

10. **18/0351/FUL Erection of 28 residential units, together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace, at LAND ADJACENT LAKEVIEW, RAILWAY TERRACE, KINGS LANGLEY, HERTS for Mr W Dalton (DCES)**

Parish: Abbots Langley
Expiry of Statutory Period: 28 May 2018

Ward: Gade Valley
Case Officer: Suzanne O'Brien

Recommendation: That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application. The application to then be returned to a future Committee meeting for decision.

Reason for consideration by the Committee: Due to the interest in relation to the outline consent 16/1500/OUT the application has been referred to Committee.

1. **Relevant Planning History**

- 1.1 8/74/86 - Erection of 15 Terraced houses and 22 flats with parking areas and ancillary works. Refused 17.04.86 for the following reasons:

R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural character of this part of the Metropolitan Green Belt separating the adjacent Kings Langley area from the development of Hemel Hempstead to the north.

R2 The scheme comprises a cramped form of development particularly within the courtyard with some dwellings being particularly close to the vehicular activities of adjacent car parking areas.

R3 The submitted proposal provides inadequate car parking and garaging spaces to meet the District Council's current approved car parking standards albeit that the scheme complies with the District Council's former car parking.

- 1.2 8/971/86 - Erection of buildings for high technology use comprising light industrial and office use within associated car parking. Refused 26.02.87 for the following reasons:

R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. The proposed development adjacent to the lake and close to the canal and open land to the west would detract from the rural character of this part of the Metropolitan Green Belt separating the adjacent Kings Langley area from the development of Hemel Hempstead to the north.

R2 The proposal would be contrary to policy No. 9 of the approved Three Rivers District Plan which seeks to direct new industrial development not to Green Belt areas, but to areas allocated on the District Plan Proposals Map for industrial purposes.

- 1.3 8/972/86 - Erection of 4 two bedroom houses and 14 two bedroom flats. Refused 26.02.87 for the following reason:

R1 The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the Approved Hertfordshire County Structure Plan and the Three Rivers District Plan not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. The proposed development adjacent to the lake and close to the canal and open land to the west would detract from the rural character of this part of the Metropolitan Green Belt separating the adjacent Kings Langley area from the development of Hemel Hempstead to the north.

- 1.4 8/919/90 - Use of land for car parking (Established Use Certificate). Refused 17.11.92.
- 1.5 15/1589/RSP - Retrospective: Use of existing hardstanding area for car parking and use of existing building for storage - Permitted 21.09.15.
- 1.6 15/0430/PREAPP - Outline Application: Construction of up to 28 dwellings, together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace with access, appearance and layout to be considered (landscaping and scale reserved) – Closed 17.04.15.

Lakeview, Railway Terrace (Former Abbots Factory Site)

- 1.7 8/81/86 - (Outline) Demolition of factory and Erection of 46 flats with parking spaces and ancillary works – Permitted 29.05.86.
- 1.8 8/906/86 - Erection of 28 two bedroom flats and 10 single bedroom flats with parking space and ancillary works - Permitted 26.02.87.
- 1.9 16/1500/OUT – Outline Application: Construction of up to 28 dwellings, together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace with access, appearance and layout to be considered (landscaping and scale reserved) – Permitted 24.10.2016.

2. Description of Application Site

- 2.1 The application site has an area of approximately 8,300sqm and is located to the west of Railway Terrace, Kings Langley. It comprises a parcel of open land with an area of verge adjacent to the highway of Railway Terrace. The main part of the site is up to approximately 85m wide (south west to north east) and 115m deep (south east to north west). It is understood that the site was previously used as a car park for employees of the Abbots printing works prior to its redevelopment as the Lakeview residential development which is opposite the site to the east.
- 2.2 To the east part of the site closer to Railway Terrace there is a large area of hardstanding along with a derelict single storey flat-roofed structure towards the north east and three shipping containers. The western part of the site consists of overgrown scrub land with trees and vegetation to the boundaries and an area of denser woodland and trees to the south west. A Tree Preservation Order (TPO864) has been made to cover groups and individual trees to the south and west part of the site and Hawthorns to the east site frontage with Railway Terrace.
- 2.3 To the north of the site is a large private lake which is at a lower level, and to the west of the site is a weir and sluice channel and the Grand Union Canal. To the south is an electricity substation and commercial development known as Masters Yard and Abbots Business Park with various warehouse style buildings and a two storey building which

includes windows facing the application site. Residential development is located beyond this as well as on the opposite side of Railway Terrace.

- 2.4 The character of the area is mixed with various commercial buildings and a mix of residential types including flats, terraces, semi-detached and detached dwellings. There are bus stops on both sides of Railway Terrace in close proximity to the entrance of the site.
- 2.5 The site forms part of allocated Housing Site H(1) and the wider site is allocated for mixed use as part of Employment Site E(e), and on adoption of the Site Allocations document in 2014 the site was removed from the Green Belt.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of 28 dwellings, together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace.
- 3.2 The submission indicates provision of 28 dwellings on the site comprising two 1-bedroom flats, four 2-bedroom flats, five 2-bedroom houses, 14 3-bedroom houses and three 4-bedroom houses. The application proposes that 9 of the dwellings would be provided as social rented and 4 would be shared ownership.
- 3.3 To the north east of the site fronting Railway Terrace would be two pairs of semi-detached dwellings (Plots 1-4). The pairs of semis are shown to be 13.5m wide and 9.5m deep. The dwellings would have pitched roofs with a height of 8.5m and gabled front projections.
- 3.4 To the south of these dwellings there would be an altered access to Railway Terrace leading to a new cul-de-sac estate road within the site. Plots 5-10 north of the access road would comprise of three pairs of semi-detached dwellings with detached garages and roof level accommodation served by front and rear dormers. The rear dormers would contain balconies. Plot 11 would be located within the north west corner of the site and would consist of a detached two storey dwelling served by a detached garage. Plots 12 and 13 would comprise two storey detached dwellings served by detached garages. These detached dwellings would be sited to the south of the access road and would be orientated so that the front elevations face in a south west direction. Plots 14 and 15 would be sited to the south of the access fronting the access road. They would consist of two detached pitched roof dwellings served by detached garages.
- 3.5 The affordable housing would be sited in the south east corner of the site to the south of the access. Plots 16-18 would comprise a row of three terrace properties with a width of 16.6m and depth of 9m fronting Railway Terrace. To the south of the row of terrace properties plots 23-28 would comprise a three storey block of six flats which would also front Railway Terrace. The block of flats would measure 16.1m in width, 12m in depth and 9.7m in height with gabled front and rear elevations. Plots 19-22 would be sited to the rear of the flats and would comprise of a row of four terraces with a width of 20.1m. The row would have a staggered footprint with a maximum depth of 10.1m.
- 3.6 Each house is shown to benefit from a private rear garden, with communal amenity space to serve the flatted block. Parking for Plots 1-4, 16-18, 23-28 and 19-22 would sited to the rear of the amenity space provision. Plots 6-15 would be served by on-site parking provision and would be served by detached garages.

4. Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No objection]

4.1.2 Affinity Water: [Advice] Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Hunton Bridge Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

4.1.3 Canal and River Trust: [No objection] The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have **no comment** to make.

4.1.4 Dacorum Borough Council: [Comment] We do not object to the principle of development in this general location given:

The site forms part of allocated Housing Site H(1) and the wider site is allocated for mixed use as part of Employment Site E(e), and on adoption of the Site Allocations document in 2014 the site was removed from the Green Belt." (para. 2.5 Applicant Planning Statement)

We also note that permission was given in outline for housing on the site (16/1500) and we welcome the affordable housing at 46% of the total units as these are likely to meet needs into Dacorum. It will be for Three Rivers to comment in detail on the suitability of the development in terms of scale/design/layout, etc.

Our main concern is the scheme's relationship with the adjoining Rectory Farm site on Hempstead Road. While there are no firm proposals for development in the immediate location at this stage (or at the time of the earlier outline planning application stage), it is clear that the previous landowners were keen to promote the Rectory Farm site for housing through the new Local Plan (and potentially separate interest as a standalone site in terms of the built part of the land). At present the land is identified as a potential Green Belt change recommended for further consideration through the Stage 2 Green Belt review. It was also identified as a greenfield site being promoted for housing in the Schedule of Site Appraisals (site ref. KL-h2) as part of the recent consultation on the Local Plan (Issues and Options) late last year. On this basis, we would encourage Three Rivers to seek a high quality form of development on the application site that takes into account the potential wider implications/setting of the development on the Rectory Farm site in terms of design, views, landscaping, impact on the GUC, etc. We would stress that the scheme will begin to set the shape and quality of change in this general location.

4.1.5 Environment Agency: [Advice]

Flood Risk

The proposed development lies partly within Flood Zone 2 and falls under our Flood Risk Standing Advice (FRSA). You will need to ensure you are satisfied that the proposal is in accordance with our FRSA. You will also need to follow the 'what to check in an assessment' sections to review a flood risk assessment.

Groundwater

The site is located in a Source Protection Zone 2 (SPZ2). We have recently revised our risk based consultation criteria to focus our efforts on those development sites with the greatest environmental sensitivity. As such we are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

The developer should ensure that they have addressed any risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework (NPPF) and the Environment Agency Groundwater protection guides on gov.uk.

- 4.1.6 Environmental Health: No comments received.
- 4.1.7 Environmental Protection: No comments received.
- 4.1.8 Hertfordshire and Middlesex Wildlife Trust: No comments received.
- 4.1.9 Economic and Sustainable Development: No comments received.
- 4.1.10 Hertfordshire Constabulary Crime Prevention Design Advisor: No comments received.
- 4.1.11 Hertfordshire County Council Archaeology: [No objection]

Please note that the following advice is based on the policies contained in the National Planning Policy Framework.

The proposed development site is situated adjacent to the river Gade. Surviving alluvial deposits within the valley bottom of the river Gade have a high potential for prehistoric remains and associated evidence of past environments.

The Historic Environment Record notes that a thick layer of peat which was radiocarbon dated to the early Neolithic was found during archaeological investigations at Abbots Business Park to the south of the site (HER15562). Human remains of medieval or earlier date were found recently further down the valley beneath a layer of peat, during drainage works on an industrial site (HER13569).

In addition, to the south of Kings Langley the remains of a Roman villa were found beside the river Gade and the postulated route of a Roman road lies to the east of the site. The area of development lies at a crossing point of the river which is shown on the OS mapping from the 1870s. On the opposite bank is the site of Kings Langley mill which documentary evidence suggests was present during the 16th century.

With the above in mind, I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and I recommend that the following provisions be made, should you be minded to grant consent:

1. A programme of archaeological field evaluation (to include trial trenching and

environmental sampling) of the proposed development (including access, garages, and parking areas, etc.) prior to the commencement of any development

2. And such appropriate mitigation measures indicated as necessary by that evaluation. These may include:

a) the preservation of any remains *in situ* if warranted;

b) the appropriate archaeological excavation of any remains before any development commences on the site;

c) the archaeological monitoring and recording of the groundworks of the development, including ground reduction, foundations, services, landscaping, access, etc. (and also including a contingency for the preservation or further investigation of any remains then encountered);

d) the analysis of the results of the archaeological work (including geo-archaeological and palaeo-environmental analysis) with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;

e) such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 141, etc. of the National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015).

In this case *three* appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording:

A *No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:*

1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment

3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B *The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)*

C *The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme*

set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

If planning consent is granted, I will be able to provide detailed advice concerning the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations.

4.1.12 Hertfordshire County Council Flood Risk and Water Management: [Object]

Thank you for consulting on the above full application for the erection of 28 dwellings, together with car parking, open space and new vehicular and pedestrian access from Railway Terrace.

We have reviewed the Surface Water Drainage Assessment Ref. RE002, Rev. A, and the Flood Risk Assessment Report Ref. RE001, Rev. A, both documents dated 6th February 2018 and produced by JNP Group Consulting Engineers, submitted in support to the present planning application.

We object to the present planning application and recommend refusal of planning permission until a satisfactory surface water drainage assessment is provided. The information included in the surface water drainage assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for us to advise the Local Planning Authority on the suitability of this proposal, 2 main issues should be addressed or clarified in relation to this site, these being:

1. Confirmation of the feasibility of the discharge mechanism in the northern part of the site that is located within the Flood Zone 2 area, along the northern site boundary. This to include where infiltration is proposed, evidence of ground conditions/underlying geology and permeability including BRE Digest 365 compliant infiltration tests.
2. Provision of updated post development combined modelling/calculation in relation to fluvial and surface water to be carried out for all rainfall events up to and including the 1 in 30 year considering the whole site area.

In order for the applicant to satisfactorily address these 2 points the following clarification is provided along with details of what we expect the applicant to achieve in order that our objection can be removed.

1. The drainage strategy is based on shallow infiltration. The applicant has carried out infiltration tests that show good infiltration results with rates between 10-3 m/s and 10-4 m/s. We consider however that the location of these infiltration tests is not representative of the whole site. In addition to this it is acknowledged that site is included in a high risk zone for underground flooding. Therefore additional infiltration tests should be carried out in accordance with BRE Digest 365, particularly along the northern red line boundary as this line is where the applicant proposes to install a significant number of soakaways. Infiltration tests exact location should be shown on a plan and information regarding the groundwater levels at these points should be provided as well.

