

PLANNING COMMITTEE – 18 January 2024

23/1352/FUL - Demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works at MARGARET HOUSE RESIDENTIAL HOME, PARSONAGE CLOSE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0BQ.

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 22.11.2023
(Extension agreed to 25.01.2024)

Ward: Abbots Langley & Bedmond
Case Officer: Tom Norris

Recommendation:

Recommendation 1:

That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA), and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for impact on conservation area and absence of S106 (see section 8 below).

Recommendation 2:

That subject to the Lead Local Flood Authority (LFFA) maintaining their objection to the scheme, and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for impact on conservation area, absence of S106 and detrimental flooding and drainage impact (see section 8 below)

Reason for consideration by the Committee: Called in by three members of the Planning Committee due to concerns regarding the proposed height and density of the scheme.

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=RZ7P3LQFGOU00

1 Relevant Planning History

1.1 No planning history relevant to the current proposal.

2 Description of Application Site

2.1 The application site is located to the west of the High Street, Abbots Langley. The vehicular access to the site is via Parsonage Close to the west however the site contains pedestrian access from the High Street.

2.2 The site consists of a former care home building and associated land including car park to the north-west of the building and areas of lawn and trees surrounding the building. The building is single-storey and has dark tiled hipped roof forms. The plan layout of the building is largely square in shape and contains central courtyard areas. The care home is currently closed. The supporting detail submitted with the application confirms that the care home accommodated 50 beds.

2.3 Surrounding land uses include Abbots Langley School immediately to the north of the site, residential development including Parsonage Close and Abbots Road to the north-west and a Library to the south east.

- 2.4 The southern portion of the site is within the Abbots Langley Conservation Area boundary. To the south of the site is also St Lawrence Church which is a Grade I Listed Building (List entry no. 1296433).

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of existing care home building and redevelopment of site to provide 27no. residential units, with associated access, parking, and landscaping works.
- 3.2 It is proposed that the existing care home building is demolished and a total of 27 dwellings constructed in its place. These dwellings would consist of two-storey detached and semi-detached dwellings and a three-storey flatted building. The vehicular access to the site would be via an extension to Parsonage Close which is proposed to be continued in a linear manner through the centre of the site towards the High Street. The flatted building would be positioned to the northern side of the access road and dwellings would be on a cul-de-sac road in the southern section of the site, off the main access road.
- 3.3 The proposed flatted building would have a principal width of 45m and a depth of 12.5m. The building would have a flat roof with an overall height of 9.5m. The proposed detached and semi-detached dwellings would have a principal depth of 9.5m and a width of between 6.0m to 6.5m. The dwellings would have a gabled roof form with an eaves height of 5.2m. The dwellings without roof accommodation would have a ridge height of 8.5m and the dwellings with roof accommodation would have a ridge height of 10.0m. The proposed flats and dwellings would be finished in facing brickwork.
- 3.4 Each dwelling would have their own amenity garden with areas ranging between 90-300sqm. The site proposes a total of 50 car parking spaces with allocated and visitor parking to the proposed dwellings and flats. The proposed development includes hard and soft landscaping and replacement planting throughout.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Objection

ORIGINAL CONSULTATION COMMENT: Members support the proposed development in the village as it is on an already developed site and centrally located with good pedestrian access to local shops. Members support the retention of public footpaths and cycle paths through the site. Members are amicable to the proposed public space coming off the High Street.

However, members have concerns regarding access to the site off Parsonage Close as this area becomes impassable during the morning and afternoon school run. Members felt this development would add to the issues experienced by school users and residents of the scheme. During the building phase, Members are concerned about maintaining access at all times as ALPC encourages walking and cycling to school and the local shops. Members are concerned the proposed parking allocation is not sufficient for 30 dwellings and traffic in / out of the site would aggravate existing issues with access at peak times. Members noted there is an issue with flooding at the entrance to the site off Parsonage Close which would need to be addressed. Given the site's location and proximity to St. Lawrence's Church, members have concerns regarding the development's proximity to the church and many listed buildings on the High Street. Whilst members note the site is not wholly within the Conservation Area, a more sympathetic approach regarding materials and over-all form may be more appropriate for the location.

APPLICATION COMMENT: Members still have serious concerns regarding sole access and egress being from Parsonage Close and the impact this will have on local residents

and on the local school, especially during school drop off and pick up times. Additionally, whilst Members acknowledge not the whole site is not within the Conservation Area, the proposed development is quite stark given its proximity to other local listed buildings and the parish church. Members feel the design is inappropriate.

Officer comment: Reference to “original consultant comment” relates to comments provided via the pre-consultation exercise undertaken by the applicant.

4.1.2 Conservation Officer: Objection

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

The site is located within the setting of the Grade I listed Church of St Lawrence the Martyr (list entry: 1296433). The Abbots Langley Conservation Area runs through the site, the south and southwest of the site is located the Conservation Area within the Tibbs Hill to Abbots House character area. The application site makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. However, the site is surrounded by mature tree screen which is positive and preserves the setting of the listed church as well as the character and appearance of the Conservation Area. The low height of the existing building also limits its visual impact within the Conservation Area and the setting of the church.

This application follows pre-application. As previously noted, the existing building is modern and of low architectural interest, there would be no in principle objection to its demolition and replacement.

