

**6. 19/0990/FUL – Demolition of existing dwelling and erection of 7 apartments with basement parking at 34 EASTBURY AVENUE, NORTHWOOD, HA6 3LN**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 02.08.2019

Ward: Moor Park & Eastbury  
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted subject to conditions.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee.

**1. Relevant Planning History**

1.1 Not applicable.

**2. Description of Application Site**

2.1 The application site contains a large detached dwellinghouse located on the south-west side of Eastbury Avenue. The surrounding area is characterised by suburban development in the form of flatted developments and detached dwellings which sit side by side on relatively large plots.

2.2 There is a residential dwelling located to the rear of the site which is located on The Marlins, which is a gated private cul-de-sac that serves eight detached dwellings set within relatively sylvan grounds adjacent to the southwest of the site. This dwelling (No.1 The Marlins) is sited with its northern flank elevation roughly parallel with the rear elevation of the application site.

2.3 The application dwelling is of red-brick exterior set back approximately 15m from Eastbury Avenue. The dwelling has a pitched roof with a forward projecting two storey hipped projection and an attached garage along the eastern flank. To the rear, the dwelling has not been previously extended but does have a canopy projection.

2.4 The land levels slope up gradually in a south-east direction and as a result 36 Eastbury Avenue is set on a higher land level but is on a relatively uniform front building line with the application dwelling and 32 Eastbury Avenue is positioned at a lower level separated by The Marlins and set back approximately 12.5m.

2.5 The frontage of the application site comprises of a large driveway providing off-street parking for at least three vehicles and an area laid of soft landscaping to the front with a number of substantial trees and vegetation. The frontage of the site is enclosed by brick walls of varying height.

2.6 To the rear, the garden is of a modest size measuring approximately 405sqm and is well enclosed by dense vegetation in the form of evergreen hedging and mature trees which largely screen views of neighbouring gardens. All trees within the site are protected by virtue of Tree Preservation Order 217.

**3. Description of Proposed Development**

3.1 Full planning permission is sought for the demolition of the existing dwelling and the erection of a four-storey block to create six 2 bedroom with studies and one 2 bedroom self-contained flats with the associated parking within basement level and associated landscaping.

3.2 The proposed residential block would be sited approximately 14–15.5m back from Eastbury Avenue; set in 1.8-2m from the boundary shared with 36 Eastbury Avenue and 2-2.2m from

the boundary with The Marlins. The building would have a four storey appearance with the upper (third) floor recessed. The building would measure a maximum depth of 18.3m and width of 17.5m.

- 3.3 It would have a staggered footprint with a central front stair tower with a curved elevation design. At second floor level the width would be reduced by 1.5m and the depth of the block would be reduced by 1.2m to incorporate balconies and at third floor level it would be further reduced in depth by 1.2m and by between 1.5m-2.5m in width to the western flank to incorporate a balcony and 1m to the eastern flank.
- 3.4 The building would have a flat roof with a height of 12.4m above ground level with a central lift-shaft flat roof projection up to a height of 13m down to an eaves height of 9.3m at second floor level with 15 photovoltaic panels on the central flat roof. It would be of a contemporary Art Deco tiered appearance with a rendered finish. There would be fenestration in all elevations of the block in the form of proposed grey Crittall style windows, which would have contrasting brick detailing above and below and the upper floor incorporating the flat roof would be clad in Zinc.
- 3.5 The flatted development would be served by a double width driveway leading to the undercroft basement parking which would be accessed under the western side. The basement parking would provide a total of 17 spaces (including one disabled and two visitor). The remaining areas of the frontage would be soft landscaped with a communal bin storage area located in the north western corner of the site. The frontage of the site would have additional hardstanding with a turning head for deliveries and would be enclosed by hedging and trees.
- 3.5 To the rear there would be a large communal amenity area enclosed by hedging and trees and second floor and roof level balconies towards the western flank.
- 3.6 Amended plans have been submitted that reduce the number and size of the rear balconies towards the east of the site, provide additional hardstanding at the front of the site for a turning area for deliveries and increase the parking provision by extending the basement to the eastern flank.

## **4. Consultation**

### **4.1 Statutory Consultation**

- 4.1.1 Batchworth Community Council: No response.
- 4.1.2 Hertfordshire County Council – Highway Authority: [Initial objection overcome, no objection subject to conditions]

#### *Initial Comments:*

*There is an existing vehicle access into the site, which is to be utilised for the proposals through the widening of the existing vehicle crossover. The general size and provision of the proposals is acceptable. Nevertheless HCC as Highway Authority is recommending amendments to the original application and further information including:*

*Provision of a parking and turning area within the site to ensure that any delivery / service vehicles accessing the site can safely pull into, park and turn around within the site and egress to the highway on Eastbury Avenue in forward gear. This would be necessary to ensure that delivery and service vehicles do not park or obstruct the highway. Swept-path analysis / tracking would be necessary as part of these plan(s).*

*Entrance vehicular gates set back a minimum of 6m from the edge of the highway and open inwards to ensure that any vehicles can safely stand clear of the highway whilst the gates are being opened and/or closed.*

*HCC as Highway Authority is recommending these amendments and further information is provided prior to a formal recommendation being made.*

*Further Comments:*

**Amendment**

*Amended plans submitted with turning area and gates set back*

**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:*

1. *Provision of Parking, Access & Servicing Areas*

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

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

2. *Electric Vehicle Charging Points*

*Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.*

*Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).*

3. *Construction Management*

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

- a. Construction vehicle numbers, type, routing;*
- b. Access arrangements to the site;*
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);*
- e. Siting and details of wheel washing facilities;*
- f. Cleaning of site entrances, site tracks and the adjacent public highway;*
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;*
- h. Provision of sufficient on-site parking prior to commencement of construction activities;*
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.*

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

*This application is for demolition of the existing dwelling and erection of seven apartments with basement parking at 34 Eastbury Avenue, Northwood. Eastbury Avenue is designated*

as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The Marlins run adjacent on the north-west side of the site, which is a private road, which is not maintainable at public expense.