Should the infiltration test results prove that this is not viable on these sites, therefore an alternative drainage scheme with a feasible discharge mechanism is to be proposed.

2. We acknowledge that this is a brownfield site that is located within Source Protection Zone 2. From Environment Agency's maps we also acknowledge that

there is surface water flood risk for this site for rainfall events up to and include 1 in 100 years and that the northern side of the site is comprised within Flood Zone 2.

The applicant has provided modelling/calculation for rainfall event up to and including the 1 in 100 + 40% climate change allowance. The applicant has also presented as part of the drainage strategy a plan showing the overflow route of surface water that does not infiltrate (Drawing No. C85680-D-002 Rev. A – Proposed Exceedance Flow Plan).

We are pleased that the applicant has also proposed mitigation measures such as finished ground levels at a minimum of 72.3m AOD which is 300mm above the estimated 1 in 1000 year probability of flooding from River Gade/Grand Union Canal and also creation of a safe pedestrian access to the development.

However, this site has a combined flood risk which includes not only surface water but also fluvial risk from a water body. For this reason we expect that the applicant provides combined modelling/calculation for fluvial and surface water, considering the entire site area, in order to demonstrate that no flood will occur on site up to and including 1 in 30 years. Attenuation volumes should be updated accordingly and should include all the SuDS elements proposed in the drainage scheme.

For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>

Informative to the LPA

The applicant has produced maintenance plan which includes the management of the potential permeable paving, soakaways and pipe network. However, the applicant will need to satisfy the LPA that the proposed drainage scheme can be adopted and maintained for its lifetime by providing a maintenance plan, detailing key operations and management.

The applicant can overcome our objection by submitting an surface water drainage assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

4.1.13 Hertfordshire County Council Highways: No comments received.

4.1.14 Hertfordshire County Council Property: [Comments] I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek

Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

I trust the above is of assistance if you require any further information please contact the Development Services team.

Herts Property Services do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers' CIL Area and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

- 4.1.15 Hertfordshire County Council Waste and Minerals: [No objection] I am writing in response to the above planning application insofar as it raises issues in connection with minerals or waste matters. Should the District Council be minded to permit this application, a number of detailed matters should be given careful consideration.

The site is located within the sand and gravel belt as shown in the adopted Minerals Local Plan. The site also sits partially within the draft sand and gravel Mineral Safeguarding Area included in the Reg. 18 Draft Minerals Local Plan.

Whilst it is identified that there could be minerals present, there are unlikely to be significant mineral (sand and gravel) deposits within the area in question. The relevant Policy 5 within Hertfordshire Minerals Local Plan Review 2002-2016, adopted March 2007 states that mineral extraction will be encouraged prior to other development taking place where the mineral would otherwise be sterilised.

On this basis, development may give rise to 'opportunistic' use of some limited or poorer quality minerals at the site that could be utilised in the development itself. Examination of these opportunities would be consistent with the principles of sustainable development. Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

Most recently, the Department for Communities and Local Government published its *National Planning Policy for Waste (October 2014)* which sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the Development Plan. The policies that relate to this proposal are set out below:

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;

Policy 2: Waste Prevention and Reduction: &

Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application the District Council is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions.

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council as Waste Planning Authority would be happy to assess any SWMP that is submitted as part of this development either at this stage or as a requirement by condition, and provide comment to the District Council.

4.1.16 Hertfordshire Ecology: No comments received.

4.1.17 Housing Manager: No comments received.

4.1.18 Housing Strategy: [No objection] Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 22% 1-bed units, 50% 2-bed units, 24% 3 bed units and 4% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

It is encouraging to see that your proposal is policy compliant with 45% Affordable housing to be delivered and that the majority of these are family sized accommodation. However, your planning statement is showing conflicting information regarding the tenure. Section 3.6 states that it will be Social rented housing and 6.40 states Affordable rent, please confirm what is proposed. Affordable rent at 80% of market rent is unaffordable to our clients and if Affordable rent is agreed we would look to secure this at a lower percentage.

4.1.19 Landscape Officer: No comments received.

4.1.20 Leisure Officer: No comments received.

4.1.21 Local Plans: [No objection]

The application seeks to develop 28 residential units, with associated car parking, open space, landscape and access routes. The application site is located within the Kings Langley employment area, which is allocated as a mixed use employment site and a housing site in the Site Allocations LDD (adopted 2014) (sites E(e) and H(1) respectively). Policy SA2 of the Site Allocations LDD states that sites allocated as having potential for mixed use development may provide for mixed use development including, but not limited to business, industrial and storage/distribution and residential or community uses. The introduction of a residential use to the site therefore complies with the site's mixed use allocation, raising no objection to Policy SA2. The Site Allocations LDD states that individual employment sites within the broad Kings Langley employment area have not been specifically identified. Therefore, both residential and employment use is acceptable within the broad area. The promotion of mixed use development is a core planning principle of the National Planning Policy Framework (NPPF) and should be encouraged in local decision-making.

The Spatial Strategy identifies Kings Langley as a Secondary Centre and states that 'more limited new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres.' Strategic Objective 2 also aims to make efficient use of previously developed land. The Council has recognised that the application site is classified as previously developed land through its inclusion in the Brownfield Land Register (published 2017). The proposal therefore complies with the Spatial Strategy, Strategic Objective 2 and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land.

The Site Allocations LDD states that for development within the Kings Langley employment area and housing allocation area, a minimum 8m buffer must be provided to the River Gade.

Policy DM8 of the Development Management Policies LDD (adopted 2013) states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and a Flood Risk Assessment is required for proposals of 1 ha or more in Flood Zone 1, and for proposals for all new development in Flood Zones 2 and 3. Part of the site is in Flood Zone 2. The Flood Risk Assessment submitted with the application states that residential ground floor levels will be constructed at a minimum of 72.3m AOD, meeting guidance on floor levels from the Environment Agency. All new residential dwellings will be located in Flood Zone 1, where there is a low probability of flooding. The Environment Agency requires developments within Flood Zone 2 to accord with their Flood Risk Standing Advice, which should be taken into account.

Part of the site is identified as a wildlife site and therefore, measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, as stated in Policy SA1 and Policy SA2. Policy DM6 of the Development Management Policies LDD states that development should result in no net loss of biodiversity value across the District as a whole. The ecological survey concludes that the development is unlikely to result in a significant negative effect on biodiversity. The recommendation made for a habitat management plan should be noted; this would support achievement of no net loss of biodiversity value.

