

13. 18/1769/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

Parish: Abbots Langley

Ward: Gade Valley

Expiry of Statutory Period: 28 November 2018

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted; provided that there are no objections from Herts County Council Lead Local Flood Authority.

Reason for consideration by the Committee: The application has been called in by Abbots Langley Parish Council.

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 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.
- 1.7 18/0351/FUL – Erection of 28 residential units, together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace – Withdrawn 17.05.18.

Lakeview, Railway Terrace (Former Abbots Factory Site)

- 1.8 8/81/86 - (Outline) Demolition of factory and Erection of 46 flats with parking spaces and ancillary works – Permitted 29.05.86.
- 1.9 8/906/86 - Erection of 28 two bedroom flats and 10 single bedroom flats with parking space and ancillary works - Permitted 26.02.87.

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 and 115m deep. It is understood that part of 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. The western part of the site consists of scrub land (which has been largely cleared) 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 residential units together with car parking, open space, landscaping and new vehicular and pedestrian access from Railway Terrace.

3.2 The unit sizes of the proposed 28 residential units would consist of the following:

Unit size	Number of units
1 bed flat	3
2 bed flat	6
2 bed dwelling	6
3 bed dwelling	10
4 bed dwelling	2
5 bed dwelling	1
Total	28

3.3 Thirteen of the units (45% of total) would be provided as affordable housing with a split of ten social rented properties and three shared ownership. The table below sets out the unit sizes for the affordable and market housing to be provided:

Unit Size	Social Rented	Shared Ownership	Private Market Housing	Total
1 bed flat	3			3
2 bed flat	6			6
2 bed dwelling		2	4	6
3 bed dwelling	1	1	8	10
4 bed dwelling			2	2
5 bed dwelling			1	1
Total	10	3	15	28

3.4 To the north east of the site would be a terrace (Plots 1-4) consisting of four two storey dwellings with two 3- bedroom units sited on the ends and two, 2-bedroom units in the centre. The terrace would be 22m wide by 9m deep. The proposed row would have a pitched roof with a height of approximately 8.4m. The building would have a central two storey gabled projection. The proposed block would be set in a minimum of 0.9m from the northern flank boundary and set back a minimum of 4m from the front boundary. The units would front Railway Terrace and each unit would be served by a separate pedestrian access off of Railway Terrace with private amenity space provision to the rear. Each unit would be served by a storm porch.

3.5 To the south of the terrace there would be an altered access to Railway Terrace leading to a new cul-de-sac estate road. Plots 18-19 would be sited to the south of the access and

would front Railway Terrace. These units would consist of a pair of semi-detached two storey three bedroom dwellings. They would have a pitched roof with gabled flank elevations and Plot 19 would include a gabled front projection. Both properties would contain accommodation within the roof served by front and rear dormers. The pair would measure 8.7m in width by 7.4m in depth with a height of 9.2m and would have storm porches to the front. The units would be served by pedestrian accesses off of Railway Terrace with amenity space and parking sited to the rear.

- 3.6 To the south of Plot 19 in the south east corner of the plot would be a block of flats. The flats would contain three one bedroom units and six two bedroom units. The block of flats would have a staggered footprint reducing in depth to the south of the built form. The building would measure 20.9m in width, a maximum of 13.8m in depth along the northern elevation reducing to a depth of 8.8m along the southern elevation. The building would be three storeys in height with a maximum height of 11.7m. The building would contain three pitched roof gabled projections to the front and three gabled projections to the rear with subordinate roof form between the gables. The proposed building would contain Juliet balconies to the front and rear. A bike store would be sited along the rear elevation. The proposed block of flats would be set back 4m from the footpath to the front and would be set in a minimum of 4.7m from the southern flank boundary.
- 3.7 Plots 5-10 be sited to the north of the proposed access road and would consist of three pairs of semi-detached dwellings with attached garages and roof level accommodation served by front and rear dormers. The rear dormers would contain balconies. Plots 5-8 would contain three bedroom units whilst Plots 9-10 would consist of four bedroom units. Plot 11 would be located within the north west corner of the site and would consist of a detached two storey five bedroom dwelling with accommodation within the roof served by front dormers. Plot 11 would be served by a detached double garage.
- 3.8 An area of green space would be sited to the south of the access road; Plots 12-17 would be sited to the south of the open space and would consist of two rows of terraces both consisting of two, two bedroom dwellings and one three bedroom dwelling.
- 3.9 The affordable housing units would sited within the block of flats and Plots 1-4.
- 3.10 The proposed development would include the provision of a new access off of Railway Terrace leading to an internal estate road. The alterations to the access would include the re-siting of the bus stop further to the north of Railway Terrace.
- 3.11 Details of the proposed boundary treatment has also been submitted including the construction of a 2.2m high acoustic fence along the southern boundary where the rear boundaries of the properties adjoin the commercial unit. 1.8m close boarded fencing in-between the proposed units and 1.8m high brick walls along the plots where the flank boundaries adjoin the highway. 1.8m high Kyoto fencing would be sited along the full length of the northern boundary with the lake and 1.8m high green chain link fencing will be sited along the western boundary.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council [Raised concerns]:

Members object to this application being cramped overdevelopment on a congested, busy road, adjacent to a wildlife site. They are also concerned about the considerable loss of trees and the effect on the ecology of the area. If approved, the proportion of affordable dwellings permitted with the current application should be retained as such in the future.

4.1.2 Herts Highways Authority [No objection subject to conditions]:

Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Conditions:

Condition (site access design). Prior to the commencement of the development hereby permitted, details of the proposed areas and treatments of adoptable highway (incorporating the proposed access for the site as shown in indicative form on Drawing No. C85680-SK-001 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a proposed construction programme confirming the delivery of the various proposed access arrangements.

Reason;- In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy of the Three Rivers Local Plan 1996-2011 and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (site access construction). Prior to the first occupation of the development hereby permitted, the approved site access details shall be constructed as approved in writing by the Local Planning Authority.

Reason;- In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy of the Three Rivers Local Plan 1996-2011 and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition (construction management):- The development shall not begin until full details of all proposed vehicle access, parking arrangements and mud / dust control facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. These details should be submitted in the form of a Construction Management Plan.

Reason;- To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

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

AN1). Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Highway comments:-

This application proposes the construction of 28 new dwellings, associated parking and landscaping. Access into the development is proposed from a revised access on Railway Terrace. The details submitted for consideration include a Transport Statement document providing information on the following transport elements of the development proposals.

Site Access

The existing highway access to the site is from Railway Terrace and is formed as a kerbed priority junction incorporating a bus stop area. Railway Terrace is classified as a Local Distributor Road within Hertfordshire's road hierarchy and is subject to a 30mph speed restriction. A central refuge island is provided to the north of the access to assist pedestrian crossing movements. The proposed site access layout is presented on Drawing No. C85680-SK-001 Rev C and promotes alterations to the existing access and the relocation of the bus stop on the west side of Railway Terrace. The Highway Authority will require that the access, bus stop and footways proposed to the north and south are constructed to adoptable standards.

The pedestrian crossing on the site access will define the limit of the highway works that will need to be adopted as publically maintainable highway. This highway boundary can be defined by constructing a row of granite setts across the width of the access. The available visibility between vehicles on the access and those on Railway Terrace is considered to be acceptable for the speed of traffic on the main road.

The road layout is proposed to operate on a shared use basis and this is considered to be acceptable for the size of the development. Parking space for 64 vehicles and separate cycle parking within the development is identified in the Transport Statement. The Local Planning Authority is responsible for parking standards and it is therefore requested to comment on parking requirements for both cars and cycles within the site.

However, the applicant is advised to ensure that the layouts of the parking and manoeuvring areas are designed to be fully accessible by all vehicles likely to use, visit and service the site (e.g. refuse collection vehicles).

Trip generation and distribution.

