

## PLANNING COMMITTEE – 15 August 2024

### **23/1795/FUL - Demolition of existing building and erection of 6 no. two storey dwellings with associated bin store, parking and landscaping works at 35 HIGH STREET, ABBOTS LANGLEY, WD5 0AA.**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 19.01.2024  
(Extension of Time: 23.08.2024)

Ward: Abbots Langley & Bedmond  
Case Officer: Scott Volker

Recommendation: That subject to the recommendation of approval/no objection from the Landscape Officer and the Environmental Health Officer, 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 Landscape Officer and Environmental Health Officer.

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council for reasons set out at paragraph 4.1.1 below.

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=S30Q92QFHHH00>

#### **1 Relevant Planning History**

1.1 None.

#### **2 Description of Application Site**

2.1 The application site is 'L' shaped, measuring approximately 1700m<sup>2</sup> and located to the northern end of the Abbots Langley High Street between the secondary shopping area to the south and residential properties to the north. The site has a single vehicular access onto the High Street approximately 10 metres to the south of a mini roundabout occupying the junction of the High Street and the residential cul-de-sac of St Lawrence Court opposite the site. St Lawrence Church is a Grade I Listed Building located to the north-west of the mini-roundabout and is clearly visible from the application site.

2.2 The site is occupied by a primarily flat roofed single storey building which was formerly operated as a Chinese restaurant. A car park occupies the front part of the site adjacent to the highway and continues along the southern boundary of the site adjacent to the shopping parade. The existing building also has a smaller two storey element which contained a residential unit at first floor level in keeping with the building's historic use as a Public House. This first floor element is set back from the highway and relatively unobtrusive from the High Street as it occupies an area of land that extends to the rear of the dwellings fronting the High Street. Apart from the two-storey building, this area at the rear is laid to grass and was formerly the pub garden.

2.3 The site is located within the Abbots Langley Conservation Area, is within an area of archaeological importance, directly abuts a designated secondary shopping area and is sited opposite a Grade I Listed Church. Two of the dwellings to the immediate north (23 and 25 High Street) are Grade II Listed Buildings, with the rear boundaries of these properties abutting the rear part of the site. A further two buildings immediately abutting the site are Locally Important (The Boys Home Public House and 27 High Street). Additional listed buildings and locally important buildings exist in the wider street scene, primarily to the north of the site.

- 2.4 The site is also identified in the Site Allocations Development Plan Document (Site H(3)) for residential development with an indicative capacity for ten dwellings.

### 3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing building and the redevelopment of the site involving the erection of two 2-storey terraces providing a total of **six dwellings** with associated bin store, parking and landscaping works. The proposal would provide 1 x 3-bed unit and 5 x 2-bed units.
- 3.2 One row of three dwellings (Plots 1-3) would front the High Street and hold a uniform front building line. This row would be set back from the High Street and would continue to provide an active frontage to the road. Plot 1 would contain the sole 3-bed unit within the development. The terrace row would have width of 22.5m and would be two storey of red brick exterior and tiled pitched roof with gable ends. Each dwelling would benefit from a two-storey gabled rear projection but the main part of the dwellings would measure 6.3m in depth. Private amenity spaces would be provided to the rear ranging between 66.5-107.6sqm in size.
- 3.3 The other three terraced dwellings would be located to the north-east corner of the site and be oriented perpendicular to the road and would each benefit from a small frontage facing onto the parking forecourt. This row would measure 15.4m in width and share uniform front and rear building lines measuring 9.2m in depth. These dwellings would have a red brick exterior with tiled pitched roof and gable ends. Each dwelling would have access to a private amenity space ranging between 74.2-102.3sqm in area.
- 3.4 The existing access point to the south of the site would be retained and would lead to a courtyard, providing vehicular access to the parking spaces and lead to Plots 4-6. A total of 14 spaces are proposed. A secure refuse enclosure would also be located within the southern corner of the courtyard close to the vehicular access.
- 3.5 Amended plans were received during the application process making the following alterations:

#### Plots 1 - 3

- Two-storey rear projection of Plot 1 stepped in from outside flank elevation.
- Rear projections of all 3 terraced dwellings set down from the principal ridge.
- False blocked window added to the first floor on the front elevation of Plot 1.
- Brick band detail between ground and first floor to run through all three dwellings.
- Flat roof canopy porches added to all dwellings instead of pitched.
- False chimneys added to all three dwellings.

#### Plots 4 – 6

- Removal of flat roof dormer windows to the roof on front and rear elevations of all three dwellings.
- Removal of roof lights to roof on front elevation of all three dwellings.
- Reduced from 3-bed units to 2-bed units.

