

PLANNING COMMITTEE - 25 JUNE 2020

PART I - DELEGATED

5. **20/0467/FUL - Demolition of Grove Court and the construction of 42 apartments, 19 x 1-bedroom and 23 x 2-bedroom units, associated parking and landscaping, cycle and refuse/recycling stores and shared access at 40-92 GROVE COURT, GROVE CRESCENT, CROXLEY GREEN, WD3 3JU (DCES)**

Parish: Croxley Green

Ward: Dickinsons

Expiry of Statutory Period: 09.07.2020

Case Officer: Claire Westwood

Recommendation: That Planning Permission be GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee and by Croxley Green Parish Council.

1 Relevant Planning History

- 1.1 19/1331/FUL - Demolition of Grove Court and the construction of 43 apartments, 21 x 1-bedroom and 22 x 2-bedroom units, associated parking and landscaping, internal cycle storage and refuse/recycle bin store and shared access. Withdrawn.

2 Description of Application Site

- 2.1 The application site is located on Grove Crescent, Croxley Green. Grove Crescent is a residential street off Baldwins Lane characterised by a mixture of 2 storey dwellings and 3 and 4 storey flatted blocks.
- 2.2 The Croxley Green Neighbourhood Plan (2018) describes Grove Crescent as; *“1950s local authority housing, served by a loop road contains several blocks of flats within the central portion including two blocks of four storeys – the only buildings of this height in the Parish”*.
- 2.3 Grove Court is an existing 2 storey building in a linear site at the end of the road. Grove Court was operated as a Sheltered Housing scheme, accommodating 27 bedsit rooms, a lounge, laundry and communal garden with onsite warden support. The Planning Statement states that warden support service ceased, however, the flats remained specifically for people over 55 years of age.
- 2.4 There are existing trees to the northern and eastern boundaries, including some afforded protection by Tree Preservation Orders. The building is set back from the road with lawn to the frontage. There is a single vehicular access to 6 off-street parking spaces allocated to Grove Court.
- 2.5 There is amenity space to the rear (north and east of the building). Beyond this to the north is Little Green Junior School and playing fields and to the east are the rear gardens of properties on Manor Way. The Green Belt adjoins the site to the north. The red line area also includes a small area which is currently enclosed and provides an external drying area for the adjacent flats to the west.
- 2.6 To the south is a parking area serving 2 storey Revels Court. To the west and opposite the site are 3 storey flatted blocks.
- 2.7 Parking in Grove Crescent is a mixture of bays at 90 degrees to the road and kerb side parking.

2.8 There is a small parade of shops within short walking distance (approximately 300 metres) on Baldwins Lane where there are also bus links. Croxley Station is approximately 20 minutes walk (1 mile).

3 Description of Proposed Development

3.1 Planning permission is sought for the demolition of Grove Court and the construction of 42 apartments, 19 x 1-bedroom and 23 x 2-bedroom units, associated parking and landscaping, cycle storage and refuse/recycle bin store and shared access.

3.2 The proposed layout consists of two blocks (Block A to the north and Block B to the south) increasing in height from 2 storeys to the south to 4 storeys to the north.

3.3 Block A to the north would have a maximum width (west to east) of approximately 28 metres and maximum depth (north to south) of 16 metres. The south west front corner of the building would be set back approximately 21 metres from the access to the site. The western flank would be sited approximately 14 metres from the western boundary. The rear elevation would be sited between 16-18 metres from the northern boundary and the eastern elevation would be sited between 12.5-14 metres from the eastern boundary.

3.4 Block A would be accessed via a single central access within the front elevation. It would be part 3, part 4 storey, with the height increasing from east to west. The eastern flank would have a maximum height of 10.1 metres and western flank would have a maximum height of 12.1 metres. Block A would have a maximum height of 13.7 metres. The design includes a mixture of flat sections and angled mono pitched roofs.

3.5 Block B to the south would be sited with its stepped front elevation roughly parallel with Grove Crescent, set back between 1.8-7 metres from the front boundary. Block B would have a maximum width (north to south) of approximately 38 metres and maximum depth (west to east) of approximately 22 metres. The southern elevation would be sited between 0.5-5.5 metres off the southern boundary. The rear elevation would be located between 9.5-21.5 metres from the eastern boundary. A distance of between 12-15 metres would separate the northern flank elevation of Block B and front elevation of Block A.

3.6 Access to Block B is provided via the front and northern flank elevations, with an additional access to the rear serving the internal bicycle store. Block B would range from 2 – 4 storeys in height, increasing from south to north. Like Block A, the design would include a mixture of flat and mono pitched roof forms. Block B would have a height of 6.1 metres to the southern flank elevation (2 storeys), stepping up to 9.1 metres (flat roof 3 storeys) and 12.1 metres (flat roof 4 storeys). Block B would have a maximum height of 13.7 metres.

3.7 Materials proposed include a mix of brown and buff facing brick. Pitched roofs are proposed to be tiled, with a mid-grey ply membrane to flat roofed areas. Balconies, handrails and privacy screens would be steel and mid grey in colour. The balconies to the eastern elevations include screening comprising of 1.7 metre steel screens backed by opaque glazed screens. Fenestration is proposed to all elevations and would be dark grey PVC. Windows to the eastern elevation are proposed to be opaque glazed below 1.7 metres.

3.8 The breakdown of unit sizes proposed is indicated in the table below:

	1 bed 2 person	2 bed 3 person	2 bed 4 person	Total flats	Total beds
Ground	7	2	4	13	19
First	6	3	4	13	20
Second	4	3	4	11	18
Third	2	1	2	5	8
Total	19	9	14	42	65

- 3.9 The application details indicate that 100% of the dwellings would be affordable, with 18 Affordable Rented units (Block A) and 24 Shared Ownership Units (Block B).
- 3.10 The existing vehicular access would be retained and would serve an access road extending to the north along the western site boundary where it would return around the rear (north) of Block A, continuing south to the rear (east) of Block B accessing parking to the rear of both blocks. In total 47 car parking spaces are proposed, including 4 disabled spaces and 5 visitor spaces. A turning area is also indicated between the two blocks.
- 3.11 A cycle store and bin store are proposed to the west of the site adjacent to the boundary with 96-106 Grove Crescent. These would be brick built single storey structures to match the external appearance of the proposed Blocks, with a combined width of 8 metres, depth of 8.5 metres and height of 3.4 metres to a flat roof. The cycle store would have space for 18 bicycles. A further bin store is proposed adjacent to the site access. An additional cycle shelter is proposed centrally within the site between Blocks A and B (15 spaces) with further cycle storage to the ground floor of Block B (6 spaces). 8 spaces are also proposed at the entrance to Block A. In total space for 47 bicycles is proposed.
- 3.12 A landscaped buffer is provided to the northern site boundary. Additional soft landscaping is proposed between the two blocks, to the front of Block B and to the south-east boundary to the rear of Block B. A narrow landscaped buffer is also proposed for the length of the eastern site boundary where the site adjoins the rear gardens of properties in Manor Way.
- 3.13 The building and external areas are proposed to be lit with low level bollard lighting (way finding) and wall mounted security lighting at entrances.
- 3.14 The application is accompanied by:
- Planning Statement
 - Design and Access Statement
 - Biodiversity Checklist
 - Preliminary Ecological Appraisal & Preliminary Roost Assessment
 - Bat Emergence and Re-entry Surveys
 - Transport Statement
 - Travel Plan
 - Topographical Survey
 - Drainage Report
 - Energy and Sustainability Report
 - Tree Survey Report
 - Arboricultural Impact Plan
 - Tree Protection Plan
 - Affordable Housing Statement
 - Sunlight Analysis
 - Balcony Detail
 - Perspective Views
- 3.15 Amended plans have been submitted in relation to the cycle store and to provide additional balcony screening.

4 Consultation

4.1 Statutory Consultation

Affinity Water	4.1.1	No objection.
Croxley Green Parish Council	4.1.2	Objection.
Local Plans	4.1.3	Advisory comments.
Environmental Health	4.1.4	No response received.

Environmental Protection	4.1.5	No response received.
HCC Highways	4.1.6	No objection (conditions).
HCC Lead Local Flood Authority	4.1.7	No objection (conditions).
HCC Waste & Minerals	4.1.8	No objection (conditions).
Herts Constabulary	4.1.9	No objection.
Herts Ecology	4.1.10	No objection (conditions).
Herts Property Services	4.1.11	No objection.
Housing	4.1.12	Advisory comments.
Landscape	4.1.13	No objection.
National Grid	4.1.14	No response received.
Thames Water	4.1.15	No objection.

