

## PLANNING COMMITTEE - 20 APRIL 2023

### PART I - DELEGATED

6. **22/2025/FUL: Construction of mixed use scheme comprising 244 sqm of retail space (Class E(a), 36 flats (16 x one bed, 20 x two bed), associated access, car parking, bin and cycle storage and landscaping at ALPINE PRESS, STATION ROAD, KINGS LANGLEY, HERTS, WD4 8LF**

Parish: Abbots Langley  
Expiry of Statutory Period: 27.02.2023

Ward: Gade Valley  
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted subject to the completion of a S106 Agreement relating to the provision of a commuted payment to secure affordable housing and a late stage review mechanism.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee for the following reason:

*The extant permission is for a four storey building. This new application is for a six storey building, with just 0.6 parking spaces per flat, and so there are a number of issues to examine at committee.*

#### 1 Relevant Planning History

- 1.1 19/1550/FUL: Demolition of existing building, construction of mixed use scheme comprising 244 sqm of retail space (Class A1), 23 flats (11 x one bed, 12 x two bed), associated access, car parking, bin and cycle storage and landscaping. Permission granted. Permission implemented through the demolition of the existing commercial building.

#### 2 Description of Application Site

- 2.1 The application site historically consisted of a two storey commercial unit, formally in Class B2/B8 use; which has now been demolished. The site is located on the eastern side of Station Road, Kings Langley and is located within the Kings Langley Employment Area. Station Road consists of a mix of commercial and residential buildings of varied architectural design. The pre-existing commercial building was of two storey appearance with a flat roof form, with a part brick, part aluminium clad external finish. The site is located at an elevated position in relation to the adjacent highway; whilst the buildings opposite the site are located at a lower level. An existing grass verge is located to the front of the building and there is no formal boundary treatment located along the site frontage.
- 2.2 The site is accessed via an existing vehicular crossover to the north of the site, which historically provided access to a car park which sat to the northern and eastern boundaries of the site. The railway adjoins the eastern boundary of the site.
- 2.3 The nearest residential neighbours are known as 1-4 Railway Cottages and these are located to the north of the site. They are set back from the road frontage and sit at an elevated level to the site. They are two storey dwellings, and are traditional in terms of their appearance.
- 2.4 Kings Langley Station is located to the south of the site, consisting of an existing single storey building set at a lower level relative to the application site.

#### 3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the construction of a mixed use scheme consisting of 244 square metres of retail space (Class E (a)), 36 flats (16 x 1 bed and 20 x 2 bed), associated access, car parking, bin and cycle storage.
- 3.2 It is noted that the previously-existing building has already been demolished and the site is therefore currently vacant. The front elevation of the building would be stepped with the front wall of the commercial element of the development being located a maximum of 5.1m from the adjacent highway, with the front wall of Flat 1 (a ground floor flat) being set back by approximately 1.9m. The building would have a maximum width across the front elevation at ground floor level (distance taken from the flank wall of the undercroft parking area and bin store to the flank wall of Flat 1) of approximately 43.6m. The flank elevation of the bin storage area would be located 11.8m from the boundary with Railway Cottages, and approximately 12m from the recessed flank wall of Flat 1 to the widest part of the southern flank boundary. The building would have a depth of 17.9m from the front wall of Flat 1, to the rear wall of the undercroft parking area (adjacent to car parking space 24).
- 3.3 The proposed building would have a maximum of six stories; with the building having a flat roof form with a maximum height of 19.3m. The building has a stepped appearance such that the fifth and sixth floors are set in from the flanks of the building. The plans indicate that balconies would be incorporated at all levels to the front, rear and flank elevations. At ground floor level, a retail element would be provided and would be accessed via the front elevation of the building. The applicant has specified that this would be for Class E (A) for the display or retail sale of goods other than hot food.
- 3.4 Access to the site would be located to the northern part of the site. The proposals include alterations to the existing access to create a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road. This would provide access to a total of 31 parking space; 25 of which would be allocated to the residential use, and the additional 6 spaces allocated for the commercial use at ground floor level. Some of the parking provision is indicated to be located within the undercroft of the building; which would also incorporate refuse and recycling facilities. The submitted Planning Statement indicates that each unit will have secure cycle storage at one space per unit. The cycle store is located at ground floor level.
- 3.5 A landscaped amenity area would be located to the south of the existing building, with additional areas of landscaping located to the site frontage.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Abbots Langley Parish Council: [Concerns raised]**

Members acknowledge that this extension to the previously approved scheme, provides further much needed reduced bedroom housing on a brownfield site on a site with excellent transport links.

Whilst members have concerns about the increase in height to the amended scheme, the overall design, materials and elevation 'step back' are good design elements, reducing any overbearing nature of the additional height to neighbouring houses and the overall impact of the increased scheme. Members understand the precedent set by previous multi storey development approvals will be material considerations in the determination of this application. Members however, have overall concerns about over development of this junction with built and previously approved schemes. Members feel this junction will become overwhelmed and would encourage the Council to take a proactive approach to road infrastructure in this area given all the applications that have been approved.

#### **4.1.2 Water Officer: Herts Fire and Rescue: [No objection]**

This application will require a condition for the provision and installation of fire hydrants, at no cost to the County Council or Fire and Rescue Services. This is to ensure that there are adequate water supplies available for use in the event of an emergency.

4.1.3 Fire Safety Advisor: Herts Fire and Rescue: [Initial objection, subsequently withdrawn]

As mentioned in my previous email, the requirements required as per ADB B5 were:

- Turning and sweep circles of appliances.
- Sweep and turn circles – appliances
- Access for buildings not fitted with fire mains
- Access for an Aerial ladder platform (ALP).
- Access, approach road and camber gradients.

Regarding the Hydrant installation as requested by the water officer and the comments above would need to be documented in the revised application and plans.

At the current time the application/plans are deemed as NOT suitable.

Officer comment: The applicant has liaised directly with the Fire Safety Advisor, with the applicant noting the following:

*To confirm, our client will be installing a mist sprinkler system across the site. For completeness I attach our previous tracking plan (TK05) of a standard fire tender accessing the perimeter of the building, turning and egressing in forward gear. I also attach swept path analysis of an aerial platform appliance (TK06), which would be required to reverse in from Station Road. Based on the 20m limiting reverse distance, the vehicle would reach the centre of the building's northern frontage as shown.*

In response the Fire Safety Officer has advised:

Hertfordshire Fire and Rescue have no further comments to be made at the planning stage regarding B5 access and water supplies.

The water officer has made a comment regarding "Water Supplies".

ADB B5 covers the widths and sizes of hammerheads and turning circles if required.

Regarding fixed firefighting supplies such as Dry Rising Mains and Sprinklers etc, this would be reviewed during the Building Control Consultation Phase.

4.1.4 Affinity Water: [No objection]

Affinity Water has no comments to make on application 22/2025/FUL.

4.1.5 Hertfordshire County Council – Highway Authority: [Additional information requested].

The site has an existing extended vehicle crossover (VXO) / dropped kerb from Station Road providing access to the site. Station Road is designated as a classified C, secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposals are to use this access point. There would not be any significant objections to the use of this access point, particularly when taking into consideration its previous use. However following consideration of the size and nature of the proposals (with residential and commercial use), HCC as Highway Authority is recommending amendments and further information including:

1. Amended access arrangements to remove the extended dropped kerb and replace with a bellmouth access (with a minimum carriage width of 4.8m, which is acknowledged is

shown in the current internal proposed site layout) and a minimum kerb radii of 6m (a larger radii may be necessary depending on the approval of the necessary swept-path analysis / tracking drawings referred to in point 2 of this response). In addition to pedestrian dropped kerbs and tactile paving on the footway at either side of the bellmouth.

2. Swept path analysis illustrating that the largest anticipated vehicle requiring access to the site can safely use the recommended amended access arrangements (referred to in point 1 of this response), turn around on site and egress to the highway in forward gear. The swept path would need to illustrate that the access can be safely utilised both within the site and moving from and onto the adjacent highway.

For note: the swept paths referred to in the Transport Assessment do not appear to be included as part of the currently submitted document.

3. Details as to where service and delivery vehicles would be able to park on-site. The submitted Transport Assessment (TA) refers to the arrangements for refuse / recycling collection (point 4.28 and 4.29). However there does not appear to any details as to how and where other service and delivery vehicles would utilise the site.

Submission of a Stage One: Road Safety Audit and Designers Response for the necessary highway works as detailed in point 1 of this response.

Conclusion: HCC as Highway Authority is therefore recommending that the amendments and further information are made to the current application in order for a full assessment of the acceptability of the proposals to be made.

Officer Comment: A Transport Assessment (TA), Travel Plan Statement (TP) and subsequent Transport Statement Addendum (TSA) dated January 2023 have been submitted as part of the application. This information has been assessed by Herts Highways and the following comments have been received.