The number of daily vehicular trips generated by the proposed development is not expected to exceed those using the junction during its previous use. However, the nature and timing of the trips will alter and the trips associated with the residential use will be concentrated around the peak traffic flow periods. The anticipated trip generation has been assessed within the Transport Statement and the proposed access arrangements (and its location) are expected to be sufficient to distribute those trips to and from the adjacent highway network. The Highway Authority has therefore not requested that the Transport Statement incorporates junction capacity analysis.

Sustainable Travel Modes.

The encouragement of travel by sustainable modes is an important element to the successful development of the site. The relocation of the existing bus stop away from the access is a positive measure and the introduction of a shelter will encourage bus travel to and from the site. The existing central refuge island on Railway Terrace provides a safe crossing facility to assist pedestrian movements. A number of facilities (including local schools and the Kings Langley train station) are within walking distance of the site. The site can therefore be considered to be relatively well located in terms of sustainable travel options. It therefore accords with the requirements of the National Planning Policy Framework in relation to promoting sustainable transport.

The impact of the proposed development is not expected to be significantly detrimental to the safe flow of traffic passing the site and on the surrounding highway network. The improved access layout incorporating the relocation of the bus stop and its adoption as part of the highway network will mitigate for the additional traffic distributed to and from the adjacent section of Railway Terrace.

Highway Consultation Summary.

The site is considered to be reasonably well located in terms of reducing the need for travel by private car. The promotion of travel by sustainable modes is an important consideration for this proposal and there are facilities local to the site to encourage travel

by these modes. The Highway Authority requests receipt and approval in principle of the construction details for the site access and bus stop facilities prior to commencement of the development to ensure that there is sufficient time for the detailed checking and approval process. The approved site access details will need to be implemented in advance of the first occupation of the development. The Highway Authority will also require that formal consideration is given to all construction activities to ensure that any inconvenience to users of the site and the adjacent highway is kept to a minimum. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.

4.1.3 Landscape Officer [No objection]:

I am in agreement with the previous landscape officer's concerns in regard to the removal of the TPO'd trees from site, particularly the mature alder trees. However, the basis for their removal has been established within the granting of outline permission in 2016.

The amended (October) layout is an improvement upon those submitted previously (August) in that there is an increase in soft landscaping and amenity space.

It is with some reluctance, and only light of previous planning consent and established loss of trees, that I am unable to raise objections to the proposed application.

4.1.4 Environment Agency [Comments]:

Flood Risk

We have produced a series of standard comments for local planning authorities (LPAs) and planning applicants to refer to on 'lower risk' development proposals where flood risk is an issue. This planning application sits within this category. Our standard comments are known as Flood Risk Standing Advice (FRSA). We recommend that you view this standing advice in full to obtain the relevant comment or guidance for this proposal.

You may also refer the applicant to the standing advice. Applicants should follow the advice and submit the relevant information alongside their planning application submission.

Groundwater

We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. 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.

We recommend however that the requirements of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our Groundwater protection guides and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommissioning of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:

- The Environment Agency's approach to groundwater protection (2017)
- Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
- Use MCERTS accredited methods for testing contaminated soils at the site

- From the National Planning Practice Guidance:

- Land affected by contamination

- British Standards when investigating potentially contaminated sites and groundwater:

- BS5930:2015 Code of practice for site investigations;
- BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
- BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
- BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

You may wish to consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Final comments

Thank you again for consulting us. If you have any questions regarding our response please get in touch at HNL.SustainablePlaces@environment-agency.gov.uk.

4.1.5 Herts Lead Local Flood Authority [Objects]:

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

Having reviewed the Surface Water Drainage Assessment, Revision B, document reference RE002B, dated 02/08/2018, prepared by JNP Group Consulting Engineers, submitted by the applicant to support this application.

It is our understanding that the information provided to date does not constitute a suitable basis for an assessment to be made of the flood risk arising from the proposed development. We therefore object to the grant of planning permission on the above application and recommend the refusal based on the flood risk of the site and on the overall suitability of the proposed drainage strategy.

The applicant should therefore provide clarifications regarding the following 4 points:

1. Clarification of how the surface water arising from the site will be managed without increasing the flood risk to the site and offsite the surrounding area.
2. Confirmation of the feasibility of the discharge to mechanism. This to include clarification regarding the compliance of BRE Digest 365 infiltration tests presented and evidence of ground conditions/underlying geology and permeability in the exact location where soakaways are proposed to be installed.
3. 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.
4. Provision of a full and detailed management plan regarding the proposed SuDS measures.

In order for the applicant to satisfactorily address these 4 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. 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 surface water flood risk map shows the existence of a flow route coming from Harthall Lane towards Railway Terrace road which flows in the direction of the development site.

The applicant has provided a plan (drawing no. C85680-D-002 Rev. B) showing that the proposed exceedance flow path crosses the existing electricity sub-station located in this place.

The applicant should consider the impact of the construction of houses proposed to build in the flow route along Railway Terrace Road; clarification should be provided in order to demonstrate that the surface water from the site will be appropriately managed, and that the flow route and the exceedance flow paths will not increase the flood risk to the electricity sub-station, to the Railway Terrace Road and to the existing properties opposite to this development.

Also we acknowledge that the applicant proposes finished ground levels at 72m, which means that the flood risk will be transferred to the surrounding areas, off site. The applicant should demonstrate that the raising of the ground levels will not increase the flood risk off site.

2. Soakage testing report produced by Soil Consultants, dated 7th October 2016 show that the infiltration tests were carried out at 2.50m and 3.50m (BH101) and 3.00m and 3.80m (BH102). Infiltration test results show infiltration rates of $10E-4$ m/s for BH101 and $10E-3$ m/s for BH102. However, the depths where infiltration tests were conducted do not correspond to the levels proposed to install the bases of the soakaways. We note that at the depths of 70.9m (general base level for the soakaways) the corresponding strata is formed by made ground where infiltration effectively does not work. A consideration regarding infiltration feasibility in made ground is mentioned in the section 2.4.3 of the FRA where it is stated that it does not work.

We also note that the infiltration test boreholes were not carried out in the most critical location, which is Flood Zone 2, and where a row of individual soakaways is proposed to be installed.

The FRA states that the site investigation report notes that groundwater was recorded between depths of 2.51m and 3.48m bgl. Considering that the base of the soakaways is to be installed at 70.9m and that the existing levels on site are between 71m and proposed finished levels of 72m, this means that a 1m buffer depth that is required between the base of the soakaways and the finished levels is not assured.

From the above mentioned reasons we consider that the infiltration tests produced are not representative of the site and that infiltration is unlikely to work in this place.

The applicant should therefore carry out new infiltration tests in the exact location where the soakaways are proposed to be installed and these should be conducted at the exact depth where the base of the soakaways will be installed. Also the drain down times and the groundwater levels should be provided.

3. 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.
4. The applicant presents a maintenance plan for the proposed SuDS measures. It is mentioned that the SuDS features will be located in public open space where possible, however some soakaways serving residential properties will not. The FRA mentions that the maintenance will be on the responsibility of a maintenance company.

The applicant should therefore clarify which soakaways will be public and which will be private and determine who will have the maintenance responsibility for each one of the proposed soakaways.

Also in relation to the shared soakaways, applicant should clarify how these will be maintained, who will be responsible for the maintenance, where these will be installed (public area or private areas) and how it will be the access to it.

Regarding the largest soakaway (located near the western boundary), it is mentioned (in the drawing no. C85680-D-002 Rev. B) that it is going to be subject to approval and adoption by local highways authority. Alternatively, according to the section 2.1.10 of the FRA, an option should be considered for the maintenance to be carried out by the Parish council for a commuted sum. Any of the above mentioned options will need prior confirmation and agreement from the relevant authorities, otherwise we require confirmation of who is going to adopt it and maintain it.