It is now proposed to construct a three-storey block of flats (plots 11-27) to the northeast of the site and increase the number of detached/ semi-detached dwellings from five to ten dwellings. There are concerns regarding the Increase in scale, massing and appearance of the proposed residential development.

Flat development

The proposed flatted development would be uncharacteristic of the conservation area by virtue of its scale, form and appearance. The flats would be visible from the High Street due to their positioning and proximity to the boundary wall. The proposed flat roof form of the flat development would appear overly bulky in massing and relate poorly to the traditional duo pitched roof forms that are prevalent within the conservation area. There are also concerns regarding the proposed scale of the building, I acknowledge that there are three storey flat developments on in Parsonage Close but they do not relate well to the traditional character of the conservation area (as noted within the appraisal) the massing and visual impact is reduced by a traditional duo pitched and the existing landscaping.

Detached/ semi-detached dwellings

The proposed dwellings would be of a reduced footprint when compared to the existing building but would be of greater in height. There are concerns regarding the proposed two and a half/three storey dwellings. There is a preference for them to be reduced to two-storeys.

There are some concerns regarding the visual impact upon the conservation area and setting of the church given the loss of trees proposed. However, I acknowledge the distance between the application site and church. A reduction in the height of the proposed dwellings would go some way to minimise their visual impact. The conservation area appraisal notes that the landscape and planting around the library and Hanover Garden, contributes to the street scene atmosphere of rurality at the entrance to the Conservation Area. The loss of such landscaping would therefore have an adverse impact on the character and appearance of the conservation area.

There are also concerns regarding the proposed materials. I acknowledge that there is a mix of traditional materials throughout the conservation area. However, within the character area it is predominantly render, elsewhere there is red brick and some yellow stock. Whilst material details could be secured through conditions, high quality materials are expected and at present there are some concerns regarding the type of brick proposed. The semi-detached and detached dwelling could benefit from some additional brick detailing to break up the elevations. Furthermore, black weatherboarding is not prevalent within the conservation area and would be an inappropriate material detail for residential dwellings. Other features such as balconies, grey windows, concrete tiles and rooflights visible from within the conservation area would not be supported from a conservation perspective.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199.

4.1.3 Landscape Officer: No objection.

Recommend: Approval

The site is located partially within the Abbots Langley Conservation Area. It comprises of a former sheltered housing complex which is substantially screened on all boundaries by shelter belts of trees. The submitted plans propose demolition and a complete redevelopment of housing on the site, without the loss of any of the existing tree screen. A number of small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive relandscaping of the site, including replacement tree planting.

Compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans.

4.1.4 Hertfordshire County Council Highways: No objection

Recommendation

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

1. *No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
 - a. *Tactile paving and pedestrian dropped kerbs on either side of the bellmouth access into the Watford Day Care Centre.*
 - b. *A vehicle crossover / pedestrian priority access for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road.*

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

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

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

- Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- Reinstated highway verge where the highway footway is no longer required.*
- Any other associated and necessary works identified.*

B: Highway Improvements – Offsite (Implementation / Construction) Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details. Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

- 3. Provision of Internal Access Roads, Parking & Servicing Areas Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*
- 4. Construction Management Plan No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of: a. Construction vehicle numbers, type, routing; b. Access arrangements to the site; c. Traffic management requirements d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas); e. Siting and details of wheel washing facilities; f. Cleaning of site entrances, site tracks and the adjacent public highway; g. Timing of construction activities (including delivery times and removal of waste); Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).*

Highway Informatives

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

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

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

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

Comments / Analysis

The proposal comprises of the construction of 27 residential dwellings on land at Parsonage Close and High Street, Abbots Langley.

A Transport Assessment (TA) and Travel Plan Statement (TPS) have been submitted as part of the application.

Access

There is an existing vehicle access point into the site from Parsonage Close, which is to be utilized for the proposed development. Parsonage Close is designated as an unclassified local access road, subject to a speed limit of 20mph and is highway maintainable at public expense. Parsonage Close is also classified as P2/M1 (residential street) on HCC's Place and Movement Network. High Street runs adjacent to the south-east boundary of the site, which is designated as a classified C local distributor road, subject to a speed limit of 30mph and classified as P2/M2 (multi-function road).

The proposals include retaining the main access point into the site with a 3.7m wide carriageway widening to 6m within the site, the layout of which is shown on submitted drawing numbers P05. The vehicle access arrangements are considered to be acceptable by HCC as Highway Authority for a development of this size with the minimum 3.7m width acceptable to provide access for a fire tender whilst the remainder of the site would enable two vehicles to safely pass one another.

The internal layout of the site has been designed to support a 20mph speed limit in accordance with guidance as laid out in Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore the proposal includes a pedestrian access through the site and therefore provides a pedestrian link between Parsonage Close and High Street, which is necessary to promote and maximise permeability and accessibility for pedestrians. It would however be recommended that a vehicle crossover / pedestrian priority access design is provided for the access into the northern residential car park to give priority to pedestrians using the proposed footway on the northern side of the access road. This is in addition to pedestrian dropped kerbs and tactile paving on either side of the existing bellmouth access into the Watford Day Care Centre.

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

Section 278 Highway

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

- *Realignment of the highway footway on the north side of Parsonage Close at the entrance into the site.*
- *Conversion of part of the highway footway to carriageway at the entrance point into the site.*
- *Reinstated highway verge where the highway footway is no longer required.*

- Any other associated and necessary works identified.