#### ACCESS

There is an existing vehicle access into the site which is to be utilised for the proposals through the widening of the existing vehicle crossover (VXO). The general size and provision of the proposals is acceptable. The width of the access is acceptable and would allow two vehicles to pass one another. Any boundary features at the front of the site would need to be provided and maintained at a height of no greater than 0.6m to ensure that visibility is provided and permanently maintained to an acceptable level. The proposals include a 0.4m high front boundary wall, which is therefore acceptable.

The applicant would need to enter into an agreement with HCC as Highway Authority in relation to the works required on highway land to amend the existing VXO (please see the above highway informative for more information). The extended VXO would only be approved to a maximum width of 7.2m (made up of six flat kerbs and two ramped kerbs).

Amended plans have been submitted with a turning area for delivery / service vehicles to safely pull into, park and turn around within the site and egress to the highway on Eastbury Avenue in forward gear. This would be necessary to ensure that delivery and service vehicles do not park on or obstruct the highway. The proposed plan and swept-path analysis / tracking is considered to be acceptable By HCC as Highway Authority. Furthermore the proposed entrance vehicular gates are set back 6m from the edge of the highway carriageway and open inwards, which is acceptable to ensure that any vehicles can safely stand clear of the highway whilst the gates are being opened and/or closed.

#### REFUSE / WASTE COLLECTION:

A bin/refuse store has been included as part of the proposal. HCC as Highway Authority considers that the proposals are acceptable and in accordance with guidance as recommended in Manual for Streets (MfS) and Roads in Hertfordshire. The collection method must be confirmed as acceptable by TRDC waste management.

#### EMERGENCY VEHICLE ACCESS:

The access arrangements would enable emergency vehicle access to within 45m from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellingshouses.

#### TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY:

The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.

#### 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 development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into an agreement with HCC to cover the alterations required to the existing VXO and highway access. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

4.1.3 Herts and Middlesex Wildlife Trust: [No response received]

4.1.4 Herts Ecology: [Further surveys required]

Nesting birds

*According to the Application Form, trees or hedges may be impacted by the proposal. The trees and shrubs on site may have potential for nesting birds, which are protected by national legislation. Any significant tree/shrub works or removal should be undertaken outside 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 two 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*

*A Preliminary Bat Roost Assessment (Middlemarch Environmental, March 2019) has been submitted in support of this application. A daytime assessment on 28 February 2019 found evidence of bats in the loft space of the house. Potential roosting features were identified amongst hanging tiles and cavities associated with the window frames. The sheds and trees had no evidence or potential for roosting bats. Following best practice guidelines, three emergence / re-entry activity surveys of the house are recommended to determine current bat presence / absence, and to provide mitigation to safeguard bats and their roosts if necessary. Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. We are now within the optimum time of year to undertake bat activity surveys. As bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the Local Planning Authority (LPA) prior to determination, so it can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2018.*

*Consequently, without the results of the emergence / re-entry surveys and any appropriate mitigation / recommendations, there is currently insufficient information on bats for me to advise determination. Although the bat inspection survey was undertaken outside the bat activity season in March, the planning application was received and validated by the LPA on 31 May and 7 June respectively - i.e. within the bat activity season. Consequently, my advice is the recommended bat emergence / re-entry surveys should be undertaken prior to determination, and the results submitted to the LPA for written approval.*

#### 4.1.5 Landscape Officer: [No objection subject to conditions]

*The application is accompanied by an arboricultural impact assessment and preliminary arboricultural method statement (AIA), by Patrick Stileman Ltd., dated 6<sup>th</sup> May 2019. The contents of which I am satisfied with. The report recommends the removal of the prominent Monterey cypress tree, although this may be seen as controversial, the reasons put forward by Mr Stileman are sound, and show that the issue of tree retention has been given suitable consideration. The loss of this tree is to be mitigated through replacement planting which will be of benefit in the future, and improve the quality of trees along the frontage.*

*I therefore have no arboricultural objections or concerns with the proposal.*

*Should planning permission be granted, I would request that a condition is added to ensure that the AIA, and associated protection plans and method statement, is complied with.*

#### *Tree Protection Scheme- Details – CR098 (Amended)*

*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*

*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, without the written consent of the Local Planning Authority. 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 protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

4.1.6 Affinity Water: [No objection subject to conditions]

*Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required. You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to Northwood and Eastbury Pumping Stations. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.*

*If you are minded to approve the Application, it is essential that appropriate conditions are imposed to protect the public water supply, which would need to address the following points:*

*1. 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.*

*2. Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.*

*3. Excavations are also likely to generate turbidity in the chalk aquifer, which could travel to the public water abstraction point and cause disruption to the service. Mitigation measures should be secured by way of condition to minimise this risk. We would also want to receive at least 15 days prior notification from the developer in advance of any such works, in order to intensify our monitoring and plan potential interruption of the service. We would be willing to discuss this with the applicant to ensure that appropriate measures can be put in place.*

*4. Surface water from the underground car parking area should not be disposed of via direct infiltration into the ground via a soakaway due to the likelihood of surface water from the car park area to carry on oil and hydrocarbons.*

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

4.1.7 Thames Water: [No objection]

*Waste Comments*

*Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal*

*to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)*

*There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.*

*'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: " A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."*

*With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>*

*Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided*

#### *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.*

4.1.8 National Grid: [No response received]

4.1.9 Environmental Protection: [No response received]

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 35  
No responses received: 1

4.2.2 Site Notice: Not applicable.

4.2.3 Summary of Response:

- Additional Traffic
- Overdevelopment in the street

4.2.4 Following the receipt of the latest set of amended plans, which extended the basement to allow for 3 more parking spaces, neighbours were re-consulted on the 24th July for a further 14 days which expires on 07th August. No responses have been received to date.

