

## PLANNING COMMITTEE - 26 MAY 2022

### PART I – DELEGATED

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

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

Ward: Oxhey Hall and Hayling  
Case Officer: Claire Wilson

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

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

#### 1 Relevant Planning History

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

*The proposed development by reason of its excessive width, depth, design and significant bulk and massing would result in an incongruous, contrived and uncharacteristic form of development which would appear excessively urbanising and excessively prominent, detracting from the visual amenities of Hampermill Lane. This would be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

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

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

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

Appeal dismissed.

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

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

*The proposed development by reason of its scale, bulk and design incorporating flat roofs would appear as an unsympathetic and obtrusive form of development which would result in a contrived and unduly prominent form of development uncharacteristic of and harmful to the character and appearance of the street scene. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

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

Appeal lodged.

## **2 Description of Application Site**

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

## **3 Description of Proposed Development**

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

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

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

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Watford Rural Parish Council: No comments received.

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

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

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

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

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

#### 1) Existing Access – Closure

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

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

#### 2) New Access

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 14446-SP001-E in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

#### 3) Electric Vehicle (EV) Charging Point

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

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

#### 4) Construction Management Plan / Statement

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

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

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

## 5) Surface Water

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Refuse and Waste Collection: Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin location and that residents must not have to carry bins over 30m to the collection point. No details of the location of the refuse storage have been shown on the site plan, drawing number 14446-SP001-E. However, with the location of the new access all of the front of the dwellings are within this 25m.

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

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

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

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

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

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

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

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

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

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

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

#### 4.1.4 Landscape Officer: [No objection]

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

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

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.



With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

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

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

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

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

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

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

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

Developments Portal (<https://affinitywater.custhelp.com/>) or  
aw\_developerservices@custhelp.com.

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

#### 4.1.7 Herts and Middlesex Wildlife Trust: [No objection]

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

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

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

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

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

Reason: To conserve and enhance biodiversity in accordance with NPPF

Further comments received also state:

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

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

Reason: To conserve and enhance biodiversity in accordance with NPPF

#### 4.1.8 National Grid: No comments received.

### 4.2 **Public/Neighbour Consultation**

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

4.2.2 No of responses received: 1

4.2.3 Site Notice: Expiry 18.03.2022                      Press notice: Not required

4.2.4 Summary of Responses:

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

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

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

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

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

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

## **5 Reason for Delay**

5.1 To allow for consultation periods to expire.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

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

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

### **6.2 The Three Rivers Local Plan**

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

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

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

### 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## 7 **Planning Analysis**

### 7.1 Background

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

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

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

### 7.2 Principle of Development

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

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

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

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

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

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

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

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

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

### 7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs in terms of size and types of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA) was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing is 5% 1 bedroom units, 23% 2 bedroom units, 43% 3 bedroom units and 30% 4 bedroom units. The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide 100% 4 bedroom units (the study has been treated as a bedroom) and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

### 7.4 Affordable Housing

7.4.1 Appendix A of this report sets out the position of the Council and evidence relating to the Application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

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

## 7.5 Streetscene

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

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

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

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

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

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

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

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

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

## 7.6 Impact to Neighbours.

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

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

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

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

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

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

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



## 7.7 Living conditions for future occupiers

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

## 7.8 Access and Parking

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

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

## 7.9 Trees and Landscaping.

7.9.1 Policy DM6 of the Development Management Policies LDD advises that 'Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997'.

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

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

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

## 7.10 Biodiversity

7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions. Policy DM6 of the Development Management Policies also relates to wildlife and advises that development should protect habitats and species identified for retention.

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

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

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

## 7.11 Sustainability

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

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

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

## 7.12 Refuse and Recycling

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

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

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

## 7.13 Planning Balance.

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

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

7.13.2 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)). In this case, it is acknowledged that the housing mix is not strictly in accordance with Policy CP3 of the Core Strategy, however, given the scale of the development, it is not considered that this would constitute a reason for refusal.

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

## **8 Recommendation:**

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

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

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

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

14446-SP001 REV H, 14446-SP002 B, 14446-SP003 F, 14446-SP004 B, 14446-S007-1<sup>st</sup>,

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

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

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

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

a. Construction vehicle numbers, type, routing;

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

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

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

Reason: This condition is a pre commencement condition in the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C6 No excavation below the chalk groundwater table including piling shall take place whatsoever until a ground investigation / piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. All excavation / piling must thereafter be undertaken only in accordance with the terms of the approved ground investigation / piling method statement.

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

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

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

- C8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping (including details of any new trees), which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The details shall also include details of the hard surfacing materials.

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

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

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

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

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

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

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

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

The protective measures, including fencing, as shown on the Tree Protection Plan dated 3<sup>rd</sup> December 2021 shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

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

- C12 The building(s) shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved elevations and no external materials shall be used other than those approved.

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

- C13 The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

- C19 Before the first occupation of the dwellings hereby permitted the flank window(s) in the first and second floor flank elevations of Units 1, 2 and 3 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C20 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

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

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

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

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

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

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

## 8.2 **Informatives:**

- 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](mailto: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](http://www.hertfordshirebc.co.uk).

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to

result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

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

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

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

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

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

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

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

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

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