### 4 Consultation

#### 4.1 Statutory Consultation

##### 4.1.1 Abbots Langley Parish Council - First Consultation: [Objection]

*Given the location of this site in a conservation area and its proximity to both listed buildings and a church, Members feel the three houses fronting the High Street have a modular form that conflicts with the character of the High Street which has undulating elevations and a*

*variation of materials used between dwellings. Members object to the scheme as presented and should planning officers be of a mind to approve this application as presented, members would request this application be called into committee.*

*Furthermore, Members acknowledge this is a brownfield site and the use of this land for housing is a positive solution to the current housing crisis. Members feel, however, the proposed dwellings should be far more biodiverse with regard to the inclusion of bird housing within the design.*

#### 4.1.1.1 Abbots Langley Parish Council - Second consultation: [Objection]

*Members have reviewed the proposed amendments and feel the concerns raised in our comments on the initial application have not been addressed. The modular form still does not configure with character and historical context of the site.*

#### 4.1.2 Conservation Officer - First consultation: [Objection]

*This application is for the demolition of existing building and erection of 6 no. two storey semi-detached dwellings with associated bin store, parking and landscaping works.*

*The application site is located in the Abbots Langley Conservation Area and is within the immediate setting of designated and non-designated heritage assets which are highlighted below.*

*Designated assets:*

- Number 23, early 19th century dwelling (possibly earlier), Grade II listed (list entry: 1100882)*
- Number 25, early 18th century dwelling (possibly earlier), Grade II listed (list entry: 1100883).*

*Non-designated assets:*

- Numbers 21, The Boy's Home Public House*
- Number 27, an early 19th century dwelling*
- Numbers 29-31, 19th century dwellings*

*The application site is roughly an L-shape, wrapping around the domestic gardens of Numbers 23-31 High Street to the east and south. Historic map regression shows that there was historically built form in the approximate location of proposed units 1-3, annotated as the Kings Head P.H on the nineteenth century Ordnance Survey maps. The public house was demolished in the mid/late twentieth century and replaced with the current buildings on the site.*

*The existing site has a mid/late 20th century two-storey dwelling set on an east west axis and a large single storey structure to the front with a large area of hardstanding between the building and the High Street that is used for car parking. The Conservation Area appraisal notes that the site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. The site in its current form does not make a positive contribution to the significance of the Conservation Area.*

*The principle of sensitive redevelopment of the site would be considered acceptable from a conservation perspective. The proposed development would comprise of six new residential dwellings in two groups of three. Units 1-3 would occupy the front of the plot and front the High Street, units 4-6 would be set back within the plot occupying roughly the same position as the existing two-storey dwelling.*

*The submitted streetscene and cross section are useful, but they only depict the proposed dwellings from a limited perspective. For example, the streetscene from the High Street does not show how units 4-6 would be viewed within the gap between proposed dwelling 3*

and Number 31. The cross-section showings units 4-6 does not show the rear gable projection of unit 1 and only shows the narrowest part of the row when viewed from the south looking north. I recommend additional street scenes or viewpoints are taken from other aspects in order to understand the full visual impact of the development.

#### Plots 1-3

I recommend that the two-storey projection of unit 1 is stepped in, currently it is one continuous massing, and this would benefit from some articulation. There is a preference from the rear projection to unit 2 and 3 to be set down from the principal ridge so that it is more consistent with other two-storey rear extensions throughout the area. Adding chimneys or a step in the ridge line would also add visual interest to the roofscape and break up the massing of units 1-3. This would also better relate to the historic residential dwellings along the High Street.

#### Plots 4-6

There are some concerns regarding the proposed two and a half storey scale of these units as this is contrary to scale of the surrounding buildings. I acknowledge that the dwellings would be set back within the plot which may reduce the perceived scale. However, as these units are not shown in the indicative streetscene, the full impact cannot be understood at present.

The large, flat roof dormers would not be supported in principle as they would appear untraditional and overly dominant. There appears to be no examples of flat roof dormers to the historic dwellings that are adjacent to the site, the proposed dormers would be an incongruous feature that would likely be visible from the streetscene as well as from the listed and locally listed buildings. I recommend that the dormers to the front are omitted, and the rear dormers significantly reduced in scale. There may be scope for small flat or duo pitched dormers to the rear of units 4-6.

Similarly, front roof lights would be avoided, these would be visible from the streetscene due to the orientation of the row and the gap between unit 3 and Number 31.

There is potential for sensitive redevelopment of the site. However, there are elements of the current scheme that would not preserve the character and appearance of the Conservation Area. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202.

#### 4.1.2.1 Conservation Officer – Second Consultation: [No objection]

This is the second consultation within this application. Initial advice is summarised below:

##### Plots 1-3

- Recommend that the two-storey projection of unit 1 is stepped in.
- Recommend that the projection to unit 2 and 3 to be set down from the principal ridge.
- Adding chimneys or a step in the ridge line to add visual interest to the roofscape.

##### Plots 4-6

- Concerns regarding the 2.5 storey scale which did not relate to the scale of existing residential development.
- Concerns regarding the large flat roof dormers to both front and rear roof slopes.
- Omit roof lights visible from the streetscene.

