision of affordable homes including by means of a commuted sum payment for sites of between one and nine dwellings... I have also had regard to the obvious benefits in relation to the provision of a much-needed new dwelling. However, the benefits of this are outweighed by the lack of provision for affordable housing”
- **APP/P1940/W/20/3259397 24 Wyatts Road**
Decision Date 8th February 2021
“...I consider that the specific circumstances within this district together with the updated evidence to support Policy CP4 are sufficient, in this case, to outweigh the guidance of the Framework.”
- **APP/P1940/W/20/3260602: 8-10 Claremont Crescent, Croxley Green**
Decision Date 18th February 2021
“The Council’s case is that Policy CP4 should continue to apply to all housing developments, notwithstanding its lack of consistency with the more recent Framework. In justifying this position, it has provided robust evidence of a high affordable housing need in the district as well as an independent viability assessment in relation to this appeal. Furthermore, a number of similar appeal decisions, cited by the Council, show that Inspectors have considered development plan policies with lower affordable housing thresholds to outweigh national policy given the local evidence of substantial affordable housing need. Whilst the Framework is a material consideration of very considerable weight, based on the local circumstances of this case, in this instance it does not outweigh the relevant development plan policy. In making this judgement, I have given considerable but not full weight to Policy CP4.”
- **APP/P1940/W/20/3244533 2 Canterbury Way**
Decision Date 4th March 2021
“Over the plan period there have been times when the Council have applied Policy CP4 of the CS and times when they have not. I accept that this may have implications for the delivery of non-major sites, perhaps encouraging whether or not developers will bring forward proposals. However, it cannot be the only factor which influences whether or not such sites are brought forward. Furthermore, there is no substantive evidence to suggest that if Policy CP4 of the CS was not applied it would significantly increase the supply of housing in the district. Moreover, Policy CP4 of the CS was subject to an assessment of viability alongside all other requirements through the Local Plan process... Overall, on the basis of the evidence before me I am not convinced that the Council’s application of Policy CP4 of the CS is directly discouraging developers from bringing forward small sites due to the need to provide or contribute towards affordable housing or demonstrate that it viably cannot... housing affordability in the district is acute such that, based on the specific circumstances of this case and the evidence presented, I find on balance the proposal should make appropriate provision for affordable housing.”
- **APP/P1940/W/20/3260554: Land adjacent to 2 Coles Farm**
Decision Date 15th June 2021
“The appellant’s comments regarding the importance of small sites is noted as is the Council’s lack of a five-year housing land supply. Despite this, the proposal is required to secure a contribution towards the provision of affordable housing, however, at the point of determination no executable undertaking is before me... The proposal would

be contrary to CS Policy CP4 and the Affordable Housing Supplementary Planning Document 2011 which require all new development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.”

- **APP/P1940/W/21/3276715: Land adjacent to 62-84 & 99-121 Sycamore Road, Croxley Green Decision Date: 10th March 2022**

“Small housing sites have an important role in helping to deliver new housing in the district, including meeting a pressing need for affordable housing. For small housing sites of one to nine dwellings, paragraph e) of Policy CP4 of the CS allows for the possibility of commuted payments towards provision of off-site affordable housing. The Council indicates the indexation of such sums from a date of June 2011 to be the norm in most cases, to reflect the adoption date of the Three Rivers Affordable Housing Supplementary Planning Document (SPD), including its commuted payment formula, and so ensure that the contribution remains the same in real terms over time. Since the Council’s decision, a Planning Obligation by way of Unilateral Undertaking (UU) which proposes provision for affordable housing has been submitted by the appellant. The UU5 proposes an indexation date of 1st February 2022, and not 1st June 2011 as sought by the Council. As such, the UU does not make provision for adjustment of the affordable housing sum in proportion to any increase in the Retail Prices Index during the period of more than a decade since the adoption of the SPD. In this respect, I have no certainty that the proposed affordable housing contribution would be adequate to meet local need. I therefore conclude that the proposed development would not make adequate provision for affordable housing. As such, it would not accord with Policy CP4 of the CS which seeks to meet local need for more affordable housing in the district.”

- **APP/P1940/W/21/3277747: 3 Grove Cottages, Pimlico Decision Date: 16th March 2022**

“Policy CP4 of the Core Strategy addresses the provision of affordable housing and under it the Council has identified a requirement for a commuted affordable homes contribution of £58,650 to be paid. The appellant has indicated a willingness to make such a contribution. A draft Unilateral Undertaking (UU)3 submitted with the planning application includes an obligation intended to secure the making of an affordable housing contribution. I am content that there is a need for an affordable housing contribution to be made, with the Council having justified why such a contribution should be paid, even though the development would not be a ‘major’ one for the purposes of paragraph 64 of the Framework.”

- **APP/P1940/W/21/328373448: Altham Gardens, South Oxhey Decision Date: 29th April 2022**

“The latest statistics indicate that the Council has a shortage in its supply of housing land. Although the statistics do not specify affordable housing, the SPD indicates that there is a requirement for affordable housing in and around the Three Rivers Area and given the scale of the shortfall, it is reasonable to assume that it includes affordable housing. Given the policy requirement and the identified shortage of housing generally I am satisfied that the need for the contribution sought by the Council arises from the development and satisfies the three tests in Regulation 122(2) of the CIL Regulations 2010.”

- **APP/P1940/W/22/3291286: 27 Gable Close, Abbots Langley Decision Date: 30th August 2022**

“I am mindful that the Framework suggests that the provision of affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). However, the Council has provided clear and compelling evidence to demonstrate an acute need for affordable housing in the District, including reference to numerous other appeal decisions which have supported the Council’s case. There is no substantive evidence before me which would lead me to a different conclusion, including with regard to the primacy of the development plan. There would

therefore be an expectation that the appeal scheme would contribute financially towards the provision of affordable housing.”

- **APP/P1940/W/21/3284630: The Puffing Field, Windmill Hill**

Decision Date: 23rd September 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. On the evidence before me, I have no substantive reason to disagree with this position.”

- **APP/P1940/W/22/3291193: Rear of The Woodyard, Sarratt**

Decision Date: 27th October 2022

“The Council’s evidence sets out a robust case for an acute need for affordable housing in the area and the importance of small sites in contributing to the provision of such housing. The requirement for and the amount of the affordable housing contribution are detailed in the Council’s submissions.”

Conclusion

- 2.27 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018, in December 2019, December 2020, February 2022 and February 2023 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2021 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

Appendix 1: Appeal Decisions 3146699 (Elmbridge Borough Council), 315661 (Reading Borough Council), 3142834 (South Cambridgeshire District Council) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729), Three Rivers District Council (3222318, 3221363, 3225445, 3230999, 3230911, 3230458, 3213370, 3219890, 3229274, 3238285, 3229189, 3249107)

Appendix 2: Letter from the Planning Inspectorate to Richmond and Wandsworth Councils, March 2017

Sources Used:

1. Core Strategy (October 2011)
<http://www.threerivers.gov.uk/eqcl-page/core-strategy>
2. Annual Monitoring Report 2020/2021 (December 2021)
<http://www.threerivers.gov.uk/eqcl-page/annual-monitoring-report>
3. Affordable Housing Supplementary Planning Document (June 2011)

<http://www.threerivers.gov.uk/egcl-page/supplementary-planning-documents>

4. South West Hertfordshire Local Housing Needs Assessment (August 2020)
<https://www.threerivers.gov.uk/egcl-page/new-local-plan-evidence-base>
5. Office of National Statistics Housing Data 2002-21
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoresidencebasedearningslowerquartileandmedian>

March 2023







This page is intentionally left blank

PLANNING COMMITTEE – 23 May 2024

24/0267/FUL - Construction of single storey detached 'Dry Zone' building at Bury Lake, The Aquadrome, Frogmoor Lane, Rickmansworth.

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.04.2024
Extension agreed to 31.05.2024

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That subject to no new material considerations being raised and the recommendation of approval/no objection from the Environment Agency (EA) that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the EA.

Reason for consideration by the Committee: Three Rivers District Council are the registered landowner.

