

PLANNING COMMITTEE – 23 May 2024

23/1875/FUL - Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage at 20 BATCHWORTH LANE, NORTHWOOD, HA6 3DR.

(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 09.01.2024
Extension agreed to 31.05.2024

Ward: Moor Park and Eastbury
Case Officer: Freya Clewley

Recommendation: That Planning permission be granted.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to concerns regarding flooding, drainage problems, swamping of the sewerage system and ground water pollution and total overdevelopment of the site.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3OVH6QFHMR00>

Relevant Planning History

- 1.1 07/1138/FUL – Two storey side extension and front dormer and two storey rear extensions, conversion of garage into habitable room, single storey rear extension and loft conversion with two rooflights to front, three rooflights to rear and two rooflights to side elevation and erection of a detached rear double garage to rear – Withdrawn 02.08.2007.
- 1.2 08/0117/FUL - Two storey side and rear extension, single storey rear extension, conversion of garage into living space, loft conversion with rooflights and detached garage to rear – Permitted 17.03.2008.
- 1.3 22/1745/FUL - Demolition of existing dwelling and replacement new dwelling with habitable roof accommodation including front and rear dormers, basement level linked to rear outbuilding including double garage, new front driveway, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Withdrawn 08.12.2022.
- 1.4 23/0395/FUL - Demolition of existing dwelling and construction of replacement dwelling with habitable roof accommodation including front/rear dormers and side rooflights, provision of basement level and rear outbuilding including double garage, new front driveway, heat pumps, solar panels, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Refused 16.06.2023 for the following reason:

R1 The proposed replacement dwelling by virtue of its design and corner plot siting, bulk and massing, including the introduction of complex crown roof forms, bulky flank elevations and turret feature, would result in an unduly prominent and incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The proposal therefore fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 In the absence of an agreed Flood Risk Assessment and drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority,

the Local Planning Authority is not satisfied that the development would be supported by an acceptable sustainable drainage strategy and is not satisfied that the development would not be subject to unacceptable risk of flooding or not exacerbate risk of flooding elsewhere. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and the NPPF (2021, Chapter 14).

2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a detached dwelling located on the southern side of Batchworth Lane, Northwood, on the corner with Eastbury Road. Batchworth Lane is a residential street characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The application dwelling is a detached dwelling with an existing integral garage and a catslide roof form to the front elevation, with a front dormer serving the first floor accommodation. The dwelling is finished in white render, mixed red brick and tile hanging, with a two storey bay window projection. The dwelling has a dark tiled hipped roof form. There is a carriage driveway to the frontage, with an access onto Batchworth Lane and Eastbury Road, with space for three vehicles. To the rear, a patio area abuts the rear elevation of the host dwelling, leading to an area of lawn and soft landscaping.
- 2.3 The neighbour to the east, number 22 Batchworth Lane, is a two storey detached dwelling, located close to the shared boundary with the application site. This neighbour is located on the same building line and land level as the host dwelling, and extends minimally beyond the existing rear elevation of the host dwelling at ground floor level.
- 2.4 The neighbour to the west, number 18 Batchworth Lane, is separated from the application site by Eastbury Road. High hedging runs along the western boundary of the application site. The neighbour to the south, No. 80 Eastbury Road, is beyond the rear garden of the application site and is a two storey property.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heat pump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage.
- 3.2 The main section of the proposed new dwelling would have a depth of 16.1m and a width of 11.8m at ground floor level, and a maximum depth of 14m including a 1.9m deep two storey front gable feature and a width of 11m at first floor level. Basement level accommodation is proposed, extending beneath the dwelling. The dwelling would have a hipped roof form with a crown roof section with a maximum height of 9.9m and an eaves height of 6m. Fenestration is proposed within the front, flank and rear elevations of the dwelling.
- 3.3 The proposal would include loft accommodation served by front, flank and rear rooflights and a rear dormer. The rear dormer would have a flat roof form with a width of 1.8m, a depth of 1.6m and a height of 1.5m.
- 3.4 A detached outbuilding is proposed to the rear of the site. The outbuilding would have a T shaped footprint, with a maximum width of 10.7m and a depth of 9.5m. The outbuilding would comprise a garage, storage and an office. The outbuilding would have a flat roof form with a height of 2.5m. Fenestration is proposed within the front and flank elevations of the outbuilding.