The above recommendations have been adhered to. The rear projections of plots 1-3 have been reduced, chimneys added and brick banding added between the ground and first floor. There is a preference for the chimneys to be positioned along the party walls and to the

*flank elevation; this would be a more traditional arrangement. in the Plots 4-6 are now two-storey in scale with no additions to the roof, better reflecting the scale and form of the existing building to the rear of the plot.*

*Were permission granted, I recommend that the following condition are attached:*

- Samples of the proposed elevation treatment and roof covering shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site.*
- Details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority prior to their first installation or construction on site.*
- Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority.*
- Details of all hard and soft -landscaping and boundary treatments must be approved in writing by the local planning authority prior to the commencement of any landscaping works.*

4.1.3 Hertfordshire County Council - Highway Authority: [No objection, subject to conditions and informatives]

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

- 1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
  - a. Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).*
  - b. Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.*

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

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

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

- vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).*
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.*

*2. B: Highway Improvements – Offsite (Implementation / Construction)*

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

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

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

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

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

### *4. Construction Management Plan*

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

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

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

### *Highway Informatives:*

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

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

*The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.*

### **Comments / Analysis**

*The proposal comprises of a development of 6 residential dwellings at 35 High Street, Abbots Langley. High Street is designated as a classified C local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is*

*classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.*

#### Access

*There is an existing bellmouth access into the existing site, which is currently used by a restaurant. There is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 D. HCC as Highway Authority would not have an objection to the relocated position and there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.*

*It would be recommended that a vehicle crossover access is provided rather than a bellmouth access. This would be considered to be acceptable to provide access to 6 dwellings and would give greater priority to pedestrians using the existing footway along High Street, which would ensure that the proposals are in accordance with HCC's Local Transport Plan and its emerging Place & Movement Planning Design Guide.*

#### Refuse, Service and Emergency Vehicle Access

*No specific details have been provide in respect to emergency or service access. Whilst there would not be any significant concerns, it would be recommended that a swept path analysis / tracking plan is provided to illustrate that the largest vehicles requiring access to the site would be able to turn around and egress to the highway in forward gear. Any access and turning areas would need to be kept free of obstruction to ensure permanent availability and therefore consideration would need to be given to preventing vehicles parking on any turning areas and access routes.*

*It would also be required that the refuse collection arrangements are also detailed (whether kerbside or within the site) and would also need to be confirmed as acceptable by Three Rivers District Council (TRDC) waste management.*

*The Highway Authority does not have any specific concerns in respect to access for emergency vehicles. It has been considered that the arrangements would enable fire tender access to within 45m to all parts of the proposed dwellings, which is 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).*

#### Section 278 Highway Works

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

- *vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs.*
- *extended pedestrian footway and highway verge and any associated works on the north side of the relocated access / the closure of the any parts of the existing vehicle access.*

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

*The HA would not agree to adopt any of the proposed internal access roads as the route would not be considered as being of utility to the wider public. However, the works would need to be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire and MfS. The developer would need to put in place a permanent*

arrangement for long term maintenance. At the entrance of the development, the road name plate would need to indicate that it is a private road to inform purchasers of their future maintenance liabilities.

### Car Parking

The proposal includes the provision of 14 car parking spaces for the dwellings. HCC as the Highway Authority's would not have any objections to the overall level of car parking.

An appropriate level of electric vehicle charging (EVC) provision should be provided, with an active EVC point for each dwelling. This is to ensure that the proposals are in accordance with LTP4, Policy 5h in this respect, which states that developments should "ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future". The layout of the car parking areas is considered to be acceptable by HCC as Highway and is accordance with guidance as laid out in Manual for Streets.

The Design and Access Statement states that "sufficient space is available for cycle storage within the curtilage of each dwelling". HCC as Highway Authority would deem this necessary to support and maximise cycling as a sustainable form of travel to and from the site and would therefore support covered cycle storage where possible and appropriate.

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

### Trip Generation

The level of trips associated with 6 dwellings would not be considered to be significant enough to recommend refusal from a highways perspective, particularly when compared to existing restaurant use.

### Conclusion

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

- 4.1.4 TRDC Tree and Landscape Officer: [No comments received. Any comments provided will be verbally updated]
- 4.1.5 National Grid: [No comments received. Any comments provided will be verbally updated]
- 4.1.6 TRDC Environmental Health Officer: - [No comments received. Any comments provided will be verbally updated]

## **5 Public/Neighbour Consultation**

- 5.1 Number consulted: 16
- 5.2 No of responses received: 4 (3 objections, 1 neutral)

**Site Notice:** Posted 09.12.2023 Expired: 02.01.2024.

**Press Notice:** Published 08.12.2024 Expired 31.12.2024

- 5.3 Summary of responses:

- Concerns regarding asbestos management during demolition
- Dwellings are of modern design not in keeping with the Conservation Area

- Flat dormers of plots 4-6 do not complement the existing Elizabethan cottages in the High Street.
- Covenant determined that the site must always facilitate a public house of some description.
- Site has been a community area and would be a shame to turn it into private housing.

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

### **6.1 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).

S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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.

### **6.2 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 PSP2, CP1, CP2, CP3, CP4, CP6, 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, DM3, DM4, DM6, DM9, DM10, DM13, Appendix 2 and Appendix 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA1 and Site H(3) are relevant.

### 6.3 Other

Abbots Langley Conservation Area Appraisal (2014).

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

Housing Land Supply Update (December 2023)

Housing Delivery Test Action Plan (published June 2024)

## 7 **Reason for Delay**

7.1 Submission of amended plans and obtaining consultation responses.

## 8 **Planning Analysis**

### 8.1 Principle of Development

8.1.1 The proposal would result in the net gain of six residential units within the application site. The site is allocated as housing site H(3) in the Site Allocations LDD (SALDD) (adopted November 2014) with an indicative capacity of 10 dwellings and an indicative phasing of 2021-2026. Policy SA1 of the Site Allocations LDD states that sites should be developed at an overall capacity which accords generally with the indicative capacity set out for each site.