To view all documents forming part of this application please go to the following website:
[24/0267/FUL | Construction of single storey detached 'Dry Zone' building. | Dry Zone Bury Lake The Aquadrome Frogmoor Lane Rickmansworth Hertfordshire \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0267/FUL)

1 Relevant Planning History

- 1.1 05/0105/FUL - Re-surfacing of car park and boat rigging area, erection of new steel storage unit and spoil mound to be seeded – Permitted March 2005.
- 1.2 13/0935/FUL - Replacement of existing boat shed and construction of new clubhouse – Permitted October 2013, not implemented.
- 1.3 15/1650/FUL - Construction of replacement clubhouse, boat storage and workshop; and landscaping works including pontoon, jetties and shipway, provision of hardstanding, entrance sign and removal of trees – Permitted October 2015, not implemented.
- 1.4 17/1870/FUL - Variation of conditions 2 (Approved Plans) and 5 (Phasing) of planning permission 15/1650/FUL to amend phasing and remove the 'Dry Zone' – Permitted December 2017; implemented.
- 1.5 Various other applications for development elsewhere within the Aquadrome including children's play equipment, footpaths, café, toilet block, development within existing Council Depot, parking and advertisement consent applications.

2 Description of Application Site

- 2.1 The application site is part of the Aquadrome, Rickmansworth. The Aquadrome is a Local Wildlife Site and part of the site is also designated as a Local Nature Reserve and publicly accessible open space. The Aquadrome is served by a public car park accessed from Frogmore Lane. A series of public footpaths and cycle routes run through the Aquadrome and the Grand Union Canal and its towpath form the southern boundary to the Aquadrome.
- 2.2 The application site outlined in red on the submitted plan 13577 - 108 forms part of a wider area (outlined in blue) to the west of the Aquadrome adjacent to the southern corner of Bury Lake. The wider site is occupied by Bury Lake Young Mariners, Nomad Kayak Club and Colne Valley Special Sailors, (collectively referred to as BLYM), as a water-based recreation centre which includes sailing, windsurfing and canoeing. BLYM is a charity run by volunteers and has been based at the site for over 30 years.

- 2.3 The wider site has partly been redeveloped following the grant of planning permission referenced 15/1650/FUL, later varied under 17/1870/FUL. The wider site currently contains a 'Wet Zone' building, two boat storage buildings, a number of existing sheds and storage containers, areas of boat storage and slipways and jetties to provide access to the water. The 'Wet Zone' provides changing room facilities, wet suit and buoyancy aid storage areas.
- 2.4 The buildings and storage areas are located within the western part of the wider site with the land to the east containing the 'Wet Zone' building. Most of the wider site is located to the north of the access road and public footpath, however, a small section currently used for members' private boat storage is located to the south of the access road and footpath. Six parking spaces including disabled bays are located at the end of the access road within the application site.
- 2.5 The wider site also includes an existing landing stage on Bury Lake to the north of the boat house and a small area of the lake itself.
- 2.6 The application site is within the Metropolitan Green Belt and the northern part of the site includes areas of flood zones 2, 3a and 3b.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the construction of a 'Dry Zone' building.
- 3.2 The 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building providing a reception area, meeting room, chandlery, catering and training facilities. The building would be 21.3m in width and 15.5m in depth and a pitched roof with a maximum height of 5.2m, sloping down to an eave's height of 3.1m. It would be set 4.2m from the east site boundary and at least 4.3m from the boundary with the access road.
- 3.3 At its closest point the 'Dry Zone' would be set 2.9m apart from the existing 'Wet Zone' building. The proposed building will be finished in shiplap boarding and white render to the gable ends with red brick plinths which would match the appearance of the 'Wet Zone' building. The northern roofslope overlooking the lake would be sedum while the southern roof slopes facing the access road would be grey metal cladding. There would be rooflights along the ridge line and there would be fenestration to the northern and western elevations.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No objection]

Batchworth Community Council has no material objections to this application, but we are mindful of the comments from the Environment Agency and would like these points to be resolved prior to work commencing.

4.1.2 Canal and River Trust: [No comment]

The Canal & River Trust is a statutory consultee in Article 18 and Schedule 4 Paragraph z(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in March 2023 for use from 1 April 2023. It comprises three zones that relate to notifications for different types and scales of proposed development.

This application falls outside the notified area for its application scale and location. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas where there are relevant circumstances. If you would like the Canal & River Trust's comments in this case or any other, please clarify the reason for your consultation when you send it.

4.1.3 Hertfordshire Ecology: – [No objection, subject to conditions]

Overall Recommendation:

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

Summary of Advice

- A CEMP should be submitted to the LPA as a Condition of approval.
- A LEMP should be submitted to the LPA as a Condition of approval.
- An Informative for a precautionary approach to works should be added to any permission granted.

Supporting Documents:

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

- BLYM Site Plan Proposed DryZone by Derek LOFTY & Associates (October 2023).
- Tree Survey, Proposed Layout and Tree Protection Plan (TPP) by Simon Pryce Arboriculture (7 November 2023).
- Preliminary Ecological Appraisal by Arbtech Consulting Ltd. (18 December 2023).
- Application for Planning Permission (10 February 2024).

Comments

We have no in principle ecological objection to this proposal.

Construction Environmental Management Plan (CEMP)

The proposed development site falls within the Rickmansworth Aquadrome Statutory Local Nature Reserve and Local Wildlife Site. In order to mitigate the potential impact of this proposal on the surrounding protected habitat, suitable environmental and physical safeguards during the construction period should be outlined within a Construction Environmental Management Plan (CEMP) and submitted to the LPA as a **Condition of approval**.

This plan should include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works.

Landscape and Ecological Management Plan (LEMP)

The Preliminary Ecological Appraisal (PEA) listed above highlights how these proposals will result in a loss of ~0.02ha of neutral grassland. We advise that a Landscape and Ecological Management Plan (LEMP) demonstrating how this habitat loss will be compensated for, should be submitted to the LPA as a **Condition of approval**. As this application was submitted prior to the 12th February 2024, this development is exempt from mandatory Biodiversity Net Gain, however must still demonstrate how it enhances the local natural landscape and delivers a level of biodiversity uplift. We support the recommendations for habitat compensation and ecological enhancement provided within Table 6 of the PEA. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building.

The site offers favourably suitable habitat for foraging and commuting bats, which could be negatively impacted by any increase in artificial lighting to the surrounding woodland. The

*recommendation within Table 6 of the PEA for the adoption of a low impact lighting scheme for bats post-development should be followed in full and demonstrated within the submitted LEMP as a **Condition of approval**.*

Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Precautionary Approach to Works

The PEA found the site to comprise potentially suitable habitat for amphibians, reptiles, badger, hedgehog, otter, water vole, nesting birds, and foraging/commuting bats. In the unlikely event that protected species are encountered during development, we advise a precautionary approach to the works is taken and recommend the following Informative is added to any subsequent permission granted:

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

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.”

4.1.4 TRDC Environmental Health Officer: [No comments received. Any comments provided will be verbally updated]

4.1.5 Environment Agency: First Consultation - [Objection]

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your Local Planning Authority (LPA) may currently be subject to the ‘presumption in favour of sustainable development’. Given our outstanding objection on flood risk grounds we would like to highlight that in this case, as set out in NPPF footnote 7, the ‘presumption in favour of sustainable development’ should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the ‘presumption in favour

of sustainable development' you can disregard this paragraph. If our objection on flood risk grounds is subsequently withdrawn, you can also disregard this paragraph.

Objection – Inadequate Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the development's flood risk.

In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Reasons:

As stated in the FRA and based on the applicant's topographical survey, the maximum flood level on site could be as high as 44.00mAOD, and with the land levels surrounding the proposed 'dry zone' building at approximately 43.79mAOD, the building is likely to be inundated with flood water. The proposed structure in this location would therefore displace this floodwater elsewhere. As stated in paragraph 49 of the PPG, the use of voids is not an acceptable technique for compensating for the loss of floodplain storage.

The FRA fails to demonstrate that flood storage compensation will be provided on both a level for level and volume for volume basis, therefore it cannot be guaranteed that the proposed compensation scheme will be able to provide adequate flood storage for the lifetime of the development.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA, which argue there will be no loss of storage. We need further clarification on this.

We are satisfied that the proposal is ancillary to the use of the wider facility known as Bury Lake Young Mariners site. As such, the proposal is for the use of 'water-based recreation' and is therefore compatible with Flood Zone 3b. However, the site must still:

- remain operational and safe for users in times of flood;
- result in no net loss of floodplain storage;
- not impede water flows and not increase flood risk elsewhere.

Unfortunately, the FRA does not adequately display this information, and therefore a revised FRA is required with updated drawings and documents.

Overcoming our Objection:

To overcome our objection, the applicant should submit a revised FRA which demonstrates that adequate flood storage compensation arrangements will be made to ensure that there will be no loss in flood storage capacity on site. This includes floodplain lost from all structures effected by the 1 in 100 plus an appropriate climate change allowance flood extent, including the building and associated decking.

