

23/0699/AOD – Approval of Details: Residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (Reserved matters application containing details of appearance, landscaping, layout and scale pursuant to Condition 1 attached to Outline Planning Permission 19/2419/OUT) at LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE, SOUTH OXHEY, WATFORD, WD19 6YL

Parish: Watford Rural

Ward: South Oxhey

Expiry of Statutory Period: 1 August 2023
(Extension agreed to 27 October 2023)

Case Officer: Adam Ralton

Recommendation: That the reserved matters be approved, subject to conditions

Reason for consideration by the Committee: The application site includes land owned by Three Rivers District Council.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RTYSU8QFFJ100>

1 Relevant Planning History

- 1.1 17/2053/OUT: Outline Application: Residential development of up to 49 dwellings, comprising a mix of houses and apartments, construction of parking spaces, landscaping and ancillary works (all matters reserved). Approved January 2018.
- 1.2 19/2419/OUT: Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved). Approved May 2020.
- 1.3 23/0701/FUL: Variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access), Condition 7 (Bus stop and Crossing works) and 14 (Surface Water Drainage scheme) attached to outline planning permission 19/2419/OUT (Outline application: Residential development of up to 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary works including the demolition of the existing shelter (matters of appearance, landscaping, layout and scale reserved)) to reflect the scheme coming forward as 100% affordable (a mix of affordable rent and shared ownership), to ensure the development can commence prior to the details of the new access point, bus stop and crossing points being approved and to allow for details of the surface water drainage scheme to be considered. Under consideration.

2 Description of Application Site

- 2.1 The application site has an area of approximately 1.6 hectares and is located to the south of Heysham Drive and Foxgrove Path. The site contains a parcel of open land. The site currently contains two field shelters but is otherwise vacant. The site is approximately 145 metres wide, and has a maximum depth of 160 metres. The site slopes down from south to north, such that it slopes down toward the properties which front Heysham Drive and Foxgrove Path.
- 2.2 The site is currently accessed from a gate at the south-eastern end of Foxgrove Path. There is a public footpath which runs through the site from the south-western corner toward the centre of the eastern boundary. A public footpath also runs adjacent to but outside the southern boundary of the site, and a third runs adjacent to the north and western boundaries.

- 2.3 To the north and west of the application site are the two storey rows of terraced properties (both houses and flats) which front Heysham Drive, Ashford Green and Foxgrove Path. The dwellings which back on to the site have rear garden depths of between 13 metres and 18 metres. To the south of the site are open fields, located within the London Borough of Harrow and allocated within their Local Plan as Green Belt. To the east of the site is Prestwick Road Meadows Local Nature Reserve.
- 2.4 The character of the area to the north and west is primarily residential, with two storey semi-detached and terraced properties. Car parking is primarily on-street in designated bays.
- 2.5 The site forms part of allocated Housing Site H(31), and on adoption of the Site Allocations LDD in 2014 the site was removed from the Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks approval for the reserved matters of appearance, landscaping, layout and scale pursuant to condition 1 of outline planning permission 19/2419/OUT. The reserved matters relate to the development of the site to provide 53 houses with associated car parking spaces, landscaping and infrastructure including drainage.
- 3.2 The existing structures on the site are proposed to be removed. An access road would be constructed from the eastern end of Foxgrove Path, and this would curve down toward the south in a J-shape, with one end of the cul-de-sac being toward the north-western part of the site. A second spur would be constructed oriented toward the south-east. The houses would front the road.
- 3.3 The proposed development would comprise pairs of semi-detached buildings and terraces of three dwellings, with 1.2m wide gaps between buildings. Two of the pairs of semi-detached buildings would be split into flats (each pair containing four flats) with the remaining split into individual houses.
- 3.4 The buildings would be of a contemporary appearance, all with pitched roofs with the ridge running across the width of the building. A number of the buildings would have front gable projections. The houses would either be finished in red brick or buff brick, with either grey or red interlocking concrete roof tiles. Each house would have its own private amenity space to the rear, and car parking is provided fronting the street. Buildings containing flats/maisonettes have communal amenity space.
- 3.5 There are 6 different house types proposed as part of the application:
- 3.5.1 Type 1 (the most frequently occurring type on site) comprises either semi-detached (variant 1) and terrace of three (variant 2) houses. The semi-detached building would measure 10m in width, 9.7m depth and have a pitched roof 8m high. The terraced building would measure 14.8m wide, 10m deep and 8m high. The terraces facing the parking courts would have front gable features whereas those fronting the main spine road would not. The buildings would contain solar panels on south facing roofslopes.
- 3.5.2 Type 2 comprises a pair of semi-detached houses. Variant 1 has front gable features and Variant 2 does not. The building would measure 11.9m width, 9.6m depth and approximately 8.3m high.
- 3.5.3 Type 3 comprises a pair of semi-detached houses measuring 12.6m in width, 10.6m in depth and 8.4m high. It would have a central front gable projection.
- 3.5.4 Type 4 is a two storey building with the appearance of a pair of semi-detached houses, but each building contains four maisonettes. The building measures approximately 13.9 metres in width, 10.4 metres depth and has a height of 8.7 metres.

- 3.6 Tree planting is proposed between the car parking spaces and within soft landscaped areas throughout the site. A landscaped buffer zone is proposed alongside the eastern boundary of the site adjacent to the Local Nature Reserve, this would be enclosed by fencing and absent of any built form.
- 3.7 An attenuation pond is proposed to the northern part of the site, west of the access road, and a play area would be positioned to the south of this pond. The play area would be enclosed by 1.2m high metal railings.
- 3.8 During the course of the application, amended plans were received, making changes to the following elements:
- Alterations to the appearance of all buildings, changing the general roof forms from gable fronted houses with ridges running from front to rear, to houses with pitched roofs and gables to the sides. Some front gables still remain.
 - Alterations to the communal amenity spaces to the north (Plots 44-47) and south (Plots 15-18).
 - Repositioning of the building containing plots 44-47 generally to the north-east.
 - Provision of additional soft landscaping to the north-western boundary of Plots 44-47 and further clarification of boundary fencing provided.
 - Additional width provided to one parking space at the site entrance to ensure it is wide enough to meet disabled parking bay requirements.
 - Provision of additional accessible parking bays throughout the site.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [Observations received]

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We are aware that outlining permissions have been granted, and we support the removal of private housing from this application, but would like to make some observations and suggestions on this application:

Parking

Firstly, we believe that the existing residents within Foxgrove Path are not being catered to with regards to parking. With spaces being located so far away from the existing properties, the elderly and infirm will be affected, as well as parents with young children. Because of this, the pavement located outside 1-7 Foxgrove will be tempting for cars to be parked on, thus blocking the pavement. Would WHCT consider changing the proposed layout so that both sides of Foxgrove Path have parking. This could be achieved by lessening both sides of the parking bays by half and then utilising half on/half off markings. This would create an additional six spaces alongside the ones that are already proposed within the development for those more able. See below for a rough design that visualises the proposition.



In addition, there is no enforcement plan included for the spaces within the development, should the need arise. What is being put in place to ensure these parking spaces remain free for Foxgrove Path residents?

Social Housing

As mentioned, we welcome the lack of private housing within the scheme. However, we would ask that TRDC insist on some Social Housing. This area is known to have the highest need in the district. Indeed, even 48 of the Social Housing allocations in the new redevelopment will return to Affordable rent in the near future, lowering our Social Housing needs even further.

Recent recommendations (draft Local Housing Needs Assessment (LHNA) item 2.17) made to committee by TRDC officers in September 2019 outlining a need for 80% of affordable housing as Social Rent.