8.1.2 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.

8.1.3 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.

8.1.4 Paragraph 124(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. 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.

- 8.1.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place on previously developed land and appropriate infilling opportunities within Key Centres. Policy PSP2 indicates that the Key Centres including Abbots Langley will provide approximately 60% of the District's housing requirements over the plan period. The site is previously developed "brownfield land" within the settlement boundary and is on the Brownfield Land Register (2023) which confirms that the site is appropriate for residential development and that development is achievable.
- 8.1.6 Therefore, the principle of residential development is established when considering the proposal against Policy CP1 which states that development in Three Rivers will contribute to the sustainability of the District by guiding development onto brownfield land.
- 8.1.7 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.
- 8.1.8 In response to the Housing Delivery Test Result for the Council an Action Plan was required, setting out actions to improve housing delivery. The Action Plan published June 2024 states at paragraph 3.23 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'.
- 8.1.9 This proposal would provide six dwellings (net gain of six) on the site which would weigh in favour of the development having regard to the Council's current position regarding housing delivery. Officers note that the provision of six dwellings is lower than the indicative capacity set out in the Site Allocations LDD; however, officers consider the proposed quantum is the most efficient use of the brownfield site when factoring in the sensitive location of the site within the Abbots Langley Conservation Area surrounding by several statutory listed and locally listed buildings. Therefore, the slight undersupply compared to the indicative allocation is considered acceptable.
- 8.2 Design and impact on Character, Street Scene and Heritage Assets:
- 8.2.1 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'.
- 8.2.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- 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.)

- 8.2.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 8.2.4 Paragraph 135(c) 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). The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 8.2.5 The application site is located in the Abbots Langley Conservation Area and close to listed buildings; as such Policy DM3 of the Development Management Policies LDD (adopted July 2013) applies. Policy DM3 sets out that the Council will preserve the District's Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building's character as a building of special architectural or historic interest or its wider setting and any change of use would preserve its character as a building of special architectural or historic interest and ensure its continued use/viability. With regard to development in Conservation Areas, Policy DM3 states that development will only be permitted if the proposal is of a design and scale that preserves or enhances the character and appearance of the area and uses building materials, finishes, including those for features such as walls, railings gates and hard surfacing, that are appropriate to the local context.
- 8.2.6 The built form within this part of the High Street and Abbots Langley Conservation Area are typified by two storey development. Whilst there is some three storey development evident at the southern end of the High Street, this does not form part of the immediate surroundings of the site and is atypical in the Conservation Area. All of the properties on the east side of the High Street front onto the High Street and are predominantly built up to the pedestrian footway (excluding 23-27 High Street and the buildings contained within the application site (which are set back) with private residential amenity spaces and parking and associated space for the commercial parade located behind. The application site is set between the historic part of the conservation area situated to the north and the more modern element located to the south.
- 8.2.7 The proposed development would not result in a tandem form of development. Recognising that the application site is sensitively located within the Abbots Langley Conservation Area and in close proximity to the Grade I Listed Church of St Lawrence, directly adjacent to two Grade II Listed dwellings and two further locally important buildings means that the acceptability of the scheme would depend significantly to the appearance of the proposed buildings and the layout of the site.

- 8.2.8 The submitted details and plans indicate that the proposed buildings would be street or courtyard facing with private gardens located to the rear which would be in keeping with the general layout of residential plots in the area. Focussing on Plots 1-3, these street facing dwellings follow the key characteristics of the historic part of the conservation area to the north of the site by incorporating the slight setback from the highway to provide a front courtyard. This ensures a continuation of the character and appearance of the conservation area. Although there is some variation in plot shapes in regard to Plots 1-3, they would continue to be of a reasonable size and there is notable variation in plots shapes and sizes within surrounding area such that Plots 1-3 would not appear incongruous. Adequate spacing would be retained between the proposed terraces and their respective flank boundaries; and although the front corner of Plot 1 would be built in close proximity to its adjacent southern boundary, the dwelling is set beside the access into the site and the boundary line with the service road is splayed therefore allowing for a continued sense of spaciousness and ensuring the building would not appear cramped.
- 8.2.9 Turning to the Plots 4-6, these would not be readily visible from the public realm but even so, they continue to maintain the general character and layout of the historic part of the conservation area. There would be spacing of either 1.2m – 1.4m between the outside flanks of the end terraces and the adjacent boundaries which would be compliant with the guidance set out at Appendix 2 to ensure adequate spacing is maintained. The plots themselves would be uniform in shape – there would be some variation in size of the plots, but they would all conform to the varied size and shape of plots within the vicinity of the development site. The dwellings would also not appear disproportionate or cramped relative to their respective plots and are therefore considered acceptable in this regard.
- 8.2.10 The Conservation Officer was consulted on the application and drew upon the Conservation Area appraisal which highlighted that the application site contains a poor example of modern infill and the setback nature and area of hardstanding breaks up the unity of the streetscene. Thus, the Conservation Officer identified that the site in its current form does not make a positive contribution to the significance of the Conservation Area and they did not raise an objection to the principle of a sensitively designed redevelopment from a conservation perspective; however they initially held concerns with some elements of the current scheme highlighting that the terraced properties fronting the High Street lacked visual interest and did not relate to the historic residential dwellings found along the High Street. Further recommendations were to reduce the size of the two storey rear projections of these dwellings so that they were more consistent with other two-storey rear extensions found in the area. With regards to Plots 4-6 the conservation officer raised in principle objections to the inclusion of flat roof dormers as they are considered untraditional and overly dominant. Additionally, they requested the removal of the dormers and rooflights proposed within the front roof slopes of these rear properties.
- 8.2.11 The applicant accordingly provided amended plans which implemented the suggestions made by the Conservation Officer. The rear projections of Plots 1-3 have been reduced so that the ridges are set below the main ridge and in respect of Plot 1 the rear projection has been set in to enable the depth and the continuous mass of the outside flank elevation to be broken up. Brick band detailing between the ground and first floor, false blocked window, false chimneys and flat roof canopy porches have been added to the design of the street facing properties to add some character and better relate to the historic residential dwellings along the High Street. In addition, Plots 4-6 no longer incorporate additions to the roof, thereby better reflecting the scale and form of the existing building to the rear of the plot. All the dwellings would incorporate traditional pitched roofs which are favoured. Supplementary street scene plans were provided to show how the two rows of properties would be viewed within the context of the existing built environment; however, officers wish to highlight that the two-dimensional nature of such elevation type drawings do not reflect the perspective, depth and context when viewing the site in reality. For example, the existing two storey part of the building which is located in a similar position to Plots 4 – 6 would be largely invisible from the public realm given that it is set back so far. Plots 1 – 3 are also positioned to the

