

15. **18/1938/FUL - Demolition of dwellinghouse and construction of three storey building consisting of five residential flats with balconies and associated refuse, recycling, access, cycle and car parking facilities at EASTBURY CORNER, 13 EASTBURY AVENUE, NORTHWOOD, HA6 3LE**
(DCES)

Parish: Batchworth Community Council

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 28 November 2018

Case Officer: Adam Ralton

Recommendation: That Planning Permission be Granted following the completion of a Section 106 Agreement to secure a commuted sum toward affordable housing

Reason for consideration by the Committee: This application has been called in by three Members of the Planning Committee unless Officers are minded to refuse.

1 Relevant Planning History

- 1.1 18/1369/FUL: Demolition of dwellinghouse and construction of three storey building consisting of five residential flats with balconies and associated refuse, recycling, cycle and car parking facilities. **Refused** September 2018 for the following reasons:

R1 The proposed development, by reason of the shortfall in amenity space to serve future occupiers and the cramped layout of the proposed front and rear forecourt areas would result in a cramped form of development which would fail to provide adequate quality of accommodation for future occupants and would fail to respect the character of the street scene. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2 Agreement regarding the level of affordable housing provision has not been reached at this time and the application has not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement. Accordingly the development conflicts with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011).

2 Description of Application Site

- 2.1 The application site contains a detached two storey dwelling, on the eastern corner of the junction between Eastbury Avenue and Eastglade. The dwelling has a two storey front gable projection, a pitched roof with ridge running across the width of the plot, and a two storey rear gable projection with a perpendicular ridge. The property includes a single storey rear extension adjacent to the rear gable, and a single storey side conservatory. The dwelling has a rear garden approximately 9.8 metres deep. The site is enclosed to the rear and side by a close boarded fence and to the front by hedgerow. The existing vehicular access is to the front.
- 2.2 The application site is on a corner plot. The neighbouring site to the east is No. 15 Eastbury Avenue. This is a large plot which contains two 3-storey buildings built in a modernist style, with white rendered facades and a strong horizontal emphasis. Beyond this is another flatted building set in a spacious plot. To the west of the site is Eastglade, a residential cul-de-sac and the other side of the junction with Eastglade from the application site is the site of No. 11 Eastbury Avenue which has recently been demolished. Planning permission has been granted at that site at appeal for a redevelopment to provide a three storey block of 9 flats. To the rear of the site is No. 9 Eastglade, a detached two storey dwelling.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and the construction of a replacement three storey building to contain a total of five flats (four 2-bedroom flats and one 1-bedroom flat).
- 3.2 The proposed building would measure 14 metres in width by 14.9 metres in depth. It would have a flat roof 8.6 metres high. This upper floor would be recessed, and the two storey height would be 6.1 metres. The recessed upper floor would be set in approximately 1m from the flank walls and approximately 0.2m from the front and rear walls. The building would be clad in brick at ground and first floor level, with grey zinc cladding used for the recessed second floor. The windows in the rear elevation would be oriel-style windows, directing the rear outlook toward the north west.
- 3.3 The proposed building would be sited approximately 1.2 metres from the eastern boundary of the site with No. 15 Eastbury Avenue. It would be between 1 and 1.8 metres from the western boundary of the site with Eastglade. There would be open space put to lawn to the side and rear of the site, with parking for 5 vehicles provided to the rear of the site on a grass-guard type surface and manoeuvring facilitated by a car turntable. These would be served by a new vehicular access from Eastglade.
- 3.4 To the front of the building, an amenity area is proposed, adjacent to two further car parking spaces also served by a car turntable. Bin and cycle storage areas are also proposed to the front of the site. The bin store would measure 3 metres in width, 1.5 metres in depth and 1.6 metres in height and would be timber clad.
- 3.5 The application is accompanied by a Sustainability Statement (BaseEnergy, January 2018), Planning, Design and Access Statement September 2018, Arbtech Preliminary Ecological Appraisal and Roost Assessment June 2018, Arbtech Bat Survey August 2018, Floodsmart Flood Risk Assessment January 2018, Arbtech Tree Survey January 2018, Transport Statement September 2018.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council:

No comments received at the time of drafting report. Any comments will be reported at the meeting.