#### Recommendation

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

##### 1. A: Highway Improvements – Offsite (Design Approval)

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as Indicated on drawing number 22082/001B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

##### B: Highway Improvements – Offsite (Implementation / Construction)

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

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

2. Provision of Visibility Splays – Dimensioned on Approved Plan Prior to the first use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number 22082/001B. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

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

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

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

### Construction Management Plan

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

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

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

### Highway Informative

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

AN) Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in

the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

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

### Comments / Analysis

The proposal comprises of mixed used development of 244sqm of commercial retail and 36 residential units (16 one-bed; 20 two-bed) on land at The Alpine Press, Station Road, Kings Langley. The site has an existing extended vehicle crossover (VXO) / dropped kerb from Station Road providing access to the site. Station Road is designated as a classified C, secondary distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The proposals are to use this access point.

A Transport Assessment (TA), Travel Plan Statement (TP) and subsequent Transport Statement Addendum (TSA) dated January 2023 have been submitted as part of the application.

### Access

The proposals include alterations to the existing VXO access to create a new simple priority junction with a kerbed bellmouth entrance leading to an internal access road, the layout of which is shown on submitted drawing number 22082/001 in the TSA. Visibility splays of 2.4m by 43m are shown to be available in either direction from the rearranged access, which is acceptable when taking into consideration the speed limit of the highway. The majority of the visibility splay would be through existing highway land, however any boundary features within the splay area are to be provided and retained at a height of no greater than 600mm, which is acceptable and in accordance with Roads in Hertfordshire; Highway Design Guide and Manual for Streets (MfS). Following consideration of the amended arrangements and details as laid out in the TSA and the Road Safety Audit, Stage 1 and Designers Response (RSA), the access arrangements are considered to be acceptable in this respect.

Pedestrian access is provided by two new pedestrian links from the existing highway footway fronting the site. These links would provide good and suitable pedestrian access to and around the site in accordance with Hertfordshire Local Transport Plan (LTP4) and NPPF and ensure that the proposals maximise pedestrian accessibility and permeability.

### Section 278 Highway Works

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

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

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

### Refuse, Service and Emergency Vehicle Access

A swept path analysis (drawing number 22082/TK03) has been submitted as part of the TSA to illustrate that a 8m long box van would be able to access the site, turn around and egress to the highway in forward gear which is acceptable.

The TA (section 4.27) states that “residential waste refuse and recycling collection would take place via the eastern kerb line adjacent to No.’s 1 and 2 Station Road, immediately north of the zig-zag lines of the signalised pedestrian crossing.”, the arrangements of which are considered to be acceptable by HCC as Highway Authority when taking into consideration the location of the proposed bin store. The collection method would need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

Following consideration of the size and nature of the proposed buildings (6 storeys), Hertfordshire Fire and Rescue have been consulted on the proposals to assess the acceptability of the proposals from an emergency access perspective and for any comments, recommendations or objections which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Volume 1 and 2 (and any subsequent updates).

#### Car Parking

The proposal includes the provision of 31 car parking spaces (25 spaces for the residential aspect and 6 for the commercial aspect), which is less than those levels as outlined in TRDC’s standards. HCC as the Highway Authority’s main concern would be any negative effect the proposal would have on the free and safe flow of traffic along the surrounding highways through any resulting on-street parking from the development. However, it is unlikely that any effects would be significant enough to recommend refusal from a highways perspective, particularly when taking into consideration the results of Parking Stress Survey (in the TA) and relatively sustainable location (and therefore potential to encourage alternatives to the use of the private car). Nevertheless TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the overall level and type of parking.

The dimensions and layout of the parking areas is in accordance with Manual for Streets and considered to be acceptable by HCC as Highway Authority. Provision has been made for three active electric vehicle charging points, which is supported by HCC as Highway Authority to promote development in accordance with Hertfordshire’s Local Transport Plan (LTP4) and HCC’s Sustainability Strategy. It would however be recommended that an increased level is provided and demand dictates and also that passive provision is provided for all other spaces.

#### Trip Generation & Distribution

A trip generation assessment for the proposed use has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would not be considered to be a reason to recommend refusal from a highway’s perspective.

#### Sustainable Travel Options

The nearest bus stops to the site are located approximately 60m and 130m from the site, which is within an acceptable walking distance from the site – although the frequency of services from these bus stops are somewhat limited. Additional services are available through bus stops on the A4251 within approximately 700m from the site. Kings Langley Railway Station is located directly adjacent to the site and therefore within an easy walking distance for all to and from the site.

The proposals include the provision of 38 cycle parking spaces, 36 for the residential use within a dedicated store and 2 sheffield stands for the commercial use. HCC as Highway Authority would be supportive of these provisions to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a

shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF).

The TPS is considered to be generally acceptable for this stage of the application although the TPS would need to be updated to include details of an interim travel plan coordinator for until the travel plan coordinator (TPC) is appointed. A secondary contact to the TPC would also need to be provided.

Full guidance is available at: [www.hertfordshire.gov.uk/travelplans](http://www.hertfordshire.gov.uk/travelplans) or for more guidance contact: [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area B of TRDC's CIL charging areas. Therefore, contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

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

Officer comment: Officers clarified whether a condition relating to the Transport Plan Statement should be added and whether a monitoring fee would be required. The following comments were received from Herts Highways:

In respect of the Travel Plan Statement, we would not normally request a monitoring fee for a Travel Plan Statement (only for a full Travel Plan and a development of this size would not need or meet the threshold for a full TP). Therefore I would recommend a condition with similar wording to this to ensure that the TPS is updated and approved accordingly:

*Prior to the first use of the development hereby permitted, an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The updated plan shall include:*

- *details of an interim travel plan co-ordinator for until the travel plan co-ordinator (TPC) is appointed.*
- *a secondary contact to the TPC.*

*Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).*

4.1.6 Lead Local Flood Authority: [No comments submitted from LLFA, guidance provided via external consultant, who following receipt of additional information raises no objection]

First Review: Conclusions/Observations

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?



2. A Safety Factor of 2 has been used for modelling the soakaway which is considered low. Can you substantiate the Safety Factor of 2 for the soakaway as a means of managing runoff for the lifetime of development? Have you undertaken sensitivity testing?
3. Please confirm the purpose of the Depth/Flow Relationship Manhole used in the Micro Drainage model. In accordance with the online controls which indicate zero flow, clarification is required.
4. Please confirm the proposed impermeable area. 0.16 ha of impermeable area is identified in the FRA, but 0.14 ha is used in the Micro Drainage modelling.
5. FSR rainfall has been used in Micro Drainage. Has a check against FEH rainfall intensities been undertaken?
6. Are there any specific water quality requirements for discharging runoff to ground within a principal aquifer? Has there been any consultation with the Environment Agency to confirm acceptance? We note that the site currently drains to soakaway.
7. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Officer comment: Following the receipt of these comments, the applicant submitted further information for assessment and the following comments were received:

Second Review: Conclusions/observations:

1. Micro Drainage outputs include a warning to the effect that Half Drain Time cannot be calculated, this needs to be clarified as part of the design. If Half Drain Time exceeds 24 hours, how will a consecutive storm event be managed?

The Design Event is the 100 year + climate change event. Any proposed storage measures should demonstrate a half drain down time within 24 hours up to the 1 in 100 year + climate change event. If this is not possible, either additional upstream storage should be explored, or it should be demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). If a 24 hour drain down cannot be achieved, applicant to demonstrate what combination of events the scheme is capable of attenuating. Applicant to confirm.

2. Whilst the applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations, it is up to the applicant to demonstrate how the consequences of failure associated with the higher values (CIRIA published Safety Factors range from 1.5 to 10) should not reasonably be foreseen for the lifetime of the development including climate change. (i.e., damage to building or flooding of roads). Refer to the previous point. We need a Safety Factor based on your response to Comment 1 above.

3. The Applicant has identified that:

*"The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater. We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.*

*The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary.”*

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

4. There is no reference to maintenance of the soakaway in the provided Drainage Strategy (permeable paving only). How will soakaway be maintained when located beneath permeable paving?

Again, this is subject to design requirements in Comment 1 above. Whilst a maintenance turret has now been included for, the soakaway may need to be repaired and replaced throughout the lifetime of the development including climate change.

Officer comment: Following the receipt of the consultant’s comments, the applicant provided further information and the following comments have been received:

Third Review: The Applicant has provided a robust response to our previous review comments. Whilst we have changed our stance to “Drainage strategy and design of SuDS is suitable for this stage of application”, comment 3 is still open as a comment for the LPA to consider.