front of the site, adjoining the High Street; these would obscure Plots 4 – 6 to such an extent that they are unlikely to be experienced in any meaningful way. The Conservation Officer was reconsulted on the amended plans and retracted their original objection to the proposed development and suggested conditions relating to submission of materials, further details on windows, doors, external features and landscaping.

- 8.2.12 To summarise the above assessment, it is considered that proposed development in terms of its layout of the plots and general appearance of the properties would accord with the characteristics of the surrounding area. The dwellings in Plots 1-3 have been sympathetically designed to reflect the historic character of the conservation area and Plots 4-6 although less visible would also be similar in design to ensure the character of the properties is continued throughout the scheme. The proposed materials used for all of the dwellings appear to be acceptable; however, a condition is attached requiring the submission of details/samples of the chosen materials for review.
- 8.2.13 Paragraph 212 of the NPPF states that opportunities should be sought for new development within Conservation Areas to enhance or better reveal their significance, and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The proposed redevelopment would result in a positive impact that enhances the visual amenities of the Abbots Langley Conservation Area by replacing an underused site which negatively impacts on the visual amenities of the conservation area with a development of two rows of terraces which reflect the architectural context of the conservation area. The proposal would not harm the setting of the adjacent listed buildings. Therefore, the proposal is viewed as an enhancement to the significance of heritage asset reflective of the requirements of paragraph 203 of the NPPF and is therefore viewed positively.
- 8.2.14 In conclusion, subject to conditions, the proposed amended scheme would result in an enhancement to the character and appearance of the Abbots Langley Conservation Area and is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

### 8.3 Impact on Amenity of Neighbours

- 8.3.1 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.
- 8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD also 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.
- 8.3.3 The Design Criteria at Appendix 2 of the Development Management state that two storey development should not intrude into 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. This principle is dependent on spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 8.3.4 With respect to the closest terrace property (Plot 3) to the south of 27 and 31 High Street, the building is positioned such that it would not intrude on a 45-degree splay line in respect of either of these neighbouring properties. It is also noted that 31 High Street has recently benefited from a two-storey rear extension which is not shown on the submitted Block Plan. Although the extension is not indicated on the submitted Block Plan, the assessment has taken it into consideration. Thus, it is not considered that the dwelling in Plot 3 would appear

overbearing or overshadow the private garden of this neighbour and is an acceptable relationship.

- 8.3.5 Turning to the Plot 4, this end-terrace property would be off set from the common boundary with 27 High Street by 1.2m and there would be a total distance of approximately 13m between respective rear and flank elevations. When factoring in this separation distance with the amendments to remove the front and rear dormers it is not considered that the dwelling in Plot 4 would appear overbearing to the detriment of this neighbour or cause loss of light to the windows contained within the rear elevation of this neighbouring property. In addition, whilst it is acknowledged that there may be some degree of overshadowing of the garden this would only be for a limited to the early morning due to the orientation of the sun and the positioning of the dwelling in Plot 4 and its pitched roof design. Furthermore, it is noted the existing two storey building on the site is built up to the rear boundary of 27 High Street and thus the siting of the new development would mean that this neighbouring property would not have a materially different outlook.
- 8.3.6 Appendix 2 of the Development Management Policies LDD further outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure of 28 metres should be achieved between the faces of single or two storey buildings backing onto each other with this distance increased with additional floors. Where garden length alone is relied upon to provide privacy a minimum length of 14 metres should be achieved. There is a distance shown of almost 15 metres between the rear elevations Plots 4-6 and the northern boundary which is considered sufficient. Furthermore, the gardens of these plots back on the garden of the Boys Corner Public House. In respect of Plot 6 and those properties to the north-east fronting The Crescent, those properties benefit from long rear gardens and hold a splayed relationship to the application site. In addition, a distance of at least 50m would be maintained between the rear elevations of these properties and Plot 6 such that it is not considered that the proposed development would be harmful to those properties on The Crescent.
- 8.3.7 With regards to overlooking the Design Criteria at Appendix 2 states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 8.3.8 No glazing is proposed at either ground or first floor level within the flank elevation of Plot 3 facing 27 and 31 High Street so no overlooking would occur in this instance. Given the splayed positioning of Plot 3 there may be outlook from the first-floor windows within the rear elevation onto the rear area of 27 and 31 High Street; however, this area is not regarded as the private zone for either neighbouring property and is used as a parking area. As such, it is not considered that any harmful overlooking would occur. Glazing is proposed at first floor level within both the flanks of Plots 4 and 6 however they would both be serving a stairwell and the plans show both would be obscurely glazed. Thus, it is not considered that any overlooking would occur to surrounding neighbouring amenity.
- 8.3.9 As such, it is not considered that that the proposed development would result in any significant adverse impact towards residential amenity and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011).