Informative to the LPA

We note that the artificial lake located in the northern part of the site is a Thames Water asset. We would recommend the applicant to contact Thames Water in order to satisfy their concerns in terms of flood risk arising from the overflow of this lake.

We would recommend the LPA to consult the Environment Agency as there is a high flood risk from surface water that may directly affect a reservoir with potential consequences to this development.

We also note that the artificial lake is not currently considered in the EA map for flood risk from reservoirs. Hence we would recommend the LPA to consult the EA in order to understand their position regarding this as well.

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

Please note if the LPA decide to grant planning permission we wished to be notified for our records.

4.1.6 Herts Ecology [Initially advised that further information is required to be submitted however revised their comments advising that a Bat Survey should be submitted]:

Further to discussions with the applicant, I am now in a position to provide alternative advice. The descriptive elements of my previous letter of 4 October remain valid but the recommended actions are amended as follows:

The need for an Ecological Impact Assessment (EclA) is removed. However, the need to determine the possible presence of bats in existing trees (as recommended by the original ecological survey) still needs to be determined.

As felling is proposed, bats that depend on the trees to roost or shelter could be harmed. Bats are protected under domestic and European law and in general terms, it is an offence to disturb or harm a bat, or, damage or obstruct access to a roost or place of shelter. Without evidence of the presence or absence of bats, the Local Planning Authority (LPA) cannot be certain that felling won't lead to an offence being committed and, therefore, is unable to determine this application.

Therefore, the LPA should request the completion of a 'Preliminary Roost Assessment' of the trees by an appropriately qualified and experienced Ecologist to evaluate whether bats are (or evidence of them is) present and will be affected by the proposals. Such surveys can be undertaken at any time of year but must follow established best practice (Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016).

The outcomes should be considered by the LPA before the application is determined. If evidence or potential is found, further surveys will probably be required. We would be happy to advise further when the report is received.

The need for biodiversity enhancements to be incorporated into the scheme as described in my last letter remains. However, it is now recommended that this should be delivered by means of an Ecological Management Plan (EMP) which should be completed prior to any operations on site commence. This should describe how the development would retain semi-natural features on the development site and secure their long-term management. In addition, it should describe any mitigation and compensation measures as well as biodiversity enhancements. Further information regarding the latter was provided in my last letter. **The EMP should also be secured by condition or similar.** Again, we would be happy to comment on this on receipt.'

Below are the initial comments received:

We commented at length on a previous application at this site (18/0351/FUL) on 9 May 2018. This was informed by an Extended Phase 1 Survey Report (FPCR, April 2016). This concluded that the proposal is '*unlikely to result in a significant negative affect on biodiversity*' although this outcome was largely dependent on the implementation of a number of mitigation and other measures in Section 4. Our letter recommended broadly similar measures but expanded the list to include the possible need for compensation

measures amongst others. However, we understand that this application was subsequently withdrawn.

The current proposals include modifications which, according to the new DAS, take account of outcomes of the previous consultation process. It is also accompanied by the same Phase 1 report. Given that the latter is now around two and a half years old (and even relies on some data from 2013) it is now out of date and whilst elements will remain relevant, it cannot be relied upon to accurately inform this development.

Despite this, given the similarity of this proposal and the last, our opinions remain largely the same. However, none of the recommendations made by us (or indeed, the Phase 1 Report when considered still valid) appear to have been implemented. Importantly, the need for more detailed bat surveys of existing trees has not been addressed.

Bats are protected under domestic and European law and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. The existing survey information does not provide sufficient evidence to show that an offence won't be committed and so the Council cannot satisfy the tests in the Habitats Regulations 2017 and so is unable to determine this application at this time.

To resolve these issues, and even though the proposed development site may not appear to support notable ecological interest, the presence of the adjacent local wildlife sites strongly suggests that an **Ecological Impact Assessment** report prepared by a suitably qualified and experienced ecologist should accompany the application. Unlike the existing report, it should follow available best practice guidance (ie CIEEM Guidelines for Preliminary Ecological Appraisal) and should not only describe the current ecological characteristics of the development site, adjacent wildlife sites and their place in the local landscape, but also the potential impacts of the development, direct or indirect, upon them. Indirect impacts could include but might not be limited to the spread of artificial external lighting, additional recreational pressure or disturbance during construction. The report should also highlight any potential impacts on legally protected species on or off the development site and should include the results of any additional species surveys considered necessary by the ecologist (including bespoke bat surveys).

The development should seek to retain any semi-natural features on the development site and secure their long-term management via planning conditions or agreements as appropriate. However, the planning system should aim to deliver overall net gains for biodiversity as laid out in the National Planning Policy Framework and other planning policy documents. **Biodiversity enhancements** appropriate to the site and its surroundings must be incorporated into the development proposal under the guidance of a suitably qualified and experienced ecologist. Enhancements could include integrated bat roost and bird nesting units within the fabric of new buildings, of a type and location appropriate to species of local and national conservation concern. New trees and shrubs in soft landscaping proposals should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife. Consideration should be given to facilitating the movement of wildlife through the development to and from the surrounding landscape.

All enhancement proposals, together with necessary mitigation and compensation measures, should be integral to development proposals and illustrated on unified construction drawings and landscape plans. Supporting information should include plans for maintenance and monitoring together with a mechanism for delivery including designated responsibilities.

4.1.7 Herts and Middlesex Wildlife Trust: No comments received.

4.1.8 Thames Water [No objection]:

Waste Comments

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

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

Water Comments

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

Supplementary Comments

Thames Water require evidence as part of the Flood Risk Assessment that the full impact of a breach of the balancing pond (to the North of the site) has been assessed by the developer as part of their considerations.

4.1.9 Affinity Water [No objection – site is in a ground source protection zone]:

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

You should be aware that the proposed development site is located 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 site 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".

4.1.10 Environmental Protection: No comments received.

4.1.11 Economic and Sustainable Development Officer: No comments received.

4.1.12 Sport England [No objections]:

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. 97 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.

4.1.13 Herts Archaeology [No objections subject to conditions]:

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

As notified with regard to a previous planning application ref. 18/0351/FUL, for a similar development proposal, the proposed development site is close 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 [HER 15562]. 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 [HER 13569].

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. 199, etc. of the recently revised National Planning Policy Framework, and the relevant guidance contained in the National Planning Practice Guidance, and in 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.

4.1.14 NHS England: No comments received.

4.1.15 Three Rivers Traffic Engineer: No comments received.

4.1.16 Herts Property Services [Comments]:

Growth & Infrastructure Unit 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.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team (growth@hertfordshire.gov.uk).

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 Growth & Infrastructure Unit.

4.1.17 Herts Constabulary: No comments received.

4.1.18 Housing Officer [Initial objections then confirmed no objections following revisions to unit sizes]:

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 46% Affordable housing to be delivered and that the majority of the rented accommodation is family sized. I am also pleased to see that the proposal is for Social rented tenure. However, our highest need in Three Rivers is for 2 and 3 bedroomed units. Unfortunately there are no three bedrooms proposed and we would request that there is a greater mix to include 3 bedroomed properties.

4.1.19 Environmental Health: No comments received.

4.1.20 Leisure Officer: No comments received.

4.1.21 Sustainable Projects Officer: No comments received.

4.1.22 Development Plans [Comments]:

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 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 and Strategic Objective 2 as well as the National Planning Policy Framework's (NPPF) (2018) statement that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.

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, 26% will be 2 bedroom dwellings, 53% will be 3 bedroom dwellings and 13% will be 4+ bedroom dwellings, with the remaining dwelling's size being unconfirmed. This broadly meets the indicative dwelling capacities in the SHMA although there is an overprovision of 3 bedroom dwellings. If the proposal were to include the provision of 1-bedroom dwellings, then the housing mix would more closely comply with the targets set out in SHMA. 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.