4.1.1 Affinity Water: [No objection]

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 (GPZ) corresponding to Eastbury Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

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

4.1.2 Croxley Green Parish Council: [Objection]

Croxley Green Parish Council objects to the application for the following reasons:-

1. CA1 of the Croxley Green Neighbourhood Plan has not been met
2. Over development of the Site
3. Privacy concerns for the neighbours in Manor Way as the building will go from 2 to 4 storeys. We believe that there is not sufficient distance between the buildings and homes in Manor Way due to their height.
4. Loss of sunlight/overshadowing

If the planning officer is minded to approve the application then Croxley Green Parish Council request that it be considered by the TRDC Planning Committee. If the application is considered by the TRDC Planning Committee, Croxley Green Parish Council strongly encourage all members of the Planning Committee to conduct a site visit to fully understand the neighbours concerns.

4.1.3 Development Plans: [Advisory comments]

The application proposes the redevelopment of an existing flatted development to provide 42 apartments (19 one-bedroom dwellings and 23 two-bedroom dwellings). The development would result in a net gain of 16 dwellings. The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy

(adopted 2011) states that applications for windfall sites will be considered on a case by case basis having regard to:

- the location of the proposed development, taking into account the Spatial Strategy
- the sustainability of the development and its contribution to meeting local housing needs
- infrastructure requirements and the impact on the delivery of allocated housing sites
- monitoring information relating to housing supply and the Three Rivers housing target.

The Spatial Strategy states that new development will be directed towards previously developed land and appropriate infilling opportunities in the urban areas of the Principal Town and Key Centres, which are identified as the most sustainable locations in the District. This strategy is supported by Policy PSP2 in the Core Strategy which states that future development will predominately be focused on sites within the urban area. The application is on previously developed land and is located in the Key Centre of Croxley Green, which the Core Strategy identifies as one of the most sustainable locations in the District. The sustainable and urban location complies with the approach set out in Spatial Strategy and with Policy PSP2. As stated, the development would result in a net gain of 17 dwellings and would subsequently make a positive contribution to meeting the District's current housing target of 620 dwellings per year.

The National Planning Policy Framework (NPPF) (2019) states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. The redevelopment of the existing properties on the application site would result in a net gain in dwellings and would therefore make a more effective use of land, as required by the NPPF.

Policy CP4 of the Core Strategy requires an overall provision of around 45% of all new housing as affordable housing. The application proposes 100% affordable housing, therefore proposing 55% above the requirement of Policy CP4. This would make a positive contribution to meeting the pressing need for affordable housing in the District.

Policy CP4 goes on to state that as a guide, the Council seek 70% of all affordable housing provided to be social rented and 30% to be intermediate. The application proposes 70% of the affordable dwellings are for rent and 30% are for intermediate affordable housing, therefore complying with Policy CP4.

4.1.4 Environmental Health: No response received.

4.1.5 Environmental Protection: No response received.

4.1.6 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]

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. No development shall commence until full details have been submitted to, and approved in writing by the Local Planning Authority, the following:

a. Approval from Hertfordshire Fire and Rescue (I have forwarded the application details onto them for their attention).

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

2. Provision of Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans 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).

3. Travel Plan

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Construction Management Plan

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

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

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

HIGHWAY INFORMATIVE:

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

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

COMMENTS / ANALYSIS:

The application comprises of the demolition of an existing sheltered housing block and erection of two apartment blocks comprising of 42 apartments at 40 to 92 Grove Court, Croxley Green. Grove Court is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

A Transport Assessment and Travel Plan Statement have been submitted as part of the application.

ACCESS & PARKING:

There is an existing bellmouth access into the site, which is to be retained. The proposals include using this existing access leading to a private access road and parking area (between 5.5m and 6m in carriageway width), the details of which are shown on submitted drawing no. 100 P9. The proposed access design is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide and Manual for Streets.

Visibility splays of 2.4m by 43m on either side of the proposed access point are shown to be available as shown on drawing number Y131-PL-DR-200 P02. Although it is acknowledged that parked vehicles on Grove Court may impact on the available visibility, any effects would not be considered to have a highway safety impact when taking into consideration that it is an existing access with double yellow lines to either side and the local access nature of the surrounding highway.

The application includes the provision of 47 car parking spaces including four disabled car parking spaces. The proposed layout is shown on drawing no. 100 P9 and the size of the parking spaces (2.5m by 5m) and carriage width (6m) between them are considered to be acceptable and in accordance with Manual for Streets (MfS) (Section 8.3.48/8.3.48). A swept path analysis has been included for a large car using some of the car parking spaces, the details of which are sufficient to illustrate that vehicles would be able to turn around safely on site and egress to the highway in forward gear.

The level of car parking is less than the provision for a development of this scale (as outlined in Three Rivers District Council's parking standards). HCC as Highway Authority's main concern would be any negative effect the proposal would have on the safe flow of the surrounding highway due to the level of car parking. However it is unlikely that any effects would be significant enough to recommend refusal from a highway point of view, particularly when taking into consideration the nature of the highway as a local access road, the potential for on-street parking demand to be less than the for the previous sheltered housing (which had only 3 allocated car parking spaces) and the promotion and maximisation of alternative sustainable forms of travel (as outlined in the submitted Transport Statement and Travel Plan Statement). The applicant is reminded that TRDC is the parking authority for the district and therefore ultimately should be satisfied with the level of proposed parking.

EMERGENCY AND SERVICE ACCESS:

The proposals include a turning area, which would be necessary to ensure that all vehicles using the site would need to be able to easily and safely turn around on site and egress in forward gear to the highway. Swept path analysis for a 7.5t delivery lorry and a fire tender have been included as part of the application (drawing no. Y131-PL-DR-202 P04 and Y131-PL-DR-203 P04), the details of which are considered to be acceptable by HCC as Highway Authority.

Due to the size of the proposals, as part of the highway authority's assessment of this planning application we have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention. This is to ensure that the proposals are in accordance with guidelines as outlined in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwellingshouses.

REFUSE / WASTE COLLECTION:

An on-site bin/recycling store has been proposed within 25m of the collection point from the highway, which is acceptable and in accordance with MfS and Roads in Hertfordshire. TRDC as waste collection authority would need to approve the proposed collection arrangements.

TRIP GENERATION:

The number of vehicular trips generated by the development has been assessed using data from the nationally recognised TRICS database. Following consideration of the size of the proposals and compared to the existing trip generation, the expected trip generation in peak hours and any associated impacts would be small and not significant enough to recommend refusal from a highways perspective.

SUSTAINABLE TRAVEL & ACCESSIBILITY:

The site lies in the town of Rickmansworth, approximately 1km from the town centre and accessible via existing pedestrian footways and footpaths. Croxley Green underground railway station is located approximately 1.5km from the site and within a reasonable walking and cycling distance. The nearest bus stops to the site are approximately 350m to 400m from the nearest bus stops, which is within the 400m accessibility zone and provides bus services to Hemel Hempstead, Maple Cross and Rickmansworth.

47 cycle parking places have been provided as part of the proposals through the provision of a cycle storage area and cycle parking area, the arrangements of which are acceptable to encourage cycling as a travel option for residents of the new dwellings.

A car club has been included as part of the proposals, which HCC as Highway Authority would support to assist in reducing the number of privately owned vehicles and provide more sustainable motor vehicle usage. This and the other submitted details as outlined in the Travel Plan Statement are considered to be acceptable for a development of this size and sufficient to ensure that the development promotes and maximises sustainable travel options and is provided in accordance with Hertfordshire's Local Transport Plan 4.

PLANNING OBLIGATIONS:

This development is situated within TRDC's Community Infrastructure Levy (CIL) area. Therefore contributions towards local transport schemes as outlined in HCC's Growth & Transport Plan would be sought via CIL if appropriate.

CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable or significant impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives, conditions and comments in relation to emergency vehicle access.

4.1.7 HCC Lead Local Flood Authority: [No objection subject to conditions]

4.1.7.1 Initial comments 28 April 2020 (Objection):

LLFA position

In the absence of an acceptable surface water drainage assessment we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The Flood Risk Statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Demonstrate sufficient surface water attenuation up to the 1 in 100 year + climate change (40%) rainfall event.

Overcoming our objection

1. We have reviewed the FRA and Surface Water Drainage Assessment Revision H and it is stated that 227.13m³ of surface water attenuation storage is required in order to provide sufficient storage for up to the 1 in 100 year + climate change event. Drawing 430 DR-100 P5 of the proposed drainage scheme quotes a volume of 198m³ in relation to the proposed infiltration tank. We are therefore not clear where the remaining 30m³ is provided if the calculated overall volumes to be provided is correct. We assume that this may be provided within the other proposed drainage SuDS features such as the permeable paving, however this should be confirmed, quantified and annotated on the drainage strategy drawing to demonstrate how the surface water attenuation volume will be distributed across the site. This information was requested within our surface water advisory response dated 29 January 2020.

Once this information has been provided, we will be in a position to remove our objection and recommend appropriate conditions to the LPA.