Prior to applying to enter into a Section 278 Agreement with the Highway Authority, the applicant would need to submit a Stage One Road Safety Audit and Designers Response. Please see the above conditions and informatives.

Refuse, Service and Emergency Vehicle Access

Swept path analysis plan / tracking (drawing number ST-3102-802-A) have been submitted as part of the TA to illustrate that an 11.5m long 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 would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes. Provision has been made for on-site refuse/recycling store(s) within 30m of each dwelling and 25m of any collection point. The collection method would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.

The proposed layout would enable a fire tender to get to within 45m of all parts of the footprint of the dwellings and be able to turn around and egress the site in forward gear, whilst also not having to reverse more than 20m. The proposals would therefore be considered to acceptable in this respect. This is to ensure that the proposals are in accordance with MfS, RIH and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellings (and subsequent updates).

Car Parking

The proposal includes the provision of 50 onsite car parking spaces. Following consideration of the details submitted in section 5 of the TA (including parking survey and ownership details), HCC as the Highway Authority would not have any objections to the overall level of car parking.

The dimensions and layout of the parking areas are considered to be acceptable by HCC as Highway Authority. However consideration should be made as to preventing cars parking on any of the necessary turning and manoeuvring areas within the site and particularly on any footways, which could have the potential to interfere with the accessibility for pedestrians.

HCC as Highway Authority is supportive of the proposed 27 electric vehicle parking spaces. The proposals are therefore in accordance with LTP4, Policy 5h, which states that developments should “ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future”.

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

Trip Generation

A trip generation assessment for the proposed use has been included as part of the TA, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be acceptable by HCC as Highway Authority. The number of vehicular trips associated with the proposed use are estimated to be 11 two-way vehicle movements in the AM peak and 11 two-way vehicle movements in the PM peak.

From a highways and transport perspective, HCC as HA has assessed and reviewed the above in the context of the National Planning Policy Framework (NPPF) (update 2021), which states that: “Development should only be prevented or refused on highways grounds

if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this context and in conjunction with a review of the application the above vehicle movements have demonstrated that there would not be a severe or unacceptable impact on the surrounding road network.

Sustainable Travel Options

The site is located in close proximity to the centre of Abbots Langley and its associated amenities and facilities and shops. The nearest bus stops are located on High Street and are served by services 10, 318, H19 and R9. The bus stops are within the normal recommended walking distance of 400m and therefore there is potential for bus services to provide a convenient sustainable travel option for any future residents to surrounding towns and settlements.

Kings Langley Railway Station is located approximately 1.5km to the west of the site and would be within an easy cycling distance and reasonable walking distance for some. The provisions in this respect are therefore considered acceptable and there would be the potential for future residents to access the railway station via alternatives to the private car.

A secure covered cycle store for 17 cycles for the proposed apartment block is included in the proposals, which is supported to promote and encourage cycling as a form of travel to and from the site. HCC as Highways would recommend that consideration be made to the fact that some parts of the internal access roads would essentially act as a shared access for vehicles, cyclists and pedestrians. Therefore appropriate signage, lighting and surfaces would be recommended within the site to reflect this and would also support the necessary 20mph design speed.

A TPS has been submitted as part of the application to support the promotion and maximisation of sustainable travel options to and from the site and to ensure that the proposals are in accordance with Hertfordshire's Local Transport Plan and the National Planning Policy Framework (NPPF). The travel plan is considered to be acceptable for the size and nature of the development. TRDC has adopted the Community Infrastructure Levy (CIL) and the development would be located within area A of TRDC's CIL charging areas. Therefore contributions towards strategic and local transport schemes as outlined in HCC's South West Hertfordshire Growth & Transport Plan (2019) would be sought via CIL or 106 planning obligations as appropriate.

Conclusion

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

4.1.5 HCC Flood Risk Management Team (LLFA): Objection

Thank you for your consultation on the above site, on the received-on 24 August 2023. We have reviewed the application as submitted and wish to make the following comments.

This application is for the demolition of existing building and redevelopment of the site to provide 27 residential units, with associated access, parking and landscaping works.

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy and supporting information relating to:

- *Infiltration testing has not been provided to support the use of soakaways on site.*

- *Drainage calculations have not been provided for the appropriate return period events.*
 - *A drainage layout has not been provided.*
- *Not enough evidence has been provided to demonstrate that the four pillars of SuDS have been met.*
- *The development not complying with NPPF, PPG and local policies POLICY DM8 – Flood Risk and Water Resources, POLICY DM9 – Contamination and Pollution Control.*

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing our response of the issues highlighted in our technical review checklist are addressed.

Informative to the LPA

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

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

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](https://www.hydrosolutions.co.uk))). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

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

Note: Appendices E and F of the drainage statement submitted are missing but we have reviewed the information provided so far and await further submitted information to provide comment.

4.1.6 Growth & Infrastructure Unit: No objection

Thank you for your email regarding the abovementioned planning application.

Hertfordshire County Council's Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Hertfordshire County Council's Guide to Developer Infrastructure Contributions 2021. Notwithstanding this, we reserve the

right to seek Community Infrastructure Levy contributions towards the provision of infrastructure through the appropriate channels.