Identified need for affordable housing mix in the District is as follows: 22% 1-bed units, 50% 2-bed units, 24% 3 bed units and 4% 4 + bed units. The application proposes that for its affordable sector housing provision, 23% will be 1 bedroom dwellings and 77% will be two-bedroom dwellings. There are no 3-bed affordable units proposed; by rebalancing the mix of dwelling sizes, the proposal would make a stronger contribution in meeting identified affordable housing needs.

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 proposal for 9 social rented dwellings and 3 intermediate dwellings meets the tenure guide set out in Policy CP4(b).

4.1.23 Dacorum Borough Council: No comments received.

4.1.24 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.

4.1.25 Herts Waste and Minerals Team [No objections]:

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.

4.1.26 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 63 No of responses received: 3 objections received

4.2.2 Site Notice: Expired: 16 October 2018 Press notice Expired: 5 October 2018

4.2.3 Summary of Responses:

- Adverse effect on trees;
- Overdevelopment
- Overshadowing;
- Too close to the boundary;
- Concerned about the impact the development would have on the relatively short area of road in terms of traffic, parking and the environmental impact on the local area;
- The through traffic is already considerable due to existing uses along Railway Terrace including a scrapyard and heavy vehicle depot; there are no traffic calming measures which makes the road hazardous for cyclists and pedestrians attempting to cross; there is no plan for traffic management at the entrance to mitigate the increased traffic movements;
- Employees at the Masters Yard use the available parking on the road so there is little left for residents; The proposal would impact further on existing traffic issues and further impact on the already difficult entrance to Lakeview;
- Road already floods regularly; Proposal would impact further on drainage and affect local area;
- The development would add more congestion of an already overcrowded congested poorly maintained road;
- The adjacent area of natural beauty and wildlife will be adversely affected by the building works; Development would have an adverse environmental impact on the lake affecting bird life and fishing;
- Would add additional pressure on existing struggling local facilities, infrastructure and technology facilities such as internet and phones;
- Impact on view from property; height of properties are a concern;
- Alternative uses could be provided on the site;
- Construction of 28 dwellings is too much for the plot and would have a detrimental impact on the close environment;
- Residents within the area do not have drives so rely on spaces that available along the road development would affect this further.

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 24 July 2018 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2 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 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.

6.3 Other

Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation).

The Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

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 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 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(a) which is identified for mixed use development.
- 7.1.2 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.
- 7.1.3 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.
- 7.1.4 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.

7.1.5 The principle of the construction of 28 residential units on the site was also granted under outline planning permission 16/1500/OUT, which is still extant. Thus, there are no objections to the principle of the construction of 28 dwellings on the site in relation to Policies PSP3 and CP2 of the Core Strategy and Policies H(1) and E(e) of the Site Allocations DPD.

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.

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 for market housing is for approximately:

- 8% 1-bedroom units
- 28% 2-bedroom units
- 41% 3-bedroom units
- 23% 4+ bedroom units

7.2.3 The identified need for affordable housing in the District is for approximately:

- 22% 1-bedroom units
- 50% 2-bedroom units
- 24% 3-bedroom units
- 4% 4+ bedroom units

7.2.4 The development would provide for 10.5% 1-bedroom units, 43% 2-bedroom units, 36% 3-bedroom units and 10.5% 4+ bedroom units across a range of flats, terrace, semi-detached and detached properties. The provision is summarized in the table below:

	SW Herts SHMA Requirement			Proposed Development		
	Market	Affordable	Total	Market Provision	Affordable Provision	Total Provision
1 bed	8%	41%	19%	0%	23%	10.5%
2 bed	28%	28%	28%	27%	62%	43%
3 bed	41%	29%	37%	53%	15%	36%
4+ bed	23%	2%	16%	20%	0%	10.5%

7.2.5 The Development Plans Officer commented on the housing mix stating that there would be no 3-bed affordable units proposed and by rebalancing the mix of dwelling sizes, the proposal would make a stronger contribution in meeting identified affordable housing needs. The Housing Officer also noted that the highest need in Three Rivers is for 2 and 3 bedroomed units and noted that no 3 bedroom units were proposed. Following receipt of these comments the plans were revised to replace two, two bedroom units with two three bedroom units to be provided as affordable housing. The Housing Officer raised no objections to these amendments.

7.2.6 In terms of housing mix the proposed development would provide compliant two bedroom units for the private market housing and over provision of two bedroom units in relation to

the identified affordable housing requirement. However, the Housing Officer has advised that their preferred mix would be for the provision of 50% 2-bed units with the main requirement being for 2 bed 4 person units. The proposed provision would help to provide a higher proportion of two bedroom units as affordable housing which would help to meet the needs of the district. Thus, no objections are raised to the proposed number of two bedroom units to be provided. The provision of the other unit sizes would vary from the identified need as set out within the updated SHMA. However, the variation is required to allow for a higher percentage of 2 bedroom affordable units to meet the current greatest need for affordable accommodation. The overall provision would provide a varied mix that would help to contribute to both private and affordable housing within the District and it is not considered that a reason for refusal would be justified due a deviation from the mix set out within the SHMA.

7.2.7 Thus, no objections are raised to the proposed housing mix in relation to the requirements of Policy CP3 of the Core Strategy and it is considered that the mix of housing would help to meet 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 12.6 affordable units, of which 9 should be social rented and 4 shared ownership.

7.3.4 Thirteen of the dwellings are proposed to be affordable which would represent 46% of the total provision. The proposed development would result in tenure split of 10 social rented and 3 shared ownership representing a 77/23 split. The proposed distribution of affordable units is indicated in the table below:

	Private	Social Rented	Intermediate (Shared Ownership)	Total
1-bedroom flat	0	3	0	3
2-bedroom flat	0	6	0	6
2-bedroom house	4	0	2	6
3-bedroom house	8	1	1	10
4+bedroom house	3	0	0	3
Total	15	10	3	28

7.3.5 The scheme has been revised to provide two additional three bedroom units in place of two, two bedroom units; one would be provided as social rent and one as shared ownership. Following the revisions to the unit sizes of the affordable housing provision the Housing Officer has raised no objections to the proposed affordable housing provision.

7.3.6 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 that 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.'

- 7.3.7 The NPPF also encourages inclusive and mixed communities. The proposed affordable housing units would be sited along the frontage of the site within the row of terraces and block of flats. Although the buildings would not be individually pepper potted throughout the site due to the overall scale of the site the proposed affordable units would not be isolated within the context of the market housing or sited within an undesirable part of the site. Two market houses would also be sited to the flank of the block of flats. The overall design and layout of the affordable dwellinghouses would not appear substandard in relation to the proposed private terraces. The development would only include one block of flats which would be used as social rented accommodation. However, the flats would not appear as a substandard design to that of the other properties within the site or surrounding street scene. The amenity space and parking provision would also be similar to that of the private housing. Thus, the proposed affordable housing units would appear tenure blind within the context of the site. The Housing Officer has raised no objections to the proposed siting of the affordable units.
- 7.3.8 No objections are therefore raised to the proposed percentage level of affordable housing provided, 77/33 social rent/shared ownership split, location or design of the proposed affordable housing units. Thus, the proposed development would meet the requirements of Policy CP4 of the Core Strategy and the Affordable Housing SPD.