1. Applicant has demonstrated that the drainage system can cope with a subsequent 1 in 30-year event (following the 1 in 100 plus climate change). No further comments.
2. Applicant has now included a Safety Factor of 3 in the Micro Drainage infiltration calculations and sensitivity tested a silted soakaway. No further comments.
3. The Applicant has identified that:

*“The simple index approach has been used to assess the proposed water quality mitigation and the proposed permeable paving mitigates risks from the car park area. The site is in a SPZ III of a Principal Aquifer, so we do not believe further consideration is required. We estimate there is 10m of unsaturated zone beneath the site which will also afford protection to the groundwater. We note that Affinity Water, who are the presumed abstractor associated with the SPZ, have no comment.*

*The EA have not specifically been consulted. They are a consultee to the planning application and did not raise a concern for the previous scheme so further consultation was not deemed necessary.”*

There is nothing else we can comment on regarding water quality for discharge to ground in SPZ III.

Question to the LPA: the applicant has assumed acceptance but has this point been fully addressed?

4. We acknowledge the updates to the maintenance strategy to include for repair and replacement of the soakaway as required. No further comments.

Officer comment: Affinity Water have raised no objection to the development. The EA is not a statutory consultee for this application.

#### 4.1.7 Herts Ecology: [No objection]

I understand site has already been cleared for a previous application. I am not aware of any substantive ecology relating to the site. I am glad to see that native hedging is included in the landscaping scheme however I note the use of Parthenocissus henryana as a climber

along the fence, with the railway. It is important that the correct species is used as both *Parthenocissus quinquefolia* and *Parthenocissus inserta* are listed on SCHEDULE 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. Beyond this, I am not aware of any ecological constraints regarding this proposal which can be determined accordingly.

4.1.8 TRDC Local Plans Team: [No objection]

This application seeks permission for the construction of retail space (Use Class E) and 36 residential dwellings (Use Class C3). The application site was granted planning permission in 2020 for the demolition of existing building and construction of 23 residential dwellings and 244sqm of commercial space (19/1550/FUL).

The site is located in Kings Langley and within the Kings Langley employment area, which is allocated as a mixed use employment site and a housing site in the Site Allocations LDD (adopted 2014) (sites E(e) and H(1) respectively). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. The introduction of a residential use to the site therefore complies with the site's mixed use allocation, raising no objection to Policy SA2. The provision of a retail use within the mixed use site allocation also complies with Policy SA2 in this regard. Therefore, both residential and retail use is acceptable within the broad area of the mixed use allocation, including upon the application site

The Spatial Strategy identifies Kings Langley as a Secondary Centre and states that 'more limited new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres.' The Council has recognised that the application site is classified as previously developed land through its inclusion in the Brownfield Land Register (published 2017). The National Planning Policy Framework's (NPPF, 2021) core planning principle is encouraging the effective use of previously developed land. The proposal therefore complies with the Spatial Strategy and Strategic Objective 2. The site is located in a sustainable urban location, within close proximity to Kings Langley train station.

Policy PSP3 of the Core Strategy states development in Secondary Centres should maintain and enhance employment opportunities through mixed use development in the Kings Langley employment area. The application proposes 224sqm of retail floorspace and indicates the facility will be in operation from Mondays to Sundays. On this basis, the proposed development would contribute towards employment opportunities subsequently complying with Policy PSP3. The Site Allocations LDD states that sites allocated for mixed use (i.e. the proposal site) may include development for employment, residential or community uses to contribute to sustainable communities and reduce the need to travel. It is considered that the small-scale provision of retail floorspace on the site may contribute to the wider sustainability of this location. The proposal would also make a contribution to meeting the current housing target of 633 dwellings per year in Three Rivers.

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

|                                  | 1-bed | 2-bed | 3-bed | 4+ bed |
|----------------------------------|-------|-------|-------|--------|
| <b>Market Housing</b>            | 5%    | 23%   | 43%   | 30%    |
| <b>Affordable Home Ownership</b> | 21%   | 41%   | 28%   | 9%     |

|   |     |     |     |    |
|---|-----|-----|-----|----|
| <b>Social/Affordable Rented Housing</b> | 40% | 27% | 31% | 2% |
|---|-----|-----|-----|----|

The application proposes a total of 36 dwellings with a unit mix comprising of 16 one-beds (44%) and 20 two-beds (56%). The application supporting documents state all dwellings will be market housing. The proposed housing tenure mix does not comply with the LHNA however, Policy CP3 recognises that a proposed housing mix may need to be adjusted for specific schemes to take account of market information and specific site factors; where adjustment to the proportions is sought, applications should explain how relevant factors have contributed to the mix of housing proposed.

Policy CP4 of the Core Strategy requires 45% of all new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes defining the product and changes to planning policy. Following publication of the WMS, Planning Practice Guidance (PPG) was updated to reflect the WMS and will now form a material consideration in decision making. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) is:

- 25% First Homes
- 70% social rented, and
- 5% intermediate.

The First Homes Policy Position Statement provides more information on the specific requirements for First Homes and is published on the Council's website: <https://www.threerivers.gov.uk/egcl-page/core-strategy>. The application states zero affordable housing provision is proposed on-site instead in-lieu payment contributing towards affordable housing will be provided.

#### 4.1.9 TRDC Environmental Health Officer (Commercial): [No objection]

I have reviewed the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01). The PRA has identified a number of plausible contaminant linkages that require further investigation. The Environmental Consultant has recommended that an intrusive investigation be undertaken. Based on this, the standard contaminated land condition is recommended on this and any subsequent applications for the site.

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
  - i) A site investigation scheme, based on the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
  - ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any

requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The above must be undertaken in accordance with the Environment Agency's 'Land contamination risk management (LCRM)' guidance, available online at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>.

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

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

#### 4.1.10 TRDC Environmental Health Officer (Residential): [No objection]

This application is an extension to a previously submitted scheme under planning reference 19/1550/FUL. The proposal seeks to demolish the existing building and construct a mixed-use scheme comprising of retail space, 36 flats and associated access, car parking, bin and cycle storage and landscaping. Having reviewed the Acoustic Design Statement and Vibration Assessment prepared by AIRO (Report No. DLW/7439), the main potential sources of noise disturbance has been identified as from rail and traffic noise. To satisfy the internal noise targets set by ProPG and BS 8233, AIRO have highlighted recommended mitigation methods within Table 8.

To ensure that future residents are not exposed to unreasonable noise disturbance, the recommendations identified within Table 8 should be implemented as a minimum. Whilst it is acceptable to open windows, the proposed design should not rely on purge ventilation and instead use an alternative means of ventilation, such as whole house mechanical

extract ventilation. The proposal does not provide any details of their proposed ventilation scheme.

Therefore, I would ask that these details of the are submitted to and approved by the local planning authority. The reason is to ensure there is suitable and sufficient means of background ventilation without relying on opening windows.

#### 4.1.11 National Grid: [No objection]

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

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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### Your responsibilities and obligations

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

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

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter.

#### 4.1.12 Thames Water: [No objection]

Waste Comments: 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.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance

under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-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.

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

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

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.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection; however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the

longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

#### 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.

#### 4.1.13 TRDC Environmental Protection: [No objection]

No objection to submitted arrangements.

#### 4.1.14 Hertfordshire County Council - Growth and Infrastructure: [No objection]

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within your CIL zone and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

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

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

#### 4.1.15 Kings Langley and District Residents Association: [Objection]

The KL&DRA object to the application as follows:

Out of character with the historic village of Kings Langley:

The addition of a further 13 units over two additional floors is too high and out of character with the rest of our historic village.

The site lies close to some Victorian railway cottages and on the opposite side of Station road are residential houses and a single storey flower shop. At six storeys would substantially overpower and overshadow these other residences

On the back of the new development at the West Herts College site (5 storeys), there is now a creeping precedent for ever taller blocks. If Alpine Press is allowed to be built at 6 storeys, will the next development in the area be 7 storeys high?

The elevation of the site is higher than other buildings nearby as it sits further up the side of the Gade Valley, making it even more imposing.

Inadequate parking provision:

TRDC Policy DM13 (Parking) states the Council's car parking standards for Residential



development: The design should provide a total of 68 residential parking spaces. It provisions 25 spaces, a shortfall of 63% against the policy. There are no spaces for visitors. This is overdevelopment of the site. If the consented scheme were allowed, 25 parking spaces for 23 flats is more acceptable (the KL&DRA Note that the Inspector in the West Herts College appeal stated that 1.1 spaces per flat was acceptable - 0.7 spaces per flat is inadequate)

Summary: The KL&DRA accepts that the village must take on some level of additional housing, particularly on brownfield sites. However, we believe that the site cannot and should not accommodate 36 flats and number six storeys in height. This would be taller than any other building in Kings Langley as well as setting a precedent for further development so a similar size.