In the TRDC, Housing, Homelessness & Rough Sleeping Policy 2107-2022 it states:

- “Residents in the most deprived areas of the district are more likely to be renting, in particular in the social rented sector. In some LSOAs (Northwick) this is as high as 62.3% of all tenures being social rented, with only 24.2% of tenures being property ownership.”
- “A majority of the most deprived Three Rivers district LSOAs are within the ward of South Oxhey.”
- “Typically speaking, residents in South Oxhey are likely to have fewer education and employment opportunities, experience greater barriers to accessing services and have lower household incomes than other parts of the district. “
- “With private rented sector (PRS) market rents significantly higher than Local Housing Allowance (LHA) and PRS landlord and estate agents increasingly reluctant to let properties to benefit dependant or low income households, residents in South Oxhey are more likely to require housing advice and assistance if threatened with homelessness from their current property.”

We ask that TRDC follows its own conclusions to help those most in need in the district by allocating some Social Housing please.

Design

We would ask that the design of the maisonettes (44-47) near the rear of 71 Heysham Drive be looked into again please. We note the comments from the resident and, having looked at the plans in more detail, we would agree, that this particular structure is going to be a significant factor in loss of established light, privacy, noise etc with it being so close to their boundary.

We would like to ask that you reconsider placing the tallest structure, on one of the highest points of the land: Not only will it be 2metres higher, but the building also itself is 3m higher than the others. We would ask them to be relocated to the LNR boundary, perhaps where plots 13,14 or 19-21 are? It wouldn't interfere with any existing resident then.

If that is not possible, could the actual plot be rotated somehow to move the building further way. For example, turned, 90 degrees so the northernmost point. In addition, this could possibly enable more windows on the longest side of the structures, which must be beneficial to those living there.

See below for a rough design (though to size) outlining the first proposition:



Although you could also rotate 180 degrees and that would still benefit the resident.



Other

- We would ask that a "wheel wash" condition for all vehicles be placed on the development.
- We would ask that a Equality Impact assessment is undertaken on all plans, to ensure that no issues under the Equalities Act 2010 arise.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decisions.

4.1.1.1 Watford Rural Parish Council (Second response, September 2023): [Observations received]

At our Full Council meeting on 6th September 2023. Council asked me to resubmit all the points below. We especially would like the developer to reevaluate the blocks nearest to 71 Heysham Drive and to consider the rotation examples given below. In their "Consultation response letter" it has not been considered and we would respectfully ask that TRDC explore this with them for a definite answer and reasons why.

In addition, Cllrs would like to insist that disabled parking signage be installed at the relevant allocations as we are aware of disabled residents in Fox grove path. We respectfully ask TRDC to see if they can get the developer to reconsider the parking proposal below to allow more spaces for existing residents. One of which could be allocated disabled.

4.1.2 Affinity Water: [No comment]

Affinity Water has no comments to make on application 23/0699/AOD.

4.1.3 British Pipeline Agency Ltd: [No comment]

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

4.1.4 Hertfordshire Constabulary – Designing out Crime: [Comments received]

I can not find any reference to crime prevention or security in any of the documents provided for this application. As this site will be 100% affordable housing built on behalf of Watford Community Housing, I would ask that this development is built to the police minimum security standard Secured by Design.

The overall layout provides good passive surveillance across the site and play area to the front ; however, I have concerns regarding some of the walkways and alleyways in between and to the rear of the properties:

- End of plot 1 and in between plots 2&3
- In between 4&5,
- In between 8,9&10 (with an alleyway at the back)
- In between 23&22 and 27&26 (with an alleyway across them all)
- In between 30&29, 48&49, and 51&52

Will these be gated at the front in line with the front of the properties, we spend a lot of time and money retro fitting gates and closing alleyways at the rear of properties in older developments to prevent crime. Research has shown that terrace housing with open footpaths to the rear have 85% more entries/break ins.

- Will the Gable Wall at plot 53 have a window? if it is a plain gable wall it will be open to have a ball kicked against it.
- What fencing will be used for the boundary to the play area as it is so close to the road and attenuation pond?

4.1.5 Hertfordshire County Council – Rights of Way

No response received at the time of drafting report. Any comments received will be reported to committee.

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

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.

Comments

Plans have been submitted in relation to condition 1 of planning permission 19/2419/OUT. The site is accessed via Heysham Drive and then Foxgrove Path, both of which are designated as unclassified local access roads and are highway maintainable at public expense. The principle of the main access point and nature of the access into the site was approved as part of the original outline planning permission including approval of the necessary off-site highway works. As far as i am aware, the previously approved highway layout on Foxgrove Path is shown on drawing number 41394-Lea05 and includes removing the northern on-street parking layby and verges to facilitate widening of the carriageway, which in turn provides a two-way carriageway access into the development site. The necessary off-site highway would ultimately need to be secured via a Section 278 Agreement with the highway authority.

The applicant would therefore 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:

- Removal of the existing northern parking bay and verge on Foxgrove Path;
- Revised junction layout of Foxgrove Path and Heysham Drive including pedestrian dropped kerbs and tactile paving (linked to condition 5 of the planning decision for 19/2419/OUT);
- Pedestrian dropped kerbs and tactile paving along Heysham Drive at the junctions of Ashford Green, Letchworth Close and Bramley Gardens (linked to condition 9 of the planning decision for 19/2419/OUT);
- Bus stop works and improvements as laid out in condition 7 of the planning decision for 19/2419/OUT).

A hard landscaping plan (drawing no. PR124170-12.01) has been submitted as part of the current application, which includes some details of the proposed bitmac surface and kerbs on the existing highway land on Foxgrove Path. Whilst there are no specific objections to what is shown at this stage from a planning perspective, the full technical details including materials, would ultimately need to be approved as part of the formal 278 process.

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

Internal Site Layout

Part of the details submitted relate to the detailed site layout as shown on submitted plan number 003-(PL)-8802 A.

The general layout of the site and 5.5m wide carriageways are acceptable for vehicular access when taking into account the size and scale of the proposed number of dwellings and would enable two vehicles to safely pass one another. Visibility splay details have been submitted for the internal junctions within the site. The visibility splays of 2.4m by 25m are shown on drawing number 035-(PL)-8802 and considered to be acceptable for a 20mph designed road layout and accordance with Manual for Streets.

Swept path analysis plans (drawing numbers 035-(PL)-8802) have been submitted as part of the application to illustrate that a car would be able to use the on-site car parking spaces and a refuse vehicle would be able to use the proposed access arrangements, turn around on site and egress to the highway in forward gear. Any access and turning areas and visibility splay areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and such access routes. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management. The dimensions and layout of the car parking areas are considered to be acceptable and in accordance with Manual for Streets. It is understood that the overall level of on-site car parking was agreed as part of the outline permission

The proposals include 2m wide pedestrian footways on either side of the main road through the site, part of the route of which follows the route of public footpath Watford Rural 010, which already runs through the site. The general layout and provisions for pedestrians is considered to be acceptable and sufficient and in accordance with Roads in Hertfordshire: Highway Design Guide and MfS. It would however be necessary for pedestrian dropped kerbs and tactile paving to be provided at any pedestrian crossing points within the site, most notably where the public footpath crosses the main carriageway. This is to ensure a suitable level of accessibility for all pedestrians to and from the site and through the site using the public footpath.

Following consideration of the route of the public footpath through the site, details of the proposals have been passed to Hertfordshire Rights of Way service for attention and for any comments which they may have.

The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However the works would need to be built to a to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire and Manual for Streets. The developer would need to put in place a permanent arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

HCC as Highway Authority has not identified any specific emergency vehicle access issues and a 5.5m wide carriageway would be sufficient to provide access for a fire tender. Nevertheless following consideration of the size of the development, details of the proposals have been passed to Hertfordshire Fire & Rescue for attention and for any comments which they may have. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses.

Construction Management Plan

A Construction Management Plan and Construction Phasing Plan has been submitted as part of the current reserved matters applications. Presumably this would also need to be submitted via a separate discharge of condition application (condition 6 of the planning decision for 19/2419/OUT). There would not be any significant issues identified as part of the current submission. Nevertheless the referred to temporary signing on the highway would need approval via:

https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/signs-on-the-highway.aspx#DynamicJumpMenuManager_1_Anchor_2

Furthermore a Temporary Traffic Regulation Order (TTRO) would be required to close the public footpath Watford Rural 010 and divert users for the period necessary to allow works to proceed. Further information in respect of this is available at:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx>

Of note: HCC is the highway authority not TRDC therefore this should be updated.

