

## PLANNING COMMITTEE – 23 May 2024

**23/1797/FUL - Demolition of existing dwelling and buildings and erection of two storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works at CEDAR HOUSE, SANDY LANE, NORTHWOOD.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 09.02.2024  
(Extension of Time: 31.05.2024)

Ward: Moor Park and Eastbury  
Case Officer: Scott Volker

Recommendation: That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA.

Or:

On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA), that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

- R1: In the absence of sufficient information the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- R3: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

Reason for consideration by the Committee: Called in by Batchworth Community Council for reasons set out at paragraphs 4.1.1 and 4.1.2 below.

To view all documents forming part of this application please go to the following website: [23/1797/FUL - Demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works at Cedar House, Sandy Lane, Northwood, HA6 3EZ](https://www.threerivers.gov.uk/23/1797/FUL-Demolition-of-existing-dwelling-and-buildings-and-erection-of-two-storey-detached-dwelling-to-create-17-no-flats-including-lower-ground-floor-level-first-and-second-floor-balconies-and-accommodation-in-the-roofspace-with-dormers-rooflights-solar-panels-with-associated-parking-and-landscaping-works-at-Cedar-House-Sandy-Lane-Northwood-HA6-3EZ) (threerivers.gov.uk)

### 1 Relevant Planning History

- 1.1 W/127/53 - Division of house and use of land for 3 building plots – Permitted.

- 1.2 W/526/56 - Bedroom over existing garage, existing garage into playroom, new double garage – Permitted.
- 1.3 W/114/63 - Extension to lounge, bedroom over – Permitted.
- 1.4 96/0800 - Two storey side extension – Permitted.
- 1.5 19/2425/OUT - Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) – Refused, March 2020 for the following reasons:

*R1: The proposed development would fail to provide sufficient parking spaces to meet demands arising from the proposed development and would not provide any on-site visitor parking. The failure to provide adequate off street parking is likely to result in pressure for parking elsewhere to serve the development. Furthermore, it has not been demonstrated that the proposed parking within the site would be accessible. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

*R2: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

- 1.6 20/2314/OUT - Outline Application: Construction of twenty flats (Appearance, Landscaping and Scale reserved) – Refused, February 2021 for the following reasons:

*R1: The proposed development would fail to provide sufficient on-site parking spaces to meet demands arising from the proposed development including the provision for on-site visitor parking given the parking constraints on Sandy Lane. The failure to provide adequate off street parking is likely to result in unacceptable pressure for parking on nearby residential roads to the detriment of the visual amenity of the area. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

*R2: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. The development has therefore not demonstrated that it would not increase flood risk to the site and within the locality. Accordingly, the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

*R3: The Local Planning Authority objects to the layout of the development in respect of the extent and siting of the parking area and the location of refuse and recycling storage areas. The parking area fails to provide suitable opportunity for replacement planting and the accessibility of the refuse area for large waste collection vehicles is insufficient and unacceptable.*

- 1.7 23/0576/FUL - Demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 18no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels with associated parking and landscaping works – Refused August 2023 for the following reasons:

*R1: The proposed development, by virtue of the buildings excessive scale, poor staggered design and elevated bulk and massing, including crown roof forms and dormers that create a three-storey appearance would result in an incongruous form of development detrimental to the visual amenity of the area and the character of the street scene of Sandy*

Lane. The scale of the building in conjunction with its large area of hardstanding to facilitate above ground parking areas and the lack of useable amenity space would also represent overdevelopment of the site which would be detrimental to the sylvan character and appearance of the site and wider area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2: The development, by virtue of its siting, height and extensive glazing and inclusion of private balconies and dormers in the roofspace within its northern and eastern elevations would result in an actual and perceived overlooking to surrounding private gardens to the detriment of the residential amenity of neighbouring occupiers particularly Oxhey Cottage and Knoll Oak. The development would not accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3: The proposed development by reason of its poor layout resulting in single aspect units including deep floor plans would fail to provide adequate natural light to all habitable rooms of units 4, 8, 14. The development also includes bedrooms within units 15, 16 and 17 served solely by rooflights would therefore fail to provide adequate outlook to the bedrooms within units 15, 16 and 17. The proposal would therefore fail to comply with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R4: The proposed development would result in the loss of substantial amount of tree cover on site including one tree (T3 (Douglas Fir)) which is protected by a Tree Preservation Order (TPO 681 T1 Fir). The scale of the proposed development provides limited or no space for replacement planting around the site and therefore fails to provide adequate mitigation to outweigh the proposed removal of the existing trees which currently add to the sylvan character of the site and surrounding area. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

R5: In the absence of an agreement under the provisions of Section 106 of 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).

R6: As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. The development has therefore not demonstrated that it would not increase flood risk to the site and within the locality. Accordingly, the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R7: The proposed development has failed to demonstrate that adequate turning space would be provided within the site to enable service vehicles accessing the site to exit in forward gear. This would impact on highway safety of users the surrounding highway network contrary to the requirements of Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

1.8 An appeal has been lodged and a valid appeal is in progress, referenced APP/P1940/W/23/3330598 (LPA Ref: 23/0044/REF).

Relevant Planning History of Neighbouring Sites

### *Knoll Oak, Sandy Lane*

- 1.9 22/1875/OUT - Outline application: Demolition of existing buildings and redevelopment to provide 29 residential flats (Use Class C3) (Landscaping as a reserved matter) – Application granted at Planning Committee in April 2023 subject to the completion of a S.106 to secure an affordable housing mechanism.

### *Wildacre, The Woods*

- 1.10 23/1032/FUL - Demolition of existing dwelling and construction of two storey building with accommodation in the roofspace served by dormers and rooflights to create 8no.x 2-bedroom flats with associated basement, parking, bin store and ancillary works – Approved August 2023; not yet implemented.

## **2 Description of Application Site**

- 2.1 The application site is located on the eastern side of Sandy Lane in Northwood and is currently occupied by a detached two storey dwelling (which has been previously extended) and an ancillary building, both served by a gravel driveway from Sandy Lane (dropped kerb access shared with Knoll Oak). The site has an area of approximately 2500sq. metres, measuring 45 metres in width and 55 metres in depth; the existing dwelling has a footprint of approximately 200sq.metres.
- 2.2 The existing dwelling on site faces west and has a staggered principal elevation, set back from the frontage of the site by a minimum of 35 metres. There is a green buffer to the front of the site which separates the site from Sandy Lane limiting views of the application site from Sandy Lane. The site is densely landscaped with mature trees and shrubs located to all the boundaries of the site. There are several trees located within the site that are protected by a Tree Preservation Order. The land levels of the site rise gradually from the front of the site to the rear.
- 2.3 The application site is surrounded by residential properties to the north, east and south. Knoll Oak to the north is however unoccupied and in a state of disrepair and Oxhey Cottage to the east is currently being redeveloped to construct a replacement detached dwelling. To the south is Wildacre which is a large two storey detached dwelling sited on the junction of Sandy Lane and The Woods and accessed from The Woods. Due to the dense soft landscaping, there are limited views of these surrounding neighbouring properties. To the west and on the opposite site of Sandy Lane is Northwood Headquarters (NHQ).
- 2.4 The Frith Wood Conservation Area is located approximately 600m to the south of the application site.

## **3 Description of Proposed Development**

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and buildings and the erection of a two-storey detached building to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roofspace with dormers, rooflights, solar panels along with associated parking and landscaping works.
- 3.2 The form of the proposed building can be broken into two elements. The front block, nearest to Sandy Lane, is set at ground level over three stories with the top storey incorporated via roof level accommodation served by dormers, recessed balconies and rooflights. The rear block would follow the natural topography of the site and will appear similar in scale to the front block, also being over three stories including use of the roof space, although the rear part of the building would be higher and accommodate basement parking beneath for 16 spaces, bike store (32 spaces), plant room, lift and internal staircase.