- 3.5 Amended plans have been received during the course of the application to reduce the width of the replacement dwelling and alter the design of the dwelling such that the front gable feature would face the streetscene of Batchworth Lane, rather than being angular.
- 3.6 This application follows a previous refusal. The current scheme incorporates the following main revisions:
- Omission of turret feature.
 - Reduction in width, bulk and massing.
 - Simplification of proposed roof forms.
 - Supporting flood risk assessment.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [First Response - Objection]

Batchworth Community Council strongly objects to this application. The initial application 22/1745/FUL was withdrawn following a multitude of comments and objections. It was reissued under 23/0395/FUL and was refused.

The current application still has not addressed the concerns, comments and objections put forward earlier in the year. This proposal is still a total overdevelopment of the site with 50% of the plot being dug up for the basement. 75% of the plot will be building, annex or hardstanding. The building frontage is totally alien to the street scene. The rear dormer and side rooflights will effect overlooking of the adjacent properties. All of the existing trees will be removed and only a limited number of low trees will be planted.

The road network in the area is a busy one, the plot size is limited, so a demolition, spoil removal and new construction plan is essential. Construction vehicles cannot be allowed to obstruct the adjacent roads or others in the area. A traffic management plan is required to be agreed with TRDC/HCC.

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

Batchworth Community Council were reconsulted on the amended plans and made the following comments.

4.1.1.1 Batchworth Community Council: [Second Response – Objection]

Batchworth Community Council strongly objects to this application. The initial application 22/1745/FUL was withdrawn following a multitude of comments and objections. It was reissued under 23/0395/FUL and was refused.

The current application 23/1875/FUL still has not addressed the concerns, comments and objections put forward earlier in the year. There are still serious concerns over the proposed basement and extensive excavations causing flooding, drainage problems, swamping of the sewerage system and ground water pollution. Also the number of vehicles needed to remove spoil during the demolition and digging of the basement the two rain harvesting tanks and attenuation tank will cause major disruption to the traffic and local population.

This proposal is still a total overdevelopment of the site.

- Over 65% of the plot being dug up for the basement, two 2000ltr rain harvesting tanks and the undescribed attenuation tank. The drainage strategy report has not been submitted with this application.
- When complete 75% of the plot will be building, annex or hardstanding.
- The building frontage is totally alien to the streetscene. The large front window serves no purpose for the third floor, and will only contribute to area light pollution.
- The rear dormer and side rooflights will affect overlooking of the adjacent properties especially with the removal of the boundary trees.
- All bar three of the existing trees will be removed and only a limited number of low trees will be planted.

The road network in the area is a busy one, the plot size is limited, so a demolition, spoil removal and new construction plan is essential. Construction vehicles cannot be allowed to obstruct the adjacent roads or others in the area. A traffic management plan is required to be agreed with TRDC/HCC.

Eastbury is a residential area with mostly detached houses on good size plots with plenty of garden amenity space. The Local Plan states that development should not erode the particular character of the area in terms of building footprint and residential amenity of current and future occupants but rather should enhance and complement the characteristics of the area.

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

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

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

- 1) Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 21048 FP3 01.02 A in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

INFORMATIVES

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

AN1) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway

Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

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

AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website:

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

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments

The proposal is for the demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works, erection of rear annexe including double garage at 20 Batchworth Lane, Northwood. Batchworth Lane is a 30mph unclassified local distributor route that is highway maintainable at public expense.

Highway Matters

There are two existing dropped kerbs accessing the site. One from Batchworth Lane and the other from Eastbury Road, a 30 mph unclassified local access route. The proposal is to close the two existing accesses and build a new dropped kerb further down Eastbury Road. This dropped kerb will serve a garage and parking space fronting the site. The garage is greater than 5.5 metres from the highway which ensures vehicles are not waiting on the highway to enter the site. The closure of the two dropped kerbs and creation of a new dropped kerb will need to be completed under a minor work licence section 278 – please

see informative 1. Parking is a matter for the Local Planning Authority and therefore any parking arrangements need to be agreed by them.

The new dwelling will have the same refuse / emergency vehicle access as that of the existing dwelling.

Conclusion

HCC Highways would not wish to restrict a grant of approval for the proposal subject to the inclusion of the included condition.