## **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**

In February 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

### **6.2 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, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10 and DM13 and Appendices 2 and 5.

### **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 Principle of Development**

7.1.1 The National Planning Policy Framework (The Framework) encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

7.1.2 The proposal would result in a net gain of 7 residential units on the application site. The site is not identified as a housing site within the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.3 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.4 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

7.1.5 The application site is located within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development within Secondary Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP3 advises that the Secondary Centres are expected to contribute 24% of housing supply over the plan period.

7.1.6 The proposal would predominantly be sited on the existing footprint of the original dwellinghouse and partly on garden land within a built up area. Whilst the part of the site occupied by the footprint of existing building is previously developed land, the remainder of the site would not be classified as previously developed land.

7.1.7 Given the location of the site within a Secondary Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2 of the Core Strategy, however this is subject to consideration against other material considerations as discussed below.

### **7.2 Housing Mix**

7.2.1 Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of 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 and affordable sectors' 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

7.2.2 The proposal would result in one 2-bedroom and six 2-bedroom flats with studies, which it is considered could be third bedrooms. The development would therefore provide 85% 3 bedroom units. 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 three-bedroomed accommodation is of high demand. As such, 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).

### 7.3 Impact on Character and Street Scene

7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and 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'.

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. 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 '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.)

7.3.3 In addition to the above, the Design Criteria as set out within Appendix 2 of the Development Management Policies document states that applications for new development will be assessed on their own merits and new development must not be excessively prominent in relation to adjacent properties or to the general street scene and 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.

- 7.3.4 The Design Criteria at Appendix 2 state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level and above should be set in a minimum of 1.2 metres from the flank boundary although this distance must be increased in low density areas.
- 7.3.5 The application site is located within a residential area which is characterised by a variety of built form ranging from detached houses to two and three storey flatted developments, the latter of which dominate the southern side of Eastbury Avenue. The local character of Eastbury Avenue has significantly altered over recent years with the introduction of flatted development of varying design and size. The flatted developments in close proximity to the application site are predominantly three storeys in height however some contain accommodation within the roofspace served by flat roof dormers, undercroft parking or basements such as Latimer Place located further east. In terms of architectural design, the local area is extremely mixed with Art Deco inspired development sited adjacent to more traditional dark bricked buildings with lighter buildings immediately opposite.
- 7.3.6 The existing dwellinghouse is of a traditional design with a two storey hipped front projection. The host dwelling is not listed, locally listed nor is it located within a Conservation Area, therefore its loss is not considered to be unacceptable or detrimental to the character and appearance of the area which is extremely varied in terms of design and it is noted that the proposal would not result in tandem development.
- 7.3.7 The proposed residential block would comprise four stories however the upper level would be recessed from the main front, rear and flank elevations, reducing the upper mass and bulk of the proposal. In relation to the scale of the new building, it would be relatively comparable to the width and depth of other flatted developments within the locality, although due to the smaller plot not as prominent as others. The basement level would not be readily apparent from outside of the application site with vegetation retained to the frontage.
- 7.3.8 With regards to spacing, the flank elevations of the two storey elements of the residential block would accord with Appendix 2 of the Development Management Policies LDD being between 1.8m-2m from the eastern flank and between 2-2.2m from the western flank and thus appropriate spacing is maintained. Furthermore, the main third storey element of the block would be set in 3m from the eastern flank and 5 m from the western flank. As such, the proposed development would not be wider than the existing dwelling on the site and there would be adequate spacing to the sides of the block in character with the area.
- 7.3.9 The building would have a height of 12.4m above ground level with a central lift shaft which would be up to 13m high. The main part of the roof would have a lower height than the approved detached building on the neighbouring site at 36 Eastbury Avenue (by approximately 1.5m) and would be approximately 2.8m higher than No. 34 Eastbury Avenue, reflecting the land level changes in this part of Eastbury Avenue, which does not look of character within the indicative street scene. With regard to 36 Eastbury Avenue the indicative street scene details the outline of the flatted development approved under application 18/1381/FUL, however this planning permission has not been implemented. On assessment of the current site circumstances the proposed residential block would have a ridge height approximately 1.6m higher than this neighbouring property. Whilst the ridge height of the residential block would be higher than both existing neighbouring properties, the roof form would be set back from the boundaries and would be set in approximately 3.2 metres the flank boundary with No.36. In addition, given the varied street scene in the area which includes flatted blocks adjacent to detached dwellings with varied heights, it is not considered that the proposed flatted development would result in it appearing unduly prominent or have an adverse impact on the character or appearance of the street scene of Eastbury Avenue. Furthermore the main building would be set back from the highway by approximately 14.2m on a similar front building line to the existing dwelling with screening from existing vegetation and trees which would be retained to the frontage of the application site, which would help soften the appearance of the building within the site.