- 3.3 The replacement building would be set back from Sandy Lane by a minimum of 15m; set in 8.5-14.5m from the splayed boundary with Knoll Oak and 11.5-14m from the splayed boundary with Wildacre. The building would have a maximum width of 21m and a depth 31m. The building would have a crown roof form split across two levels – at the front the building would have a height of 10.2m and the rear stepped element of the building measuring 11.5m in height. Eaves would be 6m reducing to 5.7m at the rear of the building.
- 3.4 The external appearance of the building would comprise of mixed stock red/brown brick, set against a white rendered finish. Horizontal render bands would break up the facing brickwork. Windows and doors would be formed in powder coated aluminium in anthracite grey colour. Plain clay tiles would be used on the roof with painted timber soffits and fascias. The dormers would be dressed in zinc.
- 3.5 The flatted development would consist of ten 1-bed units (59%) and seven 2-bed units (41%). All of the units would benefit from a private terrace or balcony. All the units would be market housing.
- 3.6 A total of 28 spaces would be provide across the site. This provision would include 12 above ground parking spaces (6 spaces within the frontage of the site and 7 spaces adjacent to the common boundary with Wildacre). A turning space would be provided amongst the spaces adjacent to Wildacre. Of the 12 spaces, 5 would be EV charging spaces, 4 visitor spaces and 2 accessible spaces (one also an EV charging space). A further 16 spaces would be provided within a below ground parking area accessed via a ramp situated beside the northern flank of the building.
- 3.7 The existing vehicular access from Sandy Lane would be retained. The access would lead to the ramp providing basement level parking. A turning area and refuse and recycling area are also proposed within the site frontage. Communal amenity spaces are proposed around the building.
- 3.8 To facilitate the development, it is proposed to remove approximately 23 trees on the site. The majority of the trees proposed for removal are rated as C (poor quality) or U (unsuitable for retention) apart from a category 'B' Beech tree labelled as T14 on the submitted Tree Survey plan.
- 3.9 Amended plans were received during the course of the application process where the following changes were made:
- Ridge height of the building increased by 1m; reducing extent of crown roof
  - Alteration to internal access roads to enable retention of tree 'T3' (Douglas Fir) rated as category 'B'.
  - Removal of tree 'T14' (Beech) rated as category 'B' within the site frontage to facilitate parking spaces.
  - Additional replanting plan.
  - Alterations to the fenestration serving units F1, F4, F7 and F10 to increase size of the windows.
  - Reduction to the size of the dormers contained within the roofspace.
  - Additional tracking plans indicating detailing a private waste collection can adequately manoeuvre within the site and ingress/egress the site in forward gear.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Batchworth Community Council: [Objection]**

*Batchworth Community Council Strongly object to this application. There is very little difference to the previous application 23/0576/FUL which was rejected and has gone to*

*appeal. The reduction in the number of flats has made very little difference and the design is still considered an over development of the site. Batchworth Community Council letter 14th June 23 objecting to 23/0576/FUL is still relevant to this new application.*

*One of the reasons the last application was refused was the lack of affordable housing. This has not changed.*

*Batchworth Community Council request that this application be called in unless officers are minded to refuse.*

#### 4.1.2 Batchworth Community Council - Second Consultation: [Objection]

*Batchworth Community Council again strongly object to this application. The building footprint has changed and has increased from the original plan in 23/0576/FUL that was refused.*

*It is now an even larger over development of the site. Batchworth Community Council letter 14<sup>th</sup> June 23 objecting to 23/0576/FUL is still relevant to this new application.*

*The landscaping has got minor changes in so far as a tree has been moved as have 3 of the EV parking slots.*

*However, the main change is the enlargement of the building footprint and the raising and enlargement of the roof and some of the dormer window balconies within it. The roof line is also now higher and the crown roof giving space for solar panels has been enlarged.*

*An aspect that we don't believe has been voiced before is, how do the occupants of the flats to the rear of the building get in or out. The centre of the building is dominated by the lift and stairs and there does not appear to be a clear way past them. This is obviously a major health and safety issue as well as a practical one.*

*Batchworth Community Council request that this application is called in unless officers are minded to refuse.*

#### 4.1.3 Hertfordshire County Council: Highway Authority – [No objection, subject to conditions and informative]

*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:*
  - *An appropriate level, type and design of on-site cycle parking to promote and maximise cycling as a sustainable form of travel to and from the site.*

*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). It would be recommended that the above be provided as part of the consultation and prior to a formal approval by TRDC. However if this is not possible for whatever reason, then it is recommended that the above condition is included in any decision.*

#### 2. *Existing Access – Improved*

*Prior to the first use of the development hereby permitted the existing shared vehicular access shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side and any other associated and necessary highway works in accordance with the Hertfordshire County Council residential access construction specification.*

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

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

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

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

### *4. Provision of Visibility Splays*

*Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 179.0014-0001 P03. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.*

*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).*

### *5. Construction Management*

*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. Any traffic management requirements*
- c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- d. Siting and details of wheel washing facilities;*
- e. Cleaning of site entrances, site tracks and the adjacent public highway;*
- f. Timing of construction activities to avoid school pick up/drop off times;*
- g. Provision of sufficient on-site parking prior to commencement of construction activities;*
- h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.*

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

*Highway 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:*

*AN) 278 Agreement with Highway Authority:*

*The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such*

works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

#### Comments / Analysis:

The proposal comprises of the construction of 18 dwellings replacing the existing dwelling at Cedar House, Sandy Lane, Northwood. Sandy Lane is designated as an classified A, main distributor road, subject to a speed limit of 40mph and is highway maintainable at public expense. There is an existing pedestrian highway footway fronting the property on the east side of Sandy Lane.

A Transport Assessment (TA) has been submitted as part of the application and an amended site layout plan has also been submitted (drawing number 0452-P-005 rev. C).

#### Access:

The site has an existing vehicle access from Sandy Lane made up of a vehicle crossover (dropped kerb) and providing access to the existing and neighbouring property. The proposals utilize the existing access point rather than propose a new access point from Sandy Lane which is in accordance with LTP4 Policy 5f, which states that HCC as HA will “Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals”.

A previous planning application for the adjacent site (Knoll Oak – planning application number 22/1875/OUT) site included alterations to the shared access highway area fronting the Knoll Oak and Cedar House sites. The preferred site access option as submitted as part of planning application 22/1875/OUT was shown on submitted drawing number 2007881-002 D and those highway works were recommended by HCC as Highway Authority as to be provided /completed prior to the first use of the completed development (secured via an appropriately worded planning condition). If for whatever reason the adjacent site does not proceed then highway improvements would still be required for the current development in the form of a 6m kerbed radii entrance (shared with the adjacent property); tactile paving / pedestrian dropped kerbs on either side; any necessary surfacing of the vehicular access area and removal or cutting back of any highway vegetation to provide the necessary levels of visibility on the north side of the access along Sandy Lane.

Based on recorded 85th percentile speeds (submitted as part of planning app 22/1875/OUT), the necessary visibility splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south) would be necessary to be provided to ensure accordance with Roads in Hertfordshire: Highway Design Guide and Manual for Streets. The splay lines are shown on drawing number 179.0014-0001 P03 of the Transport Statement for this application. Some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The tree officer at HCC Highways has confirmed there would not be any specific issues with the removal of any vegetation within the splay area and any vegetation within the area is of low quality. Depending on the size of any trees that may need to be removed, a payment of £550 per tree to HCC as Highway Authority would be necessary to cover the cost of planting and maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss.

The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation these necessary highway works. Please see the above highway informative for more information in this respect.



*The proposals include the utilisation of this existing access point leading to a driveway /internal access road with a width of 4.8m to 6m, the layout of which is shown on submitted drawing no. 0452-P-005 rev C. HCC as Highway Authority (HA) considers that the access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another and is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. Furthermore there would be considered to be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp.*

*Refuse, Service and Emergency Vehicle Access:*

*A swept path analysis (drawing number 179.0014-0004 P3) for a 8.8m long refuse vehicle has been submitted as part of the TA to illustrate that such a vehicle would be able to access the site, turn around and egress to the highway in forward gear. This vehicle is smaller than the size used by TRDC and therefore the current application proposes use of a private collection company (therefore using a smaller refuse vehicle). HCC as Highway Authority would not have any specific objections in this respect although the collection method and arrangements would also need to be confirmed as acceptable by TRDC waste management.*

*Due to the size of the building / number of dwellings, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellinghouses (and subsequent updates).*

*Vehicle Parking:*

*The proposal includes the provision of 34 car parking spaces. The level of parking is slightly lower than those levels as outlined in Three Rivers District Council (TRDC)'s parking standards and there would not be an objection to the level by HCC as Highway Authority in this respect. TRDC as the parking and planning authority for the district would ultimately need to be satisfied with the proposed levels and type of parking on-site.*

*Four electric vehicle charging (EVC) parking spaces have been provided on-site, which would be supported by HCC. It would be recommended that all remaining car parking spaces are provided with passive provision to ensure that larger active provision that be provided as and when demand requires it. This is to ensure that the proposals are in accordance with LTP4, Policy 5h, which states that "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".*

*The layout and dimensions of the car parking spaces as shown on submitted drawing numbers 0452-P-005 rev. E and 179.0014-0002 P03 (swept path / tracking) and are considered to be acceptable by HCC as Highway Authority and in accordance with MfS. It is considered that cars would be able to use the allocated car parking areas, turn around and egress the site in forward gear, which would be necessary.*

*Trip Generation & Distribution:*

*A trip generation assessment for the proposed use has been included as part of the TS, 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 4 two-way vehicle movements in the AM peak (0800-0900) and 6 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, the impact on the operation of the surrounding highway network from the trip generation perspective would*

*be considered to be acceptable and not a reason to recommend refusal from a highways perspective*