Conclusion

HCC as Highway Authority considers that the internal layout of the site would be acceptable from highways and transport perspective, subject to the recommendations in relation to the provision of pedestrian dropped kerbs and tactile paving and also subject to any comments Hertfordshire Rights of Way. Although previously approved as part of the original outline application, for confirmation, the applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the necessary highway and access works. Therefore HCC has no objections on highway grounds to the granting of planning permission for this reserved matters application, subject to the inclusion of the above informatives. Furthermore presumably the construction management plan would need to be approved as part of a separate discharge of condition application.

4.1.7 Hertfordshire County Council – Fire and Rescue Service: [No objection]

This matter was referred to HFRS by HCC Highways, having assessed the proposal HFRS have no further comment to add at this time.

(Officer Note: The outline planning application included a response in respect of fire hydrants and includes a condition securing these if necessary).

4.1.8 Hertfordshire County Council – Lead Local Flood Authority: [No comments]

(Officer Note: whilst drainage details have been submitted as part of the current application and responses received from the Lead Local Flood Authority, the drainage matters were considered at the outline application stage and are subject to conditions attached to the outline planning permission. The applicant has written to withdraw those elements from consideration as part of the current application)

4.1.9 Hertfordshire County Council – Minerals and Waste team: [No objection]

With regards to minerals, the proposed development site is located within the Sand and Gravel Belt (as identified in the adopted 2007 Minerals Local Plan Review County of opportunity 2002 – 2016) however no BGS superficial sand and gravel deposits are identified within or adjacent to it. The County Council therefore raises no concerns regarding potential mineral sterilisation, and we therefore have no further comments in relation to minerals.

It is noted that Condition 12 of the outline planning permission (19/24/19/OUT) relates to the submission and approval of a Site Waste Management Plan prior to the commencement of development. The applicant is reminded that any authorised development must be carried out in accordance with the details approved under condition 12.

4.1.10 Herts Ecology (Initial Response, 16 June 2023): [Object]

Summary

- The underpinning ecological survey and assessment is broadly acceptable for a site of this type
- Proposed avoidance and mitigation/landscaping measures are broadly acceptable though need to be modified and secured
- Inadequate information has been provided in the biodiversity metric to support the delivery of a biodiversity net gain; further information is required
- At present, I cannot recommend that Condition 1 has been satisfied.

Full response

Thank you for your letter of 9 May 2023 which refers, and for consulting Herts Ecology. The Hertfordshire Environmental Records Centre holds no records of notable ecological significance for this site though the Prestwick Road Meadows Local Wildlife Site (LWS) and Local Nature Reserve (LNR) lies adjacent.

This opinion is largely supported by the accompanying Habitats and Protected Species Report (HPSR), Biodiversity Metric 4.0 and Landscape Ecological Management Plan (LEMP) (all by Paul Hicking Associates and all dated April 2023) which accompany this application. Whilst broadly acceptable shortcomings are apparent and are addressed below.

Putting these concerns to one side for the moment, the reports identified that the proposed development site only supported a restricted range of features of relatively modest ecological importance although the presence of adjacent LWS/LNR and the potential use of the site and boundary trees by badgers and bats respectively are worthy of note and at risk of harm and benefit from protection in policy and law. I have no reason to disagree with these findings though it is disappointing no overt reference was made to the risk of public pressure on the LWS/LNR.

Overall, although no overt statement is made, it is taken that the HPSR conclude the proposed development would not have an adverse impact on biodiversity and would deliver a biodiversity net gain. In principle, I have no reason to disagree that this outcome is achievable for a development of this type and scale.

However, this positive outcome was dependent on the adoption of a series of avoidance, mitigation and enhancement measures described in Section 6 of the HPSR and the LEMP, and the delivery of a biodiversity net gain (see Biodiversity metric report). Measures to secure the 5m separation from the LWS/LNR and develop a sensitive lighting strategy amongst others are welcomed.

Again, whilst broadly acceptable, issues remain as follows:

- Beech and Norway maple should be removed from the planting schedule in the LEMP
- Reference is made in the HPSR to the need for a sensitive lighting strategy yet I could find no evidence of this
- Further, although adequate as a LEMP for general purposes, I doubt this will provide the detail required to provide the necessary assurances that a net gain can be delivered and secured
- In addition, I can find no evidence or guarantee that the avoidance/mitigation/enhancement measures will be implemented and so all measures described in s6 of the HPSR and LEMP must be secured in any consent.
- Importantly, the evidence supplied to justify the net gain is inadequate; the full spreadsheet and supporting information (eg condition descriptions) must be provided to allow the necessary scrutiny
- Although not essential to make this application acceptable, it is disappointing that no measures to address public pressure on/within the LWS/LNR

Until such amendments are made to the application, I am unable to recommend that Condition 1 has been satisfied.

4.1.10.1 Herts Ecology (Second response, September 2023): [No objections]

You have consulted us regarding Condition 1 of this application and drawn attention to the provision of a new version of the biodiversity metric and LEMP that accompany this application.

The documents provided demonstrate how biodiversity will be incorporated as part of the development scheme in order to enhance and maintain biodiversity at the site, including how the boundary and buffer habitats will be managed to maintain long term biodiversity objectives, and who will have the management responsibilities.

I therefore advise that the ecological aspects of Condition 1 have been satisfied and the application can be determined accordingly.

4.1.11 London Borough of Harrow [No objection]

No objection

4.1.12 National Grid: [No response received]

No comments received at the time of drafting report. Any comments will be reported at the committee meeting. In their response in respect of the outline planning application, National Grid identified apparatus in the vicinity of the site, which is set beyond the south boundary of the site.

4.1.13 Thames Water: [No objection]

Having reviewed the details, we have no comments to make at this time.

4.1.14 Three Rivers District Council - Environmental Health Officer: [No comment]

I have no comments to make with regards to land contamination.

[Officer Note: Conditions were attached to the outline planning application in respect of land contamination investigations – Conditions 13, 18, 20)

4.1.15 Three Rivers District Council – Environmental Protection: [Comment received]

No concerns raised with refuse collection arrangements.

4.1.16 Three Rivers District Council – Housing: [Support]

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

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

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

temporary accommodation provided by the Council are offered a permanent and suitable property within a satisfactory time frame.

The variation proposed to the affordable housing provision, an increase of a 45% provision to a 100% provision, has not decreased the number of rented properties to be provided (17) and has provided a significant increase on the overall amount affordable housing to be provided by the development. On the basis that the development will provide 100% affordable housing, I confirm that I generally support this application, however if a higher provision of rented properties can be provided, this would be encouraged.

4.1.17 Three Rivers District Council – Tree and Landscape Officer: [Support]

Recommend: Approval.

The submitted plans contain sufficient detail on the hard and soft landscaping that will be undertaken following development. A compliance condition requiring their implementation prior to occupation of the dwellings should be applied.

4.1.18 Three Rivers District Council – Leisure: [Comments received]

- Current plans do not cater for the locality or user groups.
- Equipment not suitable or what is required.

4.2 Public/Neighbour Consultation

4.2.1 Site Notice: Posted 17 May 2023, expired 8 June 2023.

4.2.2 Press notice: Published 19 May 2023, expired 10 June 2023.

4.2.3 Number of neighbours consulted: 278. Initial consultation letters sent 9 May 2023, and neighbours all reconsulted on 18 August 2023 following receipt of amended plans.