Policy CP3 of the Core Strategy states that the Council requires housing proposals to take into account the district's range of housing needs, in terms of the size and type of

dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

- 1 bedroom 7.7% of dwellings
- 2 bedrooms 27.8% of dwellings
- 3 bedrooms 41.5% of dwellings
- 4+ bedrooms 23.0% of dwellings

The application proposes that for its market sector housing provision, 80% will be 3 bedroom dwellings and 20% will be 4+ bedroom dwellings. This signifies an overprovision in 3 bedroom dwellings and a shortfall in 1 and 2 bedroom dwellings, as identified in the SHMA (2016). Therefore, the proposal is not consistent with Policy CP3 in providing the necessary size of market sector dwellings which the SHMA (2016) has identified. Rebalancing the size of market sector dwellings provided to more closely adhere to the targets set in the SHMA would mean compliance with Policy CP3.

Policy CP4(d) of the Core Strategy also requires affordable housing provision to reflect the mix and size of type required for future housing, as identified in the SHMA. The SHMA has identified the following indicative targets for affordable sector dwelling size within the Three Rivers District:

- 1 bedroom 40.9% of dwellings
- 2 bedrooms 28% of dwellings
- 3 bedrooms 29% of dwellings
- 4+ bedrooms 2.1% of dwellings

The application proposes that for its affordable sector housing provision, 15% will be 1 bedroom dwellings, 69% will be 2 bedroom dwellings and 15% will be 3 bedroom dwellings. The proposed affordable housing mix does not meet the indicative targets for housing mix identified in the SHMA and subsequently, it does not comply with Policy CP3. The overprovision of affordable 2 bedroom dwellings could be rebalanced by providing a greater number of affordable 1 and 3 bedroom dwellings.

However, the Core Strategy recognises that the housing mix in development proposals may need to be adjusted for specific schemes to take account of market information, housing needs and specific site factors. Where adjustment to proportions of housing mix is sought, information should be provided on how relevant factors have contributed to the mix of housing proposed.

Policy CP4(a) of the Core Strategy states that the Council seeks 'an overall provision of around 45% of all new housing as affordable housing'. The proposal achieves this target in its provision of 13 affordable dwellings, therefore complying with Policy CP4. Policy CP4(b) goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The Planning Statement states that 9 of the affordable dwellings will be social rented whilst the remaining 3 affordable dwellings will be intermediate. This meets the tenure guide set out in Policy CP4(b). In contradiction to this information, the Planning Application states that the total affordable housing provision will be social rented, which does not adhere to the tenure guide set in Policy CP4(b). Confirmation over the proposed tenure provision should be made in order to ensure compliance with the guide set out in Policy CP4(b). It should be also recognised that Policy CP4 states that in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability.

4.1.22 National Grid (Gas): No comments received.

4.1.23 NHS England: No comments received.

4.1.24 Sport England: [Comment] The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

www.sportengland.org/planningapplications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

4.1.25 Thames Water: [Advice]

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to

discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

4.1.26 Traffic Engineer: No comments received.

4.1.27 Sustainable Projects Officer: [Objects]

NPPF

National Planning Policy Framework sets out objectives for meeting the challenge of climate change, flooding and coastal change. Paragraph 95 of the National Planning Policy Framework states that to support a move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions
- actively support energy efficiency improvements to existing buildings.
- When setting any local requirements for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt national described standards

Local Plan

Policy DM4 a) of the Development Management Policies LDD (2013) states that applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability.

This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralized, renewable or low carbon energy supply.

To prove compliance with the policy, the developer is required to submit an Energy Statement. The statement shall include the following details as a minimum:

1. The development's predicted energy demand in kWh/year. This figure should be based on SAP or SBEM calculations and separated by fuel type (this is the DER or BER value)
2. The total carbon dioxide (CO₂) emissions resulting from the above energy demand (kgCO₂/year).
3. Proposals to reduce the energy demand. Specifications of any decentralised energy source and/or low or renewable energy systems proposed for the development shall be included.
4. The reduction in carbon dioxide emissions resulting from the above measures. The Energy Statement should be presented in a way that is easy to read and understand. It should clearly state that the proposals meet the policy criteria and it should also be clear where data has been obtained from. It is preferable if this statement is produced by an accredited Energy Assessor.

Building Regulations

Building regulations Part L1A, conservation of fuel and power in new dwellings Schedule 1, states that reasonable provision shall be made for the conservation of fuel and power in buildings by limiting heat gains and losses through thermal elements and other parts of the building fabric and from pipes, ducts and vessels used for space heating, space cooling and hot water services. It goes on to state that providing fixed building services which are energy efficient, have effective controls and are commissioned by testing and adjusting as necessary to ensure they use no more fuel and power than is reasonable in the circumstances.

Please refer to your Building Control Service provider for specific requirements.

The Sustainability and Energy Statement, section 7.1.1, states that 'The proposed development has been designed to take account of Policy DM4 of the Development Management Plan. Policy DM4 seeks to ensure that all new developments produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013)'.

Section 7.2.2 of the Sustainability and Energy Statement states that an energy efficient design will be utilised which will help to reduce the need for heating, cooling and lighting, and thereby reduce operational costs and associated carbon dioxide emissions of the new development.

Section 7.3.4 of the Sustainability and Energy Statement states that 'How Building Regulations compliance is achieved will be confirmed at the detailed design stage through the Standard Assessment Procedure (SAP) methodology, as part of Building Control.'

Section 7.3.5 of the Sustainability and Energy Statement states that 'All homes will be provided with openable windows to provide natural ventilation'. Where practical, the homes will be designed to have windows on two or more opposing aspects, in order to allow effective cross ventilation.'

There is no further detail to support these statements and therefore the Sustainability and Energy Statement does not prove compliance with the policy by including the following details as a minimum:

1. The development's predicted energy demand in kWh/year. This figure should be based on SAP or SBEM calculations and separated by fuel type (this is the DER or BER value)
2. The total carbon dioxide (CO₂) emissions resulting from the above energy demand (kgCO₂/year).
3. Proposals to reduce the energy demand. Specifications of any decentralised energy source and/or low or renewable energy systems proposed for the development shall be included.
4. The reduction in carbon dioxide emissions resulting from the above measures. The Energy Statement should be presented in a way that is easy to read and understand. It should clearly state that the proposals meet the policy criteria and it should also be clear where data has been obtained from. It is preferable if this statement is produced by an accredited Energy Assessor.

In conclusion in order to confirm that the requirement 'to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) having regard to feasibility and viability' has been met, a revised Sustainability and Energy Statement is required, which includes the details set out in the 'Guidance on Producing an Energy Statement'.

Water Use

National Policy Framework paragraph 94 states that local authorities should take full account of water supply and demand considerations.