*Sustainable Travel & Accessibility:*

*There is an existing footway on the east side of Sandy Lane (the side of the development) and therefore there is potential to travel on foot from the site to South Oxhey and Northwood. The nearest frequently bus stops are located approximately 200 to 250m from the site on The Wood and are served by services 8, R16 and R17, which provide services to surrounding towns, nearby railway stations and Mount Vernon Hospital. The bus stops are within the normal recommended accessibility of 400m to a bus stop and therefore there is potential for bus services to provide a convenient and easy sustainable travel option for any future residents.*

*The proposals do not appear to include any details of on-site cycle parking. In order to be acceptable an appropriate level, location and design of secure and convenient cycle parking would need to be provided to maximise and promote cycling as a sustainable travel alternative to and from the site and ensure that the proposals are in accordance with HCC's Local Transport Plan and the National Planning Policy Framework. HCC as Highway Authority would also 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.*

*TRDC has adopted the Community Infrastructure Levy (CIL) and therefore contributions towards local transports schemes as outlined in HCC's South West Herts Growth & Transport Plan would be sought via CIL if appropriate.*

*Drainage / SUDs:*

*The proposals would need to make provision for dealing with surface water run off/drainage for the new proposal, which is to ensure that surface water is collected and disposed of within the site and prevented from entering the surrounding highway. HCC as Highway Authority would recommend that HCC as Lead Local Flood Authority is formally consulted in regard to any drainage strategy or SUDs at: [FRMconsultations@hertfordshire.gov.uk](mailto:FRMconsultations@hertfordshire.gov.uk)*

*An existing flooding problem has previously been identified by the planning officer at Three Rivers District Council on the highway at the front on the site Sandy Lane. Whilst acknowledging this, it would not be a reason to recommend refusal for the current proposals from a highways perspective as it is an existing situation. Furthermore as the access works linked to the development would ultimately require a 278 agreement, any subsequent safety audits carried out as part of that process should identify if there is an ongoing flooding issue that is potentially causing a safety issue.*

*Conclusion:*

*HCC as Highway Authority has considered 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 highway works at the accesses to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.*

4.1.4 Thames Water – [No objection, informatives suggested]

*Waste Comments:*

*As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide*

working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

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

With regard to Surface Water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water would advise that with regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

Water Comments:

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

#### 4.1.5 Ministry of Defence: [No objection]

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I can confirm that, following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided on the Three Rivers District Council website as of the date of this email.

*Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of defence sites or assets.*

*In the event that any:*

- *revised plans;*
- *amended plans;*
- *additional information; or*
- *further application(s)*

*are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority.*

4.1.6 Hertfordshire Fire and Rescue Service: Water Officer – [No objection, subject to condition].

*We'd like to request a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in the event of an emergency.*

4.1.7 TRDC Housing Officer – [Advisor comments provided]

*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.*

*I note that you are currently proposing 17 dwellings at market tenure only. Policy CP4 of the Core Strategy requires that all new developments resulting in a net gain of one or more dwellings contributes to affordable housing provision; the application does not comply with this. It is required that the application contributes to affordable housing provision.*

*In the first instance social rented housing should be provided, however, if this is not viable and Affordable rent is agreed, this would not be accepted above the Local Housing Allowance as this is unaffordable to our customers. A lower percentage could be negotiated with a maximum capped at local housing allowance rates.*

*You have stated that you do not believe the proposed development to be viable to provide affordable housing or S106 contributions, this FVA is currently being reviewed by our independent assessor.*

4.1.8 Hertfordshire County Council: Lead Local Flood Authority – [Initial Objection]

*Thank you for your consultation on the above site, received on 14 November 2023. We have reviewed the application as submitted and wish to make the following comments.*

*This is a full application for the demolition of existing dwelling and buildings and erection of two storey detached dwelling to create 17 no. flats, including lower ground floor level, first and second floor balconies and accommodation in the roof space with dormers, rooflights, solar panels with associated parking and landscaping works.*

*We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:*

- The development does not comply with PPG 059.*

*Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173, 175 and 180 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 this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed. The main points of this are;*

- 1. No calculations have been provided.*
- 2. Greenfield and brownfield runoff rates not provided. Proposed runoff rates and calculations also not provided.*
- 3. Assessment of water quantity and quality and how this will be managed during the construction phase not provided.*

*Informative:*

*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, 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))). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.*

4.1.9 Hertfordshire County Council: Lead Local Flood Authority – Second Consultation: Following receipt of amended plans, the LLFA were re-consulted. Comments have not yet been received at time of writing and any comments received will be updated verbally on the night of Committee.

4.1.10 Landscape Officer – First Consultation [Objection]

*The updated plans indicate that fifteen trees; three tree groups; part of three tree groups and a section of hedge would be removed to facilitate the development. Tree T3 (Douglas*

*Fir) protected by Tree Preservation Order (TPO 681 T1 Fir) and previously shown for removal would be retained.*

*However, the plans indicate that a substantial proportion of the tree's Root Zone would be covered by hardstanding. Although a 'no dig' solution is proposed, the plans suggest that the extent of coverage would exceed the maximum of 20% of the Root Zone (including no dig surfaces), as set out in the British Standard (BS5837), however no figure is given for the percentage encroachment.*

*In addition, T14 (Beech) also protected by TPO681 and previously shown as retained, is now proposed for removal. As with the previous proposal, although many of the trees scheduled for removal are relatively poor quality, the scale of proposed redevelopment leaves little or no space for replacement planting.*

*Refusal is recommended due to the loss of a good quality tree protected by TPO, and the loss of a substantial amount of tree cover, which could not be mitigated by replacement planting on-site.*

#### **Previous comments to 23/0576/FUL**

*Recommend: Refusal*

*The submitted plans indicate that circa 24 trees and tree groups would be removed to facilitate development, including T3 (Douglas Fir), which is protected by Tree Preservation Order (TPO 681 T1 Fir). Although many of the trees scheduled for removal are relatively poor quality, the scale of proposed redevelopment leaves little or no space for replacement planting.*

*Refusal is recommended due to the loss of a good quality tree protected by TPO, and the loss of a substantial amount of tree cover, which could not be mitigated by replacement planting on-site.*

**Officer Comment:** Following receipt the above comments, the applicant provided an updated Arboricultural Impact Assessment and Method Statement Revision D for consideration.

#### 4.1.11 Landscape Officer – Second Consultation [Advisory comments]

*In respect to T3 Douglas Fir, there are no provisions within the British Standard to take account of 'deep-rooted species' as being less susceptible to root damage and the applicant's own figures show that the extent of hard surfacing within the RPA (Root Protection Area) of the tree would be increased. However, the cellular confinement may have some benefit over the existing informal gravel surface, provided it is correctly installed.*

*This would need to be combined with suitable landscaping of the remaining RPA, which should include a composted bark mulch, and should avoid the use of any landscaping fabric or geotextile layer. A detailed method statement on the installation of the 'no dig' surface and landscaping around the tree's RPA should be required.*

*The proposals for replacement tree planting are substantially less than that being removed, however majority of those being removed are relatively poor quality and the screening of the site from the road will be substantially maintained.*

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

#### 4.1.13 Hertfordshire County Council: Fire Protection Department - [No comments received. Any comments provided will be verbally updated].

- 4.1.14 Hertfordshire Ecology - [No comments received. Any comments provided will be verbally updated]
- 4.1.15 Affinity Water – [No comments received. Any comments provided will be verbally updated]
- 4.1.16 Environment Agency – [No objection]

*From the documents on the planning portal I'm assuming it's a mis-consultation for us, as the development is in Flood Zone 1 so low risk and we wouldn't comment. There doesn't appear to be any proximity to a main river. It also appears to be in Source Protection Zone 3, which again is low on our risk bar, and as there is no previous contaminative use or ground source heat pumps being proposed, I think the decision to mark as a mis-consultation is seemingly correct.*

- 4.1.17 Designing Out Crime Officer - [No comments received. Any comments provided will be verbally updated]

## 4.2 **Public/Neighbour Consultation**

### Initial Consultation

- 4.2.1 Number consulted: 10
- 4.2.2 No of responses received: 5 objections
- 4.2.3 Site notice: Posted 22.11.2023 Expired: 11.12.2023.  
Press Notice: Not required.

### Summary of responses:

- Major overdevelopment.
- Increased traffic congestion.
- Turning in/out of Sandy Lane from The Woods even more hazardous if approved.
- Increase parking and congestion on The Woods.
- Development not in keeping with existing properties on Sandy Lane or The Woods.
- Damage integrity of natural woodland and will disturb wildlife.
- Northwood already been ruined by flattened developments.
- Overdevelopment points to profiteering by the developer.
- Applicant wants to maximise profits rather than considering implications for local residents.
- Site sits on South Herts Ridge which is earmarked for preservation.
- Not in keeping with the area.
- Development detrimental to the water table.
- Development create a security hazard for Northwood Headquarters.
- Encroach on the privacy of the surrounding properties.
- Previous application does not overcome refusal of previous proposals and represents tinkering to design of previous submission.
- Overbearing in height and scale
- Poorly designed.
- Out of character.
- Excessive footprint.
- Site flanked on three sides by ancient historic woodland and woodland nature reserves
- Additional air, water, soil, light and noise pollution during and for perpetuity following development.
- Breach of restrictive covenants.
- Increase environmental impact.
- Unnecessary and unwanted.