4.2.4 No of responses received: 16 comments received, comprising 15 letters of objection and one representation.

4.2.5 The objections can be summarised as follows:

- Object to position of plots 44-48 due to proximity and elevation to boundary of neighbouring house. All other houses separated by 1.5m wide fenced footpath.
- Full length of 44-47 will run along rear of garden, causing adverse visual impact and impact from smells and noise. Dwelling will loom over garden.
- Privacy will be jeopardised.
- Location of Plot 40 does not afford residents of 3 and 4 Ashford Green sufficient privacy.
- Removal of parking along Foxgrove Path is unacceptable. Residents have blue badges and children, and spaces will be 50m away from house. Currently 10 cars park on this side. Removal of parking will devalue houses.
- All residents who could have a driveway should have their curbs dropped.
- Despite a petition of over 1000 residents when plans were first proposed, Green Belt status has been removed and outline application pushed through.
- There are currently 23 vehicles in Foxgrove Path, 12 belong to residents on the north side, so six new spaces is unreasonable.
- No reference is made to replacing street lighting.
- There is no response from Affinity Water.
- Unclear where workers will park.
- The land links to nature reserve, which has never had pesticides or chemicals.
- Area is liable to flooding.
- Construction works will place a demand on Heysham Drive.

- Object to any development here.
- Land is full of wildlife.
- There are far more suitable sites for new housing in South Oxhey.

4.2.6 The representation can be summarised as follows:

- The provision of a mix of standard and swift boxes should be changed to solely swift boxes.
- The location of all bird boxes needs to be reviewed, most are close to windows but householders will not want this due to disturbance. They should be on gable walls.

5 Reason for Delay

5.1 Amended plans sought to resolve various matters relating to the layout.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation:

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

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

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

6.2 Policy:

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In September 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

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

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 and site H(31) are relevant.

6.3 Other

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

7 **Planning Analysis**

7.1 Background

7.1.1 Outline planning permission was granted in May 2020 for a residential development of up to 53 houses as detailed at para 1.2 above. The application site is identified within the Site Allocations document as site H(31). The site allocations document identifies the site as grazing land with a dwelling capacity of 50. It comments that the site is adjacent to a wildlife site and Local Nature Reserve (Prestwick Road Meadows), and that measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.

7.1.2 The site is outside but directly abuts South Oxhey which is identified as a Key Centre in the Core Strategy. The Core Strategy acknowledges that whilst the scope for development on the edge of the Key Centres is constrained by Green Belt and other environmental designations, there are opportunities to promote sustainable development through limited development within the Green Belt. The application site was formerly designated as Green Belt, but its inclusion within the Site Allocations LDD removes this constraint.

7.1.3 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. As set out at section 1 above, outline planning permission was granted in May 2020, taking account of the above, for a residential development of up to 53 houses. That approval followed an approved outline planning application for up to 49 houses.

7.1.4 Therefore, the site benefits from an outline planning permission confirming the principle of developing the site for up to 53 houses to be acceptable, and also confirming the proposed means of access to the site to be acceptable. Those matters are approved and are not to be revisited as part of the current application. This Reserved Matters application therefore seeks approval for the remaining matters of appearance, landscaping, layout and scale.

7.2 Impact on the character and appearance of the street scene and locality

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (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'.

- 7.2.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles (this will be considered in a highways section below);
 - iii. The generation of excessive levels of traffic (this will be addressed below);
 - iv. Loss of residential amenity (this will be addressed below);
 - 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.)
- 7.2.3 As previously identified, outline planning permission has been granted for this development, on an allocated housing site. In relation to the criteria set out above, the proposed development is separated from the existing housing fronting Foxgrove Path, Heysham Drive and Ashford Green by gardens, open space and public footpaths. On this basis, the basics of the relationships between built form are considered to be acceptable.
- 7.2.4 The proposed development includes a range of two storey terraced houses (maximum terrace length of three houses) and semi-detached houses, with two buildings which have an appearance as a pair of semi-detached dwellings containing four maisonettes each. The general form of the buildings, being two storey terrace and semi-detached, reflects the character of the wider area. Furthermore, the use of pitched roofs across the widths of houses reflects the appearance of the existing buildings in the immediate surroundings. The use of facing brick within the proposed buildings would be acceptable, subject to details, given that the houses in the area are finished in a mix of brick and render.
- 7.2.5 The proposed buildings within the site are all separated by gaps of at least 1.2 metres. This spacing between buildings is reflective of the wider area, and ensures the development site would maintain a spacious feel characteristic of the area, and would not contain buildings that appear cramped against other buildings.
- 7.2.6 The access road running into the site runs in a reverse 'C' shape, with parking courts extending from this road to the south and east. The northern part of the site contains an attenuation pond to the west of the access road, with a small play area to the south. The area of grass around the pond would be enclosed in 0.5m high timber fencing, with a six maple trees planted alongside the road. The parking bays are broken up around the development by trees and pedestrian pathways.
- 7.2.7 The proposed houses are set away from the boundaries with the site to ensure that they any the site overall do not appear cramped within the wider plot. The proposed plots are comparable to those in the surrounding area.
- 7.2.8 Comments were received from the Designing Out Crime Officer relating to the layout of the development. In response to those comments, a revised site layout plan has been provided repositioning gates along alleyways between buildings. Whilst a concern was raised regarding the potential for a ball being kicked against the gable wall of Plot 53, this would not be possible due to the proposed soft landscaping and limited space in that area. Details of the fencing enclosing the play area are shown on the proposed landscaping plan and the fencing is considered suitable.

7.2.9 Overall, the layout of the proposed development is considered to be consistent with its surroundings, and to be acceptable. It is considered that the proposed development would not result in any harm to the character or appearance of the surrounding area. It would respect local distinctiveness, and would conserve the character, amenities and qualities of the area.

7.3 Affordable Housing and housing mix

7.3.1 The affordable housing and housing mix are secured by the outline planning permission (19/2419/OUT) and any amendments resulting from the determination of subsequent application (23/0701/FUL) and not for consideration as part of this reserved matters application.

7.4 Impact on amenity of existing neighbouring properties

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. DM9 sets out that the council will refuse planning permission for development which would or could give rise to polluting emissions by reason of disturbance. It states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.

7.4.2 Plots 1-33 are set away from existing built development, and plots 48-53 are set centrally within the site. As a result, it is considered that these plots would not have any impact on the amenities of existing neighbouring properties around the site.

Privacy

7.4.3 In respect of privacy, Appendix 2 sets out that "*distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other*". It also states "*where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However where rear garden length alone is relied on to provide privacy the minimum length should be 14 metres*".

7.4.4 Plots 31-39 are located on the western side of the site, and their gardens back onto an undeveloped plot of land adjacent to Nos. 4 and 5 Ashford Green. The land is not in residential use and the rear facing windows at Nos. 31-39 would not result in any loss of privacy to any dwelling to the west.

7.4.5 Plots 40-43 would have garden depths of between 7 and 12.5 metres. These plots are not oriented directly towards the rear of neighbouring properties (Odd Nos. 73-87 Heysham Drive), but are angled away. At ground floor level, the existing public footpath passes around the rear boundary between the existing and proposed houses, and the submitted plans show a 1.8m high close boarded fence to be provided to the rear of the gardens. Whilst the application site is on higher ground to the neighbouring sites, the intervening distance and the 1.8m high fence ensure there would be no loss of privacy caused by ground floor rear facing windows in Plots 40-43 to the neighbouring dwellings. In respect of the first floor of these houses, amended plans have been supplied during the course of the application changing the first floor layout, so that rather than having two bedrooms in the rear of these proposed houses and bathroom to the front, the bathroom has been positioned in the rear. This means that instead of two clear glazed first floor windows per house facing the existing dwellings on Heysham Drive, there is one per house. The clear glazed rear facing windows would be between 22 and 24 metres from the rear elevations of the neighbouring houses at the closest point, and would inevitably result in some overlooking toward these neighbours and their rear gardens. However, the separation distances are not significantly shorter than those set out in Appendix 2 quoted above, and it is noted that an element of

mutual overlooking will exist between the existing houses from first floor windows. Whilst an element of additional overlooking is acknowledged, given the angle between the buildings and the intervening vegetation, this is not considered to be at an unacceptable level and the impact on the privacy of these houses is considered acceptable.

- 7.4.6 Plots 44-47 have a front elevation facing south-west and rear elevation facing north-east, with the flank elevation facing toward the neighbouring houses fronting Heysham Drive. The flank elevation would contain the entrance door to the ground floor flat at ground floor level, and a small obscure glazed window at first floor level serving the first floor bathroom. The provision of obscure glass to the first floor window would ensure there is no loss of privacy to the occupants of Nos. 67-71 Heysham Drive.