The best way to compensate for flood storage loss is to recreate an area of floodplain that mimics the area, shape and volume of the section of floodplain that has been lost by the development. If this cannot be achieved, we are likely to maintain our objection to the application. Below is a list of what information should be submitted when trying to demonstrate that level for level compensation has been achieved for the site.

Advice:

Please be aware that any increase in built development or raising of ground levels within the floodplain (1 in 100 annual probability, plus an allowance for climate change, flood extent) will only be considered acceptable if it can be demonstrated the proposed development will not result in a loss of flood storage. Level-for-level and volume-for-volume compensation is the method of mitigation that the FRA should detail. However, for this to be achievable it requires land on the edge of the floodplain and above the 1 in 100 year flood level with an appropriate allowance for climate change to be available.

- *A plan showing where flood waters are being displaced by the development (i.e. where are new buildings and ground raising proposed in the floodplain).*
- *A plan showing where the compensation area is located.*
- *A cut and fill table demonstrating that floodplain compensation can be provided on a level for level basis.*
- *A topographical survey of the site.*
- *The 1 in 100 plus climate change flood level for the site. This is the flood level that the National Planning Policy Framework requires new development to be designed to. The source of this data should also be disclosed and provided.*

The Use of Voids

The use of voids or stilts/columns to create space below buildings as a means of compensating for any loss in flood storage is not acceptable. This is because such initiatives do not allow water to freely flow through them, can become blocked and get silted up over time, offer limited storage capacity, and it is very difficult to stop them being filled-in or used for storage at any point within the development's future. The use of stilts/columns or voids is not floodplain compensation, but rather mitigation of risk by design as it does not guarantee that the floodplain will be retained in the same way as a compensation scheme. This is in line with the PPG for Flood Risk and Coastal Change.

Please note that in calculating flood storage loss associated with a proposed development, it must be assumed that any void spaces are in-filled as they cannot be considered in flood storage compensation due to the reasons above.

4.1.5.1 Environment Agency - Second Consultation: [Objection]

Thank you for the additional time given to review our decision set out in our letter dated 11 March 2024. We have reconsidered our position, based on previous planning permissions on related applications and recent changes in Planning Practice Guidance (PPG). Please see our comments below.

Environment Agency Position

In the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

We now require more information regarding the use of voids and the data used to inform the FRA. The applicant should submit an updated review of the FRA, in line with the current guidance and proposal in question.

This position is supported by Policy DM8 of the Three Rivers District Council Development Management Policies Local Development Document (July 2013) and paragraph 173 of the National Planning Policy Framework (NPPF).

We are aware that your LPA may currently be subject to the 'presumption in favour of sustainable development'. Given our outstanding objection on flood risk we would like to highlight that in this case, as set out in NPPF footnote 7, the 'presumption in favour of sustainable development' should not apply as our objection provides a clear reason for refusal. If your LPA is not subject to the 'presumption in favour of sustainable

development' you can disregard this paragraph. If our objection on flood risk is subsequently withdrawn, you can also disregard this paragraph.

Objection – Unacceptable Flood Risk Assessment

The site lies within Flood Zone 3b, which is land defined by the PPG as having a high probability of flooding. However, the submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risk. We are objecting on flood risk grounds for the following reasons:

1. Unclear/inadequate flood storage compensation proposals
2. Lack of clarity surrounding which climate change allowances have been used

Reasons

Part A: Unclear/inadequate floor storage compensation proposals

The submitted FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.

Specifically, the FRA does not detail the maintenance of the voids, and how it will be ensured that they will be kept free and open during the lifetime of the development. This is particularly important as the land levels surrounding the proposed 'dry zone' building are stated as approximately 43.79mAOD, therefore the building is likely to be inundated with flood water if the 1% plus climate change level is 44.00mAOD, as stated in the FRA.

The submitted FRA does not detail which return period is used as flood zone 3b, particularly as the guidance has changed since the previous submission. Table 1 in the PPG states that the functional floodplain comprises of land having a 3.3% or greater annual probability of flooding, however it is unclear from the FRA whether this has been taken into account and what evidence has been used to inform flood zone 3b within the FRA.

The FRA (p.8) states "The proposals will cause a loss of floodplain water storage", which seems to contradict other aspects of the FRA which argue there will be no loss of storage. The FRA must clarify this.

Part B: Lack of clarity surrounding which climate change allowances have been used

The submitted FRA does not detailed whether the climate change allowances used to assess future flood risk are those included within the document 'Flood Risk Assessment: climate change allowances'.

The FRA does not detail the lifetime of the proposal. For a development of this size within Flood Zone 3 and a vulnerability classification of water compatible, we require the Central allowance to be assessed. The application does not state the percentage of climate change assessed added on to the 1 in 100 year event.

Overcoming our objection

Part A: Unclear/inadequate floor storage compensation proposals

To overcome our objection, the applicant must submit a revised FRA which demonstrates that the void design will be adequate to ensure that there will be no loss in flood storage capacity or displacement of floodwater on site. This includes floodplain

lost from all structures effected by the 1% plus climate change extent. It must detail how the voids will be maintained, by who and how often through a maintenance plan submitted by the applicant.

Additionally, the FRA should detail which return period has been used to determine Flood Zone 3b for the site. The PPG was revised in August 2022 and is Flood Zone 3b is now defined by the 3.3% probability event. Further detail is needed on what data has been used to assess the FRA, including which model, the year it was created and from what source. If this is sourced from us, the applicant must provide details on this. The most up to date data must be used and justified by the applicant. Void design and floodplain compensation should then be design using this data.

The applicant should also provide clarity regarding the contradictory statement (p.8) on whether the proposal 'will cause a loss' of floodplain storage.

Advice to Applicant: Void Criteria

Void design:

- Void openings should be a minimum of 1m long and open from existing ground level to at least the 1% annual probably (1 in 100 year) plus climate change flood level.
- There should be a minimum of 1m of open void length per 5m of wall.
- Void openings should be provided along all external walls.

User considerations:

- Signs should be in place to notify users of the susceptibility of flooding and flood warnings should be available to provide sufficient time for users to leave the site if necessary.

Maintenance:

- Voids must remain open and be regularly maintained.
- The applicant should provide a maintenance plan to ensure they remain open for the lifetime of the development.

Part B: Lack of clarity surrounding which climate change allowances have been used
To overcome our objection, the applicant should submit a revised FRA which has either used the climate change allowances recommended within the submitted document 'Flood Risk Assessment: climate change allowances' OR has sufficiently justified why different climate change allowances have been selected for use. The FRA must detail what climate change allowances have been used.

The applicant should also detailed the lifetime of the development, and use the climate change allowance appropriate for its lifetime.

If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

4.1.5.2 **Officer Comment:** Following receipt of the above comments, the applicant has been engaging with the EA and is in the process of providing an updated FRA to address the outstanding points raised by the EA.

4.1.6 TRDC Tree and Landscape Officer - [No comments received. Any comments provided will be verbally updated]

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

- 4.1.8 Hertfordshire County Council: Lead Local Flood Authority: No comments received; however, the LLFA were consulted in error. The application is not a major development and therefore should not have been consulted.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 4
- 4.2.2 No of responses received: At the time of writing, no responses had been received. Any responses will be verbally updated.
- 4.2.3 Site notice: Posted 03.04.2024 Expired: 24.04.2024.
Press Notice: Published: 12 April 2024, expired 3 May 2024.

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

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

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

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

5.2 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP1, CP1, CP8, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM8, DM9, DM11, DM13 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA5 is relevant.

5.3 Other

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

TRDC Asbestos Management Plan for Rickmansworth Aquadrome (AMP) (2023)

6 Reason for Delay

6.1 Submission of amended plans and obtaining consultation responses.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Core Strategy Strategic Objective 11 is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles. Policy DM11 of the Development Management Policies document seeks to protect open spaces, sport and recreation facilities, and the Site Allocations document allocates specific areas as open space.

7.1.2 The application site is part of the Aquadrome which is designated as open space by the Site Allocations document. Policy SA5 of this document advises that sites allocated as open space will generally be safeguarded as open spaces.

7.1.3 Policy PSP1 of the Core Strategy refers specifically to Rickmansworth and advises that development will 'maintain and improve biodiversity, recreational access and water sports facilities at Rickmansworth Aquadrome'.