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

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:

1. Existing Access - Closure

Prior to the first occupation of the development hereby permitted the existing access from Eastglade shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety and amenity.

2. Provision of Accesses, Parking & Turning Areas

Prior to the first occupation of the development hereby permitted the proposed accesses, on-site car parking and turning arrangements shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use. Arrangement shall be made for surface water drainage to

be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway and to ensure permanent availability of the parking / manoeuvring area, in the interests of highway safety.

3. Visibility

Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 33m shall be provided to each side of the new access on Eastglade where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

4. Construction Management

The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

HIGHWAY INFORMATIVE:

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

AN) Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website.

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

COMMENTS/ANALYSIS:

The proposal comprises of the demolition of the existing dwelling and erection of five apartments with associated works at 13 Eastbury Avenue, Northwood on a corner plot at the junction of Eastbury Avenue and Eastglade. Both roads are designated as unclassified local access, subject to a speed limit of 30mph and highway maintainable at public expense.

VEHICLE ACCESS:

There are two existing vehicle crossovers (VXOs) / accesses into the property, one on Eastglade and one on Eastbury Avenue. The proposals utilise the existing access from Eastbury Avenue and a relocated access from Eastglade, the arrangements of which is shown on the submitted plan no. 200 P8. The existing access from Eastglade would be closed. The proposed access onto Eastglade is directly opposite the proposed access for the approved development at 11 Eastglade. However all vehicles at both developments would be able to turn around and egress to Eastglade in forward gear and therefore the arrangements are considered to be acceptable.

Following consideration of the classification of road and speed of traffic on Eastglade, a vehicle to vehicle visibility splay of 2.4m by 33m is achievable and would be required in both directions from the proposed access on Eastglade. The majority of the splay would be through the existing highway footway. However any boundary fences or hedges within the splay line would need to be installed and/or maintained at a height of no greater than 0.6m to ensure that the required visibility levels can be permanently achieved.

The existing VXO /dropped kerb on Eastbury Avenue is considered to be acceptable. A standard VXO would need to be provided for the proposed access from Eastglade, made up of three flat kerbs and two ramped kerbs. The applicant would need to enter into an agreement with HCC as Highway Authority in relation to the creation of the new access and closing off / reinstating the footway and kerb to a full height at the existing access (please refer to the above informative and conditions).

CAR PARKING & MANOEUVRABILITY:

There are parking restrictions / double yellow lines on the southbound carriageway of Eastglade i.e. the side of the development. The proposed layout and design of the parking arrangements and the width of the access way into the main car park at the rear (as shown on the submitted drawing 200 P8) is acceptable for the size of the proposals and in accordance with design guidance in MfS Sec. 8.3.48 and Roads in Hertfordshire. A car turntable is proposed in each of the parking areas to enable vehicles to turn around and egress to the highway in forward gear. This is considered to be acceptable and would be important due to the relatively narrow width of Eastglade and the close vicinity of the Eastbury Avenue access to other accesses opposite.

The provision of seven on site car parking spaces (five spaces to the rear accessed via Eastglade and two to the front accessed via Eastbury Avenue) is less than the recommended levels (of 10) for car parking as outlined in Appendix 5 of Three Rivers District Council's (TRDC) Development Management Policies: Local Development Document. However HCC as Highway Authority has considered that it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective. TRDC is the parking authority and should ultimately be satisfied with the level of parking.

TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY:

A Transport Assessment has been submitted as part of the application including details of the expected trip generation. The application site itself is projected to generate 2 vehicle trips in the AM peak and 2 vehicle trips in the PM peak. Following consideration that only five parking spaces will be accessed via Eastglade and projected low trip generation for the site as a whole, any impacts would not have a significant enough effect on the surrounding highway network to recommend refusal from a highways perspective.

REFUSE / WASTE COLLECTION:

Provision has been made for an on-site bin-refuse store within 30m of the dwellings and within 25m of the kerbside/bin collection point, which is acceptable. The collection method must be confirmed as acceptable by TRDC waste management.