We request that this application be refused in favour of the consented scheme of 23 flats

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: 4

4.2.3 Site Notice: Expiry: 19.12.2022                      Press notice: Expiry 31.03.2023

4.2.4 Summary of Responses:

- Addition of a further 13 units over two different additional floors is unacceptable.
- This application has been put forward due to West Herts College site being permitted for five stories. It is important to note that the Inspector noted in his report that 'the site's lower laying location, the proposed buildings set back from the road'- this is not the case for Alpine Press and 5 stories should not be permitted, let along 6 storeys in line with the Inspectors Report
- The design should provide a total of 68 car parking spaces. It provides 5 spaces, a shortfall of 63% against policy. No spaces for visitors.
- This is overdevelopment of the site. We also refer to West Herts College appeal and it stated that 1.1 spaces per flat was acceptable. 0.7 spaces per flat is inadequate.
- The noise level measurements seem to be dated March 2016. Data is 7 years out of date.
- The significant elevation of the building is unacceptable. Totally out of keeping with neighbouring residential buildings and dwellings and Kings Langley Village.
- No buildings within Kings Langley that have 6 stories and a six storey building is one floor higher than the previous buildings on this site;
- Excessive height would dwarf nearby buildings.
- Too many flats, inadequate parking provision, done to maximise profits at the cost of those living in the nearby.
- Development would destroy the character of the village. The original permission would be much more in keeping with the environment.
- I would like to advise that I have been in consultation with Jane Wakelin and the team of Wakelin Associates to discuss the updated proposals and any questions we may have.

- Northern boundary between my property. 1 Railway Cottage, Station Road and the proposed site is currently shown as closed board timber fencing to run the entire length of the property .We have made a request that this whole fence should now be constructed using the following: new concrete upright posts, new/additional concrete gravel boards, ultra heavy duty close board timber fencing, the overall height to be 1.8 metres from my ground level;
- This work would be carried out in a timely manner with security of all properties 1-4 Railway Cottages to be taken into consideration at all times.
- We would like to ask that the selected climber plants for the boundary (acoustic) fence are reviewed for a better option. While we understand they can provide quick growth coverage Hedera helix in particular is fast growing and very destructive in its growth. It has aerial roots which allow it to penetrate any surface it attaches to and causes irreparable damage to concrete, brickwork and wooden fences. We have currently had issues with this particular plant on the site and don't see why it would be sensible to replant this going forward. Especially where the Acoustic boundary fence meets the Northern boundary. We would also like to see if there is an alternative to proposed Pyracantha hedging to be planted on the Northern boundary. Although it is stated that Pruning is necessary to maintain its vigorous growth, we are concerned that this hedging has invasive roots which will search for water to survive and can cause localised subsidence. As there is only a retaining wall on the Alpine press side it has no alternative but to come towards my property.

Officer Comment: The plans have been amended to take into consideration the comments received from the immediate neighbour.

## **5 Reason for Delay**

- 5.1 To allow for issues identified by consultees to be addressed.

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

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

On 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 Legislation**

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

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

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

### 6.3 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies 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, DM9, DM10, DM11, DM13 and Appendices 2, 4 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(1) and E (e) are relevant.

### 6.4 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## **7 Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Substantial weight should be given to the value of using suitable brownfield land. The application site is located within Kings Langley, identified by Policy PSP3 of the Core Strategy as being within a Secondary Centre. The policy notes that in such areas, the Council will focus future development predominantly on sites within the urban area, on previously developed land. It sets out that development in Secondary Centres will provide approximately 24% of the District's housing requirements over the plan period. In this case, the Council has recognised the status of the site as previously developed land through its inclusion on the Brownfield Land Register (published 2017). As such, the proposal therefore complies with the Spatial Strategy as well as

paragraph 120 (C) of the NPPF which requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes.

7.1.2 Policy PSP3 of the Core Strategy also states that development 'will maintain and enhance employment opportunities but redistribute some employment floorspace through mixed use development in Kings Langley Employment Area'. The application site is allocated within the Site Allocations LDD as a housing site (H (1)) and as an employment site (E (e)). The allocation E (e) identifies the area as a mixed use allocation. The Site Allocations LDD states that sites allocated for mixed use (i.e. the proposal site) may include development for employment, residential or community uses to contribute to sustainable communities and reduce the need to travel. In this case, the proposed development would contain a small scale retail unit at ground floor level and the provision of 36 flats. The Policy Officer has raised no objection to the form of development proposed, stating that the provision of a small scale retail offering on the site may contribute to the wider sustainability of the location; and that the proposal would make a positive contribution to meeting the current housing target of 633 dwellings per year within Three Rivers.

7.1.3 It is emphasised that a mixed use development for the site including a similar sized retail unit, and 23 residential flats has been previously considered acceptable on the site and that permission has been implemented through the demolition of the pre-existing commercial building. The planning history and extant consent are material planning considerations.

## 7.2 Housing Mix

7.2.1 Policy CP3 of the Core Strategy relates to density and states that in order to meet future housing needs in Three Rivers, the overall housing requirement will need to be provided as a range of housing types and sizes. Policy CP3 advises that housing proposals should 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 was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing is as follows:

|        |     |
|--------|-----|
| 1 bed: | 5%  |
| 2 bed: | 23% |
| 3 bed: | 43% |
| 4 bed: | 30% |

7.2.2 The development proposes a net gain of 36 residential units, with the mix consisting of 16, 1 bedroom units (44%) and 20, 2 bedroom units (56%). Consequently, the proposed tenure mix would not be in accordance with the Local Housing Needs Assessment outlined above. However, Policy CP3 does recognise that the proposed housing mix may need to be adjusted for specific schemes to take into account market information, and site specific factors. Where adjustments to the mix are proposed, the onus is on the applicant to provide justification. At the time of the previous application, a departure from the Policy compliant mix was considered to be acceptable with the applicant stating the following in 2019:

*'It is noted that TRDC Housing department have expressed a strong preference for family sized units, however, given the sites location, adjacent to the railway where outside noise levels are in excess of 50Db, family housing is not recommended for this site. This is in line with the guidance given in BS8233 and WHO for External Amenity Spaces..... The proposals set out within this application will therefore be for a mix of one/two person flats and two bed, three person flats.'*

7.2.3 In addition, the applicant has advised the following as part of the current submission:

*The location of this site is between the main railway line to Birmingham and Station Road, with the M25 flyover within audible distance. Whilst the location is exciting in terms of delivering development in a highly sustainable location, thought was given at an early stage*

*as to the nature of that development and in particular what form of residential units would be suitable here given the impact of adjoining uses.*

*Whilst the standard approach would be for a wider mix of residential units, it was considered that both the particular characteristics of the location, and the need to include an element of commercial space in the form of the retail unit in compliance with TRDC policy objectives, made the site more suitable for the 1 and 2 bedroom units finally proposed*

7.2.4 Given the site circumstances it is considered that the above provides reasonable justification for the mix of housing proposed. It is therefore considered that the proposed development would be acceptable with regard to the housing mix offered.

### 7.3 Affordable Housing

7.3.1 Policy CP4 of the Core Strategy states that all new development resulting in the net gain of one or more dwellings will be expected to contribute to the provision of affordable housing. Around 45% of all new housing needs to be affordable, unless it can be clearly demonstrated that this is not viable. Policy CP4 (3) states that the Council will 'in most cases require affordable housing provision to be made on site, but in relation to small sites.....consider the use of commuted payments towards provision of site'. Small sites would generally be considered as those with fewer than ten units. The Affordable Housing SPD clearly sets out that the 'for proposals with a net gain of 10 or more dwellings, on site provision will be required'. On this basis and given the need for affordable housing in the District, the LPA's approach in line with TRDC's Development Plan is for affordable units to be provided on site for major developments such as this.

7.3.2 As a guide the tenure split set out in Policy CP4 is 70% social rented and 30% intermediate. It is noted that on 24th May 2021, the Government published a written ministerial statement to set out the Government's plans for the delivery of First Homes defining the production and changes to planning policy. Following publication of the WMS, Planning Practice Guidance has been updated to reflect the WMS and will form a material consideration in decision making. Three Rivers District Council has also published a position statement in respect of First Homes. As a result of the introduction First Homes, the tenure mix for affordable housing under Policy CP4 of the Core Strategy (2011) will be:

25% First Homes  
70% social rented, and  
5% intermediate.

7.3.3 In this case, policy compliant provision would equate to 16 units; 4 of which would be First Homes, 11 would be social rented and 1 would be intermediate.

7.3.4 A Viability Assessment was submitted with the previous application and following its review it was accepted by the LPA that the application could provide 2 x 1 bed affordable rented dwellings whilst remaining viable. However, further evidence was provided from Registered Providers (RP's) who confirmed that they would be unwilling to acquire two affordable units on site as it would be too difficult to manage. This fact is arguably further evidenced by the fact that the Council does not seek affordable housing on site for developments of less than ten units (as the small number of affordable units would not be manageable for RP's). As a result, it was accepted at the time of the previous application that a commuted sum payment would be more appropriate; and a figure of £323,000 was agreed in lieu of on site provision.