#### 8.4 Quality of Accommodation for Future Occupants

- 8.4.1 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.

Section 3 of Appendix 2 of the Development Management Policies LDD sets out indicative levels of amenity space dependent on the number of bedrooms.

- 8.4.2 Appendix 2 of the Development Management Policies LDD sets out that 2-bed dwellings should provide 63sqm of private amenity space and 84sqm for 3-bed dwellings. The submitted block plan indicates that the proposed units would benefit from private amenity spaces ranging from 66-102sqm for the 2-bed units and 107sqm for the 3-bed unit. The provision for each unit is considered acceptable and in all cases would exceed the required standard.
- 8.4.3 Plots 1-3 would share uniform front building lines, and whilst at the rear each property would benefit from a two storey rear projection, they would either be connected, in the case of Plots 2 and 3, or in respect of Plot 1 set in from the shared boundary with Plot 2, such that there would be no infringement of a 45-degree splay line. Therefore, each of the rear projections would not have an overbearing impact. Turning to Plots 4-6 these would share uniform front and rear building lines and therefore would not impact on one another.
- 8.4.4 There would also be sufficient separation distance of approximately 20m as a minimum between the rows of terraces to ensure that no demonstrable harm would occur in terms of overlooking or loss of light and would benefit from sufficient privacy.
- 8.4.5 As such, it is considered that sufficient amenity space would be provided to adequately serve the occupants of the apartments and each plot would benefit from good quality accommodation in accordance with Policy CP12 of the Core Strategy and Appendix 2 of the Development Management Policies LDD.

## 8.5 Access

- 8.5.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 8.5.2 Hertfordshire County Council (HCC) as Highway Authority were consulted on the application and highlighted that High Street is designated as a classified 'C' local distributor road, subject to a speed limit of 20mph and is highway maintainable at public expense. High Street is classified as P3/M2 (High Street) on HCC's Place & Movement Network, which indicates that the highest level of place function and medium movement.
- 8.5.3 As existing the site is served by a bellmouth access and there is an existing highway footway and verge fronting the site in addition to double yellow lines directly fronting the site. The proposals include relocating the access point slightly to the south as shown on submitted drawing number 05 D. HCC did not raise an objection to this change as there would remain a sufficient level of vehicle-to-vehicle visibility when taking into account the 20mph speed limit. There would also be an additional benefit of relocating the access slightly further away from the existing mini-roundabout junction.
- 8.5.4 A vehicle crossover access is proposed to provide access to the six dwellings and give greater priority to pedestrians using the existing footway along High Street. This was considered acceptable to HCC.
- 8.5.5 Due to the nature of the works, including demolition and construction and the location of the site with access from a busy 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 required 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.
- 8.5.6 Overall, 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, subject to appropriate conditions and informatives the application is considered acceptable on highways grounds.

## 8.6 Parking Provision

8.6.1 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:

2 bedroom dwellings – 2 spaces (1 assigned)  
3 bedroom dwellings – 2.25 spaces (2 assigned)

8.6.2 A development comprising of five 2-bed units and one 3-bed unit would require a total of 10.25 parking spaces, of which 7 should be assigned.

8.6.3 The submitted site layout plan shows that 14 parking spaces would be provided. Each of the spaces would also measure 2.5m x 5m in accordance with Hertfordshire County Council guidance. The submitted plans do not indicate the allocation of parking spaces, thus a condition is attached requiring the submission of Parking Management Plan. The proposed development would exceed the required number of parking spaces; however, it is noted that the Highway Authority have recommended a condition requiring swept path analysis and tracking details for larger service vehicles to be submitted to the LPA for approval in order for them to be satisfied that such vehicles can enter and exit the site in forward gear. This may result in the provision of a turning space which could result in a slight reduction in the parking provision. Even if that is the case, sufficient parking would be provided to adequately serve the proposed development.

8.6.4 As such, it is considered that sufficient parking would be provided and the development is considered acceptable in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

## 8.7 Refuse and Recycling

8.7.1 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

8.7.2 The submitted Proposed Site Plan 06 REV-F details that a bin stand would be located in the south-western corner of the site beside Plot 1 and close to the access point. Bins associated to Plots 1-3 would be located within the individual plots. A bin store area for Plots 4-6 is located beside the parking spaces forward of these plots.