Visual Impact

- 7.4.7 In respect of the impacts of new development, Section 5 of Appendix 2 of the DMP LDD sets out that “new development should take into consideration impacts on neighbouring properties, both within and surrounding the development and visual impacts generally”. It states that new development must “not be excessively prominent in relation to adjacent properties”.
- 7.4.8 Plots 31-39 are located on the western side of the site, and their gardens back onto an undeveloped plot of land adjacent to Nos. 4 and 5 Ashford Green. Plot 39 would be 26 metres from No. 4 Ashford Green at its closest point. Given the separation distances, it is not considered that the houses at plots 31-39 would appear overbearing or have any adverse visual impact on the occupants of the neighbouring dwellings in Ashford Green.
- 7.4.9 The corner of Plot 40 would be set 21m at its closest point from the rear elevation of the neighbouring dwelling at 4 Ashford Green and 4.6m from the rear boundary of that neighbouring property. It would be at an angle to this neighbouring property, with the walls angled away from this property. At ground floor level, the existing boundary treatments between the houses and the public footpath are solid, and a solid 1.8m high fence is proposed to the side and rear of plot 40. The intervening distance between the proposed dwelling and the neighbour is considered, along with the angle of the proposed building, sufficient to mitigate against any adverse impacts and it is not considered that the proposal would harm the amenities of the occupants of No. 4 Ashford Green.
- 7.4.10 However, Plot 40 faces 81 Heysham Drive which is some 40 metres away and this distance ensures the building containing plots 40 and 41 would not appear overbearing or visually intrusive when viewed from Nos. 81-87 Heysham Drive.
- 7.4.11 Plots 41-43 are approximately 31 metres (plot 41), 28m (plot 42) and 22.8 (plot 43) from the rear walls of the closest neighbouring properties to the north at Nos 73-79 Heysham Drive. They would have rear garden depths of between 7 and 12 metres, with the rear gardens enclosed by 1.8m high close boarded fencing which would provide separation from the public footpath. It is acknowledged that land levels increase further south away from the neighbouring properties, and the proposed houses would have an eaves height of 5.4 metres, with the roof sloping away from the neighbouring houses. Having regard to the separation distances, whilst it is acknowledged that the proposed houses would be visible from Nos 73-79 Heysham Drive, it is not considered that they would have a harmful impact on the amenities of the occupants of these neighbouring dwellings.
- 7.4.12 The flank elevation of Plots 44-47 face the neighbouring dwellings to the north, Nos. 69 and 71 Heysham Drive. The flank elevation would be a gable ended structure, with an eaves height of 5.4, and maximum height of 8.5 metres. The flank elevation would have a width of 10 metres. The building would be approximately 5.2m from the rear boundary of the garden to No. 71 at its closest point, increasing to 11.5m at the furthest point, and a distance of at least 12.2m from the rear boundary of No. 69. Those houses are set back within their plots, such that the proposed building would be approximately 24m from No. 71 and 27m from No. 69. The houses fronting Heysham Drive have rear elevations which face east, whereas

the flank elevation to the building containing plots 44-47 faces north-west, and this means the relationship between the two is not directly back to back but at an angle. Given the angled relationship and the distance between the rear elevations of the neighbours and the proposed building, it is not considered that the proposal would have a harmful visual impact when viewed from the rear facing windows in No. 69 or 71 Heysham Drive. It is acknowledged that views of the proposed building from the rear gardens of Nos. 69 and 71 Heysham Drive would be clear. The application includes lowering the ground level within the application site so that the ground floor level of the houses is below the existing ground level at the site. The submitted landscaping plans also include the provision of a 1.8 metre high close boarded fence with 0.3m trellis on top, and the provision of five trees along the boundary with the rear gardens. These interventions would all act to soften the visual impact of the proposal when viewed from the neighbouring gardens, and filter views of the flank elevation. Having regard to the distances, the size of the flank elevation and the mitigation, it is considered that the proposal would not have a harmful impact on the amenities of the occupants of the neighbouring dwellings.

7.5 Quality of accommodation for future occupants

7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

Privacy and Prospect

7.5.2 In respect of privacy, Appendix 2 sets out that "*distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other*". It also states "*where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However where rear garden length alone is relied on to provide privacy the minimum length should be 14 metres*".

7.5.3 Working around the site, Plots 1-6 and 14-16 back onto the nature reserve with no privacy issues, and plots 7-12 back onto the flank of plot 13. None of these gardens exceed 12 metres in depth. However given the site layout and the positioning of windows, it is not considered that the garden spaces would be so overlooked as to result in harm to the amenities of occupants. The rear elevations of plots 10-12 are approximately 13m from the main useable area of garden to Plot 13 and given this distance along with intervening boundary treatments it is not considered that harmful overlooking would occur.

7.5.4 Plots 19-21 have a similar relationship to that noted above, with Plots 26-27 set 11m away. For the same reasons as above, given the intervening distances and boundary treatments, it is not considered that the shortfall in garden length would result in such a sense of overlooking so as to cause harm to the amenities of occupants.

7.5.5 Plots 28-30 back on to the fields to the south of the site, with garden lengths exceeding 18m, and would not result in any overlooking. Similarly, Plots 31-39 back onto vacant open space and would not result in any overlooking.

7.5.6 Plots 40-43 are set away from other plots within the development and would not have any impact on privacy of neighbouring plots within the development. The amenity space for Plots 44-47 is communal with some private/defensible areas shown on the plans to ensure sufficient privacy can be experienced.

7.5.7 The rear gardens of Plots 48-53 have a depth of approximately 11.3 metres. The separation distance is sufficient to ensure no overlooking from these properties toward neighbouring

gardens. The separation of 13.8m between Plot 52 and the flank of Plot 44-47 ensures that building would not appear overbearing.

Amenity Space and Open Space

- 7.5.8 Section 3 of Appendix 2 sets out the Amenity Space requirements for new development. It states that for each dwelling, amenity space as follows should be attained as either individual gardens or in part, as space forming settings for the buildings:
- 1 bed dwelling -- 42 square metres
 - 2 bed dwelling -- 63 square metres
 - 3 bed dwelling -- 84 square metres
 - 4 bed dwelling -- 105 square metres
 - additional bedrooms: - 21 square metres each
- Flats:
- One bed -- 21 square metres
 - Additional bedrooms: - 10 square metres each (space can be allocated specifically to each flat or communally).
- 7.5.9 Section 3(f) of Appendix 2 states that amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to the formal spaces/settings for groups of buildings or existing mature trees.
- 7.5.10 The applicant has provided drawing no. 031-(PL)-8802 Rev F which includes a table setting out the amenity space provided for each house within the development. That table is included as Appendix A below.
- 7.5.11 The table shows that of the houses proposed as part of this application, 23 (43%) provide amenity space to meet or exceed the indicative levels set out above. This means that 30 (57%) do not meet the requirement. The shortfall ranges from 0.8sqm (plot 32) to 22sqm shortfall (Plot 6). Overall, the site generates a need for 3402 square metres of amenity space, and provides 3656.9 square metres, 254.9 square metres more than required. It should be noted that the areas quoted as amenity space do not include the open green areas adjacent to the parking bays between plots 17/18 and 19, or between Plots 30 and 31. These areas would be useable for some outdoor recreational purposes.
- 7.5.12 The shortfall is acknowledged, however, it is also acknowledged that each individual property does contain a garden which is of useable size and shape, with a private zone to the rear of each garden and useable lawn beyond. The communal space serving the flats is equally useable. Furthermore, there are other public recreational opportunities in the immediate area. The application site is crossed by a public footpath which provides access to Prestwick Road Meadows Local Nature Reserve. Ashridge Play Area can be accessed from the reserve by crossing Prestwick Road. The public footpath through the site also provides access to the London Loop Orbital footpath and Oxhey Woods. Therefore, there are numerous opportunities to access outdoor recreation in close proximity to the site.
- 7.5.13 Given that each house would have useable outdoor amenity space, that there is open space within the site and in close proximity to the site that can be used for recreational purposes, it is considered that the proposal would overall provide a suitable quality of amenity for future occupants.
- 7.5.14 The application site includes the provision of a small play area, enclosed by a 1.2 metre high metal railing fence. The area is in an open space close to the road accessing the site, and would have natural surveillance from the road and from the front-facing windows of surrounding houses. Whilst the size and the location of the play area are both considered acceptable, the level of equipment proposed is not because it is not considered suitable to cater for a range of ages or abilities. It is considered that this issue can be addressed by the use of a condition requiring details of alternative equipment to be submitted to and

approved in writing, and installed on site before any house within the development is first occupied.