7.1.4 Consent has previously been given under application 15/1650/FUL for the construction of new club house facilities for Bury Lake Young Mariners (BLYM). Tenders for the project were obtained but the due to finance resources it was only possible for the develop part of the project – the 'Wet Zone' and 'The Boathouse' which were both completed in May 2019. Thus, subsequent application 17/1870/FUL was submitted to vary the plans and the phasing plan to omit the 'Dry Zone' from the proposed scheme and to also amend the phasing plan for the timescale for completion of the works.

7.1.5 BLYM have now secured the finance to complete the redevelopment of the site and construct the 'Dry Zone'. This application proposes to construct the 'Dry Zone' exactly as previously approved submitted under application 15/1560/FUL. The proposed development would support the recreational use of the Aquadrome for water sports and would not compromise the open space designation of the area. Consequently, there is no in-principle objection to development of the nature proposed in this location.

7.2 Green Belt

- 7.2.1 The application site is within the Metropolitan Green Belt. The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence.
- 7.2.2 The NPPF at paragraph 154 states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development, with the exception of:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.2.3 The Framework further advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.2.4 Core Strategy Policy CP11 reflects this approach and sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it and Policy DM2 of the Development Management Policies document sets out that within the Green Belt, except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance.
- 7.2.5 BLYM is a charity whose aims include the development of young people and those with disabilities and who have been operating from the site for 30 years. BLYM have already undertaken works to redevelop the site and improve the facilities; however, due to limited funding resources they previously had to omit the 'Dry Zone' from the phasing. Further funding has now been secured and the 'Dry Zone' would provide improved facilities to enable the club to continue to operate from the site to provide opportunities for water-based recreation including the provision of disabled facilities.
- 7.2.6 The proposed 'Dry Zone' building would be located to the east of the existing 'Wet Zone' building on an area which is currently undeveloped area of marsh grassland. The new building would have an impact on the openness of the Green Belt through the introduction of additional built form. Notwithstanding this, the 'Dry Zone' formed part of the original application 15/1650/FUL and the impact of the development towards the Green Belt was previously found to be acceptable, given that it was regarded as an 'appropriate facility for

outdoor sport or recreation' and that along with the 'Wet Zone' they were designed in a way to minimise impact where possible, for example, through the inclusion of sedum roofs.

7.2.7 The development is considered an appropriate form of development in the Green Belt when considering 154(b) of the NPPF. Furthermore, the application proposes no alterations to the 'Dry Zone' when comparing it to the previously approved scheme. Thus, it is considered that the proposed development would not result in additional harm to the Green Belt when compared to the previously approved scheme. The development is considered acceptable in accordance with Policies CP1 and CP11 of the Core Strategy, Policy DM2 of the Development Management Policies LDD and the NPPF (2023).

7.3 Impact on Character and Street Scene

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

7.3.2 The design and appearance of the 'Dry Zone' would remain as per the previous design approved under application 15/1650/FUL. The small scale of the development when viewed in the context of the wider Aquadrome site along with the use of cladding and render to the gable ends would reflect the materials used on the 'Wet Zone' building and other ancillary structures within the wider Aquadrome. The sedum roof proposed would further soften the appearance of the development.

7.3.3 As such, it is not considered that the proposed development would result in significant harm to the character or appearance of the Aquadrome or area and is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

7.4 Impact on amenity of neighbours

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

7.4.2 The separation of the development from neighbouring occupiers would ensure that the development would not result in demonstrable harm to the residential amenities of any neighbouring occupiers and is therefore acceptable in accordance with Policy CP12 of the Core Strategy.

7.5 Access and Impact on Highway Safety

7.5.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to be integrated with the wider network of transport routes including public rights of way and cycle paths where appropriate.

7.5.2 The development would not affect access to the site from the highway network. This application is supported by a Transport Statement which states that as part of the Aquadrome facility, visitors to the BLYM use the existing car park adjacent to the café in the north-west corner of the Aquadrome site. There is also limited access for small numbers of vehicles, principally those providing transport for the disabled to access the site directly.

7.5.3 The statement adds further that the 'Dry Zone' will complement the existing 'Wet Zone' and 'The Boathouse'. The intention of the completed scheme is to provide improved facilities for the existing operation. The capacity of the development is limited by the number of boats which can be safely supervised on the water and the Transport Statement advises that the club is already operating at full capacity and that the proposal would not provide for additional numbers of sailors or helpers such that there would not be any appreciable

change to the number of visitors and vehicles to the site. The development is not therefore expected to result in any significant impact on the safety or operation of the surrounding highway network.

- 7.5.4 Core Strategy Policy CP10 also sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision. However, these do not specify particular standards which would be applicable to development of the nature proposed.
- 7.5.5 Users of the existing facility currently use the main public car park within The Aquadrome, although there is provision within the application site for a small number of vehicles to provide more direct access for disabled members/visitors. Six parking spaces are available within the application site for this purpose; however, the existing public car park facilities would continue to provide adequate parking to serve the development.
- 7.5.6 The proposed development is therefore considered acceptable in accordance in accordance with Policy CP10 of the Core Strategy, Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Sustainability

- 7.6.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part C would continue to apply.
- 7.6.2 The application is supported by a Design and Access Statement prepared by Derek Lofty Associates dated 8th February 2024 (Ref: 13577/DFL) and appended to this statement is the original Design and Access Statement submitted as part of application 15/1650/FUL as the details contained in this are relevant to this current application. Energy saving would be achieved through the use of energy efficient measures and an Air Source Heat Pump (ASHP) similar to the 'Wet Zone'. In the case of the 'Wet Zone' the ASHP has been fitted to the west flank of the building. A condition is suggested to ensure that the development is implemented in accordance with the details contained with the supporting Design and Access Statement.
- 7.6.3 Thus, subject to the condition the proposed development is considered acceptable in accordance with Policy DM4 of the Development Management Policies LDD.

7.7 Flood Risk and Water Resources

- 7.7.1 Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding and should minimise flood risk through the use of sustainable drainage systems. This Policy also advises that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and in dealing with land contamination.
- 7.7.2 Policy DM8 of the Development Management Policies document sets out that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate risk of flooding elsewhere and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution with sufficient surface water drainage. Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water, and will only be granted for development on sites where contamination may be an issue where the Council is satisfied that there will be no threat to the health of future users or occupiers of the site or neighbouring land and there will be no adverse impact on the quality of local groundwater or surface water quality.

- 7.7.3 The site lies within Flood Zone 3b, which is land defined by the Planning Practice Guidance (PPG) as having a high probability of flooding. This current application is supported by a Flood Risk Assessment (FRA). The Environment Agency (EA) were consulted on the submitted details.
- 7.7.4 The EA raised an objection to the proposed development stating that the submitted FRA does not adequately assess the development's flood risk. In particular, the FRA fails to demonstrate that adequate flood storage compensation will be provided. Therefore, the proposed development is expected to impede flood flow and reduce flood storage capacity, thus causing a net loss in floodplain storage and increasing the risk of flooding elsewhere.
- 7.7.5 In light of the objection, the applicant has engaged with the EA and a revised FRA is being prepared to address the objection and a response from the EA will be verbally updated. The EA have informally advised officers that the outstanding matters can be reasonably overcome.
- 7.7.6 To provide some background, the EA were previously consulted on the original planning application in 2015. At the time, the EA initially raised an objection on similar grounds as they currently do now. That objection was later overcome by the provision of an updated FRA from the applicant containing calculations demonstrating the impact of the development on flood plain storage and therefore flood risk. The objection on flood risk grounds was later removed, subject to the inclusion of flood risk condition.
- 7.7.7 As such, officers anticipate that the latest objection from the Environment Agency in respect of this current application can be addressed.
- 7.8 Trees & Landscape
- 7.8.1 Policy DM6 of the Development Management Policies document sets out that development proposals should seek to retain trees and other landscape and nature conservation features and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. Planning permission will be refused for development resulting in the loss or deterioration of protected woodland, trees or hedgerows unless conditions can be imposed to secure their protection. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- 7.8.2 The application is supported by a Tree Survey, Arboricultural Impact Assessment and a Tree Protection Plan prepared by Simon Pryce Arboriculture dated 27th November 2023 (Ref. 23/077). The report concludes that no trees will be directly affected by the construction of the new building. There is a Cherry tree located within the far corner of the site, north of the 'Dry Zone' building which is shown to be protected on the during the course of the development as indicated on the Tree Protection Plan. A condition is suggested to secure this.
- 7.8.3 The Landscape Officer was consulted on the application, however at the time of writing no comments were received. Any comments received will be verbally updated. Nevertheless, officers consider that subject to a condition requiring tree protection measures to be installed prior to commencement of construction of the 'Dry Zone' the development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.
- 7.9 Contamination
- 7.9.1 Policy DM9 of the Development Management Policies LDD sets out that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

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

7.9.2 It is known that asbestos is present within the aquadrome. The history of the source of the asbestos contamination is unknown; however, it is believed that there are potentially significant quantities of buried asbestos cement, textile, asbestos insulating board and other asbestos materials in the ground at the Aquadrome. For general day-to-day use, the Aquadrome poses no health risks to members of the public or other users.