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

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

I trust the above is of assistance if you require any further information, please contact the Growth & Infrastructure Unit.

4.1.7 National Grid: No objection

Your planning application – No objection, informative note required

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

What you need to do

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

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

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

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

Your responsibilities and obligations

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

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

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

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

- 4.1.8 Hertfordshire Ecology: [No response received]
- 4.1.9 Hertfordshire Archaeology: [No response received]
- 4.1.10 Herts & Middlesex Wildlife Trust: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 74
- 4.2.2 Site Notice posted 08.09.2023, expired 29.09.2023.
- 4.2.3 Press notice published 08.09.2023, expired 29.09.2023.
- 4.2.4 Responses received: 5 (4 Objections & 1 Neutral)
- 4.2.5 Summary of responses

Objection

- Concerns over the loss of care home space
- Concerns with construction traffic and proximity to primary school
- Concerns with parking and traffic impact
- Concerns with no provision of affordable housing
- Concerns with lack of consultation
- Impact upon Conservation Area and Church

Neutral

- Biodiversity impact and suggestions to incorporate enhancements

5 Reason for Delay

- 5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.
- 6.1.4 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

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

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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.

6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10 and CP12.

6.2.5 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. Policies DM1, DM3, DM6, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.

6.3 Other

6.3.1 The Abbots Langley Conservation Area Appraisal (2014).

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

6.3.3 The Local Housing Needs Assessment (LNHA)

7 Planning Analysis

7.1 Principle of Demolition and Development

7.1.1 Paragraph 123 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. The application would therefore need to be assessed against all other material planning considerations.

7.1.2 The application site has not been allocated as a housing site by the Site Allocations Local Development Document (2014) and as such is not currently identified as part of the district's housing supply. However, as advised in this document, where a site is not identified for

development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.3 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the district's housing land supply including windfall sites, applications will be considered on a case-by-case basis having regard to:

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

7.1.4 Policy CP3 of the Core Strategy states that the Council will promote high quality residential development that respects the character of the district and caters for a range of housing needs. The Local Housing Needs Assessment (LNHA) considers the need for older persons accommodation within a C2 Use Class and estimates a notable need for 683 care beds over the period 2020-2036. The proposal would result in a reduction of care beds however the care home is a vacant site and the submitted documents state that the existing care home has found to be below modern care standards, with existing residents re-located to care home accommodation within the locality. Therefore, the proposal to redevelop the existing site for residential use would not result in an objection to the loss of vacant care home on the site.

7.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

7.1.6 Most of the application site, including approximately two thirds of the existing care home building is within the Abbots Langley Conservation Area. There is no objection in principle to the demolition of the existing care home building. As noted by the Conservation Officer, the existing building is modern and of low architectural interest and there would be no in principle objection to its demolition and replacement. It is therefore considered that the demolition of the existing building is acceptable in principle.

7.1.7 The Planning Statement states there are 50 beds within the existing care home. The South West Hertfordshire Local Housing Needs Assessment (LHNA) (2020), which is the most up-to-date evidence base, used by the five Local Planning Authorities, states at paragraph 7.29 that the C2 to C3 ratio is based on the average number of adults in households and in Three Rivers this equates to 1.88 bed spaces per dwelling. Therefore, the conversion ratio is 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market C3 dwelling).

7.1.8 Applying the conversion ratio of 1.9 C2 beds to 1 C3 dwelling, the care home provides the equivalent of 26 market dwellings on the site. The application proposes 27 new market dwellings which would result in a net gain of one dwelling.

7.2 Housing Mix

7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2020) advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

7.2.2 The proposed development would provide 41% one-bedroom units, 37% two-bedroom units and 22% three-bedroom units. While the proposed housing mix does not strictly accord with Policy CP3 of the Core Strategy, and updated evidence base, the proposed development would provide a good mix of housing to address the need. It is not considered that the proposed development would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing & Vacant Building Credit

7.3.1 The Planning Statement accompanying the application proposes to utilise Vacant Building Credit (VBC). VBC reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped. According to the National Planning Practice Guidance (NPPG) VBC applies to sites where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building. To qualify for VBC, the vacant building also must not have been abandoned and the following circumstances should be considered (NPPG, para. 28):

- The condition of the property
- The period of non-use
- Whether there is an intervening use; and
- Any evidence regarding the owners intention

7.3.2 In relation to the condition of the property, the submitted documents state that the care home building was assessed to fall short of modern care standards and was subsequently closed. Supporting documents also state the care home became vacant from October 2020 and has not had any intervening use since.

7.3.3 The NPPG also states that when considering how the vacant building credit should apply to a development, LPAs should have regard to the intention of national policy (the reuse or redevelopment of empty and redundant buildings). In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

7.3.4 Regarding the consideration as to whether the building has been made vacant for the sole purposes of redevelopment, the care home was closed and subsequently became vacant due to falling short of modern care standards. The building is also not covered by an extant or a recently expired planning permission. It is therefore considered that the use of VBC could be applied to the scheme in this instance.

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

7.3.6 As a net gain of one dwelling, the proposed development would be liable for a commuted sum payment towards affordable housing. The application site is within the "The Langleys and Croxley" market area where the figure is £750 per square metre. The Council have

calculated the affordable housing payment requirement to be £35,639 (plus £21,532 indexation). This is based on the average habitable floor area of the 27 proposed dwellings.