7.3.5 The current application also proposes no on site affordable housing and is therefore accompanied by a Viability Assessment. This sets out that 'with an agreed affordable housing in lieu payment of £323,000 for the consented scheme, the revised payment is now £385,469 for the application scheme'. The applicant's Viability Assessment has been assessed by independent consultants who note the following:

*It is our opinion that with an agreed affordable housing in-lieu payment of £323,000 for the consented scheme, the revised payment is now £479,484 (£323,000 + £156,484) for the application scheme.*

7.3.6 The Council's independent consultant has advised that this would equate to the provision of 2 to 3 affordable rented units on site. As with the case of the previous application, it is acknowledged that RP's would be unlikely to want to acquire this small number of units on site. In response to the Viability Statement, the applicant has confirmed their agreement to the additional payment of £156,484 (£479,484 in total) (this would be subject to indexation). The commuted sum payment would be secured via a S106 agreement.

7.3.7 The previous S106 agreement contained a clause relating to a Late Stage Viability Review. The Council's Affordable Housing SPD notes the following at paragraph 6.17:

*In a single phase scheme, requiring a retrospective appraisal of financial performance once completed to assess whether a commuted sum should apply to make up the under provision to a financially neutral level (ie: that the developer's profit remains no less than the appraisal on which the decision to grant planning permission was based).*

7.3.8 It is also considered that this should apply to the current scheme.

7.3.9 In summary, subject to a S106 agreement to secure the agreed commuted sum payment and late stage review mechanism, the development is considered acceptable and in accordance with Policy CP4 of the Core Strategy (adopted October 2011).

#### 7.4 Impact on Character and Street Scene

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

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

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

7.4.3 It is noted that the 2019 consent, previously permitted a four storey flat roofed building with a ground floor retail element located to one side of the building. This permission has been implemented via the demolition of the pre-existing building and is therefore a material

planning consideration. The current application still proposes a mixed use development, however, a six storey building flat roofed buildings is now proposed.

- 7.4.4 In accordance with the above requirements, the proposed development would not result in a tandem form of development with the proposed building fronting Station Road. In terms of siting, the proposed building would have a stepped front elevation, and would sit forward of the neighbouring dwellings known as Railway Cottages. However, the existing building line is already staggered and consequently, it is not considered that the development would appear incongruous in this regard. Furthermore, the stepped design of the front elevation would also minimise the prominence of the building from Station Road, by breaking up the massing of the building when viewed directly from the site frontage.
- 7.4.5 The plans do indicate that the proposed building would be located in closer proximity to the boundary with Railway Cottage than the pre-existing commercial building. Appendix 2 of the Development Management Policies LDD advises that development at first floor level and above should be set in from the boundary by a minimum distance of 1.2m to prevent a terracing effect, although this distance should be increased in lower density areas. In this case, the proposed building would be set in from the boundary with Railway Cottages by approximately 11.8m. The proposed building would be located a minimum distance of 3.2m from the southern flank boundary when taken from the flank wall of Flat 1. However, this distance would increase to 12m from the recessed flank wall of Flat 1 to the widest part of the southern flank. It is therefore considered that spaciousness around the building would be retained and consequently, no objections are raised in this regard. In terms of height, the proposed building would be a maximum of six stories and concerns have been raised by residents as to the impact of the proposed building on the character and appearance of the area. Neighbours have raised concern that the building would be unduly prominent and would be out of character with development in the vicinity, including within Kings Langley village. In terms of context, Station Road does consist of a mix of residential and commercial buildings of varied architectural design and scale. Located immediately adjacent to the site are two storey residential dwellings with pitched roof forms which are traditional in terms of appearance. Located on the opposite side of the road to Alpine Press and on nearby Home Park Link Road are a number of commercial buildings; these generally have large footprints and range from two to four storeys in terms of height. Although it is noted that planning permission has been granted on appeal (and is under construction) for the provision of a five storey residential building at West Herts Collage, located on Home Park Mill Link Road in close proximity to the application site. In addition, some of the nearby buildings contain large expanses of glazing and appear more contemporary in terms of their appearance. These buildings are located at a lower land level to the application site.
- 7.4.6 It is acknowledged that the building would be higher in comparison to adjacent buildings, particularly given the topography of the land as sloping down towards Home Park Mill Link Road. The building would therefore be more visible when approaching the site from this direction. However, the uppermost floors (floors 5 and 6) would be set back from the front elevation and would be of lesser width than the lower floors, set in from both flanks. This design helps to minimise the overall mass of the built form, providing a degree of articulation as well as minimising the prominence of the upper floors. In addition, the plans indicate a mix of external materials which again adds interest to the building and assists in breaking up the massing of the development. It is also noted that this proposed building would be the first building on this side of the Station Road to be viewed after Kings Langley Station and in many respects, the site lends itself to a more prominent form of development. Whilst it is acknowledged that the building would be higher than others within the vicinity, for the reasons given, it is not considered that this would result in significant harm to justify refusal of the application. In addition, it is noted that the plans include the provision of soft landscaping to the site frontage including the planting of new trees which would further soften the impact of the development.
- 7.4.7 As previously proposed in 2019; the building would have a flat roof form. Given that there are a number of other flat roofed buildings within the vicinity, it is not considered that this

would appear out of character. It is noted that the building would include a large amount of glazing across the front elevation in particular. However, as already noted, given the context of the site, it is considered that this would not be harmful. The plans note that the elevations would be of brick external finish of varied colour. No objection is raised in principle, although a condition shall be added requiring full details of external finishes to be submitted.

7.4.8 In summary, given the site circumstances, the development is considered to be acceptable and would not adversely affect the character and appearance of Station Road or the wider area. The development is considered to be in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.5 Impact on amenity of neighbours

7.5.1 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out that the development should not result in loss of residential amenity to neighbouring dwellings and should not result in a loss of light or be overbearing.

7.5.2 The nearest residential dwellings are located to the north of the site, at Railway Cottages. The plans indicate that the proposed building would be set forward of these residential dwellings. It is also noted that the proposed building would be located in closer proximity to the boundary than the pre-existing building; and would also be of increased height relative to the building previously granted under application 19/1550/FUL. However, the proposed building would be located approximately 11.8m from the boundary with this neighbour with the plans indicating a distance of 14.5m retained between the flank elevation of the proposed building and the flank wall of 1 Railway Cottages. Whilst it is acknowledged that the building is of increased height compared to that previously approved, it is considered that the separation between the buildings and their relative siting (such that the rear of the building would not extend beyond the rear elevations of the neighbouring dwellings) would prevent the proposed development from being unduly overbearing. As such, no objections are raised in this regard.

7.5.3 With regard to overlooking, the plans do indicate the provision of flank glazing facing towards the boundary with Railway Cottages. However, it is not considered that any significant harm would occur given these windows would essentially face towards the flank wall of the neighbouring dwelling and towards the site frontage rather than facing into the private amenity space to the rear of these residential dwellings. However, it is noted that the plans do indicate the provision of balconies across all levels; with the original plans indicating a wrap around terrace at fourth floor level facing towards Railway Cottage. Some concern was raised by officers with regard to this fourth floor terrace to the flank elevation and consequently, the plans have been amended to address this concern. The amended annotations on the plan indicate that this area would be solely accessed for maintenance purposes only and a condition would be added to ensure that this would be the case. As noted, Railway Cottages are set back to the rear of the proposed building and therefore it is not considered that the provision of balconies would result in any significant harm. However, given the height of the building and the number of balconies proposed, it is considered necessary to require details of screens in relation to specific flats sited closest to this neighbour to be submitted via condition for approval.

7.5.4 The balconies facing to the front of the site would not result in any harm given they would have outlook over areas which are already publicly visible. There are also balconies proposed to the flank elevation facing towards Kings Langley Station. However, no harm would occur given that this is not a residential neighbour.

7.5.5 As set out previously, the plans relate to the provision of a mixed use development including a ground floor retail unit. It is not considered that the provision of a retail unit in this location would give rise to any significant noise and disturbance. However, the consent would restrict the hours of operation of the retail unit and restrict delivery hours to ensure that no harm



would occur in this regard. A condition shall also be added requiring details of any extraction/ventilation equipment to be submitted and approved in writing by the Local Planning Authority. This would be to ensure that the use has no impact on future occupiers of the residential flats.

7.5.6 The car parking provision is in part located adjacent to the boundary with Railway Cottages, wrapping around and extending to the rear of the site. Whilst there would be vehicular activity along the boundary, it is not considered that significant increased harm would occur relative to the pre-existing situation, where the commercial building had hardstanding and parking provision along this boundary. In addition, the neighbour is set at a higher land level to the site itself which would also minimise any adverse harm.

7.5.7 In summary, subject to conditions it is not considered that the proposed development would result in significant adverse harm to neighbouring dwellings. The development is viewed to be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.6 Quality of accommodation for future occupants

7.6.1 Policy DM9 of the Development Management Policies LDD relates to contamination and pollution. It states that 'it is important to ensure noise sensitive developments are located away from existing sources of significant noise, and potentially noisy developments are located in areas where noises will not be such an important consideration or where its impact can be minimised. When assessing a proposal for residential development near a source of noise, the Council will have regard to Appendix 4.