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 The residential development within the vicinity of the site is mixed and includes a variety of flat development, terraced, semi-detached and detached properties. The buildings also vary in architectural merit. Railway Terrace also contains commercial development where the buildings are of industrial scale and design. The commercial development along the western side of Railway Terrace is also interspersed by residential development. There is not therefore a characteristic form of development within the wider area and vicinity of the site. The proposal would reflect the varied character of Railway Terrace with the provision for a variety of dwelling types including a flatted block, terraced, semi-detached and detached dwellings arranged around a cul-de-sac.
- 7.4.7 The proposed development would result in the addition of a cul-de-sac style layout. The principle of residential development within the site was granted under planning permission 16/1500/OUT which proposed a cul-de-sac style development. Taking into consideration the varied nature of Railway Terrace the style of the development in terms of its cul-de-sac layout would not be detrimental to the character of the area.
- 7.4.8 The proposed dwellings would be arranged in a linear pattern of development with small front amenity space and gardens to the rear. The overall layout, plot sizes, plot depths and widths and building footprints of the proposed units would not appear cramped or out of character in comparison to the existing residential properties along Railway Terrace. The proposed dwellings on plots 1-4 and 18-19 would be two storeys in height and not disproportionate in scale to the other two storey properties along Railway Terrace. Furthermore, they would not be read in context with any neighbouring dwellings as open space is sited to the north of the site and commercial buildings are sited to the south of the site.
- 7.4.9 The proposed flats would be sited along the frontage of the site. Lakeview opposite contains a large flatted development which varies in height from two storeys to the front to three storeys set further back into the plot. The proposed flats would be three storeys in height with gabled front features. The neighbouring building to the south consists of an industrial building which is set back into the plot. Due to the varied nature of Railway Terrace and taking into consideration the significant variation of built form along Railway Terrace and the wider street scene the site benefits from a degree of flexibility in the scale of the development that would be acceptable. The provision of the three storey block of flats with gabled front and rear elevations would not appear unduly prominent or out of character within the street scene. Notwithstanding this, the proposed development has been sympathetically designed to ensure the bulk of the development would not result in any demonstrable harm. The southern elevation would be of a reduced depth which would reduce the apparent bulk when viewed from the south of the site. The northern elevation would be of a greater depth however it would be sited adjacent to the two storey dwellings which would serve to obscure the view of the northern flank from public vantage points.
- 7.4.10 The northern aspect of the proposed block of flats would have a height of 11.1m reducing down to an eaves height of 8.1m. The neighbouring dwellings (Plots 18-19) would be two storeys with a height of 9.2m. The proposed flats would not appear unduly prominent or over dominant in relation to the proposed dwellings.
- 7.4.11 A distance of 2.5m would separate the proposed dwellings and flats. The flats would be set in a minimum of 4.5m from the southern flank elevation. The dwelling on plot 1 would be set in 0.9m from the northern boundary at its closest point; considering that the

northern boundary adjoins open land the proximity of the dwelling would not result in a cramped feature. Sufficient spacing would be provided between the proposed buildings and flank boundaries and the proposed buildings as to retain a sense of space within the street scene and prevent a cramped and dominant form of development within the street scene.

- 7.4.12 Within the development 2.5m would be provided between Plots 14 and 15 and single storey garages would be sited along the flanks of the dwellings sited along the north of the access road. A minimum distance of 1.5m would be achieved between plots 8 and 9 however as the garages would be single storey level only this spacing would not result in a terracing effect. Thus, sufficient spacing would be provided between the properties within the site in accordance with the requirements of the Design Criteria of the DMP LDD and would respect the existing characteristics of the residential development within the surrounding area.
- 7.4.13 In terms of design the dwellings would be of a traditional pitched roof design predominantly with gabled flank elevations. The proposed dormers would be subordinate in scale to the proposed roof forms and the rear dormers with the balconies due to their siting would not appear contrived. The design would be of acceptable standard as to respect the character of the area. The proposed block of flats would include features that would help to break up the apparent massing of the building and would be of a design that would not appear incongruous within the street scene. The provision of Juliet balconies is not uncharacteristic along Railway Terrace.
- 7.4.14 The proposed parking provision would be sited to the side, rear and within the curtilages of the proposed units. The siting of roadside parking or parking to the rear of properties is not an uncommon feature within residential developments and would not introduce an unacceptable feature. The proposed parking areas would be interspersed by green spaces within the site and the dwellings on Plots 5-11 would be set back from the highway which would enable soft landscaping to be provided between the highway and dwelling. Soft landscaping would also be provided to the front of the units fronting Railway Terrace, the soft landscape features would contribute visual amenities of the street scene along Railway Terrace and within the site.
- 7.4.15 The proposed boundary details would complement the residential nature of the proposed development and would be acceptable within the context of the site. The proposed fencing would not appear unduly prominent as viewed from outside of the site especially to the north and west.
- 7.4.16 As such, the overall layout of the proposed development would not result in any demonstrable harm to the overall character and appearance of Railway Terrace and would be acceptable in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

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 Criteria 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 and would not be adversely affected by the proposed development.

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. A distance of approximately 23m would separate the flats and neighbouring properties on the opposite side of Railway Terrace. Sufficient separation would be provided as to prevent unacceptable loss of light or harm to the visual amenities of these neighbouring properties. The two storey dwellings would be of a scale and in a location that would not result in any harm to the residential amenities of the neighbouring properties on the opposite side of Railway Terrace.

7.5.6 Due to the distances between the proposed development and existing neighbouring properties with the buildings fronting onto each other the proposal would not result in any unacceptable overlooking of existing residential properties.

7.6 Amenity for Future Occupiers

7.6.1 In terms of impact on the amenities of the future occupants there would be an acceptable relationship between the properties fronting the proposed access road (Plots 5-11 and 12-17). The rear elevations of Plots 1-4 would face the flank boundary of Plot 5. Plots 1-3 would directly face the flank boundary of Plot 5. A minimum distance of 14m would be achieved between the rear elevation of Plot 3 (the closest property) and the flank boundary of Plot 5. This is considered a sufficient distance as to prevent unacceptable overlooking between the proposed properties.

7.6.2 A distance of 31m would separate the rear elevation of the flats and the flank boundary of Plot 17. Sufficient distance would be provided between the rear of the proposed flats and neighbouring properties to the rear to prevent an oppressive relationship and unacceptable overlooking from the proposed three storey building.

7.6.3 The flats would extend approximately 4.5m beyond the rear elevation of Plot 19 and would intrude the 45 degree splay line taken from the rear elevation of Plot 19 at a point along the joint boundary by approximately 3.5m. A distance of 2.5m would separate the

buildings which would reduce the dominance the proposed flats would have on the neighbouring dwelling. Furthermore, the site would be open to the rear and north of Plot 19, as such, it is not considered that there would be an unacceptable relationship between the dwelling and flats.

- 7.6.4 Masters Yard is in commercial use and contains first floor windows within the north west elevation facing the application site. One of the neighbouring commercial buildings runs along part of the rear boundaries of Plots 15-17. The rear elevations and boundaries of the proposed dwellings would face the flank boundary of Masters Yard. The spacing between the existing and proposed buildings would be of an acceptable distance (17.5m) to prevent unacceptable overlooking from the commercial building into the proposed residential properties. The existing building is not of a scale that would appear dominant as viewed from the gardens of the proposed development.
- 7.6.5 The plans indicate that a 2.2m high acoustic fence would be sited along the rear boundaries of the properties that adjoin Masters Yard. It is not considered that the future occupants would be adversely affected by the neighbouring commercial unit.
- 7.6.6 Thus, the relationship between the proposed buildings within the site and in relation to the neighbouring built form would provide acceptable living standards for the future occupants of the development.