7.3.7 The NPPG states that the vacant building credit should be calculated by deducting the gross vacant building floorspace from the gross floorspace of the new development. The net change in floorspace in this instance is 875sqm (2380sqm proposed minus 1505sqm existing) which is 36.8% of the proposed floorspace. The VBC adjusted affordable housing contribution is therefore calculated to be £12,010 (plus £7,256 indexation).

7.3.8 The Planning Statement submitted with the application confirms at paragraph 6.8 that an off-site contribution is applicable in this instance. Given that the application is deemed to be unacceptable on other grounds, a Section 106 has not been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. While the applicant has no objection to entering into a Section 106, the application would require a reason for refusal on this ground in the absence of a Section 106.

7.3.9 In summary, the proposed development, in the absence of a completed Section 106, would be contrary to Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.4 Impact on the character and appearance of the locality, the Conservation Area and on Heritage Assets

7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.4.3 For new residential development, Policy DM1 states that the Council will protect the character and residential amenity of existing areas of housing from forms of “backland”, “infill” or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

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

7.4.4 The application site is located within the Abbots Langley Conservation Area. In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area.

- 7.4.5 The Abbots Langley Conservation Area Appraisal (2014) refers to Margaret House. The Appraisal states that *there are several modern developments within the boundaries of the Conservation Area, many of which sit comfortably alongside the historic properties of the village's core and help contribute to Abbots Langley's sense of place* including Margaret House Residential Home. The Appraisal further states that *although not enhancing the character and appearance of the Conservation Area, most of the modern infill and additions do not significantly harm its special historic and architectural interest. Examples of low-key modern additions to the Conservation Area include Margaret House.*
- 7.4.6 The application site is also situated in close proximity to a Grade I Listed Building (Church of St Lawrence the Martyr - List entry no. 1296433) which is approximately 70m to the south of the site.
- 7.4.7 In terms of the proposed site layout, the proposed development would include a continuation of Parsonage Close in an eastern direction to provide vehicular access. A secondary road would be located off this main access drive, projecting in a southern direction to serve the houses. The layout includes appropriate 1.5m spacing between the dwellings in the southern portion of the site. Furthermore, the proposed dwellings and flatted block would be appropriately located, well within the site and away from the site boundaries. As such, it is considered that the proposed layout of built form would maintain the character of the area in terms of its general spaciousness and harm would not arise as a result of overdevelopment of the plot. Green spaces are positioned throughout the development and provide amenity space and allow for views through the site. The parking bays are acceptably arranged throughout the site and adequately broken up with landscaping and tree planting. The layout of the site and the individual units and their associated curtilages is acceptable.
- 7.4.8 The Conservation Officer was consulted on the proposed development and stated that the application site, as existing, makes a limited contribution to the setting of listed church and the setting and significance of the Conservation Area. As set out within the Principle of Development section of this report, the existing building is modern and of low architectural interest and there would be no in principle objection to its demolition and appropriate replacement. The Conservation Officer considers that the low height of the existing building limits its visual impact within the Conservation Area and the setting of the Church.
- 7.4.9 The Conservation Officer raises concerns regarding the visual impact upon the Conservation Area and setting of the Church given the loss of trees proposed, however they do acknowledge that there is a substantial distance of 90 metres between the application site and the Church. While the concerns of the Conservation Officer are noted in respect of the loss of trees to the site, the site would still maintain a significant degree of landscaping and screening, particularly to its western and southern edges. There would be landscaping in the form of mature and semi-mature trees and hedges maintained adjacent to the High Street which would continue to contribute to the street scene and existing atmosphere of rurality at the entrance to the Conservation Area. Furthermore, the proposal also introduces new planting within the proposed layout. On balance, it is not considered that the proposed loss of landscaping would result in a harmful impact on the setting of the Listed Building, given the significant distance from it to the site, or the Conservation Area, given the extent of landscaping to be maintained around the edges of the site adjacent to it. The proposed development is therefore considered acceptable in terms of the impact upon the landscape character of the site and its impact upon the Conservation Area and setting of the Listed Building.
- 7.4.10 The Conservation Officer stated that the proposed flatted development would be uncharacteristic of the conservation area by virtue of its scale, form, and appearance. This part of the development would be visible from the High Street due to their positioning and proximity to the boundary wall. While the concerns of the Conservation Officer regarding scale are noted, it is not considered that the principle of a three-storey block, given its footprint and proximity to the boundaries would be unacceptable. The position in which the flatted development is sited is partially within and partially outside of the Conservation Area.

It is acknowledged that the general character of the Conservation Area, along the High Street, is largely limited to two-storey however there are examples of three-storey development to the west on Parsonage Close, outside the Conservation Area. There would be glimpsed and longer distance views of the proposed flats from inside the Conservation Area however, the principle of three storeys, given the proposed footprint and siting, is not considered to dominate or appear prominent within the Conservation Area.