7.6.2 In this case the site adjoins the existing railway line and the application is accompanied by an Acoustic Design Statement and Vibration Assessment prepared by AIRO. The Environmental Health Officer has advised that the report highlights recommended mitigation measures which are considered appropriate. A condition shall be attached to any consent requiring that these recommendations are followed. In addition, the Environmental Health Officer had advised that whilst it is acceptable for occupants to open windows, the proposed design should not rely on purge ventilation and instead use an alternative means of ventilation shall as a whole house extract ventilation. At present, details of the ventilation scheme have not been submitted and can be attached as a condition of any consent.

#### 7.7 Amenity Space Provision for future occupants

7.7.1 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out the requirements for amenity provision as follows:

##### Flats:

One bed -- 21 square metres

Additional bedrooms: - 10 square metres each (space can be allocated specifically to each flat or communally).

7.7.2 Based on the above guidance, the following provision would be required for the application site:

16 x 1 bedroom flats: 336 square metres

20 x 2 bedroom flats: 629square metres

Total requirement: 956 square metres

7.7.3 The submitted site plan specifies a total communal amenity space of 350 square metres. However, the LPA disagrees with this calculation as the areas classed as amenity space to the site frontage are viewed to be modest areas of landscaping which would contribute to the setting of the building rather than providing useable amenity provision. The usable

communal amenity space to the side of the building is annotated to have an area of 251 square metres and therefore there is a shortfall in communal amenity space. However, it is noted that the majority of the flats (32 out of 36) would benefit from a private external terrace area(s) or balconies. The terraces/balconies would have a cumulative area of 270.5square metres, in addition to the access to a useable communal amenity space to the south of the building. Consequently, it is considered that the provision of amenity space on site would provide an acceptable level of amenity space and no objections are raised in this regard.

## 7.8 Wildlife and Biodiversity

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

7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.8.3 The application has been submitted with a Biodiversity Checklist which sets out that there would be no impact to any protected species. Herts Ecology have been consulted and have advised that they are not aware of any substantive ecology relating to the site. In addition, it is considered positive to see that native hedging is proposed within the landscaping scheme. However, the Ecology Officer notes the use of Parthenocissus henryana as a climber along the fence, with the railway and has advised that is important that the correct species is used as both Parthenocissus quinquefolia and Parthenocissus inserta are listed on Schedule 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. An informative shall be added to any permission advising that this is the case.

## 7.9 Trees and Landscaping

7.9.1 Policy DM6 of the Development Management Policies LDD advises that 'proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.9.2 There are no protected trees on the site which would be adversely affected by the development. The Landscape Officer has confirmed that no objections are raised in this regard. A landscaping scheme has been submitted which details new planting to be provided around the site, in particular to the frontage. It is considered that soft landscaping to the front of the site would make a contribution to the visual amenities of the streetscene and is welcomed. The Landscape Officer has advised that the submitted scheme is acceptable. In addition, the proposed hardsurfacing materials are viewed to be acceptable, and a condition shall be attached requiring that this is undertaken in accordance with the approved details.

## 7.10 Highways and Access

7.10.1 Policy CP10 of the Core Strategy relates to Transport and Travel and advises that development will need to demonstrate that it provides a safe and adequate means of access. In addition, it should make adequate provision for all users of the highway. Paragraph 111 of the NPPF is also relevant and states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential cumulative impacts on the road network would be severe.

- 7.10.2 With regards to the proposed access, the scheme includes alterations to the existing crossover to create a new simple priority junction with a kerbed bellmouth entrance. Herts Highways have raised no objection to the proposed development, and note that visibility splays of 2.4m x 43m, are shown in both directions. The provision of the new bellmouth access from the site to Station Road would be secured via the Section 278 agreement. There would be two new pedestrian accesses to the site, which the Highways Officer also notes as acceptable.
- 7.10.3 A Swept Path Analysis has been provided and illustrates that an 8m long box van would be able to access the site, turn around and egress to the highway in forward gear which is acceptable. The Transport Statement specifies that that “residential waste refuse and recycling collection would take place via the eastern kerb line adjacent to No.’s 1 and 2 Station Road, immediately north of the zig-zag lines of the signalised pedestrian crossing.” Herts Highways have raised no objection to this arrangement when taking into consideration the location of the proposed bin store. It is also noted that Herts Fire and Rescue have been consulted and following discussions with the applicant have raised no objection to the development at the planning stage.
- 7.10.4 The Highways Officer also notes that a trip generation assessment has been provided as part of the Transport Assessment, the details of which have been based on trip rate information from the TRICS database. The Highways Officer has assessed the submitted details and had advised that the impact on the operation of the surrounding highway network from a trip generation perspective would not be considered to be a reason to recommend refusal from a highways perspective.

## 7.11 Parking

- 7.11.1 Policy DM13 and Appendix 5 of the Development Management Policies LDD set out the requirements for off street car parking. The proposed development would be mixed use consisting of a retail unit at ground floor level, in addition to the provision of 36 flats. As such, the following standards are relevant:

### Commercial:

Retail and small food shops up to 500 sqm gross floor area: 1 space per 30 square metres.

### Residential:

1 Bedroom: 1.75 spaces per dwelling (1 assigned space)

2 Bedroom: 2 spaces per dwelling (1 assigned)

- 7.11.2 The proposed commercial space would have an area of 244 square metres (although this would include some ancillary areas including toilets, office etc). Based on the requirements of Appendix 5, this would generate a requirement for 8 off street car parking spaces. However, Appendix 5 of the Development Management policies LDD does set out for non-residential development, the car parking standards can be adjusted depending on the particular zone a site is located. In this case, the site is located within Zone 3 which would require 50-75% of the indicative demand based standard, thus generating a requirement for between 4-6 spaces when applying the reduction. The plans indicate that there would be a total of 6 spaces allocated for the proposed commercial use which would fall at the upper end of this range. As such, it is therefore considered that the provision of 6 spaces for the commercial aspect of the development would be acceptable. Furthermore, it is noted that the provision of 6 spaces for a similar sized commercial unit was accepted under application 19/1550/FUL. The future management of these spaces can be dealt with via a car parking management plan to be added as a condition of this consent which would be expected to include details of how these spaces would be kept clear only for users of the commercial unit. The Addendum submitted for the Transport Statement details that a delivery van would be able to park to the rear of the building adjacent to the commercial service entrance. The Highways Officer has raised no objection, however, a condition

requiring a full servicing and delivery plan for the commercial use should be added to the consent.

7.11.3 With regard to cycle parking, Appendix 5 of the Development Management Policies LDD advises that for small food shops up to 500 square metres, there should be 1 short term space per 150sqm gross floor area plus 1 long term space per 10 maximum staff on site at any one time. The proposed development would therefore require two cycle spaces. It is anticipated that a unit of this scale would have less than ten staff on site at anytime thus resulting in the requirement for one space. The plans indicate that there would be two cycle spaces which would be located to the front of the unit, thus resulting in a shortfall of one cycle space. It is not considered that a shortfall of one space would result in significant harm to justify refusal.

7.11.4 With regard to the proposed residential aspect of the development; the following provision would be required:

16 x 1 bedroom flats:  $16 \times 1.75 = 28$  spaces (16 assigned spaces)

20 x 2 bedroom flats:  $20 \times 2 = 40$  spaces (20 assigned spaces)

Total requirement: 68 spaces (36 assigned spaces)

7.11.5 In terms of cycle storage, Appendix 5 of the Development Management Policies LDD sets out that there is a requirement for 1 long term space per two flats. The development would therefore require a total of 18 cycle spaces. The plans indicate that there would be provision for 36 cycle spaces, thus exceeding the requirements of Appendix 5.

7.11.6 With regard to off street car parking provision, plans indicate that there would be a total of 25 off street car parking spaces allocated for the residential units which would equate to a ratio of 0.69 spaces per unit. This would therefore result in a shortfall of 43 off street car parking spaces against the total maximum requirement of 68 spaces, or a shortfall of 11 assigned spaces based on the requirement set out above for 36 assigned spaces. It is important to note that the Highways Officer has advised that they do not consider that the shortfall on off street parking would be so significant as to justify a reason for refusal from a highways perspective. The Highways Officer states the following:

*The proposal includes the provision of 31 car parking spaces (25 spaces for the residential aspect and 6 for the commercial aspect), which is less than those levels as outlined in TRDC's standards. HCC as the Highway Authority's main concern would be any negative effect the proposal would have on the free and safe flow of traffic along the surrounding highways through any resulting on-street parking from the development. However it is unlikely that any effects would be significant enough to recommend refusal from a highways perspective, particularly when taking into consideration the results of Parking Stress Survey (in the TA) and relatively sustainable location (and therefore potential to encourage alternatives to the use of the private car).*

7.11.7 Whilst the standards for residential development may not be adjusted according to zone, Appendix 5 does indicate that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate. In this case, the application site is viewed to be in an area of good accessibility, due to its close proximity to local public transport services. Alpine Press is immediately adjacent to Kings Langley Station which provides connections to Tring, Watford and into London Euston. Bus services are also within walking distance of the site, with services in the locality providing access to Watford, Hemel Hempstead and Aylesbury. In 2021, a planning application relating to the residential development of up to 65 flats in a five storey building at West Herts College, Home Park Mill Link Road was refused by committee on the grounds of character and insufficient off street car parking. This decision was subsequently appealed by the applicant and the appeal was allowed by the Planning Inspectorate who granted planning permission.