- 7.3.10 The application site is on a corner plot and there would be views of the development from The Marlins to the west. The Marlins is characterised by detached dwellings and the flatted block would be of an increased height and scale in comparison to the existing dwelling on the site. The west flank of the block would have a maximum depth of 14.5m and 17.5m width at ground floor level and there would be reductions in the width at the higher levels. Fenestration in the flank elevations would also help to provide relief to the built form. It is acknowledged that the block would be set 2.2m from the boundary with The Marlins and that there would be a decrease in the built form close to this boundary following the demolition of existing structures sited closer to the boundary. While there would be views of the flank, given its depth, the set in and the reductions to the bulk above ground floor level it is not considered that it would result in an unacceptable impact on the street scene of The Marlins so as to justify refusal of the application. The proposal also includes balconies to the rear and to the western flank elevation at 2<sup>nd</sup> and 3<sup>rd</sup> floor level, which would face towards public vantage points, but would not overlook private amenity space. Due to their set back nature they would not be highly visible from the street scene and with the existing screening there would be limited views from Eastbury Avenue.
- 7.3.11 The front of the building would have an Art Deco façade with a tiered appearance and rendered finish. A front column is proposed, adjacent to the main entrance, which would accommodate a staircase. The block has been designed to reduce in depth and width above first floor level and the front elevation would include a recessed section. The design would therefore assist in reducing the overall bulk and massing of the block and fenestration to all elevations would further assist in breaking up the built form. Although there would be some expanses of rendered wall visible, the street scene of Eastbury Avenue is varied with a variety of architectural styles and materials and there is no objection to the proposed design of the block or to the render finish or zinc roof form, which would not adversely affect the character or appearance of the area. However a condition on any consent would require the submission of further samples and details of materials to ensure that these would be appropriate to the area.
- 7.3.12 The proposed bin storage would be sited forward of the main building, however they would be set back approximately 1m from the highway and would have a flat roof form with a modest height of 1.75m. It would have a close boarded fence surrounding the enclosure. Furthermore, whilst it cannot be relied upon, there is existing screening as a result of the trees and hedging along the front boundary which would prevent the building being readily apparent within the street scene. As such, it is not considered that the proposed bin storage would become a prominent feature within the street scene and would not have an adverse impact on the character or appearance of the area.
- 7.3.13 The block would have a flat roof with a central lift shaft. Development on Eastbury Avenue is architecturally varied and other flatted blocks in the vicinity of the site include flat roof forms with roof level accommodation, and many also have lift shafts evident above the main roof. As a result, the roof design proposed would not appear out of character with the surrounding area.
- 7.3.14 The proposed photovoltaic panels within the flat roof of the main roof would not be at an elevated height and as such would not be visible and are not considered to have a detrimental impact on the character and appearance of the building or wider area.
- 7.3.15 The proposed basement level parking would not be readily visible from the public realm. Other basement parking is evident within Eastbury Avenue including Latimer Place and Eastbury Heights and has also been recently approved at a neighbouring site and as such this aspect of the proposal would not result in any significant harm to the character and appearance of the area.
- 7.3.16 The proposed development includes sliding entrance gates and pillars and railings along the front boundary which would have a maximum height of 1.8m. There are a number of

other gated developments located along Eastbury Avenue (as illustrated on photos submitted by the applicant). As such, it is not considered that the proposed design and size of the gates, pillars and railings would be unacceptable or out of character.

7.3.17 In summary, subject to conditions it is not considered that the development would appear out of character with the area in the vicinity of the application site. It would not appear unduly prominent in the street scenes of Eastbury Avenue or The Marlins or result in adverse impacts on the character or appearance of the area. The proposal would therefore be acceptable in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

#### 7.4 Impact on amenity of neighbours

7.4.1 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'.

7.4.2 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. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development should not intrude into a 45 degree splay 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.

7.4.3 With regards to privacy, Appendix 2 states that to prevent overlooking, 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 circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.

7.4.4 The proposed building would be higher than the existing dwelling on the site and would also have an increased depth and footprint, however, there would be a reduction in width.

7.4.5 In this case and with regard to any impact on 36 Eastbury Avenue as existing, the proposed residential block would extend approximately 7m deeper than this neighbour and the two storey winged element of the proposed block adjacent to the boundary would intrude a 45 degree splay line by approximately 4m. Whilst there is an intrusion, the two storey winged element of the proposed building would be set off the shared boundary with 36 Eastbury Avenue by approximately 2m and a total distance of 4.5m between the block and this neighbour. The upper floors of the building would be set in 3m from the common boundary. Furthermore, this neighbour is located to the east and given the orientation of the sun it is not considered that the proposed building would result in detrimental impact towards the residential amenities of this neighbouring dwelling and while the development would be of increased scale in comparison to the existing dwelling on the application site, it is not considered that the proposal would result in a form of development that would result in significant loss of light or that it would appear overbearing to 36 Eastbury Avenue so as to justify refusal of the application by reason of demonstrable harm to the residential amenity of this neighbour.

7.4.6 With regards to the occupants of 32 Eastbury Avenue, the proposed two storey winged element of the block would not intrude on a 45 degree splay line taken from a point on the

joint boundary level with the rear elevation. Furthermore, as a result of the separation provided by the highway of The Marlins, it is not considered that the proposed block would result in loss of light to 32 Eastbury Avenue given the 19m spacing between elevations and 14.5m set forward position. It is therefore not considered that the proposal would result in any demonstrable harm to the residential amenities of occupiers of 32 Eastbury Avenue. It is noted that this neighbour is sited at a lower land level than the application site, however, given the spacing and separation by the highway and that the upper levels are further set back away from the boundary, it is not considered that the proposed building would result in demonstrable harm to the residential amenities of this neighbour in regard to becoming an overbearing form of development.