4.1.3 National Grid: No response received.

4.1.4 Lead Local Flood Authority (First response): made the following comments:

The LLFA is not a statutory consultee for minor applications and therefore, we can only provide recommendations to the LPA.

We note the applicant proposes the use of an attenuation storage to assist with temporary storage of surface water whilst also allowing for a reduction in discharge rate. The applicant proposes the storage tank capacity of 27.960m³ with a maximum discharge rate of 1.0l/s, meeting the greenfield run off rates. The storage tank is to be located within the backyard amenity space behind the dwelling. Hydro brakes and orifice plates can be used to restrict the discharge rate of surface water as it allows for a controlled discharge of surface water while not creating any potential flooding. The surface water will discharge from these at a maximum rate of 1.0l/s. The "Proposed Drainage Strategy" indicates the applicant has proposed a green roof on the car garage and cycle shed in the rear of the site. The green roof is proposed to help with temporary storage of surface water whilst promoting biodiversity and wildlife within the site. Additionally, the applicant has proposed permeable paving to allow for sustainable surface water drainage as well as to absorb pollutants and impurities from vehicles and surface water which can stop water pollution in turn, improving the environment.

We are pleased the applicant has considered the use of permeable paving and a green roof within the development.

- We highly recommend the LPA seeks further supporting evidence of the groundwater levels in the area considering the application for a basement and attenuation tank. Basements are highly vulnerable in areas with high flood risk, with the NPPF advising not to include basements in developments in high-risk areas.*
- We recommend the LPA seeks evidence of drainage calculations for all rainfall return periods up to and including 1% AEP plus climate change event, including a 1 in 30-year AEP + 35% climate change event.*
- We would recommend the LPA request a construction drainage plan. This will help provide a better understanding on how the applicant plans to drain the site during the construction phase. This could be conditioned.*
- We note the surface water flow path for all rainfall return periods event crosses the access road in the development. We highly recommend that the applicant confirms how safe egress and access will be guaranteed for all flooding sources including surface water.*
- Any SuDs proposed need to demonstrate how they will function as expected if located in an area at risk of surface water flooding (a flow path). If the drainage infrastructure can not be designed to keep surface water flow paths out of the drainage, additional attenuation volumes may be required.*
- We recommend the LPA seek evidence of surface water modelling the development site to determine if the appropriate resilient and resistance measures have been*

implemented and that the proposals will not have a detrimental impact on off-site flood risk.

Suggested Surface Water Drainage Condition

If the LPA is minded to approve this application, we would recommend the following condition is attached to the permission.

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

Informative

As above, would highly recommend that the LPA require details of the site drainage during construction, such as in part of a Construction Management Plan or otherwise, to ensure that surface water is managed appropriately during enabling works and construction. Surface water should be managed on-site with no increase in flood risk off-site. This is due to various occurrences the LLFA has experienced of mid-construction developments causing off-site flooding around the county in recent years. This can be secured as part of a CEMP condition or similar.

Following receipt of the above comments from the LLFA, the applicant submitted additional information.

4.1.4.1 Lead Local Flood Authority (Second response): made the following revised comments:

The LLFA is not a statutory consultee for minor applications and therefore, we can only provide recommendations to the LPA.

- We recommend the LPA seek evidence of surface water modelling of the development site to determine if the appropriate resilience and resistance measures have been implemented and that the proposals will not have a detrimental impact on off-site flood risk.*
- Any SuDS proposed need to demonstrate how they will function as expected if located in an area at risk of surface water flooding (a flow path). If the drainage infrastructure cannot be designed to keep surface water flow paths out of the drainage, additional attenuation volumes may be required.*
- The applicant notes “regarding the existing access located at the low point of the site, the annex can agree to Eastbury Road, while the main building offers internal access to higher floors in case of flooding.*

Suggested Surface Water Drainage Condition

If the LPA is minded to approve this application, we would recommend the following condition is attached to the permission.

Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

Informative

We would advise the LPA that basement dwellings are very vulnerable to flooding.

As above, would highly recommend that the LPA require details of the site drainage during construction, such as in part of a Construction Management Plan or otherwise, to ensure that surface water is managed appropriately during enabling works and construction. Surface water should be managed on-site with no increase in flood risk off-site. This is due to various occurrences the LLFA has experienced of mid-construction developments causing off-site flooding around the county in recent years. This can be secured as part of a CEMP condition or similar.