In determining this appeal, the Inspector stated the following which is considered relevant to the current application:

*Also, Kings Langley railway station, which is a conveniently short walk from the appeal site, provides regular onward public transport connections to, among other places, Tring, Watford, London Euston and beyond. Bus services in the locality provide further access to Aylesbury, Hemel Hempstead and Watford. Cycle parking provision at the proposed development would encourage non-car modes of travel. The public footpath and pavement network in the locality also provides alternatives for walking for leisure, and to access shops and facilities on Kings Langley High Street. As such, there would be some realistic alternatives to private car use for future residents of the proposed development.*

*Census data indicates that a majority of private flat owners who own a property of between one and three bedrooms in the local area have either one car or none at all. Moreover, the Local Highway Authority have assessed the proposal as acceptable on highways grounds*

*Furthermore, on-street parking restrictions on Home Park Mill Link Road and Station Road are likely to be evident to future residents of the proposed dwellings, and thus contain their expectations of local car parking capacity.*

- 7.11.8 Furthermore, other recent appeal decisions have accepted a shortfall in parking provision in this location. Regard must be had for a recent appeal decision at nearby Shannon House, Station Road for the conversion of an existing office (Class B1) to 74 residential units (Class C3) (PINS Ref APP/P1940/W/20/3252855 LPA Ref: 20/0369/PDR). This scheme required a policy compliant provision of 129.5 car parking spaces, however, proposed only 15 spaces, resulting in a shortfall of 114.5 spaces. In determining the appeal, the Inspector emphasised that the appeal site was located within the Secondary Centre of Kings Langley which the Core Strategy recognises to be well located with regard to accessing adjoining centres and public transport facilities. The following comments of the Inspector are considered relevant to the current application:

*'In particular, the appeal site lies within 160 metres of Kings Langley Train Station and there are bus stops in close proximity on Station Road which collectively provide frequent transport links locally and further afield.*

*The scheme would also result in the provision of 80 cycle spaces, which is in excess of that required under Appendix 5 of the Development Management Policies Plan (1 space per 2 units, which equates to 37 cycle spaces). Furthermore, the appeal site is in reasonable walking distance of shops and facilities on the High Street.*

*The appeal site also falls within a controlled parking zone area where on-road parking is heavily restricted and there is no evidence before me demonstrating significant on-road parking stress in the locality. Although the appellant has offered a unilateral undertaking restricting future occupiers from applying for car-parking permits, there is no evidence before me of demand for these significantly exceeding supply, but even if there were, this is a matter for the local highway authority to administer. I do not therefore consider such a restriction on future occupiers to be necessary.*

*As a consequence of the heavily restricted level of parking facilities available on-site, I am satisfied that there would be limited car movements by future occupiers and visitors to and from the building, and that the development would not therefore be harmful to the surrounding highway network or pedestrian safety.*

*In view of the above, I conclude that despite the substantial shortfall of car-parking spaces, future occupiers would have good access to sustainable modes of transport other than the private car and that the scheme represents an opportunity to promote walking, cycling and public transport as set out in Paragraph 102 of the Framework. The scheme would also*

*comply with Policy CP10 of the Core Strategy which seeks, amongst other things, major development to be located in areas highly accessible by the most sustainable modes of transport*

*I am satisfied that there would be limited impact on the local area in terms of parking stress and that suitable mechanisms exist to prevent unauthorised parking, whether that be on the public highway or in the private car parks of neighbouring commercial buildings and residential apartment complexes. The scheme would therefore comply with Paragraph 109 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe'.*

- 7.11.9 The above appeal decisions are considered to be highly relevant. Shannon House is situated within 115m of the application site (a two minute walk). This appeal was allowed despite a substantial shortfall (114.5 spaces) in off street car parking provision, whereas the current scheme has a shortfall of 43 spaces. In addition, the scheme also provides a total of 36 cycle spaces, thus exceeding the standards in Appendix 5. It is therefore considered that future occupiers of the proposed development would have good access to sustainable modes of transport (train, bus, walking and cycling), other than private vehicles. It is therefore considered that the proposed development represents an opportunity to promote other alternative modes of transport as set out above.
- 7.11.10 The Transport Assessment sets out how the residential and commercial parking areas would be distinguished. It specifies that the car park would include the provision of a barrier separating the bays for users of the shop from the 25 residential spaces. In addition, the Transport Statement notes that there would be 2 disabled bays within the residential allocation and 2 Electric Vehicle Charging points. In addition, there would be 1 disabled bay within the allocation for the commercial use. A condition shall be included as part of the consent to require the submission of a car parking management plan to be submitted which should also deal with the allocation of the residential spaces for the development. The Highways Officer has noted that a Travel Plan Statement has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site. The Highways Officer considers that this is acceptable for this stage of the application. A condition shall be added requiring an updated Travel Plan Statement to be submitted to ensure that sustainable travel options are promoted and maximised. Officers have queried whether a monitoring fee would be applicable. In response, the Highways Officer has advised that they would not generally request a monitoring fee for Travel Plan Statement, only for a Full Travel Plan. A development of this size does not meet the threshold for a full Travel Plan and thus a monitoring fee would not be required.
- 7.11.11 In summary, in light of the site circumstances and recent appeal decisions, it is considered that the site is within a sustainable location and consequently the off street car parking provision proposed is viewed to be acceptable.

## 7.12 Sustainability

- 7.12.1 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.
- 7.12.2 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.

- 7.12.3 An Energy Statement accompanies the planning application and details that the proposed development would achieve a total reduction of 11.71% over Building Regulations, Part L (2013), therefore in excess of the 5% reduction sought by Policy DM4. This will be achieved through the provisions of an efficient building fabric as well as low carbon technology including air source heat pumps for the commercial aspect of the development and domestic hot water heat pumps. Details have not been provided as to the siting of the air source heat pumps and thus this will be required as a condition of any consent.

## 7.13 Contamination

- 7.13.1 Policy DM9 relates to contamination and pollution control and states the following:

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

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

- 7.13.2 At the time of the previous planning application, the Environmental Health Officer advised that the site has had a number of potentially contaminative uses historically. The current application is accompanied by a Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01). The Environmental Health Officer notes that this has identified a plausible contaminant linkages that require further investigation which will require further intrusive investigation. Consequently, a number of conditions are considered necessary and shall be added to any consent.

## 7.14 Flood Risk and Drainage

- 7.14.1 Policy CP1 of the Core Strategy recognises that taking into account the need to avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example flood resistant design. Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 requires development to include Sustainable Drainage Systems (SuDs). In accordance with the Development Management Procedure Order the Lead Local Flood Authority were consulted in relation to the proposed development. At the time of the application, the LPA were aware that the LLFA were not providing responses and in light of this, the LPA instructed our own consultant to advise in respect of the appropriateness of the proposed drainage system.

- 7.14.2 A Sustainable Drainage Scheme was submitted with the original application which was not found to be acceptable. Further information has been submitted by the applicant during the course of the application which has been found to be acceptable by the Council's consultants. Subject to conditions, the development is considered acceptable and in accordance with Policy DM8 of the Development Management Policies LDD.

## 7.15 Refuse and Recycling

7.15.1 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

7.15.2 The submitted plans indicate the provision of two separate bin stores; one of which would be for the commercial retail store, and the other for the residential flats. Environmental Protection have been consulted and have raised no objections to the submitted details. It is also noted that a condition shall be added to the consent requiring the submission of a Site Waste Management Plan.

#### 7.16 Impact on the Railway

7.16.1 The application site is located adjacent to Kings Langley Station and the railway line is located in close proximity to the rear boundary of the site. Network Rail have been consulted and require a number of pre-commencement conditions to ensure the safe operation of the railway.

#### 7.17 Tilted Balance

7.17.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

7.17.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing, furthermore, the development would involve an allocated site for housing and would make a contribution to affordable housing. The economic benefits of the scheme includes the provision of a retail store at ground floor level and the ability for the future occupiers to support the local economy by using the amenities within the area. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, AONB – see footnote 6 of the NPPF).