7.9.3 The council has an Asbestos Management Plan (AMP) for the aquadrome which includes details on how Three Rivers District Council intends to:

- protect those working and visiting the site from asbestos cement materials (ACM).
- protect those working on the site from ACMS.
- effectively control any works likely to affect ACMS.
- identify and categorise ACMS, and manage hazards based upon prioritisation and assessment of the risk that they present.
- monitor and maintain the condition of identified ACMS that are assessed as being able to be left in-situ; and
- remove ACMS where they present an actual perceived risk to health, via a prioritised programme of remediation.

7.9.4 The responsibility of asbestos falls within the remit of the council's Property Services Team who have advised that external contractors working at the premises will be required to follow the contractor sign in procedure and permit to work with the Grounds Maintenance Manager, which includes provision of a copy of the Asbestos Management Site Map, advice that the entire site is presumed to contain asbestos below the ground, the site is managed as a no dig zone, and advisory note regarding any suspect surface lying ACM debris to be reported, with the provisions of the AMP that the contractor must follow.

7.9.5 The Environmental Health Officer (EHO) was consulted on the application and any comments received will be updated verbally. A condition is attached regarding unexpected contamination and if any is found during construction, details of mitigation measures should be submitted to the local planning authority for consideration; however, this is subject to any comments received and further recommendations from the EHO.

7.10 Biodiversity

7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.10.3 The Aquadrome is a Local Wildlife Site and part of the application site is also designated as a Local Nature Reserve. Policy DM6 also advises that development that would affect a Local Nature Reserve or Wildlife Site will not be permitted where there is an adverse impact

on the ecological, geological or biodiversity interests of the site unless it can be demonstrated that the need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

- 7.10.4 A Biodiversity Checklist and Preliminary Ecological Appraisal (PEA) prepared by Arbtech dated 18th December 2023. The PEA identified that the site contains an area of good quality wet Holcus-Juncus neutral grassland with ruderal vegetation. In addition, the site lies adjacent to Bury Lake which provides excellent aquatic habitat. The impact of the proposed development would result in the loss of approximately 200sqm of Holcus-Juncus grassland which could result in a net loss of in biodiversity at the site. As such, the PEA recommends that a Construction Ecological Management Plan (CEMP) is required to outline best practice measures to delineate the construction zone and to minimise the possibility of pollution and habitat damage during construction. A condition is suggested to secure submission of a CEMP prior to commencement of the development.
- 7.10.5 A second recommendation was to ensure retained trees/woodland/hedges are protected. As set out above in Section 7.8 a Cherry tree has been identified as the only tree in the vicinity of the proposed works which would be condition to be protected throughout the construction phase.
- 7.10.6 Herts Ecology were consulted on the application and raised no in-principle objection to the proposed development and support the recommendations set out in PEA and therefore recommend approval subject to the conditions requiring the submission of a CEMP and LEMP.
- 7.10.7 The development would be acceptable in accordance with Policy DM6 of the Development Management Policies document.

8 Recommendation

- 8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PLANNING PERMISSION BE GRANTED, subject to the following conditions:
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:
13577-100, 13577-101, 13577-102, 13577-103, 13577-104, 13577-105, 13577-106, 13577-107, 152003 – D – 02, 13577-108 REV-A and 23/077 (Tree Protection Plan).
Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Green Belt and area in accordance with Policies PSP1, CP1, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM4, DM6, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA5 of the Site Allocations LDD (adopted November 2014).
- C3 Before any above ground works, details and samples of the external materials to be used in the elevations and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. No external materials shall be used other than those approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the trees shown to be protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, as detailed within the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan 23/077.

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

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

- C5 Prior to the commencement of works to the dry zone building, details relating to the implementation, management and maintenance of the sedum roof (to include the proposed species, heights and density of planting) hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The sedum roof shall be provided in accordance with the approved details prior to occupation of the dry zone building. Once provided, the sedum roof shall be maintained and retained at all times thereafter.

Reason: To ensure a satisfactory appearance of the development and in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD.

- C6 Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include but is not limited to, details of retained tree/hedgerow/woodland protection during development in-line with British Standard 5837 measures; methodology for minimising pollution and damage to the protected habitat during construction; and a low impact lighting strategy for bats to be adopted throughout works. The development shall be implemented in accordance with the approved details.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to above ground works, a Landscape and Ecological Management Plan (LEMP) demonstrating how the habitat loss identified within the Preliminary Ecological Appraisal (PEA) will be compensated for. This includes, but is not limited to, the planting of marginal aquatic plants on the shoreline to create an ecotone; the creation of scrub habitat; the creation of reptile hibernacula; and the installation of at least one bird box preferably integrated within the design of the new building. The development will be maintained in accordance with the LEMP.

Reason: In order to mitigate the potential impact of this proposal on the surrounding protected habitat and suitable environmental and physical safeguards during the construction period in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

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

- C9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 If European Protected Species (EPS) or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.

To avoid the killing or injuring of wildlife during development, best practice should keep any areas of grass as short as possible and any longer, ruderal vegetation should be cleared by hand. To avoid creating refugia that may be utilised by wildlife, materials should be carefully stored on-site on raised pallets and away from the

boundary habitats. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape, and this is particularly important if excavations fill with water. Any open pipework with an outside diameter greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

In order to protect breeding birds, their nests, eggs and young, demolition or vegetation clearance should only be carried out during the period October to February inclusive. If this is not possible then a pre-development (i.e. no greater than 48 hours before clearance begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the birds have left the nest or professional ecological advice taken on how best to proceed.

- 15 The developer is reminded a permit work is required from the landowner prior to the commencement of the works. A permit can be obtained from the council by contacting the Property Services Team via enquiries@threerivers.gov.uk. Any works must demonstrate compliance with the Asbestos Management Plan.





PLANNING COMMITTEE – 23 May 2024

24/0338/FUL – Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration at 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

Parish: Batchworth Community Council Ward: Moor Park and Eastbury
Expiry of Statutory Period: 28.05.24 (agreed extension) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on neighbouring amenity.

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

[24/0338/FUL | Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration. | 63 Eastbury Road Northwood HA6 3AP \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0338/FUL)

1 Relevant Planning

- 1.1 24/0304/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.55 metres, maximum eaves height 3.0 metres) - Withdrawn.
- 1.2 24/0313/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable roof extension, rear dormer window and front/rear rooflights; conversion of garage into habitable accommodation; additional flank window - Permitted.
- 1.3 24/0601/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.58 metres, maximum eaves height 3.00 metres) - Pending consideration.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the western side of Eastbury Road, Northwood. The application dwelling is a detached property finished in facing brickwork and painted render. To the front the property has a two storey front bay feature, porch and catslide roof feature. To the rear is a single storey rear projection.
- 2.2 To the front of the site is a block paved driveway and to the rear is a patio with the garden mostly laid as lawn.
- 2.3 The neighbour to the north at No.65 is a detached two storey dwelling. This neighbour is built of a similar architectural style and scale to the application dwelling. This neighbour is sited at a slightly lower land level to the application site and has an existing single storey rear extension.
- 2.4 The neighbour to the south at No.61 is a detached two storey dwelling. This neighbour is finished in beige and white painted pebble dash and has existing single storey rear projections. This neighbour is at a slightly higher land level to the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration.
- 3.2 The proposed part single part two storey rear extension would have an overall depth of 6.5m at ground floor and 2.2m at first floor. Both elements would extend the width of the application dwelling. The ground floor element would have a crown roof with a maximum height of 3.6m. The proposed two storey element would also form a crown roof set down 0.5m from the main ridge.
- 3.3 Loft accommodation is also proposed which would be served by a flat roofed dormer which would be inserted in the rear roofslope of the two storey extension. It would have a width of 2.4m, height of 2.4m and a depth of 2.5m. A rooflight is also proposed within the southern side roofslope and two rooflights are proposed within the front roofslope.
- 3.4 The existing garage would be converted into a study which would include the replacement of the existing garage door with a triple casement window.
- 3.5 A rear patio would be constructed across the width of the rear elevation which would have a depth of 3m and a height of 0.3m above ground level.
- 3.6 Amended plans have been received during the course of the application to reduce the height and depth of the two storey extension by 0.8m in depth and 0.2m in height, alter the rear dormer to a flat roof dormer and have a wider flat roof section to the ground floor element. Neighbours were reconsulted on the received amendments as owing to the larger expanse of crown roof to the ground floor level resulting from the reduced first floor, the highest point of the roof would be closer to neighbours than original proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council:

Initially made the following comment:

Batchworth Community Council has no objections to this application.