- 7.4.11 The Conservation Officer notes that the proposed flat roof form to the flat development would appear overly bulky in massing and relates poorly to the traditional duo pitched roof forms that are prevalent within the Conservation Area. Notwithstanding the above considerations relating to three-storey development being acceptable in principle, it is considered that harm would arise from the proposed flat roof design of the development. It is considered that this industrial form is uncharacteristic of the Conservation Area and, as noted above, would be publicly visible from inside the Conservation Area.
- 7.4.12 The Abbots Langley Conservation Area Appraisal states that there are various important characteristics and architectural features which contribute to the character of the area, including a mixture of materials such as flint, brick, and timber. The Appraisal also makes reference throughout to a strong Victorian and Edwardian character, found predominantly within and around the High Street. The Conservation Officer states that there are concerns regarding the proposed materials however acknowledges that there is a mix of traditional materials throughout the Conservation Area. The Conservation Officer states that there are some concerns regarding the type of brick proposed and other features such as balconies, grey windows, concrete tiles would not be supported. While final material details could be secured by condition to ensure that they are high quality and reflective of the Conservation Area, the proposed design detailing to the flatted block is not considered to have regard to or draw adequate reference to the characteristics of the Conservation Area. The proposed external material detailing, and fenestration detailing is bland and has little regard to the Conservation Area. It is noted that the proposed variation in brick colour and pronounced brick banding creates some elevational interest to the building however these features are considered to exacerbate the more industrial and less traditional form found throughout the Conservation Area.
- 7.4.13 In summary, while harm is not considered to directly arise from the scale and height of the proposed flatted development, the design including the flat roof and external detailing, including fenestration and materials, is considered to neither preserve or enhance the character and appearance of the Conservation Area.
- 7.4.14 The Conservation Officer notes that the proposed dwellings would be of a reduced footprint when compared to the existing building but would be of greater in height. The existing building is single-storey, and the proposed dwellings would be a mix of two-storey and two and a half storeys where they include roof accommodation served by dormer windows. The Conservation Officer expresses concern regarding the proposed two and a half storey dwellings and states that there is a preference for them to be reduced to two-storeys. This would limit the visual impact and preserve the character of the Conservation Area and the setting of the Listed Building.
- 7.4.15 It is considered that the proposal for two-storey dwellings is acceptable in principle. While this would represent an increase in height relative to the existing care home building, two-storey development is reflective of the character found locally throughout the Conservation Area. Furthermore, the inclusion of pitched roofs to the proposed dwellings is acceptable in principle.
- 7.4.16 Notwithstanding, it is considered that the proposed street scene which would include rows of dwellings with varying ridge heights and angle of roof pitches results in a contrived form of development. Weight may be given to this design feature being a reference to the varying heights of pitches roofs found throughout the Conservation Area, such as on the High Street, however the execution of this is poor. The row of dwellings to the western side of

the site consists of a central row of three dwellings of two-storey height, bookended by two dwellings with a taller ridge and steeper roof angle and front dormer window serving roof accommodation. The row of dwellings to the eastern side consists predominantly of the taller dwelling type with a lone two-storey dwelling at the northern end. It is considered that the articulation and mix of varying roof heights appears random and results in a poor form of development.

- 7.4.17 In terms of their individual scale and design, the proposed two-storey dwellings are relatively well proportioned in terms of scale and relative roof mass. It is considered that the contrived appearance of the taller dwellings is exacerbated by them sharing a level eaves height while having a taller ridge and overly steep roof. This is considered to result in poor and top-heavy proportional appearance. This is further compounded by the proposed scale and design of the front dormer windows to these taller dwellings. These are considered to be disproportionate in scale and do not reflect the modest character of dormer windows expected or found throughout the Conservation Area. It is noted that the Conservation Officer states that rooflights visible from within the Conservation Area would not be supported however it is not considered that this would be harmful in principle subject to them being of Conservation style.
- 7.4.18 In respect of the materials to the proposed dwellings, many of the considerations applied to the proposed flatted development would also apply. The Conservation Officer stated that the dwellings would benefit from some additional brick detailing to break up the elevations and that black weatherboarding on the dormers is not prevalent within the Conservation Area and would be an inappropriate material detail for residential dwellings. The proposed design detailing to the dwellings is also not considered to have regard to or draw adequate reference to the characteristics of the of the Conservation Area. The proposed external material detailing, and fenestration detailing is bland and has little regard to the Conservation Area. The dwellings each have a single, solid proposed brick colour. The dwellings found throughout the Conservation Area are commonly broken up with brick banding or detailing of a varying tone. It is noted that the proposed protruding brick banding creates some interest at ground floor level to the building however, as considered of the flatted development, these features give rise to a more industrial appearance and less of a traditional form found throughout the Conservation Area.
- 7.4.19 In summary, the proposed dwellings, by virtue of their scale and design, including the contrived appearance as a result of their varying roof heights; and disproportionate roof mass and overly large front dormer windows to the taller dwellings, considered in conjunction with poor external detailing, including fenestration and materials, is considered to result in harm to the character and appearance of the Conservation Area.
- 7.4.20 In summary, the proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with the National Planning Policy Framework, the level of harm is 'less than substantial' as per paragraph 208. Great weight should be given to the heritage asset's conservation as per paragraph 205 of the NPPF. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1, DM3 and Appendix 2 of the Development Management Policies document and the Abbots Langley Conservation Area Appraisal (2014).
- 7.4.21 The NPPF states at Paragraph 208 that where a development will lead to less than substantial harm or total loss of a designated heritage asset, consent should be refused unless it can be demonstrated that the less than substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The application proposal would come with some associated public benefits including the redevelopment of a redundant site and the provision of housing, albeit only a net gain of one market dwelling. There would also be some minor economic benefits from the construction of the development. It is not considered that the proposed development would achieve substantial public benefits that outweigh that harm to the designated heritage asset.