- 4.2.4 Further 21-day consultation exercise was undertaken on 28<sup>th</sup> February 2024 following receipt of amended plans.

Summary of further responses:

- Out of size and character for a neighbourhood comprised exclusively of luxury single dwellings
- Overlook of Northwood Headquarters
- Add traffic and pollution

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

### **5.1 Legislation**

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

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.

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

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

### **5.2 Policy / Guidance**

National Planning Policy Framework and National Planning Practice Guidance

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

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

#### The Three Rivers Local Development Plan

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



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

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

### 5.3 Other

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Frith Wood Conservation Area Appraisal 2008

Housing Delivery Test Action Plan (June 2022)

Housing Land Supply Update (December 2022)

Technical Housing Standards – nationally described space standards (March 2015).

## 6 **Reason for Delay**

6.1 Submission of amended plans and obtaining consultation responses.

## 7 **Planning Analysis**

### 7.1 Background

7.1.1 This application submission follows the LPA's decision to refuse planning permission 23/0576/FUL. The 2023 permission was refused on seven grounds 1) Character; 2) Impact on neighbours; 3) Sub-standard living conditions; 4) Impact on trees; 5) Absence of affordable housing; 6) Flood risk and 7) Inadequate turning space. The reasons are set out in full within the planning history at Section 1 paragraph 1.7 in this report.

7.1.2 Therefore, it is necessary for this report to assess the planning merits of the current scheme, including whether it has overcome the previous reasons for refusal which are a material consideration that carry weight in the assessment of this application, especially given the relative similarities between the current and previous schemes.

7.1.3 The key differences between this application and the previously refused scheme are as follows:

- Reduction in number of units from 18 to 17.
- Unit mix no longer includes 3-bed units.
- Height of building is 11.5m at its maximum (previously 10.5m).
- Reduced footprint of the building.
- Increase distance to shared boundary between rear part of building with Knoll Oak by 2.4m.
- Alterations to internal access and service road.
- Parking provision of 28 spaces (previously 31 spaces).
- Internal alterations to the layout of the units at ground, first and second floor levels.
- Changes to fenestration serving units to make most dual aspect.
- Loss of tree 'T14' (Beech) within the site frontage.
- Retention of tree 'T3' (Douglas Fir) within the frontage.
- Increased level of soft landscaping across the site which includes tree replanting.

## 7.2 Principle of Development

- 7.2.1 The proposed development would result in a net gain of sixteen units (seventeen in total). The site is not identified as a housing site in the adopted Site Allocations document. 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.
- 7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy.
  - ii. The sustainability of the development and its contribution to meeting local housing needs.
  - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
  - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.2.3 The application site is within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, or previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Eastbury will provide approximately 24% of the District's housing requirements over the plan period.
- 7.2.4 With respect to the definition of previously developed land as set out in the NPPF (2023), parts of the site which are built up are considered previously developed but the proposal would represent development on garden land which spreads beyond the footprint of the existing dwelling. The site sits on the outskirts of Northwood, but within a built-up area. Notwithstanding this, the location of the site is within the Secondary Centre of Eastbury and is situated approximately 1 mile from both Northwood High Street and 1.3 miles from Carpenders Park High Street. As such, it is considered that although the site is well located, it is still not the most ideal in terms of accessibility.
- 7.2.5 Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 124(d) states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 7.2.6 In respect of achieving appropriate densities the NPPF at paragraph 129 emphasises where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 7.2.7 Policy CP3 of the Core Strategy states the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs.
- 7.2.8 Currently, the Council are unable to demonstrate a deliverable supply of housing as required by the NPPF, with the Council's position at approximately 1.9-year supply of housing. Paragraph 11 of the NPPF is clear and states that where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites then the policies within the development plan are considered out-of-date. Consequently, when applying paragraph 11(d) of the NPPF it states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance

provides a clear reason for refusing the development proposed; or 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. The fact the policies are considered out-of-date does not mean that they should carry no weight or be disregarded. In this instance the local plan policies are similar to the requirements of the NPPF and thus have been afforded significant weight.

7.2.9 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. As of June 2022, the Action Plan states at paragraph 3.24 that 'until a new local plan is in place and given the high demand for new homes and the constrained housing land supply, it will be crucial that new developments coming forward make the most efficient use of land'.

7.2.10 This proposal would provide seventeen dwellings (net gain of 16) on the site which would significantly weigh in favour of the development having regard to the Council's current position regarding housing delivery.

### 7.3 Design and impact on Character, Street Scene and Heritage Assets:

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

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

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

7.3.3 Paragraph 135 of the NPPF sets out that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.3.4 The application site and the surrounding area immediately to the north, east and south comprise of large detached residential dwellings (with the exception of the derelict property at Knoll Oak to the north) located on spacious plots within a heavily wooded setting. The spacious plots of the residential dwellings in the vicinity are well set in from their respective flank boundaries. Further north and east is Oxhey Woods which is a Local Nature Reserve and a semi-ancient woodland. The wooded nature of the site means that that views of the application site and the surrounding residential properties are generally well screened from view from Sandy Lane. To the west is NHQ which comprises a substantial cluster of large buildings which are generally at odds with the local built environment, albeit their impact on the local context is mitigated due to the setback nature of the buildings and the fact the site is on a lower land level than Sandy Lane.

- 7.3.5 Whilst the application site is surrounded by large single detached dwellings on spacious plots, it is noted that planning permission has been granted (subject to S.106 agreement) at Knoll Oak for a flatted scheme comprising 28 units (22/1875/OUT) and likewise at Wildacre for 8 units (23/1032/FUL). Thus, the principle of a flatted development in this location is not considered unacceptable and many other flatted developments exist within the local area.
- 7.3.6 The proposal would not result in a tandem form of development. It is recognised that the development as shown on the submitted amended site layout plan (0452-P-002 REV-E) follows that of application 23/0576/FUL by proposing a large residential development on the site; however, Officers have been in discussions with the applicant to amend the scheme to improve its overall design.
- 7.3.7 To start, the footprint of the building no longer includes a staggered/overlapping design between the front and rear block. In terms of overall plot coverage, the built form would equate to approximately 22%. The rear block now shares the same building line along either flank as the principal block. Thus, the rear block would be partially obscured from Sandy Lane. This also increases the spacing between the built form and the adjacent flank boundaries with Knoll Oak and Wildacre. The principal elevation of the building would cover approximately 47% of the plot width with retained distances ranging between 8.5m to 14m to adjacent flank boundaries. Adequate spacing would therefore be maintained, allowing views through towards the rear of the site; however, the building would continue to have a substantial footprint.
- 7.3.8 The design of the replacement building still incorporates a crown roof; however, given the relatively spacious plot and distances between the proposed building and neighbouring properties, officers considered there was scope to increase the overall height of the building to improve its overall appearance, to the betterment of its design. As such, amended plans were received to increase the ridge height of the building by 1m. This increase lessens the overall extent of the crown roof and improves the design of the building by creating larger roofslopes which, when coupled with the amendments to reduce the size of the proposed dormers make them appear more subordinate and in turn would improve the visual appearance of the building by enabling a more proportionate roofspace which will appear less cramped and contrived relative to the main elevations of the building. Notwithstanding this, the inclusion of the crown roof coupled with the deep flank elevations would still result in the building appearing substantial in size.
- 7.3.9 There would be a setback distance from of the front boundary of 14m to approximately 17m given the splayed nature of the boundary with a distance of 22m from the highway pavement on Sandy Lane when factoring the wooded verge which would provide some level of screening of the development, limiting views from public vantage points on Sandy Lane. The building would also have a two-storey form with subordinate dormer windows which would prevent any unacceptable impact upon the streetscene. However, given the size and scale of the rearward projections, the proposed building would have an adverse impact on the sylvan character of the site which would be visible, in part, from neighbouring properties.
- 7.3.10 In terms of the visual appearance of the building, the flatted development would be predominantly bricked with some detailing to the elevations in the form horizontal render bands. The chosen materials are said to reference a vernacular art deco style of materials used elsewhere in the locality and this is considered acceptable.
- 7.3.11 The layout of the development has been improved with a reduction in the provision of parking spaces within the frontage of the site to enable for greater levels of soft landscaping to be provided. In addition, the scheme will now retain protected tree 'T3' (Douglas Fir) which is located in a prominent location close to the entrance into the site which, when coupled with the increase landscaping would improve the visual appearance of the development.