8.7.3 The TRDC Waste Services Manager was consulted on the plans and confirmed that the bins would need to be left at the kerbside for collection. The applicant has confirmed that it would be the expectation for future occupiers to transfer bins to the bin stand area for collection days. A condition would be added to secure this arrangement.

8.7.4 The development is therefore considered acceptable in accordance with Policy DM10 of the Development Management Policies LDD (adopted July 2013).

## 8.8 Housing Mix

- 8.8.1 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.
- 8.8.2 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
- 8.8.3 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
- 8.8.4 The proposed development would provide 83% 2-bed units and 17% 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).
- 8.9 Affordable Housing
- 8.9.1 **Appendix A** of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 8.9.2 As there would be a net gain of six units, the proposed development would be liable for a commuted sum payment towards affordable housing. The proposed development would result in a requirement for a commuted sum of £367,202.84 (inclusive of indexation) towards affordable housing based on a habitable floorspace of 304sqm multiplied by £750 per sqm which is the required amount in 'The Langleys and Croxley' market area.
- 8.9.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 8.9.4 The applicant submitted information with the application indicating that the scheme could not afford to make a financial contribution towards affordable housing and remain viable, due to a deficit between the Residual Land Value and the Benchmark Land Vale of £420,000. The submitted Financial Viability Appraisal was reviewed by an independent viability assessor who concluded that the scheme was able to support the full off-site affordable housing payment of £367,202.84 and remain viable.

8.9.5 Following receipt of the report, the applicant disputed the approach undertaken and therefore Quantity Surveyors Johnson Associates were appointed to independently review the Costs Plan produced by Westway Construction Ltd. They concluded that the rates used by the applicant were not unreasonable. As such, the viability assessor incorporated the revised build cost into their appraisal which subsequently produced a deficit of £115,814 and concluded that the scheme would not be able to support an affordable housing payment and remain viable.

8.9.6 As a result, based on the site circumstances it is not considered that the proposed development would be viable if required to contribute to affordable housing.

## 8.10 Trees and Landscaping

8.10.1 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.

8.10.2 By reason of the conservation area designation any trees located in the boundary of the heritage asset are afforded protection. The application is supported by an Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 221158-PD-11). The report identifies that the site contains one tree (T4 – Sycamore Tree), two shrubs (S6 & S7 - Elders) and one hedge (H12 – Cherry Laurel). The west and north sides of the rear garden area is overgrown with brambles. There are six other trees which are recorded in the tree survey (T2, T3, T5 - Sycamores, T8 - Ash, T9 – Cherry and T10 - Yew) and one formally maintained hedge (H1 – Leyland Cypress) which are located close to but outside of the site boundaries.

8.10.3 The scheme does propose the loss of one tree which is the Sycamore tree - T4 to facilitate the development. Specifically the removal of this tree is to provide adequate clearance for the construction of the proposed dwellings and to ensure that juxtaposition of the retained trees and proposed dwellings is appropriate. No other trees are proposed for removal, the Cherry Laurel hedge – H12 and the brambles are to be removed which are Category 'C' and 'U' respectively. The tree for removal is rated a Category 'B' tree and is located along the eastern boundary of the site. It is only the upper crown which is visible when viewed from the High Street and the Arboricultural Impact Assessment states that its removal would have a low visual impact on the area. This partly due to the larger Sycamore trees (T2 and T5) either side and one small Sycamore tree (T3) behind will be retained.

8.10.4 New planting is proposed as part of the development to mitigate against the loss of T4. It is proposed to plant four new trees and several smaller plants. Subject to a condition requiring a hard and soft landscaping scheme, officers consider the proposed development to be acceptable in respect of Policy DM6. The condition will also ensure that the soft landscaping takes account of the recommendations set out at Section 6 of the Environmental Impact Assessment prepared by Windrush Ecology dated October 2023. The Landscape Officer has been consulted on the application but at the time of writing has not provided comment. Any comments received will be verbally updated.

## 8.11 Sustainability

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

8.11.2 The application is accompanied by an Energy Statement prepared by Watts dated 9th October 2023 (Ref. 201152) which identifies that the proposed dwellings would achieve

between 59-64%% 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 air source heat pumps to each property. A condition would require that works are carried out in accordance with this statement.

## 8.12 Wildlife and Biodiversity

8.12.1 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.

8.12.2 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, an Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 and a Phase 1 Habitat Survey.

8.12.3 The submitted report concluded that the former restaurant building and its grounds are both considered to have 'negligible' potential. Overall, the proposals will not result in significant ecological impacts. The loss of the buildings and hardstanding will not affect habitats of any ecological value, and the loss of the existing garden would be compensated for through the creation of new gardens and amenity areas associated with the proposed residential development. In addition, the calculations included within the report indicate that the development would result in a biodiversity net gain of +26.98 habitat units. This gain would be achieved through the inclusion of increased levels of landscaping across the development site. The submitted EIA recommends that the landscape areas should comprise native species where possible, as well as ornamental plants of known value to wildlife. A suggested list is provided at Appendix 6 of the EIA. It further recommends both bird boxes and bat boxes/bricks are incorporated into the development. This will be secured by condition.