EMERGENCY VEHICLE ACCESS:

The proposed dwellings are within the recommended emergency vehicle access of 45 metres from the highway on Eastbury Avenue and Eastglade. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.

ACCESSIBILITY & SUSTAINABILITY:

The property lies within Northwood, approximately 80m from the County boundary. Shops / amenities and Northwood underground station are within 800m of the site and therefore

within reasonable walking and cycling distance. Pedestrian footways exist providing good pedestrian accessibility to the town centre. The proposals include the provision of an on-site cycle store for 6 bikes, which would be essential in promoting cycling as a safe and convenient sustainable travel option.

CONCLUSION:

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

4.1.3 Herts and Middlesex Wildlife Trust:

No comments received at the time of drafting report. Any comments will be reported at the meeting.

4.1.4 Herts Ecology: [No objections]

Bats

A bat report has been submitted in support of this application: Bat Survey – Emergence and Activity Surveys (Arbtech August 2018). This follows an initial survey of the property in January 2018 when moderate potential for roosting bats was identified across the roof. Two nocturnal surveys were undertaken on 20 July and 3 August 2018 and no bats were observed emerging from or re-entering the dwelling. Some bat flight activity was recorded across the site.

As no bats were recorded roosting in the property, no mitigation is required. Notwithstanding, as bats were recorded in the area, any proposed external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Biodiversity enhancements

I am pleased to see in the Design & Access Statement that biodiversity enhancements through soft planting and bat box installation are proposed, although I have not seen details of these (e.g. details of species, bat boxes in trees and/or integrated bat roost units in buildings). These could be expanded to include bird boxes with specific nest boxes for swifts, swallows and martins; refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates; hedgehog boxes; gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and . amphibians; native tree, shrub and hedgerow planting; orchard and fruit tree planting; wildflower area, wildlife pond, green roofs and walls; communal open spaces, etc. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans.

I advise the following are added to any permission granted:

Condition:

“Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, the extent and location of proposed enhancements, details of any new tree species, and details of initial aftercare and long-term maintenance.”

Informative:

“The removal or significant pruning of trees and shrubs should be avoided during the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.”

4.1.5 Thames Water:

No comments received at the time of drafting report. Any comments will be reported at the meeting.

4.1.6 Affinity Water: [Comment received]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Poorsfield 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".

4.1.7 National Grid:

No comments received at the time of drafting report. Any comments will be reported at the meeting.

4.1.8 Landscape Officer: [No objections]

The current application is accompanied by the same documents as application 18/1369/FUL.

I do not have any objections to the development in principle; however there is much vegetation, small trees and hedges which will be lost as a result of the proposed development. There is some proposed planting, however this is generally ornamental in nature and I feel that it would be possible to replant with more native-type planting.

Hedging for example would be better if it could be Hornbeam hedging (Yew or Holly if the desire was for something evergreen).

Two Silver Birch are proposed to the rear parking area which will be fine, however other small trees which would be suitable would be Sorbus aucuparia. Varieties such as Sheerwater Seedling, Joseph Rock or Asplenifolia may be a little more ornamental yet still yield berries of interest to birds overwinter.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 26 No of responses received: 2 letters of objection.

4.2.2 Site Notice: Displayed 9 October 2018 and expired 30 October 2018

4.2.3 Summary of Responses:

- Complete overdevelopment of the site.
- Looks out of character to nearby homes and overbearing in the street scene
- Proposal, combined with the development at No. 11, would create four directions of travel and would be dangerous.
- Will increase pressure on on-street parking on Eastglade and Holbein Gate, making the driving environment dangerous and making it harder for visitors and emergency vehicles to enter and park
- Entrance to the site and No. 11 are not befitting of a cul-de-sac.
- Proposal would overlook neighbours.
- Proposal does not provide sufficient amenity space, there is a significant shortfall
- Application form contains a number of false and misleading statements.

5 Reason for Delay

5.1 N/A

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

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

6.2 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM7, DM10, DM11, DM13, Appendix 2 and Appendix 5.