Other comments

Subject to planning permission being granted by the LPA, the LLFA will recommend a post demolition and pre-commencement condition for additional infiltration testing to be carried out at the exact location of the proposed infiltration tank to confirm the exact infiltration rates at this location. The infiltration tests carried out so far have demonstrated that infiltration is a feasible method of surface water disposal in principle and will provide a betterment to the existing drainage arrangement which currently discharges to a combined sewer. The drainage strategy is also proposing a cascading SuDS strategy including source control measures such as permeable paving and rain gardens which will provide a water quality and amenity benefit. It is also proposing ponds/swales to cater for any exceedance rainfall events above the 1 in 100 year + climate change event.

Please note if the LPA decide to grant planning permission, we wished to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

4.1.7.2 Further comments 19 May 2020 (No objection subject to conditions):

Thank you for re-consulting the LLFA on the above planning application for the demolition of Grove Court and the construction of 42 apartments, 19 x 1-bedroom and 23 x 2-bedroom units, associated parking and landscaping, cycle and refuse/recycling stores and shared access.

The applicant has provided a letter from Earth Environmental and Geotechnical dated 4 May 2020 to address our previous response dated 28 April 2020. Based on the clarification contained within the letter, we can confirm we are in a position to remove our objection.

The proposed drainage strategy will provide a betterment to the existing drainage arrangement which currently discharges to a combined sewer. The drainage strategy is also proposing a cascading SuDS strategy including source control measures such as permeable paving and rain gardens which will provide a water quality and amenity benefit. It is also proposing ponds/swales to cater for any exceedance rainfall events above the 1 in 100 year + climate change event.

As stated in our previous response dated 28 April 2020, due to current site access constraints, the applicant will be required to carry further infiltration testing at the location of the proposed infiltration tank to confirm the exact infiltration rates to ensure the size of the tank will cater for the design rainfall event. This will need to be carried out post demolition and prior to the commencement of the development.

We therefore recommend the following conditions to the LPA should planning permission be granted:

LLFA position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved the Flood Risk Statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provide a cascading SuDS scheme by implementing source control measures with permeable paving and rain gardens and an attenuation measure through the use of an infiltration tank.
3. Managing surface water exceedance through the use of above ground ponds and swales

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To prevent flooding by ensuring the satisfactory storage of surface water from the site.
2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site and water quality betterment.
3. To reduce the risk of flooding to the proposed development, future occupants and the surrounding area.

LLFA Position

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

Condition 2

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall specifically include:

- Infiltration testing in accordance with BRE Digest 365 to be undertaken at the location of the proposed infiltration tank as shown in the flood risk statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H to confirm the rates of infiltration which will determine the size and dimensions of the proposed infiltration tank.

Reason: To prevent the increased risk of flooding, both on and off site.

LLFA Position

The proposed development will be acceptable if a planning condition is included requiring the following drainage details.

Condition 3

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

4.1.8 HCC Waste & Minerals: [No objection subject to condition]

Minerals

In relation to minerals, the site falls entirely within the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016. The Sand and Gravel Belt', is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. In addition the site falls entirely within the sand and gravel Mineral Safeguarding Area within the Proposed Submission Minerals Local Plan, January 2019. Area within the Proposed Submission Minerals Local Plan, January 2019. It should be noted that British Geological Survey (BGS) data identifies that there may be Superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development. Policy 8: Mineral Safeguarding, of the Proposed Submission document relates to the full consideration of using raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

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

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

- *the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

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

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

Policy 2: Waste Prevention and Reduction; &

Policy 12: Sustainable Design, Construction and Demolition.

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

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

<http://www.smartwaste.co.uk/> or

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

The county council would expect detailed information to be provided within a SWMP. The SWMP should cover both waste arisings during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the

demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

It is encouraging to see that the applicant has considered waste management within 'Energy and Sustainability Statement' submitted alongside the application. This provides detail on how household waste will be managed for future residents of the proposed development and also how construction waste is proposed to be managed. The applicant has mentioned that the Demolition and Construction contractor will be required to produce and implement a SWMP/Resource Management Plan (RMP).

The SWMP/RMP or Circular Economy Statement should be set out as early as possible so that decisions can be made relating to the management of waste arisings during demolition and construction stages, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

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

4.1.9 Herts Constabulary: [No objection]

In relation to crime prevention and security, I am pleased to see that it is the applicants intention to build the development to the Police minimum security standard Secured by Design as detailed in section 3 (3.7) of the Design and Access Statement.

4.1.10 Herts Ecology: [No objection subject to condition]

Herts Ecology has already provided a number of responses on a similar application at this address (19/1331/FUL). The current application is supported by the original Bat Emergence and Re-entry Surveys ('Activity' Survey) (Arbtech, 8 September 2019) provided previously, and an updated Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (PEA+PRA) (Arbtech, 7 February 2020) which supersedes that of 26 July 2019.

In ecological terms, little has changed; there is no evidence that bats currently occupy the building, though there is evidence that small numbers forage nearby. However, there is evidence that birds nest within the fabric of the building and that badgers may forage in the garden. The development also still provides the opportunity to meet the expectations of existing and emerging policy and law to deliver a modest net gain of biodiversity.

Evidence provided in the report suggests that there will be no net loss of biodiversity from the development but this positive outcome is dependent on the implementation of a number of mitigation and compensation measures in terms of breeding birds, badgers and hedgehogs as described in the Executive Summary of the updated PEA+PRA on February 2020.

Whilst suitable, however, there is no guarantee these will be implemented and the accompanying 'Landscape/External Works' Plan lacks detail. Therefore, they cannot be relied upon to secure a net gain.

To achieve this, I recommend the adoption of the following measures:

Bats

Although there is no evidence that bats currently rely on the building, circumstances can always change, especially if there is considerable delay between the granting of consent and demolition actually taking place. Therefore, a precautionary approach to demolition remains appropriate and so I recommend the following **Informative** is added to any consent:

“Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.”

Drawing on the advice provided in previous correspondence, I re-affirm the following advice provided previously (though modified slightly):

Badgers

No badger sets were found on site although the site is unlikely to be used by badgers for this purpose. However, evidence of use of the site by badgers was evident in the form of snuffle holes, and both a gap in the fence and under a gate. Therefore, I advise the following **Condition** is attached to any consent:

“Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.”

Hedgehogs

The report identified the gardens and hedgerows as potential habitat for hedgehogs though no hedgehogs were found during the survey. In order to ensure these animals are safeguarded the following **Informative** should be incorporated in any consent:

“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.

Nesting birds

Evidence of a nests was found at the top of the Northern gable end of the building the trees and hedgerow also provide potential nesting sites. Since the building is being demolished the following **Informative** should be included with any consent:

“Any demolition of buildings or clearance of vegetation 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.”

Biodiversity net gain

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents.

The Landscape/External Works Plan includes the planting of a new hedgerow along the eastern boundary. This should comprise predominantly native species, particularly those that bear blossom and fruit (berries) to support local wildlife. Where non-native species are used they should also be beneficial to biodiversity.

Further enhancements are recommended within section 4.2 of both reports but are not consistent. For the avoidance of doubt, the recommendations made in the Activity Survey for bats should be adopted (the provision of bat boxes) whereas the requirement for bats to be subjected to further survey in the activity survey should be dismissed as already completed.

4.1.11 Herts Property Services: [No objection]

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

We therefore have no further comment on behalf of these services, although you may be contacted separately from our Highways Department.

Please note this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.

4.1.12 Housing: [Advisory comments]

Policy CP4 of the Adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can be clearly demonstrated with financial evidence that this is not viable. As a guide the tenure split should be 70% social rented and 30% intermediate.

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 25% 1-bed units, 40% 2-bed units, 30% 3 bed units and 5% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

Your proposal states that you intend to replace the 26 units used previously for sheltered accommodation and provide 42 flats for general needs accommodation. This will consist of 19 x 1 bedrooms and 23 x 2 bedrooms. We would welcome these general needs properties particularly if, as proposed there would be 70% available for Affordable/Social rent. Please advise the size of the 2 bedroom properties and if these will be suitable for 3 or 4 persons, our preference would be 2 bedroom 4 person units.

In the first instance social rented housing should be provided, however if this is not viable and Affordable rent is agreed then a lower percentage would be negotiated with a maximum capped at local housing allowance rates.

4.1.13 Landscape Officer: [No objection]

I had no objections to previous applications and I do not wish to raise any in respect to the current application either. The tree protection plan has been updated to reflect the current layout, and I am satisfied with the methods of tree protection shown.

In light of the above I do not wish to raise any objections to the proposal.