Policy DM8 relating to Water Resources states that the Council will support development where efficient use is made of water resources and account taken of climate change. This means incorporating all or some of the following measures as part of development:

- Rainwater harvesting techniques (for example providing water butts fitted to drainpipes and underground water storage as part of new development)
- Harvesting and recycling greywater (wastewater from baths, showers, washbasins, kitchen sinks)
- Using water efficient appliances (for showers, taps, washing machines, toilets etc)

- Using water efficient landscaping and irrigation measures (for example by using drought tolerant plants)
- New development adjacent to water courses should seek to include river restoration and de-culverting.

Building Regulations Part G – Sanitation, hot water safety and water efficiency applies to new dwellings. G2 (2) requires that the potential wholesome water consumption per person occupying a new dwelling must not exceed 125 litres per day. A variety of alternative sources of water, such as harvested rainwater or reclaimed greywater, may be suitable for some uses of water such as toilet flushing or irrigation.

Please refer to your Building Control Service provider for specific requirements.

Section 5.2.3 of the Sustainability and Energy Statement states that the 'proposed development aims to significantly reduce mains water usage through a number of demand management measures. These include: Installing flow restrictors to reduce the flow rate of kitchen sink taps and bathroom basin taps; Installing low-flow showers and small capacity baths; Installing dual flush toilets; and Using water-efficient appliances (e.g. those with a 'B' or above as defined by the European Water Label)'. Further 5.2.4 states that 'Where practical, the proposed new dwellings will aim to achieve a maximum water consumption of < 150 Litres/person/day.'

There is no mention of rainwater harvesting through the provision of water butts for example.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 64

No responses received: 3

4.2.2 Site Notice Expired: 5 April 2018

Press Notice Expired: 30 March 2018

4.2.3 Summary of Responses:

- Overdevelopment
- Overshadowing
- Too close to boundary
- The developments at Nash Mills has caused congestion; the proposed development will bring the same problems;
- The site entrance adjacent to the Lakeview entrance will be a hinderance for the residents accessing their residents car park and would cause unnecessary traffic;
- The proposal would put extra pressure on local amenities;
- Kings Langley will be turned into a town;
- The footpaths are already blocked by parked cars the 28 units will exacerbate the existing problems;
- Tree and wildlife will be disturbed by the development and the proposal will impact on the lake;
- Concerns regarding the impact that the development would have on the Green Belt at Rectory Farm opposite;
- Supporting evidence does not comment on impact on neighbouring site and ecology status of neighbouring land should be protected.

5. Reason for Delay

5.1 Not applicable.

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and 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 states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, 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, DM10, DM11, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policies SA1 and SA2 and sites H(1) and E(e) are relevant.

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

6.3 Other

Supplementary Planning Documents 'Affordable Housing' (approved June 2011 following a full public consultation) and 'Open Space, Amenity and Children's Play Space' (adopted 2007) are relevant to this application.

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

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

7. Planning Analysis

7.1 Principle of Development

- 7.1.1 Policy CP2 of the Core Strategy advises that the Council will identify sufficient land for housing in the District to meet the Three Rivers housing target of 180 dwellings per year until 2026. Housing provision will be made primarily from within the existing urban area and specific sites will be identified through the Site Allocations Development Plan Document.
- 7.1.2 The application site is identified within the Site Allocations document as part of allocated housing site H(1). This site also extends some 1,400m further to the south with an additional parcel of land to the north and includes various industrial units, open space and derelict land as well as some existing housing. The wider site is allocated for 100 dwellings with an indicative phasing of 2012-2026. The site also forms part of allocated employment site E(e) which is identified for mixed use development.
- 7.1.3 The site is within Kings Langley which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy identifies that new development will take place on previously developed land and appropriate infilling opportunities within the Secondary Centres and Core Strategy Policy PSP3 advises that approximately 24% of the District's housing supply is expected to come from within the Secondary Centres.
- 7.1.4 Policy SA1 of the Site Allocations document sets out that allocated housing sites should be developed at an overall capacity which accords generally with the indicative capacity for each site. Policy SA2 of the Site Allocations document sets out that employment sites allocated as having potential for mixed use development may provide for mixed use development including but not limited to business, industrial and storage or distribution; residential or community uses.
- 7.1.5 The proposal would provide 28 dwellings on the site. This is considered to be broadly in accordance with the indicative housing site allocation and the Local Plans team have raised no objection in principle to the development of the application site for this number of dwellings. While the proposal is solely for residential use, the site is currently vacant and therefore there would be no loss of existing employment floorspace.
- 7.1.6 The principle of the construction of 28 residential units on the site was granted under outline planning permission 16/1500/OUT. This permission is still extant.

7.2 Housing Mix

- 7.2.1 Core Strategy Policy CP3 advises that new development should provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and the characteristics of housing in the area and sets out that proposals should take into account the range of housing needs as identified in the Strategic Housing Market Assessment and subsequent updates.
- 7.2.2 The South West Hertfordshire Strategic Housing Market Assessment (2016) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% 1-bedroom units, 28% 2-bedroom units, 37% 3-bedroom units and 16% 4+ bedroom units, although for market dwellings the requirement is for approximately 8% 1-bedroom units, 28% 2-bedroom units, 41% 3-bedroom units and 23% 4+ bedroom units.
- 7.2.3 The development would provide for 7% 1-bedroom units, 32% 2-bedroom units, 50% 3-bedroom units and 11% 4-bedroom units across a range of flats, terrace, semi-detached and detached properties, and provision is summarised in Table 1 below.

Table 1: Accommodation Size

	SW Herts SHMA Requirement			Proposed Development		
	Market Requirement	Affordable Requirement	Total Requirement	Market Provision	Affordable Provision	Total Provision
1 bed	8%	41%	19%	0%	15%	7%
2 bed	28%	28%	28%	0%	69%	32%
3 bed	41%	29%	37%	80%	16%	50%
4 bed	23%	2%	16%	20%	0%	11%

7.2.4 The proposed mix would not provide any one or two bedroom market houses, with the market housing only providing three and four bedroom units. The Local Plans team has identified that the housing proposed signifies an over provision in three bedroom units. The proposed housing would therefore result in an over provision of three and four bedroom units in relation to the requirements for market housing. The proposed affordable housing also proposes a higher number of two bedroom units than that identified in the recent SHMA. However, the Housing Officer has noted that there is a greater need for two bedroom four person units to serve the needs of the District.

7.3 Affordable Housing

7.3.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing, and in most cases, affordable housing provision would be required on site. Policy CP4 sets out that 45% of all new housing should be affordable and that as a guide, 70% of the affordable housing should be provided as social rented and 30% should be intermediate.