- 7.4.7 The application site backs onto the northern flank of 1 The Marlins. The built footprint of the proposed development would be set a minimum of 13m from the rear site boundary; and there would be further reduction at third floor level. The 28m back to back guidance is noted, however, this refers to back to back not back to flank relationships and due to the site circumstances is considered sufficient to prevent any harm towards this neighbour and it is not considered that the development would result in an unacceptable adverse impact on the residential amenity of this neighbour through causing loss of light or appearing overbearing so as to justify refusal of the application.
- 7.4.8 With regards to overlooking, the Design Criteria at Appendix 2 state that windows at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.4.9 Fenestration is proposed at both ground, first, second and roof level within both flank elevations. The proposed flank windows would serve a mixture of habitable and non-habitable rooms.
- 7.4.10 In the east elevation facing No.36 there would be three windows at each of the ground floor, first floor and second floor levels; on each level serving a study, a bathroom and a kitchen. At third floor level there would be an additional flank window serving a bedroom, albeit a secondary window to that room. While flank windows serving habitable rooms are generally discouraged, given the relationship with neighbours to the east of the site, subject to a condition on any consent requiring that the windows at first floor level and above in the east flank elevation are obscure glazed and top level opening only, it is not considered that the proposed development would result in unacceptable overlooking to the east so as to justify refusal of the application.
- 7.4.11 In the west flank elevation facing 32 Eastbury Avenue there would be four windows at each of the ground floor and first floor; on each level serving a study, a bathroom, bedroom and a kitchen. At second floor level four windows would serve two bedrooms, bathroom and a kitchen and at third floor level two French doors and sliding doors would serve a living room. Flank windows serving habitable rooms are generally discouraged. However, given the separation of the highway and set back nature of the upper floor including position in relation to 32 Eastbury Avenue limited opportunity for overlooking would be facilitated. As such it is not considered that the proposed development would result in unacceptable overlooking to 32 Eastbury Avenue to the west of the site. As a result of the siting of these windows and this neighbouring property, they would not directly overlook neighbouring habitable windows.
- 7.4.12 The rear elevation of the proposed development would include glazing and would also include rear balconies and terraces from the upper floor levels. These would face towards the flank elevation of 1 The Marlins. As previously detailed, there is a distance of

approximately 13 metres between the flatted development the rear boundary which backs onto the private amenity space of 1 The Marlins to the rear which is considered sufficient distance to prevent any overlooking towards this neighbour. Furthermore, the existing line of mature trees which are currently sited along the rear boundary screen any views of the amenity space at 1 The Marlins from the application site preventing any direct overlooking towards this neighbour. Amended plans have also been submitted during the course of the application to reduce the overall amount of terraces proposed in the rear elevation towards the eastern flank.

- 7.4.13 The terraces proposed to the western rear part of the block and the western flank at second and third floor levels would be enclosed to the flanks such that these would not result in overlooking to neighbours to the rear or flanks of the site. The Design Criteria at Appendix 2 of the Development Management Policies LDD states that development should not include balconies which overlook neighbouring properties to any degree. Amended plans were requested during the course of the application to remove some terraces and balconies to prevent any direct overlooking to the rear amenity space of No. 1 the Marlins, no objection is raised.
- 7.4.14 Furthermore with regards to the planning approval (18/1381/FUL) of 36 Eastbury Avenue, the proposed spacing between the proposed block and this neighbour measures a total of 4.5m and the main part of the residential block would be further set in. In addition, whilst it cannot not be relied upon there is an existing protected tree located on the boundary. As such, it is not considered that the proposed development would result in demonstrable harm to the residential amenities of the proposed development at No. 36 Eastbury Avenue.
- 7.4.15 In summary, subject to conditions on any consent, it is not considered that the proposed development would result in unacceptable adverse impacts on the residential amenity of any neighbouring dwellings so as to justify refusal of the development which would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

## 7.5 Amenity Space

- 7.5.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.
- 7.5.2 The proposal would result in the construction of six 2-bedroom with studies and one 2-bedroom apartments. The proposed floor plans detail that six flats would each contain a study, which could be converted into a third bedroom. As such, the indicative amenity space requirement is based on this (i.e. 6 x 3 bed and 1 x 2 bed units). The amenity space requirement would therefore be 277sqm.
- 7.5.3 The submitted plans indicate that there would be an area of approximately 305sqm to the rear of the proposed building not including the provision of balconies, which is considered sufficient in size for communal amenity space and would exceed standards.