4.1.14 National Grid: No response received.

4.1.15 Thames Water: [No objection]

Waste Comments

The proposed development is located within 15 metres of our underground waste water assets and as such we would like the following informative attached to any approval granted. "The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

We would expect the developer to demonstrate what measures will be undertaken 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 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 SEWAGE TREATMENT WORKS 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.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 94
- 4.2.2 No of responses received: 13 objections
- 4.2.3 Site Notice: Expired 14 May 2020
- 4.2.4 **Summary of Responses:**

CHARACTER/SCALE

- Out of character.
- Poor design, including materials.
- Loss of 'village' feel.
- Impact on Green Belt.
- Overdevelopment, overcrowding, excessive density.
- Too close to boundaries.
- 4 storeys too high.
- Scale of development not in keeping with local landscape of 2 and 3 storey buildings.
- Eyesore.

AMENITY

- Loss of light due to the height of the development.
- Impact on quality of life. I work from home and rely on natural light for my work.
- Loss of privacy due to overlooking.
- Loss of sunlight/natural light. Dispute submitted sunlight analysis.
- Overbearing as experienced by neighbours.
- Loss of outlook.
- Increased noise from cars.
- Increase noise from future residents (current flats for elderly).
- Pollution.
- Overlooking, including from balconies. Screens not proposed to all balconies.
- 1.7m screens insufficient.
- Roof terraces on Block B severely impact privacy.
- Does not provide 28m back to back spacing.
- Intrusive.
- Trees cannot be relied upon to provide privacy.
- Existing building is 2 storeys, 4 storeys would have unacceptable impact.
- Disturbance from parking adjacent to garden boundary, would be unable to enjoy use of garden.
- Disturbance from building works (noise, dust, dirt, mud etc).

ECOLOGY/TREES

- Impact on bats and other wildlife such as badgers, hedgehogs, deer, that use site.
- Impact on existing trees.

HIGHWAYS/PARKING

- Insufficient parking provision with less than 1 space per dwelling.
- What is a car club and how does this help?
- Drying area for adjacent flats now to provide additional parking.
- Lack of parking for visitors.
- Parking overspill onto adjacent road.
- Additional traffic.
- Highways safety concerns.
- Existing highways infrastructure cannot cope with additional traffic.

OTHER

- Only minor changes since previous application (removal of 1 flat), key objections not addressed and no change in bedroom numbers.
- Need for transparency in planning process. Unclear why previous application was withdrawn. Concern regarding pre-application discussions.
- Need for social housing recognised but should not justify an otherwise unacceptable application.
- Inadequate consultation with neighbours.
- Development would set a precedent.
- Safety concerns having car park adjacent to gardens.
- Personal and property concerns due to residents being able to see into properties.
- More suitable alternative sites are available.
- Lead Local Flood Authority maintain their objection.
- Thrive State existing is unfit for older persons but what about other groups?
- The existing garden at Grove Court is secure whereas there would be access to all.
- Anti social behaviour.
- Contrary to Planning Policies and contrary to Croxley Green Neighbourhood Plan.
- Impact on existing infrastructure. Current pressure on schools and medical facilities will be exacerbated.
- Impact of Covid-19. Non residents in area during development. Existing residents required to work at home and disturbed by development. High density development.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2019 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, 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, DM11, DM13, Appendix 2 and Appendix 5.

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

The Croxley Green Neighbourhood Plan (Referendum Version). Adopted December 2018. The neighbourhood plan seeks to protect the character and appearance of the area,

and requires extensions to be well designed. Relevant policies include: CA1 (New developments), HO1 (Satisfying local housing needs), HO2 (Lifetime neighbourhoods and security), HO3 (Connections to existing footpaths and cycle ways in new developments) and Appendix B (Character Areas). The application site is within Character Area 7 (North of Baldwins Lane, Links Way and Little Green Lane).

6.3 Other

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

Hertfordshire's Local Transport Plan (adopted 2018).

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 Site Visit

7.1.1 Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer in relation to application 20/0467/FUL. However, a detailed site visit was undertaken by the Case Officer (including to a property in Manor Way to the rear) in August 2019. The application is also accompanied by photographs and other platforms, such as Google maps and Google Street View were also used to aid the officer's assessment. It is considered that the information, specifically the Case Officer's site visit and photos taken by the Case Officer at that time (August 2019) have enabled the LPA to assess the application.

7.2 Principle of Development

7.2.1 The application site is located in Croxley Green, identified as a Key Centre in the Core Strategy (adopted 2011). The proposal seeks approval for the demolition of the existing building comprising 27 units and its replacement with 2 blocks ranging from 2 – 4 storeys containing a total of 42 flats. The site has not been allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site.

7.2.2 Policy CP2 of the Core Strategy states that applications for windfall sites 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 target.

- 7.2.3 The Spatial Strategy identifies that amongst the Principal Town and other Key Centres, Croxley Green is one of the most sustainable locations in the District; Policy CP2 states that development in the Key Centres should provide approximately 60% of the District's housing requirements over the Plan period. The Spatial Strategy states that in Key Centres, new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas. The proposal site is situated in an urban location on previously developed land. The proposal therefore complies with Policy PSP2, the Three Rivers Spatial Strategy and the National Planning Policy Framework's (NPPF) core planning principle of encouraging the effective use of previously developed land. However this is subject to consideration against other material planning considerations.

Loss of Sheltered Housing/Specialist Accommodation:

- 7.2.4 Whilst there is no available planning history, it is noted that the existing building until recently provided sheltered accommodation with on-site warden care. Whilst on-site warden care has ceased, the units remain in occupation only by residents over 55 years of age and therefore the existing building is considered to provide specialist accommodation.
- 7.2.5 Policy CP3 (Housing Mix and Density) of the Core Strategy (adopted October 2011) advises that development should provide a range of housing types, including provision of housing for the elderly and supported specialist accommodation. Policy HO1 of the Croxley Green Neighbourhood Plan (2018) relates to satisfying local housing needs and advises that proposals should consider the needs of local priority groups including the ageing population and affordable housing for rent for a range of household sizes.
- 7.2.6 The Planning Statement sets out that;

The existing building comprises 27 bedsit rooms, a lounge, laundry and communal garden. Grove Court was built nearly 50 years ago and is considered no longer fit for purpose, in terms of meeting modern day standards of older persons accommodation. Increasingly, older residents are preferring to stay in mainstream accommodation with individual tailored support arrangements. The majority of the tenants that had until recently resided at Grove Court have been re-housed in alternative accommodation with only few residents remaining.

- 7.2.7 The above statement is not disputed by the LPA.

Loss of Existing Building:

- 7.2.8 The existing building is not Listed and the site is not located within a Conservation Area where additional policies regarding demolition apply. The existing building is not of particular architectural merit and there is therefore no in principle objection to its demolition. Any replacement would need to be assessed on its merits and this is addressed later in this report.

Summary:

- 7.2.9 In light of the above, there is no in principle objection to the demolition of the existing building and loss of sheltered accommodation, however, this is subject to consideration against other material planning considerations as set out below.

7.3 Housing Mix

- 7.3.1 Policy CP3 of the Core Strategy (adopted October 2011) states that the Council require housing proposals to take into account the District's range of housing needs, in terms of the size and type of dwellings as identified by the Strategic Housing Market Assessment

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

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

7.3.2 Housing colleagues have advised that the identified need for affordable housing suggests the following preferred mix:

1 bedroom 25% of dwellings
2 bedrooms 40% of dwellings
3 bedrooms 30% of dwellings
4+ bedrooms 5% of dwellings

7.3.3 The proposal is for 100% affordable housing (discussed at 7.4 below) and would provide 45% 1 bedroom and 55% 2 bedroom units. The Housing Officer has advised that the highest requirement in the District is for 2 bedroom units and above and the proposal would provide 55% 2 bedroom units. Whilst the remaining units would be 1 bedroom units, it is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors and it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Affordable Housing

7.4.1 Policy CP4(a) of the Core Strategy (adopted October 2011) states that the Council seeks 'an overall provision of around 45% of all new housing as affordable housing'. Policy CP4(b) goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate.

7.4.2 The application is proposing 42 units, and the 45% affordable housing requirement would equate to 19 units, of which 13 (70%) should be social rented and 6 (30%) should be intermediate.

7.4.3 The submitted Planning Statement sets out that the applicant is proposing to provide 100% affordable housing. Block A would comprise 18 Affordable Rented units (43%) and Block B would provide 24 Shared Ownership units (57%).

7.4.4 The proposal would therefore significantly exceed the 45% policy requirement although the tenure would not comply with Policy CP4.

7.4.5 Whilst the tenure would not strictly comply with Policy CP4, the provision of an additional 23 affordable units over and above the 45% policy requirement is welcomed and is considered to mitigate against the failure to comply with the tenure split. The specific details of the relevant affordable housing, including rent levels would be secured via planning condition in the event planning permission is granted.

7.5 Impact on Character and Street Scene

7.5.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should:

‘...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.’