7.3.2 The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4.

7.3.3 The proposed development of 28 dwellings would result in a policy requirement for 13 affordable units, of which 9 should be social rented and 4 intermediate.

7.3.4 13 of the dwellings are proposed to be affordable units which would be 46% of the total. The proposed distribution of affordable units is indicated in Table 2.

Table 2: Affordable Housing Distribution

	Private	Social Rented	Intermediate (Shared Ownership)	Total
1-bedroom flat	0	2	0	2
2-bedroom flat	0	4	0	4
2-bedroom house	0	1	4	5
3-bedroom house	12	2	0	14
4-bedroom house	3	0	0	3
Total	15	9	4	28

7.3.5 The overall provision of 46% of the proposed dwellings and tenure split would be in accordance with the requirements of Core Strategy Policy CP4. It is however noted that

the Planning Statement makes reference to the provision of both social rented (paragraphs 3.5, 3.6 and 6.34) and affordable rented provision (paragraph 6.40). Clarification on the affordable housing provision proposed has been requested as the provision of affordable rented accommodation would not meet the tenure mix as required by Policy CP4 of the Core Strategy.

7.3.6 The Housing Officer has also commented that the main requirement is for 2 bed 4 person affordable units and this would form the greatest proportion of the proposed affordable provision as indicated at Table 1.

7.3.7 In relation to the siting of affordable housing provision Policy AFH5 Layout and Distribution of the Affordable Housing SPD states:

'The location and distribution of affordable homes, particularly on larger developments, is crucial. The Council considers the segregating affordable and market housing is not sustainable. To prevent the affordable units being clustered together and hidden away in the less desirable parts of a site the Council will require that the affordable housing units are pepper-potted throughout the sites and, where appropriate phases.'

7.3.8 The NPPF also encourages inclusive and mixed communities. The proposed affordable units would be concentrated within the south east corner of the site and would not be pepper-potted throughout the site. There would also be a clear distinction between the market and affordable units through the design and house type with the market housing consisting of semi-detached and detached properties whilst the affordable units would consist of terraced and flatted development. The parking provision layout could also provide a distinction between the market and affordable units.

7.4 Design and Impact on Street Scene and the character of the area

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

7.4.2 Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

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

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

7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies document set out that new 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. Specific guidance advises that development at first floor level and above should be set in 1.2m from flank boundaries and that dormer windows should be subordinate to their host roofslopes.

- 7.4.5 Traffic generation, access for service vehicles and impact on residential amenity are considered in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.
- 7.4.6 Development in the vicinity of the site is very mixed and includes a variety of flats, terraced, semi-detached and detached dwellings. There is not therefore a characteristic form of development in the area. The proposal would provide for a variety of dwelling types including a flatted block to the south east, and terraced, semi-detached and detached dwellings arranged around a cul-de-sac.
- 7.4.7 Development in the immediate vicinity of the site has a predominantly linear relationship to the highway of Railway Terrace although there is greater variation in the wider area including cul-de-sacs within Roman Gardens and the Ovaltine development to the south.
- 7.4.8 The dwellings would have pitched roof forms which would not be out of character in this varied area and where dormers are proposed, these are shown to be set down from the roof ridges; set back from the plane of the wall and set in from the edges of the host roofslopes and therefore would appear subordinate in accordance with the Design Criteria.
- 7.4.9 Within the site a distance in excess of 2.4m would separate the flank elevations of the proposed dwelling. However on the site's frontage to Railway Terrace, a distance of only 1m would separate the flank elevations of the proposed semi-detached properties and 0.8m would separate the row of terraces from the block of flats. A distance of 2.4m should separate the first floor levels to be in accordance with the requirements of the Design Criteria.

7.5 Impact on Neighbours

- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.5.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Guidelines at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude into a 45 degree spay line 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 the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.5.3 In the interests of privacy and to prevent overlooking, the Design Guidelines at Appendix 2 of the Development Management Policies document sets out requirements at part 1 including that:
 - a) Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances

should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which face directly face one another or in situations where there are site level differences involved. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations.

- c) 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 1.7m (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7m or more may be acceptable where a secondary light source is necessary.

7.5.4 There are no residential neighbours directly to the north or west of the site who would be affected by the proposed development. To the south of the site is Masters Yard which is in commercial use.

7.5.5 To the east of the main part of site is the flatted development of Lakeview, with two storey dwellings to the north and south which face west across the highway of Railway Terrace towards the application site. The development would be set in relatively close proximity to the east boundary of the site with Railway Terrace and would be approximately 21m from the closest part of Lakeview.

7.5.6 The proposed development would be predominantly two storeys in height, with the exception of the flats sited along the front boundary. The proposed buildings along the frontage would have a maximum height of 9.6m to the ridges serving Plots 23-28; the other properties would be two storeys in height.

7.5.7 Glazing would be provided to the front elevations of the proposed development which would face towards neighbours to the east of Railway Terrace. The proposed development would be set approximately 21m from the neighbours to the east at the closest point. This would be below the 28m back-to-back distance which the Design Criteria at Appendix 2 of the Development Management Policies document advises should be achieved to provide privacy. However the proposed relationship would be front-to-front across the highway of Railway Terrace which is a classified road. The relationship between the proposed development and these neighbours would be comparable to other development in the area; for example there is approximately 21m between the three storey flatted block of Navarre Court to the south and its neighbours at 9-19 Primrose Hill opposite. It should also be noted that these frontage areas are not private spaces but part of a public thoroughfare.

7.6 Amenity for Future Occupiers

7.6.1 All of the proposed houses would be dual aspect. The flats would have an outlook towards the highway and the rear elevation would face the front elevations of Plots 19 and 20. A minimum distance of 16m would separate the front elevation of plots 19 and 20 and the flats. This would be a front to rear elevation relationship and as such the 28m back to back distance would not be applicable. The rear elevations of the dwellings fronting Railway Terrace (Plots 1-4 and Plots 16-18) would face the flank boundaries of Plots 5 and 15. A minimum distance of 23m would separate the rear elevations of the dwellings and neighbouring flank boundaries.

7.6.2 Within the site the rear elevations of Plots 15 and 14 would face the flank of Plot 19; a minimum distance of 13m would separate the rear elevation of the dwelling and Plot 19. There would be a back to back distance of approximately 32m separating Plots 19-22 and Plot 12 which would be in excess of the 28m back to back requirement. The rear elevation of Plot 13 would be orientated towards the flank boundary of Plot 14; a minimum distance of 7.5m would separate the rear elevation of the dwelling and neighbouring garden.