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

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Background

7.1.1 This application has been submitted following the refusal of planning application 18/1369/FUL. That application was refused by Officers for the reasons set out at paragraph 1.2 above. This current application has been submitted as an attempt to overcome the previous reasons for refusal. The changes that have been made since the previous application was refused are as follows:

- The depth of the building has been reduced by 1.1 metres, resulting in a corresponding increase in lawn/amenity space to the rear of the building.
- The number of bedrooms proposed has been reduced by one, such that the development now proposes four 2-bed units and one 1-bed unit, whereas the refused scheme proposed five 2-bed units.
- The size of the balconies to each unit have been increased (the total area of the balconies is now approximately 50 square metres where previously it was approximately 38).
- The number of car parking spaces has been reduced by 1.
- The bin store has been relocated and a new open amenity area now provided to the front of the building.

7.1.2 This report will assess the proposed scheme against the Development Plan, and will assess whether the changes made since the previous refusal are sufficient to overcome the previous reasons for refusal.

7.2 Principle of Development

7.2.1 The surrounding area to the application site is very mixed in character, and includes single family houses and purpose built blocks of flats. The majority of properties in Eastglade are single family houses whilst Eastbury Road contains a wider mix of property type and style. The application site contains a detached two storey house of no specific heritage value. On this basis, having regard to the character of the existing dwelling and the wider area, there is no objection to the principle of the demolition of the existing building or to the principle of the construction of a block of flats.

7.3 Housing Mix

7.3.1 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 being:

1 bedroom 7.7% of dwellings

2 bedrooms 27.8% of dwellings
3 bedrooms 41.5% of dwellings
4+ bedrooms 23.0% of dwellings

7.3.2 The current proposal would result in four 2-bedroom flats (80%) and one 1-bedroom flat (20%). Whilst the proposed mix would not accord with the figures set out in the SHMA, it is acknowledged that current market conditions need to be taken into consideration and two-bedroomed accommodation is of high demand. In addition, the current scheme provides more of a mix than the previously refused scheme which proposed only two-bedroom flats. No objections were raised by the LPA in the previous application in respect of the housing mix. Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Affordable Housing

7.4.1 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. The Policy sets out that the Council will seek an overall provision of 45% of all new housing as affordable housing, incorporating a mix of tenures. The Affordable Housing Supplementary Planning Document (AHSPD) was approved by the Council in June 2011 as a material consideration and supports implementation of Core Strategy Policy CP4. The AHSPD notes the Council will consider the use of commuted payments in lieu of on-site provision where circumstances demonstrate that this is justified and regard should be had to section 7 of the SPD which also sets out the payment formula for the commuted sum.

7.4.2 The AHSPD notes that the viability implications of affordable housing provision on a development proposal will be considered by the council where it is supported by a robust evidence base, and only where it can be demonstrated and robustly justified by viability evidence will the Council consider reducing the 45% target.

7.4.3 The content of the NPPF at paragraph 63 is noted (*“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas”*). However the Council considers that whilst we must take into account the content of the recently revised NPPF as a material consideration in any planning decision, current evidence concludes that there is a continued pressing need for new additional affordable housing in Three Rivers. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the NPPF as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised NPPF policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2017 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4.

7.4.4 Having regard to the requirements of the Affordable Housing SPG, it is acknowledged that a commuted payment toward affordable housing would be appropriate for this site given the number of units. The SPG sets out a payment of £1250 per square metre of habitable accommodation, and this has been calculated to result in a contribution in the region of

£295,000. The applicant has submitted an affordable housing viability appraisal with this application, which concluded that the proposal cannot viably provide any on-site affordable housing units or any commuted sum toward off-site affordable housing provision. This appraisal has been reviewed and challenged by the Council's independent assessor who considered that a contribution of £12,747 would be viable. The applicant has since provided additional information and clarification regarding the demolition costs that would be incurred by this development, to demonstrate the extent of these. Having regard to the evidence provided for the demolition costs considered, the council's assessor and the applicant have agreed that a contribution of £6000 is the maximum amount that this proposal could viably provide. As such, subject to the completion of a S106 agreement to secure this contribution it is considered that the proposal has demonstrated compliance with the requirements of the Affordable Housing SPG..