4.1.5 Thames Water: [No Objection]

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 . Application forms should be completed on line via 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 & 169 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/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design> <https://www.gov.uk/government/publications/groundwater-protection-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.

4.1.6 TRDC Environmental Health: No response received.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 6

4.2.2 No of responses received: 4 objections

4.2.3 Site Notice: Not required Press notice: Not required

4.2.4 Summary of Responses:

- Houses on this section of Batchworth Lane and on Eastbury Road until the boundary with Hillingdon are exceptional examples of 1930s character detached dwellings built by ES Reid and Alfred Robinson.
- Should be part of the Conservation Area due to the uniqueness of these dwellings.
- Nothing like these dwellings in the UK, they embrace the 1930's design.
- The development would ruin the "Reid house set" on this section of Batchworth Lane.
- Would result in a loss of character.
- Area isn't suitable for basements due to flooding, subsidence and the design does not account for crucial details of mitigation of these.
- Extensive drilling and phased work will increase the probability of causing great impact to neighbouring properties and potential movement could even lead to subsidence of them which is a risk not to take lightly.
- Concerns regarding impact on traffic and highway safety.
- Concerns regarding excavation impact on neighbours.
- Concerns regarding amount of spoil as a result of basement.
- Concerns regarding construction traffic.
- Concerns regarding carbon footprint due to large volume of concrete.
- Design would be out of character.
- Concerns regarding location of garage/office including proximity to boundary.
- Concerns regarding tree removal.
- Concerns regarding flooding.
- Concerns regarding scale of basement.

5 **Reason for Delay**

5.1 Reconsultation due to amended plans and additional information required by the LLFA.

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

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

6.2 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.

6.3 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 CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

6.4 Other

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 Whilst it is noted that neighbour objections have been received in relation to the demolition of the existing dwelling, the application site does not lie within a Conservation Area and the

building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Therefore, the demolition of the existing dwelling is considered acceptable, subject to the replacement dwelling being considered to be acceptable.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where the development would have an adverse impact on an adjoining property. In relation to roofs, the Design Criteria set out that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such they are generally discouraged and more traditional pitched roofs are generally favoured.
- 7.2.3 Appendix 2 of the Development Management Policies document also states that front projections should not result in loss of light to windows of neighbouring properties nor be excessively prominent in the streetscene and that increases in ridge height will be assessed on their own merits at the time of a planning application and that where roof forms are of a uniform height, style or appearance, it is unlikely that an increase in height will be supported.
- 7.2.4 The proposed replacement dwelling would be set in 2.2m from the western flank boundary, and approximately 1.4m from the eastern flank boundary and as such, the spacing would comply with Appendix 2 of the Development Management Policies document in this regard. Furthermore, it is noted that the streetscene of Batchworth Lane is varied in terms of design and appearance of dwellings, and given the spacing maintained between the replacement dwelling and the flank boundaries, the design and hipped roof form of the dwelling, and that the dwelling would follow the established building line within the streetscene of Batchworth Lane, it is not considered that the proposed replacement dwelling would appear cramped within the plot.
- 7.2.5 Whilst the proposed replacement dwelling is larger than the existing dwelling which it would replace, the overall scale, form and design of the replacement dwelling broadly responds to the other examples evident within the locality. It would be only 0.6m higher than the existing building and comparable in height to neighbouring properties. Furthermore, its ground floor footprint and layout are also generally akin to those other examples apparent in the area and the proposed level of amenity space would also be compliant with Appendix 2. The omission of the turret feature and rationalisation of fenestration, reduction in the bulk and mass of the roof form and increase in spacing to the flank boundary have alleviated the previous concerns regarding the impact of the replacement dwelling on the streetscene of Batchworth Lane and neighbouring roads. Whilst the basement would be large in scale, this element would not be visible from the streetscene or any public vantage points and would have no material impact on the character of the area.