- 7.3.12 Policy DM3 of the Development Management Policies document states that applications only be supported where they sustain, conserve and where appropriate enhance the significance, character and setting of the asset itself and the surrounding historic environment and that permission will not be granted for development outside but near to a conservation area if it adversely affects the setting, character, appearance of or views in to or out of that conservation area. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In respect of a non-designated heritage assets paragraph 209 states that when determining applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the heritage asset.
- 7.3.13 The Frith Wood Conservation Area is situated approximately 135m south of the application site. Given the distance, it is not considered that the development would harm its setting. There are also several non-designated heritage assets and Grade II Listed Buildings (Lodge to Admiralty House, Admiralty House and The Glade, Bracken Hall) within the local area; however, given the separation distance no harm would arise (closest is Bracken Hall situated approximately 150m away).
- 7.3.14 It is recognised that the principle of a flatted development is similar to the previous scheme under application 23/0576/FUL which was found to be harmful to the sylvan character of the area. Whilst improvements have been made to the design, the development by reason of its overall size and scale continues to hold a significant footprint and retain substantial bulk and mass similar to the refused scheme which would be visible from surrounding vantage points. Due to these reasons, it is considered that the introduction of a building of this scale would appear out of character with the sylvan character of the area. As a result, the development would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management policies LDD.

#### 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Policy DM1 and Appendix 2 of the DMP LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.
- 7.4.3 Knoll Oak is located to the north and fronts Sandy Lane and is currently an uninhabited, dilapidated dwellinghouse. Whilst this is the case, consideration would still need to be given to future occupants of this dwelling. Regard is also had to the outline planning permission for the redevelopment of Knoll Oak to provide a flatted scheme comprising 29 units which is to be granted (Planning Committee resolution to approve) pending the completion of a legal agreement, however, this is yet to be approved. In its current form and based on current site circumstances, there would be a separation distance of 22m between the proposed building and this neighbouring building. Were the outline permission be implemented, this distance would increase to 30m. Wildacre is to the south, the principal elevation of this neighbour faces east and its associated private amenity space within the western part of the site abutting Sandy Lane. Again, regard is had to the approved flatted scheme approved under 23/1032/FUL. Nevertheless, at this current time, the dwelling on site is set in from the common boundary by 5.5m at its closest point but the main two storey element of this dwelling is approximately 9m from the boundary. Oxhey Cottage to the east of the site is a new dwelling currently under construction following grant of planning

permission under 16/2427/FUL. This new dwelling is primarily located adjacent to Wildacre with its associated private amenity space extending northwards and behind the application site and a separation distance of 34m would be retained between this neighbour and the proposed building. Both Hilltop Cottage and Frog Place are sited on the opposite side of the curtilage of Oxhey Cottage.

- 7.4.4 The Site Constraints plan 0452-P-002 supporting the application provides distances between the proposed flatted development, adjacent boundaries and to those surrounding neighbouring properties. The proposed residential building would be located approximately 19m from the nearest neighbouring residential property, Wildacre. If the approved schemes at both Knoll Oak and Wildacre were to be implemented, this distance would be increased to approximately 21m – at its closest point with the scheme at Wildacre. However, given the existing distance and the siting and orientation of the surrounding neighbouring properties it is not considered that the proposed residential building would have an adverse impact on the amenities of the occupants of any neighbouring properties in relation to loss of light or become overbearing. For comparison, at its closest point the development refused under application 23/0576/FUL was 10.7m from the closest neighbouring boundary which was shared with Knoll Oak.
- 7.4.5 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved. The criteria also states that where rear garden length along is relied on to provide privacy the minimum length should be 14m.
- 7.4.6 The flatted development includes extensive glazing to all elevations at ground, first floor levels and above. With regards to Knoll Oak and Wildacre, the revised scheme has increased the distance between the built form and the shared boundary with both. Whilst there may be an increase in perceived overlooking, it is considered that there would not be any significant loss of privacy due to the presence of mature vegetation, which is protected and very dense, coupled with separation distances either exceeding or just below the 14m guidance within the Design Criteria and is therefore acceptable. For comparison, the approved distances between Knoll Oak and the common boundary with the application site in the assessment of 22/1875/OUT was a minimum of 13m increasing to 26m. Similarly, with Wildacre the approved distances were 7.5m increasing to 12m in the assessment of 23/1032/FUL.
- 7.4.7 With respect of Oxhey Cottage, the distance between the building and the common boundary is less than the 14m at approximately 12m. That being said, Oxhey Cottage itself is located away from the application site, approximately 34m to the south-east. The proposed fenestration within the east elevation facing towards Oxhey Cottage would be facing towards the rear most part of the garden of this neighbouring property and would not be directly overlooking into the windows of Oxhey Cottage or its “private zone” directly abutting the rear elevation of the building. Furthermore, the boundary is lined with mature vegetation (to be retained) which would provide some screening limiting views across to this neighbour. As such, it is not considered in this instance that the development would result in demonstrable harm would arise in terms of loss of privacy and is therefore considered acceptable.
- 7.4.8 To the west is the NHQ which has been considered under section 7.8 below.
- 7.4.9 Due to the nature of the proposed development and the increased density there would be a higher level of on-site activity such as additional vehicle movements and future occupants utilising the communal gardens. A condition is suggested to requiring details of boundary

treatments to be submitted to ensure that appropriate boundary treatments are installed to minimise any noise and disturbance from the intensification of use of the site.

- 7.4.10 Officers recognise that given the scale of the development, the construction phase has the potential to cause disturbance to adjacent neighbouring properties. A Construction Management Plan would be secured by condition and will include further detail concerning timing of construction activities and deliveries to avoid unacceptable impacts to neighbouring properties and the locality more generally.
- 7.4.11 To summarise, the development proposal is not considered to have a detrimental impact on the privacy levels of surrounding neighbouring amenity. The development therefore complies with Policies CP1 and CP12 of the Core Strategy and Policy DM1 of the Development Management Policies LDD.

## 7.5 Access and Impact on Highway Safety

- 7.5.1 Policy CP10 of the Core Strategy states that all development proposals should be designed and located to minimise the impacts of travel by motor vehicle on the District. In particular, major development will be expected to be located in areas of highly accessible by the most sustainable modes of transport, and to people of all abilities in a socially inclusive and safe manner. The NPPF at paragraph 111 states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### *Access and trip generation*

- 7.5.2 As existing the application site benefits from an access via Sandy Lane within the north-western corner of the site which also provides access to Knoll Oak with separate gates serving each property, set back from Sandy Lane by 8m. The area between the road and front boundary is very informal and made up of loose gravel which would be unacceptable unless altered. Sandy Lane is a Classified A main distributor road with speed limit of 40mph and is a highway maintainable at public expense.
- 7.5.3 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application who confirmed that the utilisation of the existing access rather than proposing a new access from Sandy Lane is the appropriate method and is considered acceptable. HCC noted that the re-development of Knoll Oak (referenced 22/1875/OUT) included alterations to the shared access fronting both Knoll Oak and Cedars House which falls within the highway boundary. Those highway works were recommended by HCC as to be provided/completed prior to first use of the development; however, given the poor access for construction vehicles officers considered that the works should be undertaken prior to the commencement of the development (secured via an appropriately worded planning condition). Within their comments for this current application HCC advised that if for whatever reason Knoll Oak does not proceed then then highway improvements would still be required for Cedars House in the form of a 6m kerbed radii entrance (shared with the adjacent property); tactile paving / pedestrian dropped kerbs on either side; any necessary surfacing of the vehicular access area and removal or cutting back of any highway vegetation to provide the necessary levels of visibility on the north side of the access along Sandy Lane. The access changes are all within the highway boundary, not ownership of the app site. Thus, a similarly worded condition would be attached to any grant of planning permission in respect of this application.
- 7.5.4 HCC considers that the internal access driveway is acceptable and would enable two vehicles travelling in opposing directions to safely pass one another. Furthermore, there would be sufficient space at the top of the ramp (to the underground car park) for a car to wait whilst a vehicle is travelling up the ramp. A trip generation assessment for the proposed use has been included as part of the Transport Statement, the details of which have been based on trip rate information from the TRICS database. This approach is considered to be

acceptable by HCC. The number of vehicular trips associated with the proposed use are estimated to be 4 two-way vehicle movements in the AM peak (0800-0900) and 6 two-way vehicle movements in the PM peak (1700-1800). Following assessment of these details, HCC considered the impact on the operation of the surrounding highway network from the trip generation perspective to be acceptable and not a reason to recommend refusal from a highways perspective.