7.5 Impact of the proposal on the character of the street scene and locality

- 7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.5.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.3 In respect of the above, the proposed development would not result in a tandem form of development. Servicing, access, traffic generation and impact on residential amenity are addressed in separate sections below.
- 7.5.4 No objections were raised by the Local Planning Authority to the previous planning application in respect of its appearance. As noted in the assessment of the previously refused application, the proposed building would be of a fairly contemporary style, with the front elevation featuring a facing brick frame around large glazed openings. The top floor would be recessed and clad in zinc. The appearance of the building would differ to the appearance of neighbouring buildings, however it is considered that Eastbury Avenue in this location has a very mixed character, with buildings of various sizes and various architectural styles including the modernist three storey buildings to the east, and flat roofed three storey flatted buildings opposite. The mixed character of the street is demonstrated in the submitted Proposed Street Scene drawing (214 P5). Given the varied building designs in the vicinity, no objections are raised to the principle of a contemporary design at the application site.

- 7.5.5 The west flank elevation would be clearly visible from Eastglade. This elevation would be clad in brick at ground and first floor, with the second floor recessed by 1m and clad in zinc. The elevation would be punctuated with fenestration and would include brick detailing to add interest to the façade and further break up the massing of the elevation. The recessed zinc-clad second floor would appear subservient from wider views. It is acknowledged that this flank elevation would have an increased mass when compared to that of the existing dwelling. However, given the different materials used, and the design and appearance of the proposed building, it is not considered that the flank elevation would result in this building appearing so prominent so as to cause demonstrable harm to the character or appearance of the street scene.
- 7.5.6 The proposed building would be approximately 1.2 metres from the eastern boundary with No. 15 Eastbury Avenue. No. 15 Eastbury Avenue is set approximately 2 metres from this boundary. As a result, there would be a separation distance of at least 3 metres between the two buildings. This would be the same separation distance as exists at the moment, and would be sufficient to ensure the proposal does not result in a terracing effect in the street scene. Given the angle of the site boundary, the proposed building would be between 1 and 1.8 metres from the western boundary with Eastglade. Having regard to the siting of the proposal when compared to the neighbouring buildings, it is considered that the proposal would have an appropriate appearance within the street scene.
- 7.5.7 Concerns were raised by the Local Planning Authority to the previous application in terms of the lack of amenity space, the proximity of the car parking spaces to habitable room windows and the limited manoeuvring space resulting in the proposal appearing as a cramped form of development. It is acknowledged that the depth of the proposed building has been reduced, and that the number of car parking spaces has been reduced by one. These alterations have led to an increase in soft landscaped areas being provided within the site, which are also useable in size. Car parking areas are proposed to the front and rear of the plot, however this site layout is commensurate with the layout of neighbouring sites both as existing and, in the case of No. 11 Eastbury Avenue, as proposed. As a result, the proposed development is not considered to appear cramped within its plot.
- 7.6 Impact on amenity of neighbours
- 7.6.1 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'. No objections were raised by the Local Planning Authority in the previous application in respect of the impact on the amenities of neighbours.
- 7.6.2 The rear elevation of the proposed building would be located approximately 10 metres from the rear boundary of the application site, a similar distance to the existing building. The eaves height of the existing building is lower than the height of the two storey element of the proposed building. The existing dwelling has rear-facing windows facing the neighbouring property to the north, 9 Eastglade (which is approximately 12 metres away from the shared boundary). The proposed building would have first and second floor windows in the rear façade facing toward No. 9 Eastglade. These windows would serve bedrooms, and would be set at an angle so they do not face straight toward No. 9 Eastglade. Instead they face north-west. The second floor rear windows would be positioned approximately 1 metre further away from the rear boundary with No. 9 Eastglade than the first floor rear windows. As a result of the angle of the windows, views would not be introduced directly toward the rear garden or rear-facing windows of 9 Eastglade. Some oblique views may exist toward this neighbouring property, however these are considered to be no worse than the rearward views from the existing building. As a result of the location of the building, and the location and angle of the windows, it is not considered that the proposal would result in any demonstrable harm to the amenities of the occupants of No. 9 Eastglade.