7.17.3 Whilst these benefits are noted, it is considered that the proposed development complies with paragraph 11 of the NPPF, and for the reasons previously outlined within the sections above, the development is considered acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

## 8 **Recommendation**



8.1 That the decision be delegated to the Head of Regulatory Services and that PLANNING PERMISSION BE GRANTED subject to the following conditions and subject to the completion of a Section 106 Agreement to secure an affordable housing contribution and mechanism

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:

APSR/22/LP01, APSR/19/EX01, APSR/22/L01 A, APSR/22/L02 A, APSR-22-PL01B, APSR/22/PL02B, PSR/22/PL03A, APSR/22/PL04A, APSR/22/PL05A, APSR/22/PL06A, ASPR/22/PL08A, APSR/22/PL09, APRSR/22/PL10A, APSR/22/PL11B, 22082/001B, LP/TASRKLH/020/C

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy PSP3, CP1, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies Policy SA1 and SA2 of the Site Allocations Document (November 2014) and Policies DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2, 4 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 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C5 A. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as Indicated on drawing number 22082/001B have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- Vehicle bellmouth access into the site from Station Road.
- Tactile paving and pedestrian dropped kerbs on either side of the proposed bellmouth access.

B: Highway Improvements – Offsite (Implementation / Construction)

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

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

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety 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, DM8 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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

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

- g. Timing of construction activities (including delivery times and removal of waste)
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;

Reason: This is a pre-commencement condition 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).

- C8 Prior to the first use of the development hereby permitted, an updated Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- a) details of an interim travel plan co-ordinator for until the travel plan co-ordinator (TPC) is appointed.
  - b) a secondary contact to the TPC.

The Travel Plan Statement shall be implemented following its writing approval.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C9 The development permitted by this planning permission shall be carried out in accordance with the approved documents. The surface water drainage system will be based on the submitted Drainage Strategy (M42841-JNP-XX-XX-RP-C-1002 P04) and Planning Response (M42841-JNP-XX-XX-FQ-C-1001) (02.03.2023). The surface water drainage scheme should include;
- 1) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
  - 2) Limiting the surface water run off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site.
  - 3) Implementing the appropriate drainage strategy based on lined permeable paving with sub-base and discharge via infiltration using a geocellular soakaway.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C10 No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage system will be based on the submitted Drainage Strategy Drainage Strategy (M42841-JNP-XX-XX-RP-C-1002 P04) and . Planning Response (M42841-JNP-XX-XX-FQ-C-1001) (02.03.2023) The scheme shall also include:

1. Detailed infiltration tests to BRE Digest 365 standard carried out at the location and depth of proposed infiltrating features, with all calculations/modelling based on the results of the tests.
2. The proposed soakaway should be designed to ensure half drain down times.
3. Detailed engineered drawings of all the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
4. Demonstrate an appropriate SuDS management and treatment train.
5. Silt traps for protection for any residual tanked elements.
6. Details of final exceedance routes, including those for an event which exceeds the 1:100 + 40% for climate change rainfall event
7. Management and maintenance plan for the drainage and SuDS features and who will be responsible for the maintenance of the drainage and SuDS features throughout the lifetime of the development. This should take into account who will be responsible for the SuDS features and how access will be managed.

Reason: This is a pre-commencement condition to prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to commencement of the development hereby permitted, details of the implementation, maintenance and management of the sustainable drainage scheme be submitted to and approved by the Local Planning Authority. The details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall be implemented in accordance with the approved details prior to occupation and shall thereafter be managed and maintained.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C13 Prior to the commencement of development, a method statement and risk assessment. This shall include details of earthworks and excavations to be carried out adjacent to the railway boundary and measures to ensure that the adjacent railway is not adversely affected. The method statement and risk assessment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C14 Prior to the commencement of development, details of scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority. The scaffolding works shall thereafter be undertaken only in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C15 Prior to the commencement of any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken only in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C16 Prior to the commencement of the development details of how both surface water and foul water drainage shall be disposed of and directed away from the railway shall be submitted to the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: This is a pre-commencement condition to protect the adjacent railway from the risk of flooding, soil slippage and pollution in accordance with Policy CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i. A site investigation scheme, based on the Phase I Geo-environmental Report prepared by JNP Group (Report ref. M42841-JNP-XX-XX-RP-G-1001 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- ii. The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

C18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

C19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- C20 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved by this condition.

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

- C21 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. 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 in accordance with Policy CP8 of the Core Strategy (adopted October 2011)

- C22 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity, biodiversity and to protect the adjacent railway, in accordance with Policies CP1, CP8, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C23 Prior to the first occupation of the development, details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority (adopted October 2011). The approved vehicle protection measures shall be installed prior to first occupation and maintained as such thereafter.

Reason: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

- C24 Prior to the first occupation of the development, a ventilation scheme shall be submitted and approved in writing by the Local Planning Authority. The approved ventilation scheme should be maintained thereafter.

In addition, details of the noise attenuation measures, as detailed in the submitted noise report shall be implemented in their entirety. Such works shall be retained thereafter at all times.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C25 Prior to the first occupation of the development hereby permitted, details of all plant, machinery and equipment installed or operated in connection with the Class E(a) use and measures to enclose these and/or attenuate noise arising from their operation shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development and shall be permanently maintained in accordance with the approved details.

Reason: To ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C26 Prior to the first occupation of the development, details of opaque flank screens to the proposed balconies to a height of 1.8m shall be submitted and approved in writing by the Local Planning Authority in respect of the following flats:

Flat numbers 2, 9, 17, 25, 31

The screens shall be installed in accordance with the approved details prior to the first occupation of the flats listed above and permanently retained thereafter.

Reason: To protect the residential amenities of adjoining occupiers in accordance with Policy DM1 and Appendix 2 of the Development Management Policies LDD.

- C27 Prior to the first occupation of the site, details of a trespass proof fence adjacent to the boundary with the railway shall be submitted and approved in writing by the Local Planning Authority. The fencing shall thereafter be installed in accordance with the approved details prior to the first occupation of the building and be permanently retained thereafter.

Reason: To protect the adjacent railway from unauthorised access in accordance with Policies CP8 and CP12 of the Core Strategy (adopted October 2011).

- C28 Prior to the first use/occupation of the development, full details of the proposed air source heat pumps including location, appearance and any necessary acoustic mitigation shall be submitted and approved in writing by the Local Planning Authority. The air source heat pumps shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and permanently maintained as such thereafter.



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

- C29 Prior to the first occupation/use of the development, a parking management plan including the allocation of vehicle parking spaces and cycle storage spaces within the development, management and allocation of disabled parking spaces, and long term management responsibilities and maintenance schedules for all communal parking areas shall be submitted to and approved in writing by the Local Planning Authority. The parking management plan shall be carried out in accordance with the approved details:

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

- C30 The development shall not be first occupied/brought into use until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated in full 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

- C31 Prior to the commencement of the commercial use hereby permitted, a Servicing and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. The Servicing and Delivery plan shall incorporate the servicing arrangements for the commercial use and adequate provision for the storage of delivery vehicles within the site and shall be adhered to at all times.

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

- C32 The commercial use hereby permitted shall not operate other than between the hours of 7am - 10.30pm on Mondays- Saturdays and 7.30am - 10.30pm on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C33 No machinery or commercial vehicles shall be operated, no process shall be carried out nor any deliveries to the retail unit be taken or dispatched from the site otherwise than between the hours of 8am-8pm Mondays to Saturdays and 8am-8pm on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C34 The premises as shown on APSR/PL03A shall be used as Class E (A) and for no other purpose (including any other purpose in Class E; of Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policy CP1 of the Core Strategy (adopted October 2011).

- C35 The fourth floor flank terrace facing no.1 Railway Cottages shall only be accessed and used for maintenance purposes as highlighted on APS5/22/PL11B and shall at no time be used as an amenity space.

Reason: To safeguard the residential amenities of the occupiers 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.

- C36 All hard landscaping works required by the approved scheme shall be carried out in accordance with LP/TASRKLH/020 C 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 in accordance with LP/TASRKLH/020 C before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

- C37 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

## 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 Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy

Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.
- 14 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.
- 15 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 16 The applicant is strongly advised to contact Network Rail for further discussions regarding the development prior to any commencement of works on site. This is to ensure that appropriate measures are taken to safeguard the adjacent railway.
- 17 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

- 18 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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.

- 19 The applicant is advised that s the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to

outside party land should also be picked up via building control, or in some cases a party wall surveyor.

- I10 The applicant is advised that Network Rail land must not be included in the proposal / red line location plan area. Where any works are proposed the applicant is advised to contact: [PropertyServicesNWC@networkrail.co.uk](mailto:PropertyServicesNWC@networkrail.co.uk) in addition to any planning consultation comments to determine if the proposal will impact any Network Rail land ownership rights or any rights of access for the avoidance of doubt.
  
- I11 The applicant is advised to refer to the advice received from Herts Ecology: The use of *Parthenocissus henryana* as a climber along the fence with the railway is noted. It has advised that it is important that the correct species is used as both *Parthenocissus quinquefolia* and *Parthenocissus inserta* are listed on SCHEDULE 9 of the Wildlife and Countryside Act 1981 as they are highly invasive. In addition, the applicant is advised that they must seek approval from Network Rail with regard to planting adjacent to their boundary.
  
- I12 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
  
- I13 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.