- 7.5.5 HCC also advised that works would need to occur to provide the necessary visibility splays of 2.4m by 59m (to the north) and 2.4m by 55m (to the south). Those splay lines are shown on drawing number 179.0014-0001 P04 of the Transport Statement supporting the application. To provide the visibility splay lines some vegetation and trees within the existing highway land would need to be removed and/or cut back to the north of the access in addition to a relocation of an existing utility pole. The Highway Authority have confirmed that they have no issues with the removal of the vegetation; however, depending on the size of the tree to be removed, a payment of £550 per tree to HCC would be necessary to cover the cost of planting and maintenance of an appropriate type of replacement tree at an alternative location within the highway. This is to ensure that there is no overall net biodiversity loss. This would be subject to a Section 278 Agreement which falls outside of the remit of this application.
- 7.5.6 Due to the nature of the works, including demolition, significant excavation and construction and the location of the site with access from a busy 40mph road, a Construction Management Plan would be required to mitigate the impact of the construction works on the highway network, especially during peak hours. Details will include construction vehicle numbers, routing, traffic management requirements, storage of materials, contractor parking and cleaning of the site entrance and the adjacent public highway. In addition, due to the current informal condition of the existing access, the new access would be required to be in place prior to construction works given highway safety concerns regarding visibility splay lines and the speed of the road.
- 7.5.7 Overall, the HCC considered that the proposal, subject to conditions and a section 278 agreement would not have an unreasonable impact on the safety and operation of the surrounding highway. A Section 278 Agreement would need to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, HCC raised no objections on highway grounds to the application, subject to conditions and informatives.

## 7.6 Parking Provision

- 7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:
- 1 bedroom dwellings – 1.75 spaces (1 assigned)
  - 2 bedroom dwellings – 2 spaces (1 assigned)
  - 3 bedroom dwellings – 2.25 spaces (2 assigned)
  - 4 or more bedroom dwellings – 3 spaces (3 assigned)
- 7.6.2 A development comprising of ten 1-bed units, seven 2-beds units would require a total of 31.5 parking spaces, of which 17 should be assigned.
- 7.6.3 The submitted site layout plan shows that 12 surface parking spaces (unallocated) would be provided which includes 2 accessible spaces and six EV charging spaces. A further 16 spaces (allocated) would be provided within the undercroft parking area. This would result in a total of 28 spaces. The proposed development would therefore result in a shortfall of 3.5 parking spaces. The two accessible spaces would meet the size required as set out within Appendix 5 and the provision of two is considered sufficient for a development of this size. One of the spaces would also have the benefit of EV charging station. A turning space



is provided amongst the above ground spaces to enable future occupants to safely manoeuvre in and out of some of the spaces.

- 7.6.4 The application is supported by a Transport Statement which sets out that the site is located within an area of high accessibility with several walking/cycling routes present in the locality of the site with excellent access to various modes of public transport such as local bus services and both a train and London Underground Station located nearby. Whilst there are bus stops located close to the application site, it is not considered to be within close proximity of local services and other transport links. Northwood Underground Station is located 1 mile away and Carpenders Park Overground Station and Moor Park London Underground Station are located 1.5 and 2.1 miles away respectively. Furthermore, Northwood High Street and South Oxhey High Street are a minimum of 1 mile away. Therefore, it is considered that there would still be a heavy reliance on car ownership for occupants of the flats.
- 7.6.5 With regard to cycle parking, Appendix 5 states that for flats there is a requirement for 1 space per 2 units. Two bike stores with a combined capacity for 32 bikes are to be provided within the undercroft parking level. The development would therefore comply with the cycle parking standards. Details would be secured by condition in the event of an approval to ensure they are provided for future occupants.
- 7.6.6 As mentioned above the site is not considered to be located within a highly sustainable location and there is no on street parking available on Sandy Lane. Whilst there is a shortfall, the deficiency is small (3.5 spaces) and there would be suitable alternative modes of transport available for future occupants (walk, bus and bike) to enable future occupants to travel to local services. It is therefore not considered that the shortfall is significant enough to justify refusal of planning permission in this regard. A condition is attached requiring a parking management plan to ensure that assigned spaces are allocated to the flats and a number of visitor spaces will be available to avoid parking on nearby surrounding roads, such as The Woods.

## 7.7 Refuse and Recycling

- 7.7.1 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
- 7.7.2 The submitted Amended Site Plan 0452-P-005 REV-I details that a bin storage area would be located in the frontage of the site in the south-western corner of the parking area. HCC commented that they a swept path analysis for a 12m long refuse vehicle (the size of vehicle used by Three Rivers District Council (TRDC) would be required to be submitted and approved to illustrate that such a refuse vehicle would be able to utilise the access, the internal access road, turn around on site and egress to the highway in forward gear. However, the applicant proposes the use of a private refuse collection and with the Transport Statement, tracking diagrams are provided on drawing 179.0014-0004 REV-P05 which details how a private refuse vehicle would be able to manoeuvre within the site to enable it to enter and exit the site in forward gear. Whilst it is acknowledged that a private waste collection is generally not encouraged and preference is for council waste vehicles to service the site, the site would not be able to accommodate the larger council vehicles unless the proposal includes the removal of the protected Douglas Fir tree – 'T3' which is located close to the entrance of the site. On this occasion, the private waste collection is considered acceptable to ensure retention of the prominent tree which is considered of high

amenity value. The proposed development has therefore demonstrated that adequate turning space would be provided within the site to enable private service vehicles accessing the site to exit in forward gear.

- 7.7.3 Subject to the completion of a legal agreement securing the use and management of private refuse collection, the development is acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

## 7.8 Impact on National Security

- 7.8.1 The NPPF at paragraph 101 states that planning decisions should promote public safety and take into account wider security and defence requirements by:

*a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and*

*b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*

- 7.8.2 The application site is located opposite NHQ. Concerns were received during the consultation period from residents that the development would compromise the security of NHQ. Officers recognise the sensitivities around NHQ but notably the Military of Defence (MOD) were consulted on the application and concluded the proposed development would have no detrimental impact on the operation or capability of a defence site or asset.

- 7.8.3 The distances between the proposed residential block and NHQ site are more than the separation distances set out within Appendix 2 which states that “*as an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other. Distances should be greater between buildings in excess of two storeys.*” Whilst this guidance relates to residential scenarios it can be used in this instance as a guide. The proposed building is approximately 45m from the front of the NHQ site (front boundary line), approximately 75m from the site’s gated entrance and therefore substantially away from any buildings within NHQ, thus well in excess of the guidance. In addition, due to the layout of the NHQ, the majority of the buildings are located a substantial distance from the site entrance, on a lower land level and are screened by on-site trees. Views from those units served by glazing within the principal elevations would also be limited by the existing line of mature evergreen trees which are to be retained along with the mature woodland trees found within the highway verge.

- 7.8.4 The proposed redevelopment of the site would increase the number of occupants on site and the level of activity would also increase. However, there is no evidence to suggest that the increase activity on site would have an adverse impact on the security operations of NHQ, which, was noted to be significantly fenced and had CCTV cameras in place immediately opposite the application site and along Sandy Lane.

- 7.8.5 Due to the site circumstances and distances involved it is not considered that the development would adversely affect the NHQ operations, especially as no specific security arrangements have been raised. As a result, it is considered that the development would accord with paragraph 101 of the NPPF (2023).

## 7.9 Housing Mix

- 7.9.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.
- 7.9.2 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs, in terms of size and type of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the Strategic Housing Market Assessment SHMA. The recommended mix for market housing, affordable home ownership and social/affordable rented housing identified in the LNHA is shown below. The Local Housing Needs Assessment (LNHA), was finalised in 2020 and is the most recent update to the SHMA and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are as follows:
- 1 bedroom 5% of dwellings
  - 2 bedrooms 23% of dwellings
  - 3 bedrooms 43% of dwellings
  - 4+ bedrooms 30% of dwellings
- 7.9.3 The indicative targets for affordable housing are:
- 1 bedroom 40% of dwellings
  - 2 bedrooms 27% of dwellings
  - 3 bedrooms 31% of dwellings
  - 4+ bedrooms 2% of dwellings
- 7.9.4 The proposed development would provide 59% 1-bed units; 41% 2-bed units. Whilst the proposed mix would not strictly accord with the figures set out in the LNHA it is acknowledged that current market conditions need to be taken into consideration. Despite not strictly according with Policy CP3, it is not considered that a development of this form and scale 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).
- 7.10 Affordable Housing
- 7.10.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable. Following the Written Ministerial Statement in May 2021 which set out the Government's plan for delivery of First Homes, the tenure mix for affordable housing under Policy CP4 has altered to 70% social rented, 25% First Homes, and 5% intermediate.
- 7.10.2 The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.
- 7.10.3 The proposed delivery of 17 flats would result in a policy requirement of 8 affordable units.
- 7.10.4 No affordable housing is proposed as part of this application on viability grounds. The Core Strategy sets out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability. Where non-viability is cited as the reason for a development proposal not complying with the affordable housing requirements, applicants for planning permission must support this reason with financial evidence to be submitted alongside the planning application.