Upon re-consultation made the comments below:

Batchworth Community Council have no material objections to the plans per se but request a condition be imposed that before any work starts on the site, a full drainage and sewerage study be commissioned, and a report passed to and signed off by the planning officers.

The study must consider the increase in major storms that are now much more common. The surrounding roads in Eastbury are subject to severe surface water flooding and this in turn overwhelms the sewerage system causing raw sewage to erupt from the drainage system.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 7 (3 support and 5 objections)

4.2.3 Summary of objections:

- Flooding and drainage concerns
- Concerns regarding tree removal
- Loss of privacy
- Loss of light
- Overshadowing
- Impact on character of the area
- Dormer window not in keeping

4.2.4 Summary of supporting comments:

- Development under full planning preferable to permitted development
- In Flood Zone 1 – should not be refused on flood risk grounds

4.2.5 Site Notice: Not required

4.2.6 Press notice Not required

5 Reason for Delay

5.1 Committee cycle. Extension agreed.

6 Relevant Planning Policy, Guidance and Legislation

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development

Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

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

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

6.4 Other

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

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

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

7 Planning Analysis

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

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings.
- 7.1.3 The proposed rear extension would have a depth of 6.5m at ground floor level and 2.2m at first floor level. As such would exceed the guidance of Appendix 2 of the DMP LDD in relation to its depth at ground floor. Whilst some oblique views may be had of the two storey rear extension from the streetscene, given that it would be set in from the boundaries, in line with the existing flanks and would be set down from the main ridge with a hipped roof form it is considered that overall this element would appear as a subordinate addition to the host dwelling. Whilst it is noted that the proposed single storey element would exceed the guidance of Appendix 2 given that it would be set in line with the existing flanks with a single storey crown roof form it is not considered that when viewed in the context of the scale of the host dwelling or site that it would appear as a disproportionate addition. Whilst first floor level flat roofed sections are generally discouraged the proposed two storey crown would be set down from the main ridge and would not be excessive in scale such that it could be indicative of excessive increased bulk and massing. Whilst not directly comparable there are a number of extensions evident in the streetscene such that the proposed rear extension would not appear incongruous in its scale or form.
- 7.1.4 Appendix 2 of the DMP LDD outlines that dormer windows should appear subordinate to the host roof. The proposed rear dormer would be set in from all planes of the roof form of the two storey rear projection and overall would appear as a subordinate addition. Furthermore the proposed two casement window would respect the hierarchy of windows expected at upper floors.

- 7.1.5 The proposed flank and front rooflights would be readily visible from the streetscene however are not excessive in their scale or number and would be set flush within the roof plane. Additionally they would not appear incongruous within the residential setting of the locality.
- 7.1.6 Subject to the use of matching windows it is not considered that the proposed garage conversion would appear unduly prominent or incongruous within the residential setting of the locality.
- 7.1.7 The proposal also includes the erection of a raised patio which is not considered excessive in scale or an incongruous feature which would be at odds with the character of the locality as it is a feature often evident within a residential setting.
- 7.1.8 In summary it is considered that the scheme, as currently submitted, would not result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.3 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the rear elevation of No.61. Given this in addition to its siting set in from the boundary, in line with the main flank and roof form hipped away from the boundary and set down from the main ridge it is not considered that this element would result in unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.4 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the two storey rear elevation of No.65. It is noted that this neighbour is sited at a slightly lower land level however they do have an existing single storey rear extension. Given the lack of intrusion even with the two storey rear elevation, the siting of the extension set in from the boundary with a hipped roof form, set down from the main ridge it is not considered that it would result in such an overbearing impact or loss of light so as to result in demonstrable harm to their amenity.
- 7.2.5 Guidance contained within Appendix 2 of the Development Management Policies LDD (adopted July 2013) indicates that generally a 4m depth is considered acceptable for single storey rear extensions to detached properties, however, proposals should also be considered on their merits in relation to the specific site circumstances.
- 7.2.6 The proposed single storey rear extension would have an overall depth of 6.5m thus would exceed the guidance of Appendix 2 by 2.5m.

- 7.2.7 The proposed single storey rear extension would extend in line with the existing main flank closest to No.61 at a distance of approximately 0.9m from the boundary. Whilst the 4m guidance figure would be exceeded it is noted that the existing two storey rear of the neighbour projects deeper than that of the application dwelling. The proposed single storey rear extension would extend approximately 4.1m beyond this element which would only marginally exceed the 4m guidance. Given this in addition to the crown roof form of the proposed extension where the roof would hip away from the boundary, and spacing between both dwellings and the shared boundary, it is not considered that the proposed extension would give rise to unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.8 It is acknowledged that the neighbour at No.65 is sited at a slightly lower land level to the application site and that the extension would have a depth which, overall, exceeds the policy guidance by 2.5m. However this neighbour has an existing single storey rear projection in line with the flank facing the application site. The proposed extension would extend approximately 4m beyond the rear elevation of the neighbour's extension which would reflect the guidance figure. When considering this, that the proposed extension would be set in 1.4m from the boundary and would have a crown roof which would be hipped to the side and rear it is not considered that the proposed extension would result in demonstrable harm to the amenity of this neighbour by reason of an unacceptable overbearing impact or loss of light.
- 7.2.9 The proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflight conditioned to have a cill height of at least 1.7m above floor level in order to prevent unacceptable overlooking.
- 7.2.10 The proposed rear dormer would be set in from all planes of the roofslope and thus from both boundaries. Overall it is not considered that it would result in an unacceptable overbearing impact or loss of light. Whilst some additional views would be had towards neighbouring gardens these would be angled towards the rearmost sections of the gardens and is not considered to give rise to unacceptable levels of overlooking when compared with the existing first floor windows.
- 7.2.11 The proposed raised rear terrace would extend 3m beyond the rear elevation of the extended dwelling. However at a proposed height of 0.3m would generally not be considered to comprise development within the definitions set out within the Town and Country Planning Act therefore would not require express planning permission. In any event there is an existing degree of overlooking between properties from the existing garden which is not considered to be unduly exacerbated by the proposed rear patio.
- 7.2.12 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage could accommodate 3 cars thus would comply with the guidance of Appendix 5. It is noted that the proposal includes the loss of the existing garage however the site frontage is of sufficient size to meet the requirements of Appendix 5.

7.4 Rear Garden Amenity Space

- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Appendix 2 requires 147sqm to be provided for a six bedroom dwelling. The application site would retain approx. 335sqm of amenity space and as such would exceed the requirements of Appendix 2 in this respect.

7.5 Trees & Landscape

- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 There is a TPO to the very rearmost part of the application site. However owing to the separation distances it is not considered that the proposal would result in any direct root severance. A tree protection plan would be required by condition to prevent materials being stored to the rear of the site.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

7.7 Flood Risk and Drainage

- 7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.7.2 The application site is within Flood Risk Zone 1 therefore at a low level risk of flooding. The site is also in a low risk zone for surface water flooding. In any event owing to the nature of the proposed development there is no statutory requirements for the LPA to require a flood risk assessment or drainage strategy. Furthermore a significant amount of soft landscaping would be retained and it is not considered that the extent of the extensions or rear patio would, in isolation, exacerbate existing flooding issues within the area. An individual application cannot be used to remedy existing issues within the locality.

8 Recommendation

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

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01, PL-02, PL-06 (Block plan)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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

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

- C4 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

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

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes of the extension hereby approved.

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

- C6 The flank rooflight hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

- C7 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and

their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

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

8.2 Informatives

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

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

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

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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





PLANNING COMMITTEE - (Thursday 23rd May 2024)

24/0426/FUL - Alterations to existing parking including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs at Street Record, School Mead, Abbots Langley, Hertfordshire

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 29.05.2024

Ward: Gade Valley
Case Officer: Lilly Varnham

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: TRDC is the applicant.