## 7.6 Highways & Access

- 7.6.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

- 7.6.2 As existing the application site benefits from an access located within the north-western corner of the site. The proposed development seeks to close off this access and create a new access located just off centre within the frontage of the site. The Highways Officer was consulted on the application and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. Although they raised no objection the Highways Officer requested that further details of the construction proposals are submitted to ensure that the proposed access arrangements can facilitate safe vehicle movements and are suitable to be adopted as part of the highway network.
- 7.6.3 Subject to conditions suggested by the Highways Officer requiring access design details; provision of visibility splays and submission of a construction management plan, it is considered that the proposal would provide a safe and adequate means of access and that the safety and operation of the highway network would not be adversely affected. The development would therefore be acceptable in this regard in accordance with Policy CP10 of the Core Strategy.
- 7.6.4 An informative on any consent would advise the applicant that works to be undertaken on the highway would require an agreement with the Highway Authority.
- 7.7 Parking
- 7.7.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:
- 1 bedroom dwellings – 1.75 spaces (1 assigned)
  - 2 bedroom dwellings – 2 spaces (1 assigned)
  - 3 bedroom dwellings – 2.25 spaces (2 assigned)
  - 4 or more bedroom dwellings – 3 spaces (3 assigned)
- 7.7.2 For the reasons previously explained at paragraph 7.5.2 the parking requirements for the development would be based on six 3-bed units and one 2-bed unit. The development would require 15.5 spaces (13 assigned).
- 7.7.3 The proposal includes the provision of basement level parking providing 17 parking spaces (14 assigned) with an additional two visitor spaces and one disabled parking space provided, which would exceed the parking standards. Due to initial concerns with regards to parking the applicant has increased the number of parking spaces to 17 by increasing the length of a rear section of the basement to provide increased parking provision. There are a number of tandem spaces with accessibility detailed within the swept path analysis. The majority of spaces have also been increased in width by 0.1 metres measuring 2.5m x 4.8 metres which meet the general standards detailed within Policy DM13 of the Development Management Policies LDD. It is also worth noting that the overall provision of accessible spaces exceeds policy requirements.
- 7.7.4 A condition on any permission would require details of the allocation of parking within the development to be formally agreed and for these arrangements to be implemented and maintained.
- 7.7.5 Subject to conditions the development would make provision for parking in accordance with standards and the development would be acceptable in this regard in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies document.
- 7.7.6 There is a cycle storage area within the basement which would accommodate storage for each of the seven new units which would exceed the requirements of Policy DM13 and



Appendix 5 of the Development Management Policies document which require 1 space per 2 units in the case of flats.

7.7.7 In conclusion, the proposal would provide a policy compliant level of parking provision which also accords with guidance in relation to the size of spaces. The submitted swept path assessments demonstrate that access to/from all spaces can be achieved. In addition, there is space for vehicles to wait safely within the basement whilst a second vehicle is retrieved from the tandem parking spaces, and all such waiting is clear of the highway such that either way there is no harm to highway safety. The Highways Authority raise no objection and the proposal is considered acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

## 7.8 Wildlife and Biodiversity

7.8.1 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.

7.8.2 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. A Biodiversity Checklist and a Bat Survey Report prepared by CSA Environmental were submitted with the application.

7.8.3 Both Herts Ecology (HECO) & Herts & Middlesex Wildlife Trust were consulted on the application. HECO provided a response and noted that a daytime survey was undertaken on March 2019 and evidence of bats were found in the loft space. As such, dusk emergence / dawn re-entry bat surveys are required to be carried out. As it is now the optimum time of year for these surveys to be completed, HECO have advised that it would not be appropriate to require these by condition and that the surveys should be undertaken prior to determination. The applicant has been made aware of this requirement and has commissioned the relevant surveys which have been submitted to the LPA and are being reviewed by HECO. A verbal update will be provided at committee. It is recommended that authority be delegated to the Director of Community and Environmental Services to grant planning permission subject to the receipt of satisfactory comments from HECO following the review of the additional surveys.

## 7.9 Trees and Landscaping

7.9.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.9.2 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 in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.9.3 The application site contains a number of trees which are protected by Tree Preservation Order 217. The application was supported by a Tree Survey Report prepared by Patrick Stileman. The Landscape Officer was consulted on the application and raised no objection subject to a condition requiring a tree protection. Whilst a prominent Monterey Cypress tree to the front of the site is proposed to be removed to facilitate works, the applicant's arboriculturalist has provided justification that the tree is of poor form and unlikely to survive beyond 20 years and on this basis and subject to replacement planting, no objections are raised.

## 7.10 Sustainability

7.10.1 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.

7.10.2 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.

7.10.3 The application is supported by an Energy Statement dated June 2018 prepared by XCO2 which details that the dwelling would result in a 5.6% saving in CO2 emissions and meet the current Building Control requirements.

## 7.11 Refuse and Recycling

7.11.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the DMP LDD 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 A refuse enclosure has been indicated on the plans within the north eastern corner of the site, set back approximately 1m from the highway. The proposed bin storage would have a width of 4.2 metres, depth of 2.25 metres and would have a flat roof form measuring 1.75m in height and would have a timber exterior.

7.11.3 The storage area would be of sufficient size to accommodate two 1100L bins and two 360L bins. The refuse/recycling provision proposed is considered acceptable in accordance with Policy CP1 of the Core Strategy and Policy DM10 of the Development Management Policies LDD.

## 7.12 Affordable Housing

7.12.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document.

7.12.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the adopted development plan subject to material considerations otherwise. The Courts are clear that:

(a) the weight to be given to such considerations is a matter for the decision maker.

(b) policy (however absolutely it is stated) cannot displace that - the decision must always be taken with regard: "As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy" .

(c) The Framework "is no more than 'guidance' and as such a 'material consideration'" for these purposes. "It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan."

7.12.3 Officers consider that the correct approach is to:

(1) Consider the starting point under the development plan policies

(2) Give significant weight to the Framework policies

(3) Have regard to current evidence of local housing need as a material consideration in deciding whether Framework policy should outweigh the breach of the adopted development plan policy.

(4) consider whether there is evidence of viability justification for failing to provide affordable housing, which would satisfy Policy CP4.