- 7.10.5 A viability assessment was submitted with the application indicating that it would not be viable for the development to contribute to the provision of affordable housing. This has been independently assessed with the review concurring that no affordable housing contribution would be viable, concluding that the policy compliant scheme results in a negative residual land value of -£170,913 when compared to the Benchmark Land Value £1,760,000. As such there would not be a requirement for the development to make provision for affordable housing in accordance with the provisions of Core Strategy Policy CP4.
- 7.10.6 On the basis of the above, it is considered that the use of a review mechanism, to enable the viability to be revisited in the future and a possible financial contribution sought in the event the viability position does change, would be directly related to the development and fairly and reasonable related in scale and kind to the development. The applicant has agreed to the principle of entering into a legal agreement to secure a mechanism, subject to the particulars.
- 7.11 Living conditions of future occupants
- 7.11.1 Policy CP12 of the Core Strategy states development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.11.2 Application 23/0576/FUL was refused on grounds that the scheme failed to provide satisfactory living conditions for all future occupants of the development. More specifically, eight of the proposed eighteen units were single aspect – three of which (units 4, 8 and 14) would be facing north-west. Floor plans showed deep rooms narrow rooms served by a single window, thus the rooms would have been heavily reliant on artificial light. In addition, habitable rooms of some of the units within the roofspace (units 15, 16 and 17) were only served by rooflight(s) and therefore had limited outlook.
- 7.11.3 This current application has proposed alterations to the scheme that includes changes to the layout of the units proposed across all floor levels so that the rooms are not as deep and narrow as previously proposed and refused. Also, either additional fenestration is provided or openings are increased in size when compared to previous schemes. Furthermore, the changes include a reduction to the number of units provided within the roofspace (previously 6 units, now 5). This allows for a rearrangement of the layout of the remaining units in the roofspace so that the all the habitable rooms bar one (Bedroom 1 of unit 15) are served by terraces or dormers and supplemented by rooflights rather than being solely reliant upon them. This would improve the quality of outlook for future occupiers of the units. With regards unit 15 this would be the sole single aspect property within the development. Despite this, the future occupant(s) of this unit would benefit from a south-facing private terrace area serving the main living space and an additional rooflight is proposed to serve the bedroom area to allow for greater levels of light into the room. Thus, the living conditions of future occupant(s) of this unit would not be sub-standard. Consequently, compared to the previously refused scheme all the units would be served by sizeable windows and would generally receive adequate levels of natural light to all habitable rooms.
- 7.11.4 Officers therefore consider that the scheme put forward has overcome the previous concerns which amounted to a reason to refuse application 23/0576/FUL and the current application is acceptable in accordance with Policy CP12 of the Core Strategy.
- 7.12 Open Play Space and Amenity Space Provision
- 7.12.1 Amenity space standards for residential development are set out in Appendix 2 of the DMP LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened

from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.

- 7.12.2 The proposal would result in the construction of 17 apartments split as follows: 10 x 1-bed, 7 x 2-bed. The amenity space requirement would therefore be 427sqm.
- 7.12.3 In addition to the requirement for provision of private amenity space to serve the development, Policy DM11 of the Development Management Policies document sets out that in order to ensure that new residential developments do not exacerbate deficiencies in open space and children's play space, new residential development will be expected to provide for amenity and children's play space.
- 7.12.4 Each of the proposed units would benefit from a private balcony/terrace which would measure 6-7sqm. The associated balconies/terraces of units 1, 2, 7, 8 and 13 would not receive direct sunlight due to the positioning and orientation of the sun. The submitted Planning Statement also states that in addition to the individual spaces that the areas surrounding the building would be accessible for use as shared communal space – this has been roughly calculated to be 750sqm. Whilst it is acknowledged there are areas or greenery around the residential block it is not considered that all of the space would be useable given that a large proportion of the site would be overshadowed by the retained trees and the block itself or directly adjacent to the parking spaces or ramped access.
- 7.12.5 Nevertheless, each of the units would benefit from a private amenity space and the area of communal space is more than the policy requirement of 427sqm. In addition, the site is in walking distance of Oxhey Woods which is public open space and provides recreation opportunities for local residents. The development therefore accords with Policy CP12 of the Core Strategy and Policies DM1 and DM11 and Appendix 2 of the DMP LDD.

### 7.13 Trees and Landscaping

- 7.13.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- 7.13.2 The application site contains a number of trees, eight of which are protected by Tree Preservation Orders. An Arboricultural Method Statement prepared by Canopy Consultancy dated March 2023 has been submitted with the application. The submitted statement details that a total of seventeen individual trees, three groups of trees, part of three further groups and one hedge would be removed. 22 of the 23 of the trees proposed for removal are rated Category 'C' because they are either young and easy to replace or in a poor condition with a limited life expectancy. These low-quality trees or hedges are of no significance to public amenity. There is a single Category 'B' tree to be removed which is the Beech tree ('T14').
- 7.13.3 The Beech Tree 'T14' is protected, and its removal is to facilitate the parking area located within the frontage of the site; however, it should be noted that no objection to the loss of this tree was raised by the Landscape Officer in their assessment of a historic application 20/2314/OUT. Whilst the Beech Tree would be lost, the application is supported by a Landscaping Scheme detailing mitigation of replacement planting to cover the loss of the existing trees which has been further enhanced during the course of the application process through with the retention of the protect Douglas Fir tree ('T3') located close to the entrance of the site and is a visually prominent tree upon entry into the site. The loss of this tree was previously objected to by the Landscape Officer in their assessment of 23/0576/FUL.
- 7.13.4 The plans were amended to remove a parking space beside T3 to reduce the level of encroachment of hardsurfacing into the root protection area of the tree and therefore improve the visual amenity of the entrance into the site. Furthermore, the proposed development is now considered to improve the existing site situation where the root

protection area is significantly encroached by hardsurfacing which currently provides three parking spaces near the entrance and enables cars to park within 1.5m of the stem of the tree. The Landscape Officer commented that the cellular confinement may have some benefit over the existing informal gravel surface, provided it is correctly installed and this will need to be combined with suitable landscaping of the remaining RPA, which should include a composted bark mulch, and should avoid the use of any landscaping fabric or geotextile layer. The Landscape Officer suggested that a detailed method statement on the installation of the 'no dig' surface and landscaping around the tree's RPA should be required. A condition to secure site supervision during the implementation of the works surrounding this tree is also added.

7.13.5 Therefore, given the retention of the 'T3' tree and the betterment of the proposed scheme to enhance the life of the tree, officers consider the proposed development acceptable in respect of Policy DM6 of the Development Management Policies LDD.

#### 7.14 Sustainability

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

7.14.2 The application is accompanied by an Energy and Sustainability Statement prepared by B Sussed dated 15th March 2023 which identifies that the proposed development would achieve a 74.53% reduction in carbon emissions. The development would therefore exceed the 5% CO2 saving over Building Regulations 2013. This has been achieved through an incorporation of PV solar panels and an air source heat pump to support the residential block. The solar panels would be located on the flat sections of the crown roof. A condition would require that works are carried out in accordance with this statement.

#### 7.15 Flooding and Drainage

7.15.1 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take into account advice from the lead local floor authority.

7.15.2 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to 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 LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage.

7.15.3 The proposed development seeks to utilise infiltration techniques, into superficial gravel deposits to manage all surface water runoff from the site for rainfall events up to, and including, the 1:100year +40% climate change. The roof areas are to infiltrate via soakaway located at the western site boundary beneath the parking bays. The external road areas are proposed to be laid as a permeable pavement to also self-drain into the gravel superficial deposits. A green roof has been proposed atop the flat roof areas to offer increased biodiversity and temporary storage at source that will assist to reduce the peak volume in the soakaway downstream. The application is supported by a Flood Risk Assessment & Surface Water Drainage Strategy document prepared by Meridian Civil Engineering Consultancy dated February 2023. The Lead Local Flood Authority (LLFA) were consulted on the application and raised an objection to the proposed development citing that the

submitted information does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.

7.15.4 The applicant has been working with the LLFA to overcome the objection and has provided an updated Flood Risk Assessment which is currently under review by the LLFA. Any comments received will be verbally updated.

#### 7.16 Wildlife and Biodiversity

7.16.1 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.

7.16.2 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. The site is not in or located adjacent to a designated wildlife site. The application has been submitted with a Biodiversity Checklist, a Preliminary Ecological Report prepared by Urban Edge Environmental Consulting (UEEC) dated 20th January 2023.

7.16.3 Both Herts Ecology and Herts & Middlesex Wildlife Trust (HMWT) were consulted on the application; however, no comments have been received from either consultee. Notwithstanding this, both consultees commented on the previous application 23/0576/FUL where they stated the Ecological Report set out that the existing building is of moderate suitability for roosting bats and that further surveys would be required to determine their presence and formulate suitable mitigation measures or compensation and a Bat Survey dated June 2023 was provided which found that no roosting bats were recorded. However, precautionary measures were nevertheless advised and suggested a number of ecological enhancements for consideration to improve the site for bats following construction. These included bat boxes. The surveys concluded that the proposed development is unlikely to result in negative impacts to roosting bats. Proportionate measures have been recommended to manage residual risks associated with the sites ongoing suitability for these species.