- 7.2.6 It is wholly acknowledged that each site must be assessed on its own merits and direct comparisons of other development cannot be relied upon alone to justify the acceptability of a scheme. However, the proposed replacement dwelling as now submitted would have a design which would not appear incongruous within the locality and would not give rise to an unduly cramped or contrived layout which would represent overdevelopment of the plot as a whole. The proposed replacement dwelling would be finished in materials which would be reflective of other properties in locality which would further assist in the assimilation of the replacement dwelling into the streetscene.
- 7.2.7 The outbuilding to the rear of the site is large in terms of its area, however it is noted that the height of the outbuilding would not exceed 2.5m in height, and that an outbuilding of the proposed height and scale could be constructed under permitted development, should the existing dwelling be retained. It would project slightly forward of the neighbouring property along Eastbury Road, however at ground floor only. As such, given the height of the outbuilding and the spacing maintained between the outbuilding and the western flank boundary, it is not considered that the proposed outbuilding would appear unduly prominent, nor result in a cramped form of development or any harm in this regard.
- 7.2.8 Overall it is considered that the proposed replacement dwelling would be acceptable in this regard and that the previous reason for refusal has been overcome. The proposal would be 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).
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey developments to the rear of dwellings should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.
- 7.3.2 The two storey part of the proposed replacement dwelling would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour to the east. Furthermore, whilst the replacement dwelling would extend beyond the existing rear elevation of this neighbour, given the spacing maintained between the built form and the shared boundary with this neighbour, and the hipped roof form of the replacement dwelling, it is not considered that the proposed replacement dwelling would appear overbearing or result in loss of light to this neighbour.
- 7.3.3 Given that the replacement dwelling is separated from the neighbour to the west by the highway, it is not considered that the replacement dwelling would result in any harm to the neighbour to the west.
- 7.3.4 The proposed outbuilding would be constructed close to the eastern flank boundary. Notwithstanding this, given the height of the proposed outbuilding and the spacing between the outbuilding and the rear elevation of the neighbour to the east, it is not considered that the proposed outbuilding would appear overbearing or result in loss of light to the neighbour to the east. Given the spacing between the outbuilding and neighbour to the west, it is not considered that the outbuilding would result in any harm to this neighbour.
- 7.3.5 In terms of overlooking, fenestration is proposed within the front, flank and rear elevations of the replacement dwelling. The front fenestration would have an outlook over the application site frontage, and would not result in overlooking. The fenestration within the

rear elevation, including the proposed rear dormer, would have an outlook which would be similar to that already available from the existing rear fenestration, and would not result in unacceptable overlooking. Fenestration is proposed at ground floor level within the eastern flank elevation of the replacement dwelling, however given the ground floor siting of the fenestration, and the spacing between the eastern flank of the replacement dwelling and the eastern flank boundary of the application site, it is not considered that the ground floor fenestration would result in unacceptable overlooking. Given the spacing maintained between the western flank of the replacement dwelling and the neighbour to the west, it is not considered that the fenestration within the western flank would result in any overlooking. The first floor fenestration within the eastern flank would serve bathrooms, and as such, it is considered reasonable to attach a condition to any granted consent to require these windows to be obscurely glazed and top level opening to prevent unacceptable overlooking from occurring. Given the spacing maintained between the western flank and the neighbour to the west, it is not considered that the first floor fenestration within the western flank would result in overlooking. The proposed rooflights would be sited a minimum of 1.7m above internal floor level, and would result in any overlooking.

7.3.6 A raised patio is proposed to the rear of the replacement dwelling. A condition would be attached to any granted consent to require details of screening to a minimum height of 1.8m to be submitted to, and approved by the LPA prior to first occupation of the replacement dwelling, to prevent unacceptable overlooking from occurring.

7.3.7 Overall, it is not considered that the proposed development would result in any detrimental impact to the residential amenities of existing neighbouring dwellings. The development would therefore be acceptable in this regard 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).

7.4 Highways, Access and Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

7.4.2 The proposed dwelling would have five bedrooms and as such would require 3 spaces. This application incorporates two parking spaces to the rear of the proposed replacement dwelling on hardstanding forward of the garage, in addition to a double garage. This would also be served by a vehicular cross over (VXO) which is considered acceptable to the Highways Officer. The proposal is therefore considered to be acceptable in this regard.

7.4.3 Given the amount of excavation works that would be involved in this particular scheme, it is considered both reasonable and necessary to include a construction management plan condition to require certain details in respect of construction activities to be submitted to the LPA for approval before works take place.

7.5 Quality of accommodation for future occupants

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 Appendix 2 of the DMP LDD outlines that five bedroom dwellings should provide 126sqm of amenity space. The proposed dwelling would be served by a private rear garden of 240sqm. As such the proposed development would comply with Appendix 2 in this respect.

7.6 Wildlife and Biodiversity

7.6.1 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.