7.6 Highway and Rights of Way considerations

7.6.1 The outline planning permission included matters related to access, and these were approved subject to the conditions attached to the outline planning permission. HCC Highways have commented on this application to confirm the works that were approved under the outline permission. These included forming the access to the site from Foxgrove Path and the associated alterations to Foxgrove Path to facilitate this, including removing a row of four car parking bays from the northern side of the road and providing six replacement car parking bays within the site.

7.6.2 In respect of the internal road layout, drawings have been received detailing dimensions of the roads and footways and including swept path analysis to show that cars and refuse collection vehicles can adequately enter the site, turn around, and exit in a forward direction. Access and turning areas and visibility splay areas would need to be kept free of obstruction and the Highways Officer suggests a planning condition.

7.6.3 The public footpath through the site would be maintained and the Highways Officer has confirmed they general layout for pedestrians to be acceptable, and that it is necessary for dropped kerbs and tactile paving to be provided where the public footpath crosses the main carriageway. Suitable crossing points are shown on the submitted hard landscaping plan. Line of site for users of the public footpath would be retained through the site, and the footpath would cross only a small number of car parking spaces which are not considered to interfere with the use of the footpath to any significant degree. The need for crossing points serving the public footpath are noted, however such crossing points would be in very close proximity to road junctions and are not considered to be the most appropriate location for crossing points. The route of the public footpath would be demarcated on site using a different material to the remainder of the site to ensure the route is clearly distinguished from the footpaths in the site.

7.6.4 The Highways Officer confirms the internal access roads would not be adopted, and that the developer would need to put in place a permanent arrangement for long term maintenance. To ensure that maintenance schedules and activities are clear for the roads and elements of public footpath running through the site, a maintenance plan will be secured by condition.

7.6.5 This application has been accompanied by a construction management plan which includes details of the phasing of the development, the location site welfare facilities and the location of wheel washing facilities. Details of the construction management and phasing are secured by condition 6 attached to the outline planning permission, however it should be noted that this plan indicates the phasing of the development would be such that the new car parking spaces for Foxgrove Path residents would be completed at the start of the works and would thereafter be positioned outside the construction compound area.

7.6.6 Matters relating to the access to the site were considered and determined as part of the outline planning application. The internal access roads and impact on the public right of way are considered to be acceptable.

7.7 Parking

7.7.1 Policy DM13 of the Development Management Policies LDD (adopted July 2013) advises that development should make provision for parking in accordance with the parking standards set out in Appendix 5. For Use Class C3, the standards require 1.75 spaces (1 allocated) per one-bed dwelling, 2 spaces per dwelling (with one assigned space) for 2 bedroom dwellings, and 2.25 spaces per dwelling (2 assigned spaces) for 3 bedroom dwellings.

- 7.7.2 Having regard to the houses proposed as part of this application, the 8x one-bed flats, 28x two-bed houses, 15x three-bed houses and 2x four-bed houses would require a total of 109 car parking spaces to be provided on site, of which 72 should be allocated.
- 7.7.3 Submitted drawing 032-(PL)-8802 Rev A sets out the proposed car parking provision, and details the allocation of the car parking on site. This details a total of 110 car parking spaces for the proposed development, 10 of which are unallocated, and a further six spaces to compensate for the four spaces that would be lost in Foxgrove Path. The parking all fronts the street with sufficient manoeuvring space and visibility. The drawings also account for the provision of spaces with the additional width required to ensure they are accessible to those using a wheelchair.
- 7.7.4 It was acknowledged as part of the outline planning application that the creation of the new access to the site would involve widening the carriageway of Foxgrove Path to allow two cars to pass, which results in the loss of four on-street car parking bays. At the outline stage, six replacement car parking spaces were shown to be provided within the application site and this is confirmed as part of the layout for which permission is now sought. The spaces would be approximately 22 metres into the site from the current end of Foxgrove Path and would be accessible via the existing and extended footway. Measures to detail how these bays would be provided and remain accessible in perpetuity for use by the public including details of signage and maintenance, are controlled by condition 17 attached to the outline planning permission and therefore no controls are required as part of the current planning application.
- 7.7.5 On the basis of the above, sufficient car parking is provided to comply with Policy DM13 and Appendix 5 of the Development Management Policies LDD 2013.
- 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 Matters relating to ecology and biodiversity were generally dealt with as part of the outline planning application, with conditions attached to that permission which secure the requirement to submit a Construction Environmental Management Plan (condition 10) and a Biodiversity Enhancement and Management Plan (condition 11).
- 7.8.4 This application has been accompanied by a Habitats and Protected Species Report (April 2023), a Biodiversity Metric report (August 2023) and a Landscape Ecological Management Plan (dated August 2023).
- 7.8.5 The Habitat and Protected Species report. This identified that no evidence was observed of badgers being present on the site but noted the habitats around the boundary of the site provide good foraging habitat for badgers and hedgehogs. The bird survey identified two red-listed species and six amber listed birds. It found no suitable habitat for newts. The dense scrub and tree lined habitats were found to provide optimal foraging for bats and bats were considered at the time of the outline application. The report concludes that the provision of a 5m wide buffer zone between the development and the adjacent wildlife site

will provide a protective barrier and the opportunity to allow for the expansion of habitats in the wildlife site, and that these are all proposed to be retained and protected.

7.8.6 The Environment Act will mandate the requirement for Biodiversity Net Gain (BNG). However mandatory BNG as provided for in the Environment Act will apply by amending the Town and Country Planning Act, and this has not yet happened (it is expected from January 2024). The requirement for 10% BNG is, therefore, not yet enshrined in planning law. The applicant has submitted a Biodiversity Net Gain report based on the latest DEFRA metric and this shows that the proposed development has a potential net gain of 37.4% based on the level of tree planting shown in the plans, and 4% without this tree planting.

7.8.7 The Landscape Ecological Management Plan sets out how biodiversity will be incorporated into the development and habitats managed to meet objectives. That document has been approved pursuant to condition 11 attached to the outline planning permission.

7.8.8 These documents have been reviewed by Herts Ecology, who note the documents demonstrate how biodiversity will be incorporated as part of the development scheme to enhance and maintain biodiversity, including how the boundaries would be managed and who will have responsibility. This is all secured by conditions attached to the outline planning permission.

7.9 Trees and Landscaping

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

7.9.2 The outline planning application was accompanied by a tree survey report which demonstrated that the site may be developed without incursion into the root protection area (RPA) of off-site trees. Condition 15 of the outline planning permission requires tree protection measures to be in place before any works take place on site, in accordance with a scheme which shall first be submitted to and approved in writing by the LPA.

7.9.3 This current application is accompanied by an updated Tree Survey report and plan. These, alongside the proposed site layout plan, show that no new building is proposed within the RPA of any off-site tree. Hard and soft landscaping works (including fencing and car parking spaces) are proposed within RPAs, in particular to T10 and T17, and it is considered that with suitable working methods, no damage should be caused to those trees. Whilst details of tree protection measures have already been secured at outline stage, an Arboricultural method statement is considered necessary to detail how the works close to and within the RPAs would be undertaken, and this will be secured by planning condition.