- 7.5.2 The NPPF encourages the effective use of land. At the heart of the NPPF 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.
- 7.5.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
 - iii. The generation of excessive levels of traffic
 - iv. Loss of residential amenity
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.4 Policy CA1 of the Croxley Green Neighbourhood Plan (2018) relates to new developments and advises that;
- ‘New development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design’.
- 7.5.5 The application site is located within Character Area 7, with Grove Crescent described as;
- ‘1950s local authority housing, served by a loop road contains several blocks of flats within the central portion including two blocks of *four storeys* – the only buildings of this height in the Parish’.
- 7.5.6 In relation to Policy DM1, points ii, iii and iv are referred to in the relevant sections below.
- 7.5.7 In relation to point i), Block B would front Grove Crescent with Block A set back slightly of the access. The development would not be tandem development.
- 7.5.8 The existing 2 storey building is not of any particular architectural merit and the site is not within a Conservation Area, as such there is no in principle objection to the demolition of the existing building subject to consideration of an appropriate replacement scheme.
- 7.5.9 In relation to point v), the existing building occupies a large proportion of the length of the site north to south. The proposal to introduce two blocks would create spacing to the central part of the site with separation of between 12-15 metres between the blocks. Due to the set forward nature of Block B the spacing would not be apparent when approaching the site from the south, however, it would be apparent when approaching from the west and would allow for views through the site.
- 7.5.10 Block B would be sited closer to Grove Crescent than existing, however, some space for soft landscaping to the front of the building would be retained and this would both soften the appearance of the building and enhance its setting. The front elevation would be stepped, relating to the bend in the road and the height of the building would also be stepped

from 2 – 4 storeys. Block A would also have a stepped footprint and height ranging from 3 – 4 storeys. In terms of height, Grove Crescent is a residential street characterised predominantly by a mixture of 2 storey dwellings and 3 storey flatted blocks, with one existing 4 storey flatted block. The proposal would range from 2 – 4 storeys in height and whilst the 3 and 4 storey elements would be higher than the existing building they would replace, there is variation within the wider street scene and spacing would be provided around the buildings. Similarly, the stepped front and rear building lines would also break up the mass and bulk of the buildings, as would the use of different bricks to the different sections. As such it is not considered that the development would appear excessively prominent or result in demonstrable harm to the character or appearance of the street scene or area. Whilst the upper parts of the development would be visible from Manor Way to the rear which is characterised by 2 storey dwellings, the development would not be read in the context of this street scene.

- 7.5.11 In terms of design, the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal would be of more contemporary appearance than that existing with a mixture of flat sections and angled mono pitched roofs. Materials proposed include a mix of brown and buff facing brick, which as noted above would provide interest to the elevations and break up the width of the buildings. Pitched roofs are proposed to be tiled, with a mid-grey ply membrane to flat roofed areas. Balconies, handrails and privacy screens would be steel and mid grey in colour. Fenestration is proposed to all elevations and would be dark grey PVC. Whilst the materials would be different to that existing, as previously noted the existing building is not of architectural merit and the application provides an opportunity to enhance the appearance of the site. Subject to the submission of material samples via condition, no objection in principle is raised to the materials proposed.
- 7.5.12 Hardstanding to provide parking is proposed to the north of Block A and east of Block B and would occupy a significant proportion of the site, however, these areas would be largely screened from public view points with areas of soft landscaping retained to the northern boundary, between the blocks, to the front of Block B and to the rear of the 2 storey element of Block B. A detailed landscaping scheme, including management, would be required by condition on any grant of consent.
- 7.5.13 Two secure bin stores are proposed. One is within a purpose built building, also accommodating cycle storage, set back from the highway level with Block A. The submitted details indicate that this would be constructed in brick to match the proposed buildings. It would be set level with and adjoin 96-106 Grove Crescent and due to its single storey nature and simple design incorporating a flat roof, it would not appear prominent. The second bin store is a detached building and proposed adjacent to the access road, set back slightly from Grove Crescent. No objection is raised in principle, however, elevational details have not been provided and would need to be secured via condition to ensure that the external appearance of the store is acceptable in the context of the site and street scene.
- 7.5.14 In summary, the proposed development would be of a different design to that existing and neighbouring the site, however, it is acknowledged that there is no existing prevalent design style within the immediate area which should be replicated and therefore the application provides an opportunity to enhance the site through good design and careful consideration of materials. Whilst the mass and bulk would be increased due to the inclusion of 3 and 4 storey elements, the street does include a number of other 3 storey flatted blocks and the design with stepped elevations and roofs serves to break up the mass and bulk of the building. Similarly, spacing would be introduced through the creation of 2 blocks, with both buildings enhanced by soft landscaping. It is therefore not considered that the proposed development would appear excessively prominent within or result in demonstrable harm to the character or appearance of the street scene to justify the refusal of planning permission.

7.5.15 Subject to a condition requiring the submission of material details for approval, and details of landscaping and the appearance of a bin store, it is not considered that the proposed development would result in demonstrable harm to the character or appearance of the street scene or general area and would be acceptable in this regard in accordance with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policy CA1 and Appendix B of the Croxley Green Neighbourhood Plan (2018).

7.6 Impact on amenity of neighbours

7.6.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.

7.6.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. The distance should be greater between buildings in excess of 2 storeys.

7.6.3 The existing building is a single two-storey block that runs from north to south, occupying most of the length of the site. The proposal would introduce 2 Blocks with a separation distance of between 12 – 15 metres between them which would open up the central part of the site to some degree. The proposed site layout plan also indicates that the proposed building would be sited closer to Grove Crescent to the west, and further from the boundary with the gardens of properties along Manor Way than the existing building.

7.6.4 Block A would be partly 4, partly 3 storeys in height with its height reducing from west to east. The 4 storey element to the west would be sited approximately 14 metres from the western boundary (currently 4.2 metres) with a separation of approximately 14 metres between the building and adjacent flank wall of the three-storey flats at 96-106 Grove Crescent. It is noted that there are no flank openings existing in these neighbouring flats facing the application site. Block A would not project a significant distance beyond the rear of adjacent 96-106 Grove Court and whilst the building would be higher than that existing, given the spacing and relative rear building lines it is not considered that Block A would result in demonstrable harm to the amenities of occupiers of 96-106 Grove Crescent through overshadowing or loss of light. Fenestration is proposed at all levels in the flank elevation facing 96-106 Grove Crescent, with the openings either serving non-habitable rooms or providing a secondary light source to habitable rooms. Due to the positioning of windows relative to the neighbouring flank which includes no openings, it is not considered that overlooking would be facilitated. Balconies are proposed at each upper floor level to the rear part of the flank elevation facing 96-106 Grove Crescent. Given that they would be set back behind the rear building line of the adjacent building and given the separation, it is not considered that overlooking to the detriment of neighbouring amenity would be facilitated. The balconies to the front of Block A are set more centrally within the elevation, away from the boundary such that it is not considered overlooking towards neighbours to the west would be facilitated.

7.6.5 A refuse/recycling and bicycle store is proposed adjacent to 96-106 Grove Crescent. This single storey structure would not project beyond the front or rear of the adjacent building and would not result in any harm to neighbouring residential amenity. The layout has been amended so that bicycles would not be mounted on the wall adjoining the neighbouring building.

7.6.6 The rear (northern) elevation of Block A would be sited between 16-18 metres from the northern boundary with the playing fields (currently 12 metres at the closest point). There

are no neighbours to the north of the site which would be affected by the proposed development.