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

7.6.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD advises that development proposals 'should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'.

7.7.2 The application site is not located within a Conservation Area nor are there any on site TPOs.

7.7.3 The proposed block plan indicates that the rear garden would be lawned with a patio area abutting the dwelling, and landscaping to the front of the dwelling. It is acknowledged that below part of the rear lawn area would be an attenuation tank required due to the surface water flooding issues in the immediate area. Hardstanding is proposed to the rear of the site, providing parking and serving the proposed garage. The proposed layout is considered appropriate within the context of the area. Whilst it is noted that the existing trees along the flank boundary would be removed as part of the proposed development, replacement planting is proposed to the rear of the site, and it is noted that the existing trees are in poor health, and given the proposed replacement planting, it is not considered that the removal of these trees would result in harm in this regard. Given the amount of development proposed at the site, a landscaping condition is proposed to enable further details of proposed soft landscaping to be provided for approval before works take place.

7.8 Sustainability

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

7.8.2 This application is accompanied by an energy statement prepared by Wires & Wireless Ltd which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 73%). As such the development complies with the requirements of Policy DM4.

7.9 Flood Risk

7.9.1 Policy DM8 of the Development Management Policies document outlines that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable existing flooding risks should be reduced.

- 7.9.2 The application site is within Flood Risk Zone 1, in respect of flood risk from river, the lowest risk zone. However, the site is in an area at high risk of surface water flooding, with the Lead Local Flood Authority (LLFA) and Environment Agency maps specifically identifying a flooding flow path passing through the rear garden of the site. Given the amount of development proposed, including the creation of basement accommodation and other landscaping changes, despite not being a statutory consultee the LPA have consulted with the LLFA to seek their comments on the proposed development. A Flood Risk Assessment and Drainage Strategy have been submitted with this application.
- 7.9.3 The initial comments from the LLFA requested further information from the application in respect of the management of flood risk. Further information was supplied and the LLFA have responded in respect of that information with some further recommendations to the LPA. The LLFA have recommended that evidence of surface water modelling is sought, to determine that the appropriate resilience and resistance measures have been implemented. They also state that any SUDS needs to demonstrate how they would function as expected if located in an area at risk of flooding. Their comments conclude that if the LPA is minded to approve the application, they recommend a condition be attached securing details of a surface water drainage scheme to be submitted, which should cover the points raised above. The LPA consider, given the scale of development, that in the absence of any comments from the LLFA identifying specific problems or shortcomings in the submitted Flood Risk Assessment, that it is reasonable and necessary to grant planning permission subject to this condition, to ensure that the final building is designed in a way which considers the constraint resulting from the surface water flow and puts in place sufficient measures to mitigate against any adverse impacts.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- 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: 21048 FR3 01.01, 21048 FP2 01.02 C, 21048 FP2 01.03 B, 21048 FP3 01.04 B, 21048 FP2 01.06 B, 21048 FP2 01.07 B, 21048 FP2 01.08, 21048 FP2 01.09, 21048 FP2 01.10 and 21048 FP2 01.11.

Reason: For the avoidance of doubt and in the proper interests of planning, in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to the commencement of the development hereby permitted, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme should also provide details of the surface water modelling used, and evidence that appropriate resilience and resistance measures have been implemented to not have a detrimental impact on off-site flood risk, and should detail

how the SUDS would function if located in an area of flood risk, along with any maintenance requirements. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and permanently maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The 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).

- C5 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:

- Construction vehicle numbers, type, routing;
- Access arrangements to the site;
- Traffic management requirements;
- Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
- Siting and details of wheel washing facilities;
- Cleaning of site entrances, site tracks and the adjacent public highway;
- Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way 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).

- C6 Before the first occupation of the building/extension hereby permitted the windows at first floor level in the eastern flank elevation; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

- C7 The replacement dwelling shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans and as set out in the submitted application form and no external materials shall be used other than those approved.

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

- C8 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.

- C9 Prior to the first use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 21048 FP3 01.02 C in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety 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).

- C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

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

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

- C11 The outbuilding hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, the residential dwelling located on the site and it shall not be used as an independent dwelling at any time.

Reason: The creation and use of a separate and independent unit would not comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this (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 development maintains/improves the economic, social and environmental conditions of the District.
- 14 Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

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

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

Further information is available via the website:

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

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