7.16.4 Those surveys have been submitted in support of this current application and given that they are less than 12 months old are still considered relevant in the assessment of this application. As such, although comments from Herts Ecology or HMWT have not been received officers consider that there is sufficient information available to allow for informed assessment to be made. As such, a condition would require that works are carried out in accordance with the submitted Ecological Report. The Local Planning Authority is not aware of any records of other protected species within the immediate area that would necessitate further surveying work being undertaken.

7.16.5 Within their comments for application 23/0576/FUL, Herts Ecology also suggested conditions relating to badgers on site and also submission of a Landscape and Ecology Management Plan (LEMP) prior to commencement of the development. This condition has been added.

7.16.6 Subject to conditions, the proposed development is considered acceptable in accordance with Policy DM6 of the Development Management Policies LDD. The above is all secured by conditions to ensure that the site will provide a net gain for biodiversity.

#### 7.17 CIL

7.17.1 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 A' within which the charge per sq. metre of residential development is £180 (plus indexation).

## 7.18 Planning Balance / Tilted Balance and Conclusion

7.18.1 The NPPF makes it clear at paragraph 11 that there is a presumption in favour of sustainable development that planning permission should be granted unless either a) there is a clear reason for refusing the development proposal given its impact on an area or asset of particular importance (para 11(d)(i)), or b) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11(d)(ii)). On the basis that the Council can only demonstrate a 1.9-year housing land supply, it must apply a presumption in favour of sustainable development, although noting that the local planning policies referred to carry significant weight. The tilted balance is therefore engaged.

7.18.2 Following assessment of the application, it has been found that the development would result in harm to the sylvan character of the area, thus conflicting with Policy CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD. Furthermore, there is an outstanding issue relating to the drainage raised by the LLFA which are yet to be overcome; however, the applicant has provided an updated FRA which is under review. If this objection cannot be overcome then there is a clear reason for refusing the application as per paragraph 11(d)(i) of the NPPF.

7.18.3 Nevertheless, if the LLFA were to remove their objection following the additional information, it is considered that the development would still contravene the development plan for the character reason expressed above. An assessment would therefore still be required as to whether any adverse impacts identified would be significantly and demonstrably outweighed by the benefits of the scheme.

7.18.4 The application site is located on the edge of Eastbury (Northwood) and thus is not positioned within a highly sustainable location in respect of local amenities and public transport with limited bus options. Nevertheless, it does fall within a built-up residential area and the site is partially previously developed. The proposed development would boost the supply of housing where there is currently a very significant deficit. It would also be a large development, creating new jobs during the construction phase and future occupiers would support local economies. Furthermore, whilst it is acknowledged that currently it has been concluded that the scheme would be unable to contribute towards affordable housing, the applicant has agreed to enter into a legal agreement to secure a late-stage review mechanism, in accordance with the development plan.

7.18.5 Given the site's partial previously developed nature along with the Council's significant shortfall of housing land, these factors carry significant weight in favour of the development.

## 7.19 Conclusion

7.19.1 To summarise, officers recognise that planning permission has previously been refused on the site under application 23/0576/FUL and although revisions have been made to the scheme which have addressed some of the previous reasons for refusal it is accepted that the proposed flatted development would still harm the character of the area. However, it is considered that the identified harm to the character of the areas does not significantly and demonstrably outweigh the benefits and thus planning permission should be granted subject to conditions and the completion of the legal agreement securing a late-stage review mechanism and the use of private refuse collection.



## 8 Recommendation

8.1 That subject to the recommendation of approval/no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement securing an affordable housing review mechanism and private refuse collection, that the application be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to conditions as set out below and any additional conditions as requested by the LLFA:

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

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

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

PD/393/SE/01  
PD/393/SE/02  
0452-P-010 REV-C  
179.0014-0004 REV - P04  
0452 - P - 001 – A  
0452 - P - 002 – D  
0452 - P - 003 – E  
0452 - P - 004 – D  
0452 - P - 005 – I  
0452 - P - 006 – F  
0452 - P - 007 – E  
0452 - P - 008 – E  
0452 - P - 009 – D  
0452 - P - 011 – C  
0452 - P - 012 – B  
0452 - P - 020 - C  
0452 – P - 021- B  
0452 – P - 022 - B  
0452 - P - 023 - C  
0452 – P - 100 - A  
0452 - S - 002 – E  
0664-24-B-1A LPP  
22-1494-TPP-C

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Conservation Area; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12. of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The development hereby permitted shall be undertaken in accordance with the Arboricultural Impact Assessment and Method Statement Revision C dated April 2024 prepared by Canopy Consultancy.

Reason: To prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 No works or development shall take place until a scheme of supervision by a suitably qualified tree specialist for the arboricultural protection measures in relation to T3 – Douglas Fir to include 'no-dig' method and soft landscaping shown to be within the root protection area on drawing 0452 - P - 002 – D has been submitted to and

approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.

Reason: To prevent damage being caused to the protected tree during construction, 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).

- C5 The development hereby permitted shall not commence until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- C6 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to commencement of the development hereby permitted the existing shared vehicular access shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side and any other associated and necessary highway works

in accordance with the Hertfordshire County Council residential access construction specification.

Reason: This is a pre-commencement condition to ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C9 Before above ground works commence, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:
- a. A Description and evaluation of the features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives (for example but not limited to compensation native-species tree and hedgerow planting; and enhancements such as wildflower areas, areas of longer vegetation, pond creation, use of plant species of benefit for invertebrates and bats, woodland enhancement, building-integrated and tree-mounted bat and bird boxes, habitat piles, bio-diverse roofs).
  - e. Prescriptions for management options.
  - f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five year period).
  - g. Management responsibilities.
  - h. Ongoing monitoring and remedial measures.
  - i. These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate net gain can be achieved from the development.

- C10 Before above ground works commence, a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

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

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to 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).

- C11 Before above ground works commence, samples and details of the types, colour and finish of all external materials and hard surfacing across the site, shall be submitted to and approved in writing by the local planning authority prior to their first use on site. Development shall be carried out in accordance with the approved details/ samples.

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).

- C12 Prior to the first occupation of the development hereby permitted the proposed internal access road, on-site car parking, turning areas and turning space between spaces labelled 19 and 20 shall be laid out, demarcated, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C13 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. The Parking Management Plan shall include details and evidence as to the allocation of parking spaces to the occupants of the dwellings, visitors and the number of disabled parking spaces. The agreed details shall be adhered to thereafter.

Reason: To ensure acceptable allocation of on-site parking including visitors in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C14 Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on drawing number 179.0014-0001 P04 contained within the submitted Transport Statement. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C16 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and

Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C17 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities shall be provided in accordance with drawing number 1002 REV-K. The refuse/recycling facilities shall be permanently retained thereafter.

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

- C18 Prior to the first occupation of the development hereby permitted, the cycle storage shall be provided in accordance with the approved drawing no 0452 - P - 004 REV-D. The cycle storage shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C19 Prior to the first occupation of the development hereby permitted, a parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in accordance with the approved management plan and thereafter retained in accordance with it.

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

- C20 No other external lighting shall be installed on the site or affixed to the building(s) on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity (unless its erection would require express planning permission). The submitted lighting details shall be installed in accordance with the approved details before the first use commences.

Reason: In the interests of visual amenity, biodiversity and to preserve the openness of the Green Belt to meet the requirements of Policies CP1, CP11, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM2 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C21 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

## 8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a

dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

- (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 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 14 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>.

- 15 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](http://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).

- 16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990. It is extremely important that the applicant is aware of the stipulations, covenants and obligations set out within any legal agreements tied to the planning permission. This may include the requirement to notify the Council prior to commencement of the development (as defined within the legal agreement) if certain obligations are required to be paid, for example, an affordable housing contribution including indexation.

- 17 Waste Comments

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer-term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

#### Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwaterprotection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

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

#### Or:

8.3 On receipt of an objection (or further concerns raised) from the Lead Local Flood Authority (LLFA) providing specialist professional advice, that the application be delegated to the Head of Regulatory Services to REFUSE PLANNING PERMISSION for the following reasons:

R1 In the absence of sufficient information the Local Planning Authority is not satisfied that an acceptable sustainable drainage strategy has been provided. As a result, it is considered that the development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

R2 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 to secure an affordable housing review mechanism, the development would be unable to protect the objectives in relation to affordable housing and therefore would fail to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R3 In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, no mechanism can be established to control the private refuse collection for residents of the site, failing to accord with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

8.4 **Informative:**

11 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst the applicant and/or their



agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.