- 7.6.7 The eastern 3 storey element of Block A would be sited between 12.5 – 14 metres from the eastern site boundary with the rear gardens of properties in Manor Way (current building between 14-16 metres) with a depth of approximately 12 metres closest to the boundary (this would appear as width when viewed from Manor Way). There would be a separation distance of approximately 23 – 26 metres between the flank elevation of Block A and rear elevations of dwellings in Manor Way which is comparable to the separation distance of the existing 2 storey building. Block A would have a height of 10.2 metres closest to this boundary, with the roof sloping up to the west away from the boundary to its maximum height of 13.7 metres which would be at a point 33 metres off the boundary.
- 7.6.8 The applicant has submitted a 'Sunlight Analysis' (050 P4). This shows the existing and proposed development in relation to neighbouring buildings at 9am, 12pm, 3pm and 6pm on the 21st of June, December and March. This indicates that at 9am, 12pm and 3pm in March and June, neither the existing or proposed buildings would result in shadowing of the gardens of properties in Manor Way. At 6pm the gardens (and application site) would be shaded, however, there is no discernible change between existing and proposed. In December, the gardens would be shaded, however, there is no discernible change between existing and proposed.
- 7.6.9 With specific reference to Block A and its potential impact on properties to the east in Manor Way, given the relatively limited depth (width when viewed from Manor Way) of Block A closest to the boundary, the spacing between the flank and properties to the east along Manor Way, and design including a stepped height increasing to the west away from these neighbours, it is not considered that Block A would result in demonstrable harm to the amenities of occupiers of properties in Manor Way by virtue of overshadowing or loss of light.
- 7.6.10 Turning to overlooking, slim windows are proposed in the eastern flank elevation over the 3 floors and are shown to serve bathrooms or to be secondary windows to habitable rooms. The secondary bedroom windows and bathroom windows in particular are very narrow which does reduce their prominence and these and the secondary living room windows could all be conditioned to be obscure glazed and top opening only to prevent overlooking of Manor Way. Whilst actual overlooking would be prevented from these windows, notwithstanding their slim design, it is acknowledged that the perception of overlooking compared with that existing would be increased due to the additional storey. Balconies are proposed to the front and rear elevations. Vertical metal posts forming balcony screens with obscure glazing behind at a height of 1.7 metres are shown to the flank elevation of the front facing balconies in order to prevent overlooking of properties to the east. In addition, amended plans have been submitted which also introduce this screening to the rear balconies closest to Manor Way. Conditions on any grant of consent would require the relevant windows to be obscure glazed and top opening only above 1.7 metres and the installation and maintenance of privacy screens.
- 7.6.11 Block B to the south would step up in height from 2 storeys to the south to 4 storeys to the north. It would have a width of 38 metres (north-south) and would be orientated such that its northern flank elevation would be sited furthest from the eastern site boundary. The 2 storey element would be sited a minimum of 9.7 metres from the eastern boundary, comparable with that existing, while the 4 storey element would be sited approximately 22.6 metres from the boundary (11 metres existing). There would be a distance of between approximately 26 – 35.5 metres from the rear elevation of Block B and rear elevations of properties in Manor Way.
- 7.6.12 As noted above, the applicant has submitted a 'Sunlight Analysis'. This indicates that at 9am, 12pm and 3pm in March and June, neither the existing or proposed buildings would result in shadowing of the gardens of properties in Manor Way. At 6pm the gardens (and

application site) would be shaded, however, there is no discernible change between existing and proposed. In December, the gardens would be shaded, however, there is no discernible change between existing and proposed. Whilst concerns regarding overshadowing and loss of light are noted, it is not considered that the Block B would result in demonstrable harm to the residential amenities of occupiers of properties in Manor Way through either overshadowing or loss of light to justify the refusal of planning permission.

- 7.6.13 Fenestration and balconies are proposed at all levels within the east elevation facing Manor Way. 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, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. The distance should be greater between buildings in excess of 2 storeys. Whilst the rear elevation of Block B is not directly parallel to the rear site boundary, the relationship is essentially a back to back relationship. The 2 storey element would be approximately 26 metres from the rear of Manor Way, the 3 storey element would be approximately 29 metres and the 4 storey element would be approximately 34 metres from the rear of Manor Way. Whilst the 3 and 4 storey figures slightly exceed the 28 metre back to back figure, they do not provide the greater distance required by the policy in the case of buildings exceeding 2 storeys in height. However, Appendix 2 does state that mitigating circumstances such as careful layout, orientation, screening and window positions may allow a reduction in distances between elevations.
- 7.6.14 With regards to Block B, the east elevation design includes a number of obscure glazed secondary windows to prevent overlooking. Where windows serve habitable rooms, these are oriel windows which are angled into the site (towards adjacent balcony) to prevent overlooking to the east. Similarly, the eastern flanks of the balconies include 1.7 metre high opaque screening. Subject to conditions to require the installation and maintenance of these details, it is not considered that actual overlooking would be facilitated, although it is acknowledged that the increased scale of the development in comparison to that existing would increase the perception of overlooking experienced by neighbours.
- 7.6.15 Two small roof terraces are shown at third floor level. These would be set back from the eastern flank elevation by 3.4 and 4.6 metres respectively and 1.7 metre screening is proposed. The screening in addition to the set back of the terrace from the building edge, would prevent overlooking of properties in Manor Way.
- 7.6.16 The southern 2 storey elevation of Block B would be between 0.5 – 5 metres from the southern boundary. There is spacing of approximately 16 metres to 2 storey Revels Court to the south, with the vehicle access to the rear parking area of this adjacent building also providing separation. It is not considered that Block B would result in demonstrable harm to the amenities of occupiers of Revels Court through either overshadowing or loss of light. Bathroom windows (2 per floor) are proposed in this 2 storey flank elevation, however, subject to a condition requiring the first floor openings to be obscure glazed and fixed shut, overlooking would not be facilitated. It is also noted that the windows in Revels Court are at angle and do not directly face the flank elevation of Block B. The balcony to the front of Block B (closest to Revels Court) would face towards the street and is not considered to facilitate overlooking of the neighbour to the south. The rear balcony (Flat 26) is angled towards the rear of Revels Court, however, this would be screened to both the rear and flank and would therefore not facilitate overlooking.
- 7.6.17 Due to the siting of building on the bend in the road, there are no neighbours opposite that directly face the application site. There would be separation of 29 metres between the front elevation of Block B and corner of 61 – 71 Grove Crescent and it is not considered that the proposed development would result in demonstrable harm to the amenities of neighbours opposite the site either through overshadowing, loss of light or overlooking.

- 7.6.18 It is proposed that the existing access is retained to serve parking to the rear of Block A and Block B, with parking running parallel to the boundary with Manor Way gardens. A number of concerns have been raised by residents regarding an increase in noise and disturbance. It is acknowledged that there is currently a garden to the rear of Grove Court and therefore the introduction of parking would result in an increase in activity in terms of comings and goings, however, it is a private car park serving the development and it is not considered that any increase in activity would be so significant to justify refusal of planning permission. A landscaped buffer is indicated to the boundary with Manor Way which would provide a degree of physical screening, as limited details have been provided it would be appropriate to require additional details, including management, by condition on any grant of consent.
- 7.6.19 Concerns regarding lighting have also been raised. Lights from cars would be screened by boundary treatment. Bollard lighting is indicated on the submitted plans, although further details would be required via condition to ensure an acceptable impact on neighbouring amenity and ecology.
- 7.6.20 In summary, whilst it is acknowledged that there would be increased perception of overlooking due to the increased scale of the development when compared to that existing, it is considered that subject to conditions regarding obscure glazing and implementation and maintenance of privacy screens to balconies and terraces, the development would not facilitate overlooking of properties in Manor Way to the detriment of their residential amenities, and the proposal would be acceptable in this regard 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).

7.7 Amenity Space Provision for future occupants

- 7.7.1 Amenity space standards require 21sqm for 1 bed flats and 31sqm for 2 bed flats. This would result in a total requirement for 1,112sqm to serve the proposed residential development. Space may be communal but in the case of communal space for flats, this should be well screened from highways and casual passers-by.
- 7.7.2 The majority of units would benefit from private balconies or terraces at ground floor, with additional communal amenity space. The plans detail that 611sqm of communal amenity space would be provided in addition to 514sqm provided by balconies and terraces. As such there would be total provision of 1,125sqm which would comply with the standards set out in Appendix 2.
- 7.7.3 It is also noted that the site is within walking distance of public open space and play space on Baldwins Lane (4 minutes or approximately 300 metres – google maps).

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.
- 7.8.3 The application has been submitted with a Biodiversity Checklist, Preliminary Ecological Appraisal (PEA), Preliminary Roost Assessment (PRA) and Bat emergence and re-entry surveys.

- 7.8.4 Hertfordshire Ecology (HECO) have reviewed the submitted details. There is no evidence of bats occupying the existing building, however, there is evidence that small numbers forage nearby. There is evidence that birds nest within the fabric of the building and that badgers may forage within the garden. HECO note that the evidence provided suggests that there will be no net loss of biodiversity from the development. Whilst this is not disputed, this outcome is dependent on a number of mitigation measures in terms of breeding birds, badgers and hedgehogs, as described in the PEA and PRA from February 2020. As such, HECO raise no objection subject to a number of conditions and informatives to ensure that the mitigation measures are implemented.
- 7.8.5 With regards to bats, although there is no evidence that bats currently rely on the building, circumstances can always change, especially if there is considerable delay between the granting of consent and demolition actually taking place. Therefore, a precautionary approach to demolition remains appropriate and HECO request an informative be added to any grant of consent.
- 7.8.6 With regards to badgers, no badger sets were found, however, there was evidence of use of the site by badgers. As such, HECO require a condition on any grant of consent to ensure that excavations are covered overnight or provided with mammal ramps.
- 7.8.7 In order to ensure any danger to hedgehogs, an informative is requested by HECO advising that it is best practice for any brush piles to be cleared by hand and as with badgers, any excavations should be covered or provided with mammal ramps.
- 7.8.8 In relation to nesting birds, evidence of nests were found in the northern gable and the trees and hedgerow also provide potential nesting sites. Any demolition or vegetation clearance must be undertaken outside of bird nesting season (March to August inclusive) to protect breeding birds, their nests, eggs and young.
- 7.8.9 The NPPF (2019) advises that the planning system should aim to deliver overall net gains for biodiversity where possible. HECO note that the 'Landscape/External Works Plan' includes the planting of a new hedgerow along the eastern boundary. This should comprise predominantly native species, particularly those that bear blossom and fruit (berries) to support local wildlife. Where non-native species are used they should also be beneficial to biodiversity.
- 7.8.10 In summary, subject to conditions/informatives the development would not result in harm to biodiversity and protected species and would accord with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- 7.9 Trees and Landscaping
- 7.9.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:
- "i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces".
- 7.9.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.