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

[24/0426/FUL | Alterations to existing parking including the provision of additional hardsurfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs. | Street Record School Mead Abbots Langley Hertfordshire \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 08/1130/FUL - District Council Application: Alterations to existing parking bays and installation of 33 grasscrete parking bays to edge of amenity space in School Mead. Permitted.
- 1.2 10/2486/FUL - District Council Application: Replacement of existing grasscrete parking bays opposite shopping parade within amenity space in School Mead with more durable asphalt construction. Permitted.
- 1.3 13/0388/FUL - District Council Application: Conversion of part of amenity area into parking bays (up to 17 spaces) and re-surfacing of existing parking area. Permitted.
- 1.4 13/1130/FUL - Works to School Mead open space including the introduction of surfaced pathways, additional benches, bins, play features and a 3.5m high canopy structure together with additional parking spaces. Permitted.

2 Description of Application Site

- 2.1 The application site comprises two parcels of land located on School Mead, Abbots Langley adjacent to the existing highway that currently provide parking. To the east is an area of allocated open space, encircled by the highway of School Mead.
- 2.2 There is a parade of shops to the west, a community centre and church to the south and a school to the east (Tanners Wood JMI), interspersed with residential properties. The open space is primarily laid to grass with some small trees around the edges of the area. Parking bays have been installed by the District Council to the eastern, southern and western edges of the amenity area with a timber knee rail separating these from the green itself. This application relates to those bays sited on the western edge of this open space. A footpath runs long the northern edge of the area, adjacent to Hazelwood Lane.

- 2.3 The first area subject of this application relates to an area adjacent to the highway on School Mead where there are a number of existing hardstanding parking bays (opposite Green View Court) serving the existing shops. These existing bays are orientated parallel to the road. There is an existing knee rail fence between the parking bays and open space to the east. It is understood that the bays are currently timed restricted by an existing Traffic Regulation Order (TRO).
- 2.4 The second area is to the west of School Mead where there is an existing area of hardened verge comprised of a plastic grid base on the corner of School Mead adjacent to No. 15a Hazelwood Lane of approximately 21m in length.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for alterations to existing parking including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs.
- 3.2 The existing plastic grid on the corner with Hazelwood Lane (described as area 2 above) is proposed to be replaced by a new hardened grasscrete verge (Marshall's earth brown Grassguard (Grasscrete)). The dimensions of these three bays are proposed to be retained as existing.
- 3.3 The area of hardened verge opposite the shops (described as area 1 above) is proposed to be replaced by a new hardened grasscrete verge (Marshall's earth brown Grassguard (Grasscrete)). Whilst the length would be retained at approximately 52m as existing, the depth would be increased to the east by approximately 3.75m to a total depth of approximately 6.4m. This is to enable the cars to park perpendicular, increasing the number of spaces available, resulting in a net gain of 12 spaces. A narrow strip of proposed tarmac surfacing would separate the western edge of these bays from the adjacent to the highway. Each individual bay will be demarcated using Bodpave White Markers and it is understood from the submitted application form that 48m of new precast concrete kerb would be installed as part of the proposal.
- 3.4 The existing knee railing would be replaced by 32 timber bollards of 0.9m height. The bollards would be spaced along the edge of the public open space from Hazelwood Lane to the edge of the new parking bays on School Mead. Installed in the same location as the existing knee railing, the bollards would have a red reflective strip.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Abbots Langley Parish Council: Members welcome the extra spaces and the replacement of the bollards which are falling down. Members acknowledge that parking restrictions are not a formal part of this planning application, however, if this application is approved Members request a full consultation with residents before any parking regulations are applied to these spaces.
- 4.1.2 Hertfordshire County Council – Highway Authority:

Location

School Mead, Abbots Langley Hertfordshire

Application type

Full Application

Proposal

Alterations to parking including addition of parking spaces and installation of timber posts and kerbs.

Recommendation

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

Comments

The proposals are located on School Mead, Abbots Langley. School Mead is designated as a unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposed rearranged and additional car park spaces opposite the shops are located on land which is not highway maintainable at public expense. The proposed hardened verge is part of the highway maintainable at public expense.

In order for the overall scheme to be considered acceptable, HCC as Highway Authority would recommend that amended / updated plans are submitted taking the following points into account:

1. Improved accessibility and permeability for pedestrians between the proposed extended parking area and the shops AND between the School Mead amenity area and the existing parade of shops. There are no proposed pedestrian crossing point(s) (with pedestrian dropped kerbs and associated necessary infrastructure e.g. tactile paving) opposite one another on both sides of the School Mead carriageway. A break in the length of the 15 proposed parking spaces would therefore be recommended which would reduce the overall length of the new vehicular access onto the highway (and also the length in which peds would need to walk in front of the parking spaces) and have the potential to provide the aforementioned pedestrian crossing point(s). The development would present an opportunity to provide this and would be necessary to ensure that any proposals are in accordance with the National Planning Policy Framework (NPPF) and LTP4, specifically Policy 1: Transport User Hierarchy and Policy 5 : Development Management.

2. An additional and appropriate level of cycle parking to promote cycling as a sustainable form of travel to and from the the local shops in accordance with NPPF and LTP4, specifically Policy 1 and Policy 5. A similar proportion of increase in cycle parking provision when compared to the level of increased car parking provision would be deemed to be reasonable.

3. Consideration as to removing the hardened verge parking from the proposals on School Mead. Whilst it is acknowledged that vehicles currently park on this land, this land is part of the highway and therefore it would be recommended that this land be reinstated to a grass (with also the potential for a new tree). It has not been demonstrated that these car parking spaces would be required when taking into account the proposed additional car parking spaces on the east side of School Mead.

4. An appropriate level of electric vehicle charging (EVC) provision to ensure accordance with LTP4, Policy 5h and any TRDC parking standards in this respect.

Following consideration of the above points, HCC as Highway Authority is therefore recommending that the application be refused in its current form. Further consideration would need to be given to improving the sustainable access to and from the proposed additional / rearranged car parking spaces and associated works. This is to ensure that the overall proposals are provided in accordance with the NPPF and LTP4.

4.1.3 National Grid:

Your planning application – No objection, informative note required

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

What you need to do

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

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

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

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

Your responsibilities and obligations

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

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

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where

prohibited by the law nor does it supersede the express terms of any related agreements.

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

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 44 No of responses received: 4

4.2.2 Site Notice Displayed: 09/04/2024, Expired: 30/04/2024

4.2.3 Press notice: [Not Required]

4.2.4 Summary of Responses:

- Any 2024 change to the car parking in front of GVC flats and shops must logically have the same ratio of timed and untimed parking spaces as it had from 2008 to 2024.
- Omission in current application and letter sent to residents as to whether the new car parking would be on an time/untimed or split of timed and untimed must be considered a deliberate omission. This alone should be enough to require reissue or correction of the planning application.
- Increasing spaces a good idea, but object to paid for parking detrimental to value of properties. GVC has 24 flats with no off street parking spaces allocated, rented or owned.
- Welcome more spaces but not on fee basis.
- Peopled rented and bought flats as they knew there were free spaces close to the door.
- Object to phrase “TRO for parking to prevent all day residential parking” – hidden in online version and omitted in letter sent to residents. Letter to residents presents “more and better parking” hides that it means less places we or visitors can park overnight.
- Second objection if it indeed means time limits.
- Increased parking good idea but need to keep in mind needs of residents above shops.
- No free parking will affect price of flats, not easy to park in nearby roads.

Officer Comment – Comments from the neighbours are noted. As part of the pending planning application the LPA will be assessing the ‘alterations to the existing parking bays including the provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs’ only.

In the event that planning consent were to be granted the LPA would not be restricting usage of the bays as part of the planning process. This process is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation. This process, however, is separate to the planning process and therefore cannot be considered as part of this current application.

5 Reason for Delay

5.1 No Delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM6, DM8, DM9, DM11, DM13 and Appendix 5.

6.3 Other

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

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

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

7 Planning Analysis

7.1 Impact on Character and Street Scene

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

7.1.2 The existing grasscrete bays immediately adjacent to the highway with Hazelwood Lane are currently in a poor condition. This proposal seeks to upgrade the grasscrete by replacing its current surface with a new hardened grasscrete verge. This proposed surface is not dissimilar to other areas of hardened grasscrete used on the eastern and southern part of School Mead. Whilst the comments of the Highways Officer are noted, given that the development seeks to upgrade the existing situation and that these bays are currently utilised for vehicular parking, it would not be considered reasonable as part of this application to request that the verge be reinstated or that a new tree be planted. The existing open space to the centre of School Mead is considered to provide high amenity value to the streetscene and it is not considered that the proposed hardened verge in this location would be detrimental to the street scene or area.