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, 105sqm to serve a 4-bedroom dwelling and 126sqm for a five bedroom dwelling.
- 7.7.3 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 Plots 1, 4 and 16 as set out in the table below:

Plot	Indicative Requirement	Provision
1	84sqm	80sqm
2	63sqm	71sqm
3	63sqm	67sqm
4	84sqm	80sqm
5	84sqm	125sqm
6	84sqm	116sqm
7	84sqm	105sqm
8	84sqm	86sqm
9	105sqm	105sqm
10	105sqm	105sqm
11	126sqm	186sqm
12	63sqm	65sqm
13	63sqm	64sqm
14	84sqm	87sqm

15	84sqm	85sqm
16	63sqm	60sqm
17	63sqm	67sqm
18	84sqm	84sqm
19	84sqm	92sqm
20-28	249sqm	360sqm

- 7.7.4 The amenity space provision would predominantly meet or exceed the indicative amenity space standards as set out within the Design Criteria of the DMP LDD. Although there would be a shortfall to three of the properties the shortfalls would not be significant and the amenity space provision serving each dwelling would be of a size and layout that could be utilised by future occupants. Furthermore, the site will provide two areas of open space and there is also public open space sited along Railway Terrace to the south east of the site which would be accessible to future occupants. The amenity space serving the flats would be open along the front and rear. However, the space would provide some open space for future occupants.
- 7.7.5 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.
- 7.7.6 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.
- 7.7.7 10% of the development area would result in a requirement for 750sqm open space. The Planning Statement details that the areas of open space sited adjacent to the access road and within the south east corner of the site would provide an area of approximately 900sqm. The proposed development would include family sized accommodation and Policy DM11 of the Development Management Policies document states that formal equipped play facilities should be provided. Formal equipment is not proposed however an area of open space would be provided and the site is located within walking distance (300m) from public open space and a play area at Primrose Hill Playing Fields to the south. Taking into consideration the open space to be provided, which would also contribute to the visual amenities of the development, and the proximity of the site to an existing area of play space and open space, sufficient open space and play facilities would be available for the future occupants in accordance with Policy DM11 of the Development Management Policies document.
- 7.7.8 Due to the size of the gardens proposed permitted development rights in relation to Classes A (Extensions) and E (Outbuildings) of Schedule 2 of the General Permitted Development Order will be removed by condition to enable the LPA to control any future extensions or buildings which may further reduce the garden size.
- 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 The Highways Officer raised no objections to the proposed siting of the access, internal access road or relationship between the proposed parking and internal road networks. The Highways Officer advised that the access, bus stop and footways would be required to be built to adoptable standards. It has been confirmed that the road layout is considered to be acceptable for the size of the development.

7.8.4 In relation to intensification of use and safety of the access the Highways Officer has confirmed that the siting and scale of the access would be acceptable and would provide sufficient visibility. The Highways Officer has confirmed that the anticipated trip generation and proposed access arrangements (and its location) are expected to be sufficient to distribute those trips to and from the adjacent highway network and confirmed that the site is located within a sustainable location.

7.8.5 The Highways Officer confirmed that, subject to conditions, the impact of the proposed development is not expected to be significantly detrimental to the safe flow of traffic passing the site and on the surrounding highway network. The improved access layout incorporating the relocation of the bus stop and its adoption as part of the highway network will mitigate for the additional traffic distributed to and from the adjacent section of Railway Terrace.

7.9 Parking

7.9.1 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.

7.9.2 These standards identify the following:

1-bedroom dwelling - 1.75 spaces (1 assigned space)
2-bedroom dwelling - 2 spaces (1 assigned space)
3-bedroom dwelling - 2.25 spaces (2 assigned spaces)
4+ bedroom dwelling - 3 spaces (3 assigned spaces).

7.9.3 The development would consist of:

Three 1-bedroom units – $1.75 \times 3 = 5.25$ spaces
Twelve 2-bedroom units – $2 \times 12 = 24$ spaces
Ten 3-bedroom units – $2.25 \times 10 = 22.5$ spaces
Three 4+ bedroom units – $3 \times 3 = 9$ spaces

7.9.4 The proposed development would generate a total requirement for 60.75 spaces (44 assigned spaces). The assigned spaces would be required to serve future residents while the total parking requirement takes into account provision for visitors.

7.9.5 A total of 68 spaces (64 assigned spaces and 4 unassigned spaces) are proposed as part of the development. Plots 5-11 would each be served by two external parking spaces and a garage. The parking serving these units would either meet or be in excess of the standards. Internally the garages would have a minimum width of 3m and depth of 6m which would be of a sufficient size to accommodate a car. Any planning permission would include a condition removing permitted development rights in relation to garage conversions. The external parking spaces are shown to have a width of 2.4m by 4.8m and would be of an acceptable size to accommodate a car.

7.9.6 Each of the other units (dwellings and flats) would be served by road side parking and each unit would be served by two parking spaces. It is noted that 2.25 spaces should be

provided for the three bedroom units. Four visitor spaces would be provided within the site which would serve this shortfall. A swept path analysis has been submitted demonstrating that the vehicles can access the parking spaces proposed to be provided. Thus, the proposed development would provide in excess of the parking standard requirements and would meet the requirements of Policy DM13 and Appendix 5 of the Development Management Policies document.

7.9.7 Appendix 5 of the Development Management Policies document sets out requirements for cycle parking and identifies that flats should have 1 space per 2 units (a requirement for 4.5 spaces), and houses 1 space per unit where there is no garage or shed provided. The Planning Statement advises that secure parking for 5 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.

7.9.8 Neighbours have raised concerns that there the existing properties along Railway Terrace have limited parking. It was noted at the time of the site visit that cars park along the stretch of the highway in front of the site. This is noted however proposed developments that meet the policy compliant standards for parking cannot be restricted due to existing parking shortfalls within the area. The proposed development would provide policy compliant parking and would not add additional pressure for parking along the neighbouring roads. As such, no objections are raised to the proposed development in terms of impact on the neighbouring highway.

7.10 Trees and Landscaping

7.10.1 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 trees that would be removed. The report sets out trees recommended for refusal irrespective of the proposed development these include:

T5 & T6 – Sycamore
G8 – Elder x4
G13 – Alder
T15 – Alder
T20 – Willow

7.10.2 The following trees would also be removed as part of the proposal:

T1 & T2 – Cypress
G3 – Cypress and Sycamore
T4 – Cypress
G7 – Thorn
T10 – Thorn
T11 – Alder
T12 – Alder
T14 – Alder
G16 – Alder
T18 – Goat Willow
T19 – Thorn

7.10.3 The development also includes coppicing to G17 the group of Alder proposed to be retained within the south east corner of the site.

7.10.4 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and

heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

Policy DM6 of the Development Management Policies 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.

7.10.5 The Landscape Officer has noted that the current layout is an improvement to the previously submitted application with the increase in soft landscaping and amenity space. The Landscape Officer has advised that in light of the previous planning consent and established loss of trees no objections are raised to the proposed development.

7.10.6 The Arboricultural Report sets out tree protection measures. As such, any permission would include a condition that the tree protection measures are carried out in accordance with the approved details.

7.10.7 As part of the scheme 29 replacement trees would be planted. The replacement planting would be positioned along the frontage of the site with Railway Terrace and along the internal access road. The provision of replacement planting alongside the areas of soft landscaping that is proposed would have a positive impact on the visual amenities of the development and help to mitigate the loss of the trees proposed to be removed.

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 the flats. The Environmental Protection Officer has been consulted in relation to the proposed development; no comments have been received to date. The dwellings would be served by road side collection points and the bin store serving the flats would be sited 12m from the main access road, a sufficient distance for the operators to access the bins from the main internal access road. The Planning Statement details that there would be

sufficient space to allow the refuse vehicle to reverse into the court yard however this has not be shown on the tracking diagram. To prevent clutter on collection day details of the bin collection points would be required to be submitted by condition.

7.11.3 No objections are raised to the size and scale of the proposed bin store serving the flats.

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 Energy Statement identifies that the scheme would result in a 10.74% reduction in Carbon Dioxide emissions than Building Regulations Part L (2013). Planning permission would include a condition requiring details of any renewable energy systems required to be incorporated to meet this reduction to be submitted.

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 secured.

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 Contamination

7.14.1 Core Strategy Policy CP1 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.

7.14.2 The application site is within a Groundwater Source Protection Zone and a Ground Condition Assessment Report (dated 2014) has been submitted in support of the application. The Environment Agency has advised that:

'In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
- Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.'