- 7.9.3 The application is accompanied by a Topographical Survey; Tree Survey Report; Arboricultural Impact Plan and Tree Protection Plan. The submitted reports have been reviewed by the Landscape Officer who raises no objection.
- 7.9.4 A Landscape and External Works plan has been provided which indicates areas of hard landscaping and soft landscaping in the form of grass, trees, hedges and lowered planting. Whilst there is no objection in principle to the extent or location of landscaping shown, further specific details would be required to be secured by condition. As noted above, Hertfordshire Ecology have indicated that proposed hedging should include a range of native species.
- 7.9.5 Subject to conditions no objection is raised on landscaping grounds and the development would accord with Policy DM6 of the Development Management Policies LDD (adopted July 2013) in this regard.
- 7.10 Highways & Access
- 7.10.1 Paragraph 109 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111 of the NPPF).
- 7.10.3 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.
- 7.10.4 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:
- i) It provides a safe and adequate means of access*
 - j) It is appropriate in scale to the existing infrastructure...*
 - k) It is integrated with the wider network of transport routes...*
 - l) It makes adequate provision for all users...*
 - m) It includes where appropriate, provision for public transport either within the scheme or through contributions*
 - n) The impact of the proposal on transport has been fully assessed...*
 - o) The proposal is accompanied by a draft Green Travel Plan*
- 7.10.5 The application is accompanied by a Transport Statement and Travel Plan.
- 7.10.6 HCC as Highways Authority (HCCHA) have been consulted and have confirmed that they raise no objection subject to a number of planning conditions regarding a Construction Management Plan, provision of access as parking areas as shown on the submitted plans and the implementation of the Travel Plan.
- 7.10.7 The application site lies within close proximity of the M25, which is accessible from the site via Junction 18 to the west and Junction 19 to the north. The site is accessible via a priority access junction to the north east of Grove Crescent. At present there are six on-site parking spaces, with three spaces allocated to residents of the existing site, and uncontrolled on-street parking on Grove Crescent and in the surrounding area.
- 7.10.8 With regards to access, there is an existing bellmouth access into the site, which is to be retained. The proposals include using this existing access leading to a private access road

and parking area (between 5.5m and 6m in carriageway width). HCCHA have commented that the proposed access design is of an acceptable width to enable two vehicles to pass one another and the designs are in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide and Manual for Streets. Similarly, they note that visibility splays of 2.4m by 43m on either side of the proposed access point are shown to be available. HCCHA acknowledge that parked vehicles on Grove Crescent may impact on the available visibility, however, any effects would not be considered to have a highway safety impact when taking into consideration that it is an existing access with double yellow lines to either side and the local access nature of the surrounding highway.

- 7.10.9 With regards to trip generation, the number of vehicular trips generated by the development has been assessed using data from the nationally recognised TRICS database. Following consideration of the size of the proposals and compared to the existing trip generation, the expected trip generation in peak hours and any associated impacts would be small and not significant enough to recommend refusal from a highways perspective.
- 7.10.10 With regards to access and servicing, HCCHA note that the refuse collection points are within 25 metres of the highway collection point which is acceptable and in accordance with design criteria as laid out in Roads in Hertfordshire: Highway Design Guide and Manual for Streets.
- 7.10.11 HCCHA note that the proposals include a turning area, which would be necessary to ensure that all vehicles using the site would be able to easily and safely turn around on site and egress in forward gear to the highway. Swept path analysis for a 7.5t delivery lorry and a fire tender have been included as part of the application, the details of which are considered to be acceptable by HCC as Highway Authority. Due to the size of the proposals, as part of HCCHAs assessment, the application has been referred to Hertfordshire Fire and Rescue Service, however, no comments have been received. As noted above, HCCHA have advised that the swept path assessments can accommodate a fire tender.
- 7.10.12 Parking is discussed below, however, with regards to sustainable travel and accessibility, HCCHA note that a car club has been included as part of the proposals, which HCCHA would support to assist in reducing the number of privately owned vehicles and provide more sustainable motor vehicle usage. This and the other submitted details as outlined in the Travel Plan Statement are considered to be acceptable for a development of this size and sufficient to ensure that the development promotes and maximises sustainable travel options.
- 7.10.13 In summary, no objection is raised to the proposed development on highways grounds (parking is discussed separately below). The additional trips from the development site as a result of the proposal would not have a significant impact on the operation of the surrounding highway network and the development would therefore accord with Policy CP10 of the Core Strategy (adopted October 2011) and the NPPF (2019).

7.11 Parking

- 7.11.1 Parking requirements are set out in Appendix 5 of the Development Management Policies LDD (adopted July 2013). The requirements are 1.75 spaces (1 assigned) for 1 bedroom flats and 2 spaces (1 assigned) for 2 bedroom flats.

19 x 1.75 = 33.25 spaces (19 assigned)
23 x 2 = 46 spaces (23 assigned)
Total = 79.25 spaces (42 assigned)

- 7.11.2 Based on the proposed unit sizes (19 x 1 bed and 23 x 2 bed) there would be a requirement for 79 car parking spaces of which 42 should be assigned.

- 7.11.3 The site layout includes 47 car parking spaces (1 space per unit plus 5 visitor spaces). As such there would be a shortfall against standards of 32 spaces, although all assigned spaces would be provided. Access to each of the parking spaces has been considered and swept path analysis undertaken for a large car demonstrating that all spaces are accessible. The spaces would all measure 2.5 x 5 metres (additional space provided adjacent to disabled spaces) which exceeds current standards. The allocation and management of spaces would need to be set out in a car park management plan.
- 7.11.4 Appendix 5 requires 1 accessible space for every dwelling built to mobility standards. 4 of the proposed spaces would be accessible.
- 7.11.5 Cycle parking standards require 1 space per 2 units which would result in a requirement for 21 to serve the development. This would be significantly exceeded as the submitted details indicate there would be 47 spaces provided to serve the development as a whole. Details of the allocation and management of the cycle spaces would be required to form part of the car parking management plan to be secured via condition on any grant of consent.
- 7.11.6 Appendix 5 does not apply a zonal reduction for residential parking standards but does indicate that in areas of high accessibility a reduction in standards may be considered appropriate.
- 7.11.7 With regards to the site's accessibility, the site is located within close proximity of a number of bus routes which travel along Baldwins Lane, providing links to Rickmansworth, Watford, Maple Cross and Hemel Hempstead. Croxley Station (London Underground) is approximately 1.5km walking distance to the south-east (approximately 19 minute walking or 5 minute cycle). Croxley Station is served by the Metropolitan Line with services (approximately 8 per hour) to Watford and Baker Street. With regards to shops/services, there are local parades at both ends of Baldwins Lane and on New Road that are within walking distance. As such, it is considered that the site is in an area of relative accessibility where a reduction in parking standards may be considered appropriate.
- 7.11.8 The existing site circumstances are also a material planning consideration and it is noted that the existing 27 units benefit from only 6 allocated car parking spaces. With regards to parking standards, Sheltered Dwellings with warden control would require 0.75 spaces per unit, which includes consideration of visitor spaces. Sheltered Dwellings with no warden control would require 1.5 spaces per unit. There is currently no on-site warden, therefore applying 1.5 spaces per unit there would be an existing requirement for 40.5 spaces to serve the development. The figure would be 20.25 spaces if applying the 0.75 standard. In either case, it is acknowledged that the existing development has a significant shortfall of parking against standards.
- 7.11.9 The application is accompanied by a Transport Statement. The applicant states that the proposals would not increase on-street parking demand, as the proposed development would provide a space per dwelling, and the existing complex only provides 6 parking spaces to serve 27 dwellings. It is considered by the applicant that because the existing complex is no longer warden controlled, sheltered accommodation would require 1.5 spaces per dwelling based on parking standards. Therefore, as there are 6 existing spaces, this represents a shortfall of 35 spaces which is in line with the current proposals.
- 7.11.10 HCC as Highway Authority have commented that they consider that the Transport Assessment demonstrates that there would be very little change to on-street parking demand as a result of the proposed development. HCC also acknowledge that the development proposes a 100% affordable dwelling mix and therefore would be expected to have a lower car ownership level. On this basis, HCC are supportive of the proposed car parking provision; however, they note that it is ultimately the decision of the LPA as the parking authority to determine the suitability of car parking.