- 7.6.3 Masters Yard is in commercial use however it does contain first floor windows within the north west elevation facing the application site. One of the neighbouring commercial buildings would run the full length of the curtilage serving Plot 22 which would adjoin the boundary with Masters Yard. A distance of only 5m would separate the proposed residential curtilage and neighbouring commercial building.
- 7.6.4 No comments have been received to date from Environmental Health in relation to the relationship between the proposed residential development and neighbouring commercial development.
- 7.6.5 Plots 5-10 would be served by rear dormers providing accommodation within the roof which would be served by external balconies. The Design Criteria stipulates that balconies will not be approved that would result in any overlooking of neighbouring properties.
- 7.7 Amenity Space
- 7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.7.2 Section 3 (Amenity Space) of the Development Management Policies document sets out that a 1-bedroom flat should have 21sqm amenity space and that each additional bedroom would require 10sqm. This amenity space may be allocated specifically to each flat or provided communally. It may be provided in the form of private gardens or in part may contribute to formal spaces/settings for groups of buildings or existing mature trees but communal space for flats should be well screened from highways and casual passers-by. For houses, the indicative standards are 63sqm to serve a 2-bedroom dwelling, 84sqm to serve a 3-bedroom dwelling and 105sqm to serve a 4-bedroom dwelling.
- 7.7.3 The proposed flatted block (dwellings 23-28) would provide two 1-bedroom and four 2-bedroom flats and therefore would generate a requirement for 166sqm amenity space.
- 7.7.4 The illustrative details show that the houses would each benefit from a private rear garden. The majority of these would comply with the indicative requirement although there would be a shortfall to units 16 and 17 as set out in Table 3 below.

Table 3: Amenity space provision

Plot	Indicative Requirement	Provision
1	84sqm	102sqm
2	84sqm	84sqm
3	84sqm	84sqm
4	84sqm	84sqm
5	84sqm	85sqm
6	84sqm	86sqm
7	84sqm	84sqm
8	84sqm	84sqm
9	84sqm	84sqm
10	84sqm	112sqm
11	105sqm	115sqm
12	105sqm	151sqm
13	105sqm	105sqm
14	84sqm	88sqm

15	84sqm	89sqm
16	84sqm	83sqm
17	84sqm	83sqm
18	63sqm	70sqm
19	63sqm	63sqm
20	63sqm	64sqm
21	63sqm	64sqm
22	63sqm	91sqm
23-28	166sq.m	186sq.m

- 7.7.5 It is noted that the proposed provision would largely meet the indicative amenity space provision as set out in the Design Criteria however there are concerns regarding the usability of some of the amenity space provision. It is unlikely due to its shape and siting adjacent to the highway that the amenity space provision serving the flats could be comfortably utilised by the occupants. Furthermore, Plot 13 would have a triangular shape which would restrict the use of the private amenity space provision.
- 7.7.6 In addition to the requirement for provision of private amenity space to serve development, Policy DM11 of the Development Management Policies document sets out that in order to ensure that new residential developments do not exacerbate deficiencies in open space and children's play space, new residential development will be expected to provide for amenity and children's play space. Developments of 25 or more dwellings or 0.6ha (whichever is greater) should make provision on-site for open space and play space. 10% of the site area should be set aside as open space and where the development is likely to be occupied by families with children, 2% of the site area should provide formal equipped play facilities.
- 7.7.7 Where open space is provided on site, the Council will also seek to ensure the proper maintenance of the space and guidance on the provision and maintenance of open space and children's play space is set out in the Open Space, Amenity and Children's Play Space Supplementary Planning Document.
- 7.7.8 10% of the development area would result in a requirement for 750sqm open space. The Planning Statement details that a small area of open space would be sited along the western boundary of the site which would provide a local area of play. This space would have an area of approximately 614sq.m. This would be a shortfall of 136sqm. Furthermore, the use of parts of the open space would be limited due to the tree coverage and width of the space within the north western corner. However, it is noted that the site is 300m from public open space and a play area at Primrose Hill Playing Fields to the south.
- 7.8 Highways and Access
- 7.8.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.
- 7.8.2 The proposed development would be served by a vehicular access from Railway Terrace and as part of the application, alterations are also proposed to the north of the site to re-locate the existing bus stop and layby. An estate road within the application site would serve the proposed dwellings. The application is supported by a Transport Statement.
- 7.8.3 No formal comments have been received by the Highways Authority to date. The Local Planning Authority are currently waiting for further information to be submitted.
- 7.9 Trees and Landscaping

- 7.9.1 The site currently accommodates a number of mature trees. The site contains protected trees along the frontage with Railway Terrace and within the south west corner of the site (TPO864, Land Opposite Lakeview, Railway Terrace). The TPO consists of 17 Hawthorn (G1), 1 Alder (T1), 1 Hawthorn (T2), 2 Alder (G2) and 11 Alder (G3). The application is supported by an Arboricultural Report which indicates that the following protected trees would be removed including G1 the group of 17 Hawthorn along the frontage, T1 an Alder and G2 consisting of two Alders and removal of parts of G3 the group of Alders.
- 7.9.2 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.9.3 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
 - ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
 - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
 - v) Planning permission will be refused for any development resulting the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.
- 7.9.4 No comments have from the Landscape Officer have been received to date. However, it is noted that a number of protected trees were proposed to be removed under application 16/1500/OUT.
- 7.9.5 Due to the proximity of the dwellings to the proposed internal access road and parking provisions to the east of the site there would be limited opportunities to provide soft landscape features throughout the site.
- 7.10 Parking
- 7.10.1 Core Strategy Policy CP10 requires development to make adequate provision for all users including car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.10.2 These standards identify that a 1-bedroom dwelling should provide 1.75 spaces (1 assigned space); a 2-bedroom dwelling should provide 2 spaces (1 assigned space); a 3-bedroom dwelling should provide 2.25 spaces (2 assigned spaces); and a 4+ bedroom dwelling should provide 3 spaces (3 assigned spaces).
- 7.10.3 The development of two 1-bedroom, nine 2-bedroom, 14 3-bedroom and three 3-bedroom dwellings would generate a total requirement for 62 spaces (48 assigned spaces). The

assigned spaces would be required to serve future residents while the total parking requirement takes into account provision for visitors.