7.14.3 The Phase 1 and Phase 2 Ground condition Assessment identified that:

'Potential Controlled Water Hazards

The results of the laboratory testing undertaken indicate generally good groundwater quality with concentrations of all potential contaminants recorded below the assessment criteria and/or detection limits. The groundwater conditions at the site are not considered to represent a risk to controlled waters.'

7.14.4 It is noted that the report is dated back to 2014 however it is not considered that there have been any changes to the site in terms of its use that would affect contamination in relation to the previous findings.

7.14.5 Taking into consideration the contents of the assessment the potential for significant or widespread contamination to be present on the site are considered to be low. Due to the location of the site within Ground Source Protection Zone a condition regarding piling would be attached to any planning permission.

7.15 Sustainable Drainage

7.15.1 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.

7.15.2 The application is accompanied by a Drainage Strategy and following receipt of the County Council's initial comments in relation to the drainage scheme further information was submitted. In relation to the revised information Hertfordshire County Council as the Lead Local Flood Authority (LLFA) have objected to the proposed drainage strategy stating:

'Having reviewed the Surface Water Drainage Assessment, Revision B, document reference RE002B, dated 02/08/2018, prepared by JNP Group Consulting Engineers, submitted by the applicant to support this application.

It is our understanding that the information provided to date does not constitute a suitable basis for an assessment to be made of the flood risk arising from the proposed development. We therefore object to the grant of planning permission on the above application and recommend the refusal based on the flood risk of the site and on the overall suitability of the proposed drainage strategy.

The applicant should therefore provide clarifications regarding the following 4 points:

- 1. Clarification of how the surface water arising from the site will be managed without increasing the flood risk to the site and offsite the surrounding area.*
- 2. Confirmation of the feasibility of the discharge to mechanism. This to include clarification regarding the compliance of BRE Digest 365 infiltration tests presented and*

evidence of ground conditions/underlying geology and permeability in the exact location where soakaways are proposed to be installed.

3. 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.

4. Provision of a full and detailed management plan regarding the proposed SuDS measures.'

7.15.3 These comments were forwarded to the agent who has subsequently submitted additional information. This information has been sent onto the LLFA for comment. Taking into consideration that part of the site is located within Flood Zone 2 planning permission cannot be granted if there is an outstanding objection in relation to the sustainable drainage of the site. If these objections cannot be overcome the proposed development would be contrary to Policy CP1 of the Core Strategy and Policy DM8 of the Development Management Policies document and will be recommended for refusal.

7.15.4 The LLFA generally require 21 days to comment as such their comments may not have been received prior to the committee meeting. Thus, as additional information has been submitted to the LLFA for comment a dual recommendation is proposed. One for planning permission to be delegated back to the Director to issue provided the LLFA remove their objections and subject to the relevant conditions, and for refusal to be delegated back to the Director if the LLFA confirm that their objections cannot be overcome.

7.16 Flood Risk

7.16.1 The site is located adjacent to a lake and with a water course sited close to the western boundary. Parts of the north west of the site are located within Flood Zone 2; the dwellings of Plots 7 and 8 would be sited within Flood Zone 2. A Flood Risk Assessment has been submitted in support of the application.

7.16.2 The Environment Agency has advised that the development should take into consideration the Flood Risk Standing Advice. The Standing Advice stipulates that for vulnerable developments within Flood Zone 2 advice for surface water management, access and evacuation and floor levels must be sought.

7.16.3 The LLFA have been consulted and will provide advice in relation to the surface water management plan for the site; subject to their approval the proposed drainage strategy would serve to help to prevent any increase in the risk of flooding of the area and site. In relation to Access and Evacuation only parts of the site are located within Flood Zone 2. The access, access road and the entrances to the dwellings would not be sited within Flood Zone 2, as such, there would be an acceptable access and evacuation routes.

7.16.4 In relation to floor levels the Standing Advice advises that ground floor levels should be a minimum of 300mm above the general ground level of the site. The Flood Risk Assessment states that the residential ground floor levels will be constructed at a minimum of 72.3 AOD which is 300mm above the estimated 1 in 1000-year annual probability maximum floor level for the River Gade/ Grand Union Canal. As such, subject to the condition that the proposed ground floor levels would not be set below 72.3 AOD the ground levels of the buildings would be of a sufficient height as to future protect the dwellings from flooding.

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 Herts Ecology commented on the proposed development and submitted information and advised that none of the recommendations made by Herts Ecology or as set out within the Phase 1 Report appear to have been implemented. Herts Ecology has advised that to overcome these issues an Ecological Impact Assessment report should accompany the application. However, following receipt of these comments the applicant has been in discussion with Herts Ecology who have advised that the need for an Ecological Impact Assessment has been removed.
- 7.17.6 Notwithstanding this, Herts Ecology still advise that a Preliminary Roost Assessment of the trees should be submitted and considerations of the survey considered prior to the determination of the application. The applicant has confirmed that a Preliminary Bat Roost Assessment has been undertaken and that the report is currently being finalised and will be submitted for comment prior to the Committee Meeting. Members will be verbally updated of the comments received from Herts Ecology in relation to the outcomes and findings of the survey.
- 7.17.7 In relation to the provision of biodiversity enhancements to be incorporated into the scheme Herts Ecology has now recommended that this should be delivered by means of an Ecological Management Plan which should be completed prior to any operations on site commence. Herts Ecology has confirmed that the Ecological Management Plan can be secured by condition which will be attached to any planning permission.

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.
- 7.18.2 Herts Constabulary were consulted in relation to the proposed development and no objections were raised in relation to the layout of the scheme. There would be sufficient surveillance of the proposed LAP from the proposed dwellings fronting this area.

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 of the Development Management Policies document.

8 Recommendation

- 8.1 That subject to the recommendation of approval from the Lead Local Flood Authority (LLFA) the application be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the following conditions and any additional conditions as requested by the LLFA:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1201-001, 1201-002 Rev B, 1201-003 Rev B, 1201-004 Rev B, 1201-007 Rev A, 1201-009 Rev A, 1201-010 Rev B, 1201-011 Rev C, 1201-020 Rev A, 1201-021 Rev A, 1201-030 Rev A, 1201-031 Rev A, 1201-040 Rev A, 1201-041 Rev A, 1201-050 Rev A, 1201-051 Rev B, 1201-060 Rev A, 1201-061 Rev B, 1201-070 Rev A, 1201-071 Rev A, 1201-080 Rev A, 1201-081 Rev A, 1201-082 Rev A, 1201-083 Rev A, 1201-084 Rev A, 1201-090 Rev A, A184-PP01 Rev C, 17311 OGL Rev 1, 17311 OGL Rev 1.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Affordable Housing Supplementary Planning Document (approved June 2011).

- C3 No development shall take place until details of the existing site levels and the proposed finished site levels, floor levels and sections of the proposed buildings and site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This is a pre commencement condition to ensure that the external appearance of the development is satisfactory and to ensure the levels are acceptable in relation to flood risk in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM8 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of the development hereby permitted, details of the proposed areas and treatments of adoptable highway (incorporating the proposed access for the site as shown in indicative form on Drawing No. C85680-SK-001 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include a proposed construction programme confirming the delivery of the various proposed access arrangements.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and

CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 Prior to the first occupation of the development hereby permitted, the approved site access details shall be constructed as approved in writing by the Local Planning Authority in accordance with Condition 4.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.

- i) Construction vehicle numbers, type and routing;
- ii) Traffic management requirements;
- iii) Construction and storage compounds (including areas designated for car parking);
- iv) Proposals to control dust during demolition operations;
- v) Siting and details of wheel washing facilities;
- vi) Cleaning of site entrances, site tracks and the adjacent public highway;
- vii) Provision of sufficient on-site parking prior to commencement of construction activities;

The relevant details should be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the commencement of development, including any demolition, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011), Policy DM10 of the Development Management Policies LDD (adopted July 2013) and Policy 12 of the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (2012).