7.6.3 In terms of the impact on No. 15 Eastbury Avenue, the rear elevation of the proposed development would be aligned with the rear elevation of this neighbouring building. Given the separation distance between the two buildings, it is not considered that the proposed building would appear overbearing or visually intrusive when viewed from No. 15. The proposed building would have the same relationship with flank windows at No. 15 as the existing, with any flank windows in the proposed building being obscurely glazed and top opening to ensure the privacy of neighbours is protected. The proposed building would be visible from the third floor terrace area at No. 15 and would restrict some views westward from this terrace. Nevertheless given the intervening distance and that front and rear-facing views from this terrace would be retained, it is not considered that the proposed building would appear overbearing when viewed from this neighbouring property

7.7 Quality of accommodation for future occupants

7.7.1 Appendix 2 of the Development Management Policies LDD sets out the amenity space requirements for new residential units. For flats, the standards require 21 square metres for a one-bedroom flat, and 10 square metres for each additional bedroom. Space can be allocated specifically to each flat, or communally.

7.7.2 The previous planning application was refused on the grounds that the proposal, by reason of the shortfall in amenity space and the cramped layout would result in a cramped form of development which would fail to provide adequate quality of accommodation for future occupants. The Officer Report to that application assessed the requirement as follows:

7.5.2 The application proposes five 2-bedroom flats, with each flat therefore requiring 31 square metres of amenity space. The development therefore is required to provide 155 square metres of amenity space. Appendix 2 is clear that amenity space must be provided within the curtilage of all new residential developments. Having regard to the proposed block plan, it is clear that the proposed development does not provide any useable outdoor amenity space for future occupants. The plot would be occupied either by the footprint of the building, or the proposed car parking and manoeuvring area. The areas to the side of the building are too narrow to provide amenity space and to the frontage the small area of lawn would contain a tree and would not provide private usable space due to its siting adjacent to the road.

7.5.3 It is acknowledged that each flat would include a balcony, of areas ranging from between 5 and 7.5square metres. These do very little at assisting the proposal in meeting its amenity space provision requirements. The application site is not located within a town centre, but in a fairly suburban residential area. The nearest public open space is not particularly close to the application site and therefore it is not considered that there are any suitable alternatives to on-site amenity space in the vicinity which would justify the lack of on-site provision.

7.7.3 In the current application, the number of bedrooms has been reduced. The amenity space requirement for 2 bedroom units is 31 square metres, and for one bedroom units 21 square metres. Therefore this scheme is required to provide 145 square metres of amenity space. The proposed balconies provide approximately 50 square metres of amenity space. A communal area of approximately 30 square metres is proposed to the front of the proposed building. In addition, some space (approximately 2m deep) is available immediately rear of the ground floor flats. The submitted landscaping plan shows this area to be landscaped, which would enable the area to act as an effective visual buffer from the car parking area whilst also function as an amenity area, providing approximately 30 square metres of additional amenity space. Therefore, the scheme would provide for some 110 square metres of amenity space for future occupants. The quantity of amenity space proposed in the current application is considerably greater than that proposed within the previous application (considered by Officers to comprise balconies totalling some 38 square metres, with limited alternative space within the site).

7.7.4 In addition to providing an improved quantity of space, the submitted landscaping plan shows how the amenity areas can be defined and planted to provide attractive areas which also act to provide a buffer to the car parking areas. The presence of this buffer, along with the suggested allocation of parking spaces 1 and 2 to occupants of Unit 2 in order to put occupants of that unit in control of their front-facing outlook, is considered sufficient to ensure the proposed development provides sufficient quality of accommodation for future occupants.

7.7.5 No objections were raised by the Local Planning Authority in the previous application in respect of the unit size or the interrelationship between the flats. This remains acceptable in the current application.

7.8 Highways and Access

7.8.1 No objections were raised by the Local Planning Authority in the previous application in respect of the impact of the proposal on the adjacent highway network. Hertfordshire County Council as Local Highway Authority have been consulted as part of the current application and have raised no objections.