7.9.4 In respect of the proposed landscaping, a detailed scheme has been submitted as part of this application. That scheme has also been reviewed in respect of its impact on the biodiversity net gain that the site will achieve. As detailed at section 7.8 above, with the proposed planting the site is able to achieve a 37% biodiversity net gain. The tree and landscape officer has confirmed that the plans contain sufficient detail of the proposed landscaping, and a condition should be included to secure the implementation of these details. A condition is proposed accordingly.

7.9.5 A Soft Landscape Management and Maintenance Plan has also been submitted to set out how the soft landscaping on the site will be maintained and the site as a whole would be maintained in a clean and tidy condition and appearance. The plan is considered to provide sufficient detail to confirm that the soft landscaping can and will be maintained in an appropriate way and this along with the biodiversity net gain is secured by condition.

- 7.9.6 On that basis, the landscaping and protection of trees is considered to be acceptable and the proposal would comply with DM6 of the Development Management Policies LDD.
- 7.10 Pollution
- 7.10.1 Core Strategy Policy CP1 also states that development should manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies document advises that the quality of groundwater resources should be protected from aquatic pollution and Policy DM9 sets out that permission will not be granted for development which would or could give rise to polluting emissions to land, air and/or water.
- 7.10.2 At the outline planning permission stage, this matter was dealt with, with the inclusion of various conditions requiring investigations and any necessary remediation to be undertaken. The proposed site layout is not considered to give rise to any other pollution risks.
- 7.11 Sustainability
- 7.11.1 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and should help to shape places in ways which contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.
- 7.11.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.11.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.11.4 This application is accompanied by an Energy Assessment and Sustainability Statement by Calfordseaden (August 2023). This sets out how air source heat pumps and solar PV will be used across the site, to achieve an estimated CO2 emission reduction of 31% over 2013 Building Regulations and 72% over 2021 Building Regulations. The submitted elevations show how PV will be incorporated onto the south-facing roofslopes of the houses. A planning condition will ensure the measures are installed and maintained.
- 7.11.5 The details show that the proposed development would comply with the requirement of DM4 as set out above.
- 7.12 Flood Risk and Drainage
- 7.12.1 Matters relating to drainage were considered at the outline stage, with conditions attached to the outline planning permission relating to the drainage of the site. The proposed site layout reflects the illustrative layout which accompanied the outline planning application, with an attenuation pond proposed to the immediate south of the site entrance at a low point within the site.
- 7.13 Refuse and Recycling

7.13.1 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

7.13.2 The planning application is accompanied by drawing No. 034-(PL)-8802 Rev A which details the proposed refuse strategy. This accounts for each property having storage space for a food pod, general waste bin, recycling bin and garden waste bin, with bins being moved by residents to the road on collection day. The Environmental Protection team have reviewed the site layout and have confirmed that the turning areas appear sufficient for refuse collection vehicles to turn and exit in a forward gear. On this basis, the refuse and recycling arrangements are considered to be acceptable.

7.14 Planning Balance and Conclusion

7.14.1 As previously noted, outline planning permission has been granted for a residential development of this allocated housing site. The details contained within this application would deliver an appropriate development of 53 houses, and would include a biodiversity net gain, landscaping which takes account of the adjacent wildlife site, and include renewable energy installations to exceed energy efficiency requirements.

7.14.2 It is acknowledged that a number of the units within the development would not provide sufficient area of private amenity space to meet the indicative levels in the Development Management Policies LDD, however as set out above each house would have a private and useable garden space, with flats having use of good sized communal space. The overall area proposed exceeds indicative levels, and the site contains open space and is in close proximity to other public open spaces.

7.14.3 On that basis, it is considered overall that the proposed development would be acceptable, with any adverse impacts clearly outweighed by the benefits including the much needed delivery of housing.

8 **Recommendation**

8.1 That the RESERVED MATTERS be APPROVED subject to the following conditions:

Conditions requiring details to be submitted for approval before above ground works

ARB METHOD STATEMENT RELATING TO WORKS IN RPA TO SOUTH OF SITE

C1 No development, operation or works of any type shall commence on site within the root protection area of retained trees on/beyond the southern boundary (as shown on Tree Survey and Root Protection Areas - Constraints Plan 2311-01) until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of location and depths of underground service routes, methods of excavation and construction methods for any items including fences and car parking spaces where they lie in or directly adjacent to the RPA of retained trees.

The development shall thereafter only be implemented in accordance with the approved method statement.

Reason: This condition is required to ensure that no development takes place within the RPA of maintained high amenity value trees until appropriate measures are detailed in respect of construction methodology to prevent damage being caused to the trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

SUBMIT DETAILS OF MATERIALS

- C2 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.

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).

Pre-Occupation (further submission required) conditions:

SUBMIT DETAILS OF PLAY EQUIPMENT

- C3 Notwithstanding the details shown on drawing no. PR124170-13 'LAP Proposals', prior to the first occupation of any dwelling hereby permitted, details of alternative play equipment focussed on a range of ages and activities shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed in accordance with the details approved by this condition prior to the first occupation of any more than 40 homes, and permanently maintained as such thereafter.

Reason: To ensure the site provides suitable outdoor play opportunities for a range of ages, having regard to the limitations of other equipment in the immediate vicinity and to comply with the requirements of Policy DM11 of the Development Management Policies LDD.

DELIVER SOFT LANDSCAPING

- C4 Prior to the first occupation of the development hereby permitted, details of the timetable/phased delivery of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All soft landscaping and tree planting shall be implemented in accordance with the details within Drawing Nos. PR124170-11.01B Sheet 1 of 3, 11.02B Sheet 2 of 3 and 11.03B Sheet 3 of 3 and in accordance with the timetable approved by this condition and retained thereafter.

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 enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

MAINTAIN HARD LANDSCAPING AND ROADS

- C5 Prior to the first occupation of any dwelling, full details in relation to the proposed arrangements for future management and maintenance of the proposed streets, footways, and all hard landscaped areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring all hard landscaped areas are subject to a suitable maintenance strategy and remain safe to use in accordance with Policy CP10 of the Core Strategy.

CAR PARKING MANAGEMENT PLAN

- C6 Prior to the first occupation of the development hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details (excluding the replacement parking spaces labelled for Foxgrove Path residents to the north of the site) of the allocation of vehicle parking spaces within the development; management and allocation of parking spaces for mobility impaired persons; and long term management responsibilities and maintenance schedules for all communal parking areas and the internal access road. The parking management plan shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: In the interests of highway safety and to ensure the free flow of vehicular and pedestrian traffic by ensuring car parking is managed having regard to the on site car parking layout, and to avoid obstructions on the road network, in accordance with Policy CP10 of the Core Strategy.

Pre-occupation (compliance) condition

OBSCURE GLAZING TO FLANK ELEVATIONS

- C7 Before the first occupation of an individual dwelling hereby approved, the windows at first floor level in the flank elevations of that dwelling shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

OBSCURE GLAZING TO REAR OF 40-43

- C8 Before the first occupation of Plots 40-43, the windows at first floor level in the rear elevations serving the bathrooms as shown on drawing 122-(PL)-8802 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

IMPLEMENT IN ACCORDANCE WITH ENERGY STATEMENT

- C9 Prior to the first occupation of each dwelling, the energy saving and renewable energy measures as set out in the Energy Assessment and Sustainability Statement shall

have been provided in full for that dwelling. The energy saving and renewable energy measures shall be permanently maintained and retained 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

PROVIDE BOUNDARY TREATMENTS

- C10 Prior to the first occupation of the development hereby approved, the boundary fences shown on Drawing No. PRI24170-12.01B, 12.02B and 12.03B to demarcate the garden areas to the dwellings shall be installed in accordance with the details shown on the drawing and permanently maintained as such thereafter.

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

PROVIDE AND ALLOCATE CAR PARKING SPACES

- C11 No dwelling hereby approved shall be first occupied until the car parking spaces serving that dwelling as shown on Drawing 032-(PL)-8802 Rev D have been constructed and marked out only in accordance with the details shown on Drawing 032-(PL)-8802 Rev D.