- C8 No development shall take place until a scheme for the provision of Affordable Housing to be constructed on the site pursuant to the planning permission has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. the numbers, type and size, tenure and location of the Affordable Housing to be constructed on the site which shall not consist of less than thirteen (13)

- Dwellings, of which ten (10) shall be constructed and Provided as Social Rented Dwellings and three (3) shall be constructed and Provided as Shared Ownership Dwellings;
- ii. the timing of the construction of the Affordable Housing and its phasing in relation to the occupancy of the Market Housing;
 - iii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
 - vi. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
 - vii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes and Communities Agency guidance)

The Affordable Housing shall be provided in accordance with the approved scheme. The dwellings constructed shall not be used for any other purpose than as Affordable Housing in accordance with that approved scheme, subject to:

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
 - (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 4 (four) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and

- (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
- (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling to itself under the terms and in the circumstances described above within the said period of 4 (four) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

Reason: This is a pre commencement condition to meet local housing need within the Three Rivers district and to comply with Policies CP1, CP2, CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing SPD (approved July 2011).

C9 No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. 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.

The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation.

Reason: This is a pre-commencement condition to ensure that an appropriate scheme of archaeological investigation and recording is undertaken and that a suitable contingency exists for the rapid investigation of any archaeological remains in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C10 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 9 and the provision made for analysis and publication where appropriate.

Reason: To ensure that an appropriate scheme of archaeological investigation and recording is undertaken and that a suitable contingency exists for the rapid investigation of any archaeological remains in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C11 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- G) Responsible persons and lines of communication.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: This is a pre commencement condition in the interests of safeguarding protected species and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C12 Before any above ground building operations hereby permitted are commenced, samples and details of the proposed external materials including for hard surfacing and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the development is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C13 The development shall be carried out in accordance with the submitted Sustainability and Energy Statement. Further details of the renewable energy technologies to be incorporated within the development shall be submitted and approved in writing by the Local Planning Authority before first occupation of the development and shall be installed prior to the first occupation of the development hereby permitted in accordance with the approved details.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development as possible.

C14 A parking management plan, including details of the allocation of vehicle parking spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details.

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

- C15 A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C16 Prior to the occupation of the development hereby approved details of a lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to the first occupation of the development.

Reason: To meet the needs for safety and security for users of the site and to ensure no adverse impacts on the adjoining public highways or adjoining properties, in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C17 Prior to occupation details of the collection points of domestic waste shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

- C18 The boundary treatment as shown on Plan 1201-004 Rev B shall be erected prior to first occupation and maintained in accordance with the approved details permanently thereafter.

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

- C19 All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in the first planting season and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C20 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the tree protection measures as set out within the Arboricultural Report (Reference AE/22213/18).

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

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

- C21 The development hereby permitted shall be carried out in accordance with the Approved Flood Risk Assessment (reference RE001-B).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To ensure that compensatory storage of flood water is provided to prevent flooding on site and elsewhere in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C22 The development hereby permitted shall not be first occupied until the cycle and bin stores have been implemented in accordance with the approved details and these facilities should be retained permanently thereafter.

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

- C23 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with

Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C24 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling
Class E - provision of any building or enclosure

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

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

- C25 Notwithstanding the provisions of Class A of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the garages hereby permitted shall be retained solely for the housing of private motor vehicles, and at no time shall alterations be undertaken that would result in them being used for other purposes.

Reason: To ensure adequate planning control over further development having regard to the limitations of the parking within the site and surrounding road networks and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C26 If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C27 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be undertaken in accordance with the approved piling method statement.

Reason: The proposed works will be within Ground Source Protection Zone in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C28 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on

Sundays and Bank Holidays.

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

- 14 The applicant is advised of the following comments from Thames Water:

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

- 15 You should be aware that the proposed development site is located 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 site then the appropriate monitoring and remediation methods will need to be undertaken.

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

- 16 The following terms (and those related to them) referred to at Condition C9 shall be defined as set out below:

Affordable Housing means Social Rented Dwellings, Affordable Rented Dwellings and Shared Ownership Dwellings meeting Scheme Design and Quality Standards at costs below those associated with open market housing and which is available to, affordable by and occupied only by those in Housing Need.

Affordable Housing Provider means a registered provider registered with the Homes and Communities Agency (HCA) or other body registered with the HCA under the relevant Housing Act or other body approved by the HCA to receive social housing Grant such Registered Provider in any event to be approved by the Council.

Choice Based Lettings Scheme means the Council's allocations policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Grant means national affordable housing programme funding allocated by the Homes and Communities Agency.

Homes and Communities Agency (HCA) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act

2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

Housing Need means persons who are assessed by the Council as being unable to resolve their housing needs in the private sector market because of the relationship between housing costs and incomes in accordance with the Choice Based Lettings Scheme.

Market Housing means those dwellings constructed on the site pursuant to the planning permission which shall not be Provided as Affordable Housing

Net Proceeds means any receipts or consideration received by a Affordable Housing Provider from the sale of an interest in any of the Affordable Housing following its initial occupation after deduction of the Affordable Housing Provider's reasonable evidenced costs of acquisition, construction and sale of the relevant affordable dwelling and the deduction of any Grant repayable.

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers

Open Market Value means the value confirmed by a certificate (from a professionally qualified valuer and produced in accordance, where applicable, with the Homes and Communities Agency Capital Funding Guide or successor requirements) that the relevant interest in the dwelling would fetch if sold on the open market by a willing vendor to a willing purchaser

Provided means practically completed, ready for first occupation, fully serviced and subject to a contract with an Affordable Housing Provider for the acquisition of no less than a 125 year leasehold interest

Reasonable Service Charge means a sum that covers the contribution requested from time to time for those services and facilities which are of a nature and to a standard reasonably required in connection with and which directly benefit the relevant Affordable Housing, such sum to be set at a fair and reasonable proportion of the costs relating to the services provided.

Scheme Design and Quality Standards means standards in relation to the internal environment sustainability and external environment of Affordable Dwellings as set out in the Housing Corporation's document entitled 'Design & Quality Standards 2007' or such other replacement design standards as may be issued from time to time.

"Shared Ownership Dwellings" means Affordable Housing occupied subject to a Shared Ownership Lease

"Shared Ownership Lease" means a lease substantially in the form approved or published by the HCA whereby:

- (a) the initial share sold to the leaseholder:
 - (i) is a minimum of 25% (twenty five per cent) and a maximum of 75% (seventy five per cent) of the total equity in the unit; and
 - (ii) is sold for a premium equal to the corresponding percentage of the Open Market Value of the property;
- and

(b) (i) the annual rent does not initially exceed 2.75% (two point seven five per cent) of the full Open Market Value (assessed in accordance with the HCA's Capital Funding Guide) of the Registered Providers retained share of the equity in the relevant affordable unit;

(ii) is not at a level which is in conflict with any applicable Homes and Communities Agency successor restrictions relating to charges payable by the tenant; and

and

(c) the tenant:

(i) pays no more than a Reasonable Service Charge (where applicable); and

(ii) may in successive tranches purchase the remainder of the equity in the unit

Social Rented Dwellings means Affordable Housing provided through a Affordable Housing Provider available for rent at Target Rent and subject to a Reasonable Service Charge under an assured tenancy or equivalent.

Target Rent means a rent which does not exceed the guideline rent determined through the national rent regime set from time to time.

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

9 In the event of a further objection from the Lead Local Flood Authority the application be delegated to the Director of Community and Environmental Services to REFUSE PLANNING PERMISSION for the following reason:

R1 Adequate detail of the proposed sustainable urban drainage system (SUDS) has not been provided to support the use of such a system. The proposed development would therefore be contrary to Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies document (adopted July 2013).

Informative:

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