7.8.2 In respect of the new access, they note that the proposed access would be opposite a new access to be constructed at the site opposite, and note that they consider that all vehicles at both developments would be able to turn around and egress in a forward gear from this site and the approved vehicular access which would be located opposite. It has also been confirmed that appropriate visibility splays can be achieved. Highways have confirmed that the car turntables are acceptable, and important due to the relatively narrow width of Eastglade. Planning conditions are considered to be an appropriate mechanism to use to ensure the turntables are provided and maintained, in the interests of highway safety.

7.9 Parking Provision

7.9.1 No objections were raised by the Local Planning Authority in the previous application in respect of on-site parking provision. The previous application related to five 2-bedroom dwellings with a total requirement for 10 parking spaces to be provided (five assigned). The scheme proposed eight parking spaces with five accessed from the rear of the site and three from the front. In the current application, four 2-bedroom flats are proposed and one 1-bedroom flat, resulting in a total car parking requirement of 9.75 spaces (five allocated). The submitted site layout plan shows space for seven cars on site. Therefore since the previous application the number of bedrooms and parking spaces have both been reduced by one.

7.9.2 The number of car parking spaces per unit has therefore reduced from 1.6 in the previous application to 1.4 in the current. In assessing the previous application, reference was made by officers to the assessment made at the adjacent site, No. 11 Eastbury Avenue. The planning application at No. 11 was recommended for approval by Officers and refused at Committee, with the reason for refusal referring to the shortfall in parking provision resulting in additional pressure for parking in an area of existing restriction. The appeal was allowed, with the scheme providing 1.5 parking spaces per unit. The Inspector noted that "the appeal site is a relatively short distance from Northwood centre where a range of services and facilities, public transport opportunities and employment can be easily accessed without depending on the private car". The Inspector acknowledged that each flat would have a designated off-street parking space, and that on-street parking nearby is mainly unrestricted. Furthermore, there was no evidence before the Inspector to suggest that if the demand for parking could not be met on-site, that the resultant on-street parking would pose any risk to highway safety.

7.9.3 The LPA considers that the same conclusions are relevant to the current application. The site is in close proximity to services and opportunities in Northwood. On-street parking in

the vicinity is not severely restricted. The proposed development cumulatively with the neighbouring development may have an additional impact on on-street parking pressure, however there is no evidence to suggest that additional on-street parking in the unrestricted areas resulting from this development would pose any risk to highway safety. The 2018 NPPF is clear (para 109) that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In the absence of any demonstrable harm resulting from the shortfall of two parking spaces, the proposed car parking provision is considered acceptable.

7.10 Wildlife and Biodiversity

- 7.10.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.10.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.10.3 The application is accompanied by a Preliminary Ecological Appraisal and Roost Assessment, and Bat Survey. The Appraisal identified that bat surveys should be carried out, any found no evidence of other protected species being present at the site. The bat survey found no roosts but identified bats nearby. Herts Ecology have reviewed the submitted assessments and have raised no objections, subject to informatives and conditions requiring full details of biodiversity enhancement measures to be submitted to the LPA for approval. Subject to these, no objections would be raised in respect of the impact of the proposal on biodiversity.

7.11 Trees and Landscaping

- 7.11.1 There are no protected trees on or immediately adjacent to the application site. The submitted proposed landscaping plan shows that all existing trees and hedgerows would be removed from the site, but that replacement planting would be provided to all boundaries. The landscaping scheme has been revised during the course of the application to address the comments of the landscape officer.
- 7.11.2 The proposed landscaping scheme includes, following receipt of comments from the Landscape Officer, Hornbeam hedging to the front and side (Eastglade) boundaries. This is a hardy native hedge which would have a positive impact on the street scene both visually and from an ecological perspective.
- 7.11.3 Smaller shrubs are proposed to be planted to the rear of the site and adjacent to the boundary with No.15 Eastbury Avenue and these are considered acceptable visually, as are the two Silver birch trees proposed to be planted to the rear.
- 7.11.4 The agent has confirmed that the existing rear wall and side boundary fence will be retained.
- 7.11.5 The areas available for amenity use will have lawn laid, and will be enclosed by the hedging shown. A grasscrete-type finish is proposed to the front and rear car parking areas, whilst the turntables would be finished in a resin bound gravel.