8.12.4 The proposal therefore delivers a measurable net gain in biodiversity. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken. As such, it is considered that the scheme would be acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

## 8.13 Mandatory Biodiversity Net Gain

8.13.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

8.13.2 This application was received prior to the 2 April 2024 and as such the above does not apply to this proposal.

## 8.14 Contamination

8.14.1 Policy DM9 advises that the Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

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

8.14.2 The application is supported by a Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd. dated November 2022 (Ref. R22134). The report provides several recommendations including the undertaking of an asbestos survey of the existing structure on site prior to the demolition. Provided that the recommendations are adopted, the report concludes that the risk to future occupants and controlled waters because of contamination identified at the site will be low.

8.14.3 In light of the above, a condition requiring the development to be implemented in accordance with the submitted Phase 1 and 2 Interpretative Ground Investigation Combined Report is recommended.

8.14.4 The Environmental Health Officer has been consulted on the application to seek their views on any potential contamination and remediation requirements and any comments received will be verbally updated.

## 8.15 CIL

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

## 8.16 Planning Balance / Tilted Balance and Conclusion

8.16.1 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.

8.16.2 In respect of part (d)(i), the development is not considered to result in any demonstrable harm when assessed against all material planning considerations and therefore would not conflict with the NPPF in respect of promoting sustainable development. It is also recognised that the development would contribute to the shortfall in housing. In view of the above, it is considered that in relation to paragraph 11 part (d)(ii) of the NPPF that there are no adverse impacts that significantly and demonstrably outweigh the benefits of the development.

## 9 **Recommendation**

9.1 That subject to the recommendation of approval/no objection from the Landscape Officer and the Environmental Health Officer 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 Landscape Officer and Environmental Health Officer:

- 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:

TRDC 001 (Existing Floor Plans)

171123/1

171123/2

171123/3

171123/4

00 B

12 - B

05 REV-H

06 REV-G

07 REV-G

08 REV-E

09 REV-E

10 REV-G

11 REV-F

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 PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM9, DM10, DM13, and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), the Abbots Langley Conservation Area Appraisal (2014) and the NPPF (2023).

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Tree Protection Plans 22/1158-P-12 (Tree Protection Plan for Demolition) and 221158-P-13 (Tree Protection for Construction) contained within the Arboricultural Impact Assessment prepared by Tim Moya Associates dated March 2023 (Ref. 221158-PD-11) accompanying this application.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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 development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a. Indicative plan showing a vehicle crossover access made up of 6 flat kerbs (5.4m wide) and two ramped kerbs (rather than the indicated bellmouth access).

- b. Swept path analysis to illustrate that the largest anticipated vehicles requiring access to the site would be able to turn around on site and egress to the highway in forward gear.

The development shall thereafter be implemented only in accordance with the details approved by this condition.

Reason: This is a pre-commencement condition to ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- C6 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).

- C7 Before any above ground works commence, , additional drawings showing details of new windows, doors, eaves and cills in section and elevation, at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C8 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground

service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken 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).

C9 Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- vehicle crossover access made up of 6 flat kerbs and two ramped kerbs (total of 7.2m).
- extended pedestrian footway and highway verge and any associated works on the north side of the relocated access.

The development shall be carried out in accordance with the approved details prior to the first use of the development.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C10 No above grounds works shall commence 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 soft landscaping scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping and account of the recommendations at Section 6 of the Ecological Impact Assessment dated October 2023, and the hard landscaping shall include 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 (i.e. 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, a schedule with clear photographs of samples and details of the types, colour and finish of all external materials including brick type, mortar mix and bond, tiles, and rainwater goods 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 only in accordance with the approved details.

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 Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C12 The development hereby permitted shall be undertaken in accordance with the Phase 1 and 2 Interpretative Ground Investigation Combined Report prepared by Ground GeoConsulting Ltd dated November 2022 (Ref. R22134).

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

- C13 Before above ground works commence, details of the location, type and number of the bird brick houses and bat bricks and/or bat boxes to be installed as recommended within the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 shall be submitted to and approved by the Local Planning Authority, installed in full prior to the first occupation of the development and permanently maintained thereafter. These maintenance free roosts shall be installed at least 3m off of the ground and facing in a southerly direction.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C14 Prior to the installation of any soil ventilation pipes, air extraction pipes, boiler flues or ducting, details of their location, design and materials shall be submitted to and approved in writing by the local planning authority. The items shall thereafter be installed only in accordance with the details approved by this condition.

Reason: To ensure the architectural character of the building is appropriate in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted the proposed internal access roads, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 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).

- C16 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).

- C17 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. Any fencing proposed shall incorporate hedgehog highway in accordance with the Ecological Impact Assessment (EIA) prepared by Windrush Ecology dated October 2023 with the location of these include in the plan submitted to the LPA. 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 and to maintain wildlife habitat in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C18 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.

- C19 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities and the collection point 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).

- 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 of the Abbots Langley Conservation Area to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C21 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.

Class A - enlargement, improvement or other alteration to the dwelling  
Class B - enlargement consisting of an addition to the roof  
Class C - alteration to the roof  
Class D - erection of a porch  
Class G - provision of a chimney, flue, soil or vent pipe

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, in the interests of the visual amenities of the site, and to preserve the setting and significance of the Abbots Langley Conservation Area and surrounding Listed Buildings and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 9.2 **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](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.