- 7.10.4 A total of 73 spaces (63 assigned spaces and 10 unassigned spaces) are proposed as part of the development. With the exception of Plot 5 the market semi-detached and detached dwellings within the site would each be served by two parking spaces and additional garage (providing three spaces in total). The parking serving these units would either meet or be in excess of the standards. Internally the garages would have a minimum width of 2.8m and depth of 5.7m. The pedestrian doors would open inwards into the garages. There are some concerns that due to the orientation of the dwellings and parking as indicated could limit access into the proposed garages and restrict the level of on-site parking which could be achieved. Although it is noted that the parking spaces indicated are of an adequate size.
- 7.10.5 Plots 1-5 would consist of three bedroom dwellings each served by two parking spaces. The site proposes the provision of 10 visitor spaces which would meet this shortfall.
- 7.10.6 Plots 16-18 and Plots 25-26 would be served by tandem parking to the rear of the dwellings. A bin store would be sited alongside the parking serving Plot 17 and a distance of 6m would be provided between the proposed tandem parking and boundary with Plot 15. Parking would be provided to the rear of Plots 1-4 which would be served by a parking courtyard. A distance of 6m would be provided between the proposed parking and boundary with Plot 5. No comments have been received to date from Highways as to whether the parking proposed would be acceptable or achievable in terms of access. However, the Transport Assessment submitted in support of the application does provide a swept path analysis demonstrating that the parking spaces can be accessed. Although the parking would exceed the parking standards there are concerns that the parking provision especially to the east of the site would appear cramped and would result in large areas of hardsurfacing and limited opportunity for soft landscaping to improve the appearance.
- 7.10.7 Appendix 5 of the Development Management Policies document also sets out requirements for cycle parking and identifies that flats should have 1 space per 2 units (a requirement for three spaces), and houses 1 space per unit where there is no garage or shed provided. The Planning Statement advises that secure parking for 3 cycles would be provided to serve the flats and that those dwellings without garages would benefit from secure cycle provision within their curtilage which would meet the requirement. Details of the bin store and cycle store have been provided which indicates that secure cycle parking would be provided to serve the flats.
- 7.11 Refuse and Recycling
- 7.11.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.11.2 Swept path analysis has been presented to indicate that there would be access and turning within the main part of the site. A bin and cycle store would be provided to the rear of Plot 18 to serve the flats. The swept path analysis does not however indicate access to the rear of Plots 1-5, 16-8 23-28 or 19-22. The Environmental Protection Officer has been consulted in relation to the proposed development; no comments have been received to date. No details of collection points have been submitted which would be required to be

provided to serve the units that would not directly front the internal access road to ensure that the internal road would not be blocked by bins on collection days.

7.12 Sustainability

- 7.12.1 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit a CPLAN Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.12.2 Policy DM4 of the Development Management Policies document requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. From 2016, Policy DM4 advises that residential development should demonstrate it will meet a zero carbon standard as defined by Government. However, the Government are not currently pursuing zero carbon targets and as such the requirement would remain a 5% carbon dioxide saving over Building Regulations Part L (2013) standards.
- 7.12.3 The application is accompanied by a Sustainability and Energy Statement. The Sustainability Officer has advised that although the submitted statement identifies that the proposed development would meet the requirements of Policy DM4 no details of how the proposal would meet these requirements have been specified. As such, further information has been requested to ensure the proposal would meet the provisions of Policy DM4 of the DMP LDD and provide a sustainable form of development.

7.13 Infrastructure Provision

- 7.13.1 Core Strategy Policies CP8 and CP10 require development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy Charging Schedule is applicable to this scheme and is the mechanism by which contributions would be sought towards infrastructure including education, libraries and sustainable transport.
- 7.13.2 The CIL Charging Schedule advises that the CIL rate per square metre for Area B (which includes the application site) is £120.

7.14 Flood Risk

- 7.14.1 The application site includes areas identified as Flood Zone 2. Core Strategy Policy CP1 sets out that development should avoid areas at risk from flooding. Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere. Where practicable, existing flood risks should be reduced.
- 7.14.2 The application is accompanied by a Flood Risk Assessment.

7.15 Contamination

- 7.15.1 Core Strategy Policy CP1 also states that development should manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies document advises that the quality of groundwater resources should be protected from aquatic pollution and Policy DM9 sets out that permission will not be granted for development which would or

could give rise to polluting emissions to land, air and/or water. In addition, permission will not be granted for development which would be subject to unacceptable noise levels or disturbance from existing noise sources.

- 7.15.2 The application site is within Groundwater Source Protection Zone 2 and a Ground Condition Assessment Report has been submitted in support of the application.

7.16 Sustainable Drainage

- 7.16.1 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage. Policy DM9 refers to contamination and pollution control.

- 7.16.2 The application is accompanied by a Drainage Strategy. Hertfordshire County Council as the Lead Local Flood Authority has raised initial objections to the proposed drainage strategy stating the following:

We object to the present planning application and recommend refusal of planning permission until a satisfactory surface water drainage assessment is provided. The information included in the surface water drainage assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for us to advise the Local Planning Authority on the suitability of this proposal, 2 main issues should be addressed or clarified in relation to this site, these being:

1. Confirmation of the feasibility of the discharge mechanism in the northern part of the site that is located within the Flood Zone 2 area, along the northern site boundary. This to include where infiltration is proposed, evidence of ground conditions/underlying geology and permeability including BRE Digest 365 compliant infiltration tests.

2. Provision of updated post development combined modelling/calculation in relation to fluvial and surface water to be carried out for all rainfall events up to and including the 1 in 30 year considering the whole site area.

- 7.16.3 The comments received from the LLFA have been forwarded to the Agent who has confirmed that additional information will be submitted.

7.17 Biodiversity

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

- 7.17.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. National Planning

Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.17.3 As part of the identification of the site for development within the Site Allocations document, the allocations for the housing site (site H(1)) and the mixed use employment area E(e)) advise that part of the site to the north of Masters Yard is identified as a wildlife site and measures to avoid adverse impacts and enhance biodiversity will need to be provided by developers, supported by adequate ecological survey.

7.17.4 The application is accompanied by an Extended Phase 1 Survey Report.

7.17.5 Hertfordshire Ecology and Hertfordshire and Middlesex Wildlife Trust have been consulted in relation to the proposed development however no comments have been received to date.

7.18 Safety and Security

7.18.1 Policy CP12 of the Core Strategy advises that all development in Three Rivers will contribute to the sustainability of the District. This means taking into account the need to, for example promote buildings and public spaces that reduce opportunities for crime and anti-social behaviour. Policy CP12 also requires that development proposals design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places.

7.19 Archaeology

7.19.1 Policy DM3 of the Development Management Policies document sets out that where a site includes or is considered to have the potential to include heritage assets with archaeological interest, there must be appropriate assessment into the interest.

7.19.2 Hertfordshire Archaeology have advised that the location of the site means that the development is likely to have an impact on heritage assets and conditions are recommended to require investigation prior to any development which would ensure appropriate assessment in accordance with Policy DM3.

8. Recommendation

8.1 Members should note that there is no recommendation for approval or refusal at this stage in the consideration of the application.

8.2 Consequently, it is recommended that the Committee notes this report, and is invited to make general comments with regard to the material planning issues raised by the application.