7.5 Impact on Neighbours and 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 development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.5.2 It is not considered that the residential amenity of existing adjoining neighbours would be unduly affected by the proposed development in terms of overlooking, loss of light or overbearing impact. The closest adjoining neighbours are on Parsonage Close to the west some 25m from the application site. It is acknowledged that the works may cause some degree of construction disturbance however it is considered that this could be mitigated by suitable conditions relating to construction management.
- 7.5.3 In terms of the proposed flatted development, it is considered that this would be of an acceptable arrangement in terms of its layout and stacking so as not to cause an unacceptable impact upon the residential amenities of future occupiers. It is not considered that these occupiers would be harmfully overlooked. It is noted that there would be a spacing of 17m between the face of the three-storey flatted development and the dwelling at Plot 1. It is considered that the proposed flatted development would not harmfully overlook this neighbour given that there would be additional evergreen screening and tall close boarded fencing to the flank and rear of Plot 1. This would mitigate any overlooking into the private area of the amenity garden of this dwelling.
- 7.5.4 The proposed dwellings within the southern portion of the site would be arranged in a linear manner therefore would not intrude the 45-degree splay line with one another thus not resulting an overbearing impact or loss of light. The proposed dwellings are also not considered to harmfully overlook one another or any other surrounding neighbour. Any permission can be effectively controlled by the inclusion of conditions for obscure glazing to flank windows to the proposed dwellings.
- 7.5.5 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Highways & Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 Appendix 5 of the Development Management Policies DPD sets out the following parking standards:
- 1-bedroom dwellings - 1.75 spaces per dwelling (1 assigned space)
 - 2-bedroom dwellings - 2 spaces per dwelling (1 assigned space)
 - 3-bedroom dwellings - 2.25 spaces per dwelling (2 assigned space)
 - 4 or more-bedroom dwellings - 3 spaces per dwelling (3 assigned spaces within curtilage)
- 7.6.3 The application proposes 50 total car parking spaces, which includes 2 accessible visitor bays. The proposed development consists of 11 one-bedroom dwellings, 10 two-bedroom dwellings and 6 three-bedroom dwellings. This would result in a parking demand for 52.75 spaces (33 assigned spaces). The parking spaces meet the adopted standard size and are shown on the submitted parking plan.

- 7.6.4 The proposed development would represent a shortfall of 2.75 total spaces. Appendix 5 states that a zonal reduction cannot be applied to C3 residential use. Notwithstanding, weight can be given to the good location of the application site, close to Abbots Langley High Street, an approximate three minute (200m) walk from shops, services and public transport links such as bus stops. It is considered, given the site locational circumstances, that the minor shortfall can be accepted, and the development is acceptable on parking grounds.
- 7.6.5 Hertfordshire County Council as Highway Authority were consulted on the application and raise no objection to the impact on the safety and operation of the surrounding highway subject to the inclusion of planning conditions and informatives and the applicant entering into a Section 278 Agreement to cover the technical approval of the design, construction and implementation of the necessary highway and access works.
- 7.6.6 The proposed development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.7 Trees & Landscape

- 7.7.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.7.2 The application site is within the Abbots Langley Conservation Area. There are no individual or group TPOs within the site. The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Landscaping Scheme.
- 7.7.3 The Landscape Officer was consulted on the proposed development and raised no objection. The Landscape Officer notes that several small, predominantly poor quality and self-set trees would need to be removed within the core of the site, however detailed plans have been submitted which indicate extensive relandscaping of the site, including replacement tree planting. Officers note that the Arboricultural report states that of 102 trees within the site that 54 are proposed to be removed. The Landscape Layout plan (DR-0001) indicates a total of 56 new trees to be planted across the site. The Landscape Officer states that compliance conditions should be applied requiring the applicant to follow the tree protection method statement submitted and implement the landscaping scheme as per the submitted plans. The proposed tree protection, including protective fencing within the application site, close to the perimeter, would protect trees around and outside of the immediate site perimeter.
- 7.7.4 Any recommendation for approval would be subject to a condition requiring the development to be carried out in accordance with the proposed tree protection measures and landscaping scheme.
- 7.7.5 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

7.8 Drainage & Flooding

- 7.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also

acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.

- 7.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.8.3 Hertfordshire County Council Flood Risk Management Team (Lead Local Flood Authority) were consulted on the application and raised an objection to the application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy. The LLFA states that the supporting information relating to Infiltration testing has not been provided to support the use of soakaways on site; drainage calculations have not been provided for the appropriate return period events; a drainage layout has not been provided; insufficient evidence has been provided to demonstrate that the four pillars of SuDS have been met; and that the development does not comply with NPPF, PPG and Policies DM8 and DM9 of the Development Management Policies DPD.
- 7.8.4 The proposed development therefore, in the absence of sufficient information to demonstrate otherwise, is unacceptable in terms of its flooding and drainage impact and would therefore be contrary to Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013)
- 7.8.5 An updated Drainage Report and a response to the LLFA's comments was submitted during the latter stages of the application following receipt of comments from the LLFA. This report included further information and appendices which may address the reasons for the LLFA objecting. The LLFA have been re-consulted on this information.