Policies should not be applied rigidly or exclusively when material considerations may indicate that it would not be in the interests of good planning to do so.

7.12.4 Following the issue of a WMS in Nov 2014 which stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and the amendment of the PPG In May 2016 to reflect this, the Council undertook an analysis of up

to date evidence of housing needs in the Council's area (The Needs Analysis). The Council considers that the local evidence of housing need in the Needs Analysis:

- (a) confirms that housing stress has increased since the Core Strategy was adopted;
- (b) underlines the continuing relevance and importance of Policy CP4 (and the weight to be given to such local housing need for the purposes of Section 38(6)).

7.12.5 The Council resolved on 1st September 2017 to treat the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS and PPG for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

7.12.6 Following the publication of the 2018 NPPF the Council undertook a further Needs Analysis in July 2018 titled: "Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing." This document concluded that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need be treated as outweighed by the Framework. This conclusion was reached having had regard to the following relevant factors:

- o General House Price Affordability in Three Rivers
- o Affordable Housing Supply Requirements in Three Rivers
- o Affordable Housing Provision in Three Rivers
- o Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings
- o The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites
- o Relevant Appeal Decisions
- o The fact that the adopted plan policy does not impose burdens where they would render schemes unviable.

#### General House Price Affordability in Three Rivers

7.12.7 As set out in more detail in the Council's document: Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing, data published by the Office for National Statistics (ONS) demonstrated that in 2016 Three Rivers was the seventh most expensive local authority area in England and Wales (excluding London) out of a total of three hundred and fifty local authority areas. The lowest quartile house price in Three Rivers was £325,000.00. This represents a worsening of the position since 2011. The general house price affordability position has grown worse since 2016. According ONS data for the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000, making it now the sixth most expensive local authority area in England and Wales (excluding London).

7.12.8 Lowest quartile earnings in Three Rivers in 2016 were £24,518.001, 13.3 times [less than] the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings). That worsened to £24,657.00 in 2017 (14.4 times [less]). It is clear from this data that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2016 to have a deposit of £239,694.00, or (without such a deposit) to earn £92,857.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional £6,250.00 Stamp Duty payment would also have been due. The position is even more serious when the median affordability ratio for Three Rivers compared to the rest of England and Wales is considered: the median quartile income to median quartile house price affordability ratio is 13.82, the fifth worst affordability ratio in England and Wales.

#### Affordable Housing Requirements in Three Rivers

7.12.9 The Council's Strategic Housing Market Assessment (2010) which assessed current and future housing markets and needs found that:

(1) the requirement for affordable housing in and around the Three Rivers area remained exceptionally high. This is largely as a result of very high house prices and rents, a constricted supply of suitable sites for all housing types and losses from the existing affordable stock through 'Right To Buy' sales,

(2) all future housing supply in the district to 2021 would need to be affordable to satisfy affordable housing requirements. This represented the highest requirement amongst the six authorities within the London Commuter Belt.

(3) The South West Hertfordshire Strategic Housing Market Assessment (January 2016) SHMA looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum. With these figures in mind, the SHMA calculated the net affordable housing need within Three Rivers as being 617 units per annum or 14,191 units over the same 23 year period.

#### Affordable Housing Provision in Three Rivers

7.12.10 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this. Since the start of the plan period from 1 April 2001 to 31st March 2017 (the latest date where the most recent completion figures are available), 3,736 gross dwellings were completed. From this, 843 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 836 affordable housing units or 22.4% in order to fulfil the 45% affordable housing requirement up to 31 March 2017. This existing shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing and as such there is a high importance that small sites deliver to affordable housing contributions.

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

7.12.11 Between 1st May 2016 and 12th April 2017, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. This demonstrates the importance of small sites to the overall delivery of housing in the district. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt.

7.12.12 During the latest 2016/2017 monitoring period, there were a total of 164 gross dwelling completions within the District, of which 0% were affordable. All of those completions related to planning permissions granted for 10 or less dwellings with a combined floorspace of less than 1000 sq metres. The above data emphasises the importance of small sites to the delivery of housing within Three Rivers.

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small site

7.12.13 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with

the remaining monies to be utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that, its policy has delivered a significant contribution towards the delivery of much needed affordable housing in the district, without disrupting supply.

#### Relevant Appeal Decisions

- 7.12.14 On any view of the local housing need position, there is a serious planning issue. The Council's position is that it deserves significant weight, consistent with the decisions in similar situations where the 'exception' is a function of weight. Whilst some decisions pre-date the NPPF, paragraph 63 of the NPPF is fundamentally the same as the WMS and PPG. It is also noted that there have been more recent appeal decisions that post-date the NPPF which also support the Council's approach.

The fact that the adopted plan policy does not impose burdens where they would render schemes unviable

- 7.12.15 Policy CP4 states "in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability." It is clear that the operation of CP4 does not act as any form of brake on small scale development.