7.1.3 The existing bays opposite the shops are proposed to be replaced with an increase to the depth of the parking area such that vehicles can park perpendicular to the highway, resulting in an increase in the number of spaces provided. Whilst the spaces would extend into the existing open space, the encroachment would be limited (3.75m) such that it is not considered to result in demonstrable harm to the character or appearance of the street scene or area with the majority of the existing open space falling outside of the application site and therefore unaffected by the proposed development.

7.1.4 Whilst it is acknowledged that the increased depth and denotation of the parking bays would alter the current layout on this side of School Mead it is not considered that this in itself would give rise an incongruous form of development, given that this layout of bays is evident throughout School Mead and in front of the existing shops.

7.1.5 The existing knee railing would be replaced by 32 timber bollards. The bollards would be spaced along the edge of the public open space from Hazelwood Lane to the edge of the new parking bays on School Mead. The timber bollards would be installed in the same location as the existing knee railing. Given that the bollards would be replacing the existing knee railing and that these would be installed following the same line and layout as the existing it is not considered

that this would result in harm to the character of the streetscene. The timber bollards will ensure that the existing open space is safeguarded.

7.1.6 In summary it is not considered that the proposed development would result in any adverse impact on the character or appearance of the application site, streetscene or area and the development would be acceptable in this regard in accordance with policies CP1 and CP12 of the Core Strategy (adopted 2011).

7.2 Impact on amenity of neighbours

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

7.2.2 Policy DM9 sets out that new development should not result in adverse impacts by virtue of noise pollution or air pollution levels.

7.2.3 The nearest neighbouring residential properties are the residents of Green View Court who reside above the existing parade of shops on the opposite side of the highway. The concerns expressed by the residential neighbours are noted, as set out above the concerns that relate to the restriction of the use of the bays do not form part of the assessment of this planning application. In the event that consent were granted, any restriction on the usage of the bays is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation which is separate to the planning process and therefore cannot be considered as part of this current application.

7.2.4 Considering the proposal, it is not considered that the proposal would result in demonstrable harm to the residential amenities of the occupiers of the residential or commercial properties in School Mead given the existing use and separation that would be maintained. The alterations to the bays on the western edge of the amenity space are on the opposing side of the highway to the residents of Green View Court and given that the bays proposed would replace the existing bays it is not considered that this would give rise to harm to amenity.

7.2.5 The grasscrete bays adjacent to Hazelwood Lane are sited closest to the neighbours at No. 15 Hazelwood Lane. Given that the public footway would be retained between the proposed grasscrete bays and the boundary with this neighbour and that there are existing parking spaces in this location, it is not considered that this would give rise to harm to the residential amenities of the occupiers of this neighbouring dwelling.

7.2.6 In summary it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policy DM9 of the DMP LDD in this respect.

7.3 Highways, Access and Parking

7.3.1 The NPPF (para. 115) advises that; '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

7.3.2 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking.

- 7.3.3 Parking within School Mead is currently available to the front of the existing shops and to the eastern, southern and western edge of the open space. The existing spaces to the eastern and southern edge allow vehicular parking perpendicular to the road, which is what the proposal and upgrade to the existing parallel bays to the west seeks to achieve. Increasing the depth of the existing bays to the western edge of the open space will allow for a net gain of 12 spaces by allowing vehicles to park perpendicular to the highway rather than parallel as per the existing arrangement. It is considered that having a perpendicular layout may help to alleviate some parking pressures adjacent to the shops that were observed during the officer site visit and the provision of additional spaces is therefore supported.
- 7.3.4 It is noted that the Highways Authority (HA) have raised an objection to the application, including on the basis that the application presents an opportunity to improve the accessibility and permeability for pedestrians between the extended parking area and the shops and between the amenity area and the shops. Whilst it is acknowledged that the HA has suggested a break in the proposed parking spaces to allow for a pedestrian crossing, it is also noted that the overall length of the parking area is not increasing beyond that of the existing situation and therefore it is not considered a reasonable requirement given there would be no change to the existing arrangements in this respect. The depth is proposed to increase to allow for cars to park at a different angle to the current situation enabling further spaces to be provided. Whilst there is an existing pedestrian path running through the amenity space, the existing spaces on the western edge of School Mead (outside the application site) do not currently benefit from a formalised pedestrian crossing point that aligns with this and it is not considered reasonable to request that the applicant provides a formal crossing point, nor is it considered reasonable to refuse planning permission on this basis.
- 7.3.5 Whilst a new crossing is not proposed as part of this application, in response to the comments from the HA the applicant has advised that there is opportunity to consider relocating the paved/asphalt island on the existing hardstanding on the side of the highway where the parade of shops is sited to align with the existing pathway that provides access through the amenity space, providing an aligned point on both sides of the highway. However, as this does not form part of this current application and is outside of the applicant's ownership, alterations to the existing island would need to be pursued separately with Hertfordshire County Council as this area is an adopted highway.
- 7.3.6 The HA has also suggested that there should be an increase in cycle parking provision. TRDC parking standards include cycle parking standards, however, these are based on the creation of additional floorspace (whether that be commercial or residential). In this case no built development is proposed that would generate a requirement for additional cycle provision and it is therefore not included as part of this application. However, the applicant notes the comments/recommendation from the HA and has advised that they will provide additional cycle parking (Sheffield stands) on the large, paved area adjacent to the south side of the shops. This area of land falls outside of the application site boundary, and as does not form part of this current application, however, officers suggest that an informative is included in relation to the future provision of cycle parking in this location.
- 7.3.7 As noted in the character section above, the HA has commented that the existing grasscrete bays adjacent to Hazelwood Lane should be reinstated as grass. The existing grasscrete bays are currently in a poor condition as observed during the

officer site visit, and given that the bays are existing and that this application would replace the material with a new grasscrete it would not be considered reasonable to request that this be reinstated to grass. The applicant has advised that space to the northern edge of the grasscrete bays has been identified with the potential for planting, this does not however form a part of the assessment of this application, and whilst some benefit would be had by restoring this area to grass, the proposal seeks to better the existing situation, and there is considered to be sufficient amenity space retained to the centre of School Mead where a number of trees are present.

- 7.3.8 The HA have also requested than an appropriate level of electric vehicle charging (EVC) be provided. Policy DM13 of the Development Management Policies LDD (adopted July 2013) sets out that *“the council strongly acknowledges the need to reduce the use of high emission vehicles and therefore in accordance with national policy, will seek to encourage the use of lower emission vehicles, particularly through the incorporation of plug-in points for such vehicles”*, however, the existing policy does not include a requirement for EV charging.
- 7.3.9 In any case it is not considered reasonable to request that the applicant provides EVC given that the proposal seeks to provide betterment to the current situation within School Mead by way of increasing the depth of the existing bays which in turn has resulted in a net gain in spaces. It is understood from the applicant that TRDC are working with HCC on the provision of EVC within the District, but that initially this is focused on major retail centres.
- 7.3.10 Policy DM8 outlines that development will only be permitted where it would not unacceptably exacerbate risk of flooding. The proposed new surface is shown on the proposed plans to be permeable (grasscrete) and there is also provision of soft landscaping surrounding the development in order to intercept any additional surface water run-off.
- 7.3.11 In summary, the proposal would provide additional parking and is not considered to result in harm to vehicle or pedestrian safety and would be of an appropriate material to ensure disposal of surface water run-of. The proposal would therefore be in accordance with Policies CP10 of the Core Strategy (adopted July 2013) and Policy DM8 of the DMP LDD (adopted July 2013).

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of

protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees

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

7.5.2 The application site is not located within the Conservation Area. There are however a number of trees located within the area of allocated open space, however these are not protected by any Tree Preservation Orders nor is it considered that any of the existing trees would be affected as a result of the proposed development.

8 **Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: VH02-EBP-V2, VH02-PBP-V2

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the first use of the development hereby permitted the parking spaces to the western edge of the School Mead amenity area shall be physically marked on the ground with Bodpave White Markers as more particularly shown on plan number VH02-PBP-V2 and as indicated within the submitted application form.

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

C4 The parking spaces hereby permitted shall be constructed using a permeable surface as more particularly set out on plan number VH02-PBP-V2.

Reason: To prevent unacceptable levels of surface water run-off in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

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

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

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

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

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

{b (a)} Making a Non-Material Amendment

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

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

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

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

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

- I2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- I5 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- I6 The applicant is requested to explore the provision of additional cycle parking stands at School Mead.

This page is intentionally left blank







Example of Existing Grasscrete at Southern end of School Mead