7.9 Rear Garden Amenity Space

- 7.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:
- 1 bed dwelling – 42 square metres
 - 2 bed dwelling – 63 square metres
 - 3 bed dwelling – 84 square metres
- 7.9.2 The proposed dwellings would each have private amenity gardens which would exceed the above standards in size and provide a good useable area of private amenity space. All of the proposed flats would contain an outdoor private patio or balcony area of between 8-12sqm. While these would fall short of the above standards in terms of size, they would provide a good useable area of private amenity space for the flats. There would also be grass amenity space, of approximately 400sqm, surrounding the flatted development for further outdoor amenity use. It is considered that the proposed development is acceptable in this regard. Furthermore, weight can also be given to good local access to public open space such as Manor House an approximate nine minute (0.6km) walk away.

7.10 Refuse & Recycling

- 7.10.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated

into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.10.2 Hertfordshire County Highways raised no objection to the layout of the site being accessible for waste vehicles to enter and exit. The proposed dwellings each have their own private bin stores sited within the rear gardens while the flats have a communal ground floor bin area.

7.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.11 Energy & Sustainability

7.11.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.11.2 The application is accompanied by an Energy Strategy, prepared by Van Zyl & de Villiers Ltd Consulting Engineers. The report confirms that the proposed development would incorporate a range of energy saving measures which would result in a 13.8% reduction in CO2 over the 2013 Building Regulations Part L.

7.12 CIL

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

7.13 Biodiversity

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

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

7.13.3 The application was accompanied by an Ecological Appraisal, by ELMAW Consulting, dated June 2023. The report includes a bat survey to the building and confirms that it does not contain any evidence that it supports bats. The report notes that the loss or damage to existing grassland, shrubs and hedges is acceptable given that it is of negligible ecological

value and is not considered to significantly impact on important or protected species and they do not present a significant redevelopment constraint for the application site.

7.13.4 The report recommends that a precautionary approach is taken to site clearance including checking trees for nesting birds and hand searching shrubs for hedgehogs. The proposed loss of habitat through the loss of trees and hedges is considered to be appropriately mitigated through the proposed planting and landscaping which will be secured by condition.

7.13.5 In summary, subject to condition to secure appropriate mitigation, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

7.14 Titled Balance

7.14.1 The LPA cannot currently demonstrate a 5-year housing land supply, and therefore the requirements of the NPPF (2023) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.14.2 In respect of part (d)(i), the development is located within the Abbots Langley Conservation Area and within the setting of a Grade I Listed Building therefore is within an area of particular importance. As set out within the relevant section of this report, there is a clear reason for refusing the proposed development due to its less than substantial harm upon heritage assets. It is not considered that the proposed development would achieve substantial public benefits that outweigh that harm to the designated heritage asset.

7.14.3 Considering the proposal in respect of part (d)(ii), the development would be harmful on the grounds of impact to heritage assets, flooding and drainage, and, in the absence of a Section 106 agreement to secure an off-site affordable housing contribution, would not make any contribution to the provision of affordable housing in Three Rivers which all conflict with the NPPF in respect of promoting sustainable development.

7.14.4 It is recognised that the proposed development would bring about economic, social and environmental benefits which aim to achieve sustainable development, as per Paragraph 8 of the NPPF. It is recognised that the development would have a social benefit of contributing to the shortfall in housing however it would only provide a net increase of one additional market dwelling. While the site is being redeveloped, there would be a loss of C2 accommodation prior to the provision of 27 C3 residential dwellings therefore the proposal represents a net gain of one dwelling. The works to redevelop the site is acknowledged to provide some economic benefit. The applicant submits that additional social benefits, that are not noted above, include the redevelopment of a brownfield site and improvement to pedestrian links and additional environmental benefits include the retention of a large number of trees, and increase in biodiversity.

7.14.5 The Council do not object to the redevelopment of the site, and the social and economic benefits this would bring about, however deem the proposed design to result in less than substantial harm to heritage assets. Given that the proposed development is not being refused on the principle of redeveloping the site, this is considered to attract limited weight as a social and economic benefit in the planning balance that would outweigh the identified harm. The other contended social and environmental benefits are considered to be of limited weight as they would be associated with any prospective development of the site.

- 7.14.6 In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF the adverse impacts significantly and demonstrably outweigh the benefits of the development.

8 Recommendation

Recommendation 1:

That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA), and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1 The proposed development, by virtue of its scale, design, and materials, would fail to preserve or enhance the character and appearance of the Conservation Area, and would result in less than substantial harm to the Abbots Langley Conservation Area. Public benefits that would sufficiently outweigh the less than substantial harm to heritage assets have not been demonstrated. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).
- R2 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).

Recommendation 2:

That subject to the Lead Local Flood Authority (LLFA) maintaining their objection to the scheme, and any other material representations being received, that permission be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1 The proposed development, by virtue of its scale, design, and materials, would fail to preserve or enhance the character and appearance of the Conservation Area, and would result in less than substantial harm to the Abbots Langley Conservation Area. Public benefits that would sufficiently outweigh the less than substantial harm to heritage assets have not been demonstrated. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).
- R2 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).
- R3 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore, necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to

Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

Informative

- 11 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the district.