- 7.12.16 This stance has also been tested in a recent appeal at No.9 Lapwing Way, Abbots Langley, which proposed the net gain of one additional unit (APP/P1940/W/18/3213370). In this case, as with that subject to the current application, the proposal did not propose any monetary contributions by the payment of a commuted sum in lieu of onsite affordable housing provision. The appeal inspector outlined that *'In considering whether provision should be made for affordable housing, there are two matters that need to be addressed. Firstly, whether in principle the provisions of Policy CP4 are outweighed by more recent Government policy. Secondly, if not, whether for reasons of financial viability a contribution is not required.'*

- 7.12.17 The Inspector reviewed the Council's case as outlined above and concluded that *'There is no evidence before me that the application of Policy CP4 has put a brake on small windfall sites coming forward. Indeed, such sites have contributed over £2m to the affordable housing pot since 2011.'* It was further considered that *'Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. There are very important factors in support of the continued application of Policy CP4. These factors are not unique to Three Rivers. Government policy does not suggest that areas where affordability is a particular issue should be treated differently. Nonetheless, although a weighty matter, the national policy threshold is not a material consideration which outweighs the conflict with the development plan in this case. In making this policy judgment I have given considerable but not full weight to Policy CP4. I have also had regard to the other appeal decisions in the south-east referred to by the Council where Inspectors considered development plan policies seeking affordable housing against national policy. My approach is consistent with these decisions.'*

- 7.12.18 In addition, further appeal decisions have been received which support the Council's approach to seeking affordable housing contributions on small sites. In dismissing the appeal for The Swallows, Shirley Road, (APP/P1940/W/19/3221363 the Inspector stated the following:

*'The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.'*

- 7.12.19 Other appeal decisions which also support this approach include 4 Scots (APP/P1940/W/19/3219890) and 13 Eastbury Avenue (APP/P1940/W/19/3222318 and APP/P1940/W/19/3225325)
- 7.12.20 The proposed development would result in a requirement for a commuted sum of £1,035,250 towards affordable housing based on a habitable floorspace of 828.2sqm multiplied by £1250 per sqm which is the required amount in the 'Highest Value Three Rivers' market area.
- 7.12.21 The application was accompanied by a Viability Statement which concluded that the scheme is not able to support an affordable housing payment and remain viable. The appraisal has been reviewed to establish if there is any surplus or deficit when compared to the "benchmark land value". The review carried out which includes the benchmark land value of £1,760,000 shows a deficit of £486,279.
- 7.12.22 Therefore, in summary, the proposed development would not contribute to the provision of affordable housing within the District, however, it has been demonstrated that such provision would not be viable. The development therefore complies with the requirements of Policy CP4 of the Core Strategy and the Affordable Housing Supplementary Planning Document (June 2011).

### 7.13 Infrastructure Contributions

- 7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180.

### 7.14 Water Quality

- 7.14.1 Policy DM8 of the Development Management Policies LDD states that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution. Policy DM9 refers to contamination and pollution control.
- 7.14.2 Affinity Water have reviewed the submitted details and note that the application site is within an Environment Agency defined groundwater source protection zone corresponding to Northwood and Eastbury Pumping Stations. Whilst they raise no objection, they do consider it appropriate for conditions to be included to ensure that the public water supply is protected.

## 8. **Recommendation**

**That subject to no objection from Hertfordshire Ecology following the submission of additional surveys, that the decision be delegated to the Director of Community and Environmental Services to grant planning permission subject to conditions:**

### 8.1 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: 19 REA SL1A, 19 RNEA SP1D, TS19-086-2, TS19-086-3, TS19-086-6, 19 RNEA SD1, 19 RNEA P5A, 19 RNEA P1C, 19 RNEA E1C.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 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 proposed access, on-site car parking and turning area shall be laid out, demarcated, surfaced and drained in accordance with the approved plan 19 RNEA SP1D and retained thereafter available for that specific use.

Reason: This is a pre-occupation condition to ensure construction of a satisfactory development and in the interests of highway safety 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 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Provision of sufficient on-site parking prior to commencement of construction activities;
  - h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: 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 The development shall be undertaken in full compliance with the construction methods detailed in the Arboricultural Impact Assessment prepared by Patrick Stileman Ltd forming part of this application.



No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

- C7 The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

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 accordance with a programme to be agreed before development commences 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: This condition is a pre commencement condition 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).

- C8 The development hereby permitted shall not be occupied until the bin store as shown on drawing number RNEA SD1 has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory refuse and recycling provision is maintained for the residents of 34 Eastbury Avenue in accordance with DM10 of the Development Management Policies document (adopted July 2013).

- C9 Prior to the first occupation of the development hereby approved, 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. 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).

- C10 Prior to the installation of any external lighting, details (including the position, height, design and intensity) of all external lighting to be installed on the site or affixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.

Reason: To maintain wildlife habitat and in the interests of visual amenity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to the first occupation of the development hereby permitted the first floor, second floor and roof level window(s) in the east flank elevations facing 36 Eastbury Avenue; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) 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).

- C12 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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 A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that satisfactory off-street parking 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).

- C14 No works involving excavations below the chalk groundwater table (for example piling or the implementation of a geothermal open/closed loop system) may be carried out unless ground investigation has first been undertaken and submitted

to and approved in writing by the Local Planning Authority to identify appropriate techniques, to avoid displacing any shallow contamination, and detailing any necessary mitigation measures. Development shall thereafter only be carried out in accordance with the agreed details and mitigation.

Reason: To ensure no adverse impact on local groundwater supplies in accordance with Policy CP8 of the Core Strategy (adopted October 2011).

## 8.2 Informatives:

I1 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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. 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.

I2 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk) or an appropriately qualified and experienced ecologist.

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

- 14 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

- 15 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

- 16 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.

- 17 The applicant should give Affinity Water at least 15 days prior notification of works that may result in turbidity in the chalk aquifer, in order to enable monitoring to take place.

- 18 The applicant is advised that surface water from the underground car parking area should not be displaced or via direct infiltration into the ground via a soakaway due to the likelihood of surface water from the car park area to carry oil and hydrocarbons.