Reason: To ensure suitable allocation of car parking spaces for each dwelling within the development, to comply with Policy CP10 of the Core Strategy, and Policies DM13 and Appendix 5 of the Development Management Policies LDD.

General Compliance conditions

IN ACCORDANCE WITH APPROVED PLANS

- C12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Drawings

010-(PL)-8802

011-(PL)-8802

Proposed Site Layout Drawings

001-(PL)-8802 M

002-(PL)-8802 D

003-(PL)-8802 D

021-(PL)-8802 B

030-(PL)-8802 D

031-(PL)-8802 F

032-(PL)-8082 D

034-(PL)-8082 D

035-(PL)-8082 D

036-(PL)-8082

037-(PL)-8082 C

Proposed Floor Plans

110-(PL)-8802 C

111-(PL)-8802 D

112-(PL)-8802 B

120-(PL)-8802 B

121-(PL)-8802 B
122-(PL)-8802
130-(PL)-8802 B
140-(PL)-8802 B

Proposed Elevations

205-(PL)-8802 D
206-(PL)-8802 A
211-(PL)-8802 A
212-(PL)-8802 A
213-(PL)-8802 A
214-(PL)-8802
215-(PL)-8802
216-(PL)-8802

Proposed Sections

300-(PL)-8802 C
301-(PL)-8802 B

Proposed Street scenes and perspectives

310-(PL)-8802 B
400-(PL)-8802 B
401-(PL)-8802 B
402-(PL)-8802 B

Landscaping Drawings

PRI24170-10 REV C
PRI24170-11.01 REV B, PRI24170-11.02 REV B, PRI24170-11.03 REV B (Soft Landscape)
PRI24170-12.01 REV B, PRI24170-12.02 REV B, PRI24170-12.03 REV B (Hard Landscape)

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2023).

MAINTAIN SOFT LANDSCAPING

- C13 The areas of soft landscaping contained within the development hereby permitted shall be maintained in accordance with the Landscape Ecological Management Plan (August 2023 Ref 2311-PHA) and the Soft Landscape Management and Maintenance Plan (dated August 2023, reference PRI24170-man) throughout the use of the development.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

ACHIEVE BNG

- C14 The development hereby permitted shall be implemented in accordance with the principles contained within the report Biodiversity Metric 4.0 (August 2023, report 2311-PHA) and with the details on Drawings PRI24170-11 Rev B Sheet 1, 2 and 3.

Reason: To ensure that the net gains to biodiversity contained within the submission are achieved, to accord with Policy DM6 of the Development Management Policies LDD (July 2013) and Part 15 of the NPPF (2023).

LIGHTING

- C15 No lighting, including any street lighting, shall be installed within the development site hereby approved until details have first been submitted to an approved in writing by the Local Planning Authority relating to the design, appearance, luminance and direction of the lighting, and how it is designed to avoid adverse impacts on protected species and the amenities of neighbouring occupants. The lighting shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure that any lighting is designed to minimise light pollution and adverse impacts on the amenities of neighbours and on protected species, in accordance with Policies DM1, DM6 and DM9 of the Development Management Policies LDD.

REMOVE PD RIGHTS

- C16 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

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

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

8.2 Informatives:

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

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

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

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local

distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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

- 14 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.
- 15 The applicant is advised that the housing tenures as shown on the drawings accompanying this application including drawing 037-(PL)-8802 are indicative only and any grant of approval of this application does not infer or imply those matters to be approved or secured. Affordable housing matters fall to be assessed and secured only via the outline planning application (19/2419/OUT) and related planning conditions, and any subsequent permission granted under S73 of the Town and Country Planning Act.
- 16 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Appendix A – Table of Amenity Space

Foxgrove Path - Proposed Garden Amenity						
Plot	Dwelling Type	Garden Area (m ²)	TRDC Standard	Outcome	Excess/ Shortfall	Note
1	2 Bed 4 Person House	67.1	63	Complies	4.10	
2	2 Bed 4 Person House	54.5	63	Does not comply	-8.50	
3	2 Bed 4 Person House	54.1	63	Does not comply	-8.90	
4	2 Bed 4 Person House	57.6	63	Does not comply	-5.40	
5	3 Bed 5 Person House	65.3	84	Does not comply	-18.70	
6	3 Bed 5 Person House	61.7	84	Does not comply	-22.30	
7	2 Bed 4 Person House	53.8	63	Does not comply	-9.20	
8	2 Bed 4 Person House	52.4	63	Does not comply	-10.60	
9	2 Bed 4 Person House	48.4	63	Does not comply	-14.60	
10	2 Bed 4 Person House	48.4	63	Does not comply	-14.60	
11	2 Bed 4 Person House	52.4	63	Does not comply	-10.60	
12	2 Bed 4 Person House	79.2	63	Complies	16.20	
13	4 Bed 6 Person House	124.9	105	Complies	19.90	
14	4 Bed 6 Person House	75.9	105	Does not comply	-29.10	
15	1 Bed 2 Person Apartment	62.8	21	Complies	41.80	
16	1 Bed 2 Person Apartment	40.75	21	Complies	19.75	(Communal)
17	1 Bed 2 Person Apartment	51.9	21	Complies	30.90	
18	1 Bed 2 Person Apartment	40.75	21	Complies	19.75	(Communal)
19	2 Bed 4 Person House	129.9	63	Complies	66.90	
20	2 Bed 4 Person House	58	63	Does not comply	-5.00	
21	2 Bed 4 Person House	53.2	63	Does not comply	-9.80	
22	2 Bed 4 Person House	50.7	63	Does not comply	-12.30	
23	2 Bed 4 Person House	49.7	63	Does not comply	-13.30	
24	2 Bed 4 Person House	57.1	63	Does not comply	-5.90	
25	2 Bed 4 Person House	57.1	63	Does not comply	-5.90	
26	2 Bed 4 Person House	49.7	63	Does not comply	-13.30	
27	2 Bed 4 Person House	59.5	63	Does not comply	-3.50	
28	3 Bed 5 Person House	153.8	84	Complies	69.80	
29	3 Bed 5 Person House	131.4	84	Complies	47.40	
30	3 Bed 5 Person House	106.9	84	Complies	22.90	
31	2 Bed 4 Person House	102.4	63	Complies	39.40	
32	2 Bed 4 Person House	63.1	63	Complies	0.10	
33	2 Bed 4 Person House	84.2	63	Complies	21.20	
34	2 Bed 4 Person House	82.1	63	Complies	19.10	
35	2 Bed 4 Person House	79.3	63	Complies	16.30	
36	2 Bed 4 Person House	68.1	63	Complies	5.10	
37	2 Bed 4 Person House	57.4	63	Does not comply	-5.60	
38	2 Bed 4 Person House	55.7	63	Does not comply	-7.30	
39	2 Bed 4 Person House	81.2	63	Complies	18.20	
40	3 Bed 5 Person House	113.8	84	Complies	29.80	
41	3 Bed 5 Person House	79	84	Does not comply	-5.00	
42	3 Bed 5 Person House	70.4	84	Does not comply	-13.60	
43	3 Bed 5 Person House	70	84	Does not comply	-14.00	
44	1 Bed 2 Person Apartment	26.5	21	Complies	5.50	
45	1 Bed 2 Person Apartment	67.5	21	Complies	46.50	(Communal)

46	1 Bed 2 Person Apartment	22.5	21	Complies	1.50	
47	1 Bed 2 Person Apartment	67.5	21	Complies	46.50	(Communal)
48	3 Bed 5 Person House	66.5	84	Does not comply	-17.50	
49	3 Bed 5 Person House	64.5	84	Does not comply	-19.50	
50	3 Bed 5 Person House	72.6	84	Does not comply	-11.40	
51	3 Bed 5 Person House	72.5	84	Does not comply	-11.50	
52	3 Bed 5 Person House	64.4	84	Does not comply	-19.60	
53	3 Bed 5 Person House	76.8	84	Does not comply	-7.20	
	TOTALS	3656.9	3402		254.90	

23	Comply	43%
30	Do not comply	57%