7.11.6 Overall, it is considered that the proposed soft landscaping would be appropriate. It would have an acceptable visual impact on the character of the area, and would include species which would have some ecological benefits.

7.12 Sustainability

7.12.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.12.2 Policy CP1 of the Core Strategy requires the submission of an 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.

7.12.3 Policy DM4 of the DMLDD 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. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.12.4 The applicant has submitted a sustainability statement which confirms the proposal could be built with measures which result in a 6.7% reduction in CO2 emissions. A condition is considered necessary to require the applicant to submit details of how the proposal would be constructed to accord with this reduction and meet the requirements of DM4. Subject to such a condition, no objections are raised.

7.13 Flood Risk and Drainage

7.13.1 In respect of flood risk and drainage, the site is in an area with a low probability of fluvial flooding and pluvial flooding. Whilst the proposal would increase the proportion of the site which is developed, it would retain open soft landscaped areas enabling surface water to permeate into the ground. No objections are raised in respect of flood risk or drainage issues.

7.14 Refuse and Recycling

7.14.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.14.2 The application includes storage areas for refuse containers, close to the highway and in a structure of an appropriate size, siting and appearance of the location. It is considered that adequate provision is provided for the storage and recycling of waste.

8 **Recommendation**

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

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 001 P2, 105 P2, 106 P2, 200 P8, 201 P2, 205 P6, 206 P6, 207 P6, 208 P4, 209 P5, 210 P5, 211 P5, 212 P5, 213 P5, 220 P12, 221 P7, 225 P1.

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the character and appearance of the area and amenity of neighbouring occupiers; in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM7, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials 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 prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the development hereby permitted the existing access from Eastglade shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety and amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 Prior to the first occupation of the development hereby permitted the proposed accesses, on-site car parking, turning areas and turntables shall be laid out, demarcated, levelled, installed, surfaced and drained in accordance with the approved plans and permanently retained and maintained thereafter available for that specific use. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway and to ensure permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C6 Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 33m shall be provided to each side of the new access on Eastglade where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 No development shall take place until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: This condition is a pre-commencement condition to ensure that construction activities on site are managed appropriately from the commencement of works, and 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).

- C8 The hard landscaping scheme as detailed on Drawing Nos. 220 P11 and 221 P6 shall be carried out and completed prior to the first occupation of the development hereby permitted. The soft landscaping works required by the abovementioned drawings shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The development hereby permitted shall not be first occupied until the refuse storage area as shown on Drawing 225 P1 has been implemented in full, 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 document (adopted July 2013).

- C10 Before the first occupation of the development hereby permitted the windows in the east flank elevation facing No. 15 Eastbury Avenue shall be fitted with purpose made obscured glazing to a height of 1.7m above the floor level of the room of the in which the window is installed and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

- C11 Before any building operations above ground level hereby permitted are commenced, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, the extent and location of proposed enhancements,

details of any new tree species, and details of initial aftercare and long-term maintenance.

Reason: This is a pre commencement condition to safeguard 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 Prior to the commencement of any development on site other than the demolition of the existing building, details of the construction methods to be used to achieve the CO2 reduction as set out in the Sustainability Statement letter submitted with the application shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented only in accordance with the details as approved.

Reason: This is a pre commencement condition 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 principles as possible.

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The removal or significant pruning of trees and shrubs should be avoided during the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 2 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

- 15 Construction standards for new vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website.

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

16 The applicant is reminded that 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 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".

17 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

8.3 Refusal if no Section 106 Agreed

8.3.1 If a Section 106 agreement is not completed by 15 March 2019, or agreement in respect of the terms of the Section 106 agreement is not reached, Planning Permission be Refused for the following reason:

R1 Agreement regarding the level of affordable housing provision has not been reached at this time and the application has not demonstrated that it would not be viable to meet the Council's affordable housing policy requirement. Accordingly the development conflicts with the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011).

8.4 Informatives:

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