- 7.11.11 A Travel Plan Statement (TPS) has been produced alongside the Transport Statement which includes measures that promote a shift away from the use of private vehicles towards sustainable forms of travel. The TPS would be promoted with the marketing of the site, ahead of sale, providing information to potential residents at the earliest opportunity. It is considered that the measures set out within the TPS would result in a reduction in the parking demand generated from the site and as noted above, the application site is well served by local amenities, which will be used to encourage residents to utilise the proposed and existing sustainable transport facilities (walking, cycling, public transport, etc). A car club is also included as part of the proposals, which HCC as Highway Authority support to assist in reducing the number of privately owned vehicles and provide more sustainable motor vehicle usage. HCC consider that this and the other submitted details as outlined in the Travel Plan Statement are considered to be acceptable for a development of this size and sufficient to ensure that the development promotes and maximises sustainable travel options.
- 7.11.12 In summary, whilst it is acknowledged that the proposed development would result in a shortfall of car parking spaces against standards, all units would benefit from an allocated space in addition to 5 visitors spaces. The site is in an accessible location where a reduction in standards is considered appropriate and consideration is also had to the existing site circumstances which are a material consideration. The implementation of the Travel Plan would promote non-car modes, supported by the sites proximity to public transport and the overprovision of cycle storage. Subject to a condition requiring the submission of a car parking management strategy to ensure the appropriate allocation and maintenance of spaces, and the implementation of the Travel Plan, it is not considered that the shortfall would be so significant as to result in demonstrable harm and the development is therefore considered acceptable in this regard 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).

7.12 Sustainability

- 7.12.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 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. To prove compliance with the policy, the developer is required to submit an Energy Statement.
- 7.12.2 The application is accompanied by an Energy and Sustainability prepared by Eco Energy and Environmental Ltd. The report sets out that the design taken a 'fabric first' approach to energy conservation in order to meet the above requirements. This approach uses a well-insulated, very airtight construction of the fabric and thermally efficient materials (e.g. aerated blocks), double glazed windows and external doors and an efficient Thermal Mass of materials. Additionally, an efficient condensing boiler system will be specified to provide heat and hot water to the flats. A further energy efficient feature is the installation of a Vent Axia Sentinal Kinetic B balanced Mechanical Ventilation with Heat Recovery system in each flat. Low energy light fittings will also be used throughout.
- 7.12.3 The report concludes that the development would achieve an improvement of 7.8% which would exceed the 5% policy requirement and the development therefore complies with requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013).

7.13 Flood Risk and Drainage

- 7.13.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would

not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDS). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.

- 7.13.2 The application is accompanied by a Flood Risk Statement and Drainage Management (SuDS) Report (Revision H, February 2020). HCC as Lead Local Flood Authority (LLFA) reviewed the submitted details and raised an initial objection to the proposed development in the absence of an acceptable surface water drainage assessment. Additional information was submitted by the applicant (letter from Earth Environmental and Geotechnical dated 4 May 2020) in response to the LLFA's initial objection. The LLFA have reviewed the additional details and have advised that they remove their objection.
- 7.13.3 The LLFA have advised that the proposed drainage strategy will provide a betterment to the existing drainage arrangement which currently discharges to a combined sewer. The drainage strategy is also proposing a cascading SuDS strategy including source control measures such as permeable paving and rain gardens which will provide a water quality and amenity benefit. It is also proposing ponds/swales to cater for any exceedance rainfall events above the 1 in 100 year + climate change event.
- 7.13.4 Due to the current site access constraints as a result of Covid-19, the applicant will be required to carry further infiltration testing at the location of the proposed infiltration tank to confirm the exact infiltration rates to ensure the size of the tank will cater for the design rainfall event. This will need to be carried out post demolition and prior to the commencement of the development.
- 7.13.5 An acceptable surface water drainage assessment has been submitted and it has been demonstrated that surface water run-off can be adequately handled within the site, and that the development will not result in flooding of adjacent properties and within the site itself. As such, subject to conditions, the development complies with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).
- 7.14 Refuse and Recycling
- 7.14.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.14.2 The submitted Transport Statement refers to servicing and refuse collection. This sets out that the proposed collection method is intended to remain as existing, with refuse vehicles servicing the site directly. A refuse storage area is proposed adjacent to Block A, with a further area to the west of the access road.
- 7.14.3 Whilst no objection is raised to the siting of the external bin store adjacent to the access road, no elevational details have been provided at this time and as such further details would be required to be secured via condition on any grant of consent.
- 7.14.4 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management.

This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

- 7.14.5 HCC would therefore require a Site Waste Management Plan (SWMP) to be submitted which should aim to reduce the amount of waste produced on site. As a minimum the waste types should be defined as inert, non-hazardous and hazardous. The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste during construction, whereby building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

7.15 Infrastructure Contributions

- 7.15.1 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.

7.16 Tilted Balance

- 7.16.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 footnote 7 of the NPPF (2019) is required to be considered. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking that if the policies which are most important for determining the application are out-of-date (which includes where the LPA cannot demonstrate a five year supply of deliverable housing sites) then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.16.2 It is acknowledged that the proposal would result in an uplift of 15 flats when compared with the existing situation. The additional 15 flats would therefore add to the district's housing stock and thus would weigh in favour of the development. Additionally, the scheme presents 100% affordable housing, albeit the tenure split would not comply with Policy CP4. The additional affordable units would therefore make a positive contribution in meeting the pressing need for affordable housing in the district which would also weigh in favour of the development. The proposal would also provide an opportunity to enhance the visual amenity of the area. Resident's concerns are noted, however, subject to conditions it is not considered that there would be demonstrable harm to neighbouring amenity. Similarly, given the current site circumstances and accessibility of the site, the level of parking is considered acceptable. It is considered that the development complies with paragraph 11 of the NPPF. However, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 **Recommendation**

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

C1 Time

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 Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

001 P2 (Site Location Plan)
003 P1 (Existing Block Plan)
012 P5 (Site Sections)
100 P10 (Proposed Site Plan)
105 P3 (Block A – Ground & First Floor Plans)
107 P3 (Block A – First & Second Floor Plans)
108 P2 (Block A – Roof Plan)
109 P3 (Juxtaposition Diagram)
110 P3 (Block B – Ground Floor Plan)
111 P5 (Block B – First Floor Plan)
112 P4 (Block B – Second Floor Plan)
113 P4 (Block B – Third Floor Plan)
114 P3 (Block B – Roof Plan)
121 P3 (Block A – South & East Elevations)
122 P2 (Block A – North & West Elevations)
123 P5 (Block B – South & East Elevations)
124 P3 (Block B – North & West Elevations)
131 P2 (Sections)
133 P2 (Sections)
139 P3 (Demolition Drawing)
140 P5 (Landscape & External Works Plan)
045 (Balcony Detail)
DS27061801.03-B (Arboricultural Impact Plan)
DS27061801.04-B (Tree Protection Plan)
TS18-405S\1 A (Topographical Survey)
Y131-PL-DR-200 P02 (Proposed Site Access)
Y131-PL-DR-201 P05 (Swept Path Analysis – Large Car)
Y131-PL-DR-202 P05 (Swept Path Analysis – 7.5t Box Van)
Y131-PL-DR-203 P05 (Swept Path Analysis – Fire Tender)

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policy SA1 of the Site Allocations LDD (adopted November 2014) and Policies CA1, HO1, HO2, HO3 Appendix B of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

C3 Construction Management Plan

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

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);

- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste);
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;

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).

C4 Site Waste Management Plan (SWMP)

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

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

C5 Landscaping – Details

No development shall take place 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).

C6 Landscape & Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The LEMP should include the following:

- a. A description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.

- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for the implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The LEMP shall be carried out as approved.

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

C7 Drainage Scheme - Details

No development, other than demolition, shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall specifically include:

- Infiltration testing in accordance with BRE Digest 365 to be undertaken at the location of the proposed infiltration tank as shown in the flood risk statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H to confirm the rates of infiltration which will determine the size and dimensions of the proposed infiltration tank.

Reason: This is a pre commencement condition to prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Tree Protection

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 as shown on drawing DS27061801.04-B are in place on site.

The fencing 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. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas

shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

C9 Affordable Housing

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

- i. the eleven x one-bed two person units and seven x two-bed three person units within Block A (identified on plans 105 P3 and 107 P3) which shall be constructed on the site and provided as Affordable Rented Dwellings.
- ii. The eight x one-bed two person units, two x two-bed three person units and fourteen x two-bed four person units within Block B (identified on plans 110 P3, 111 P5, 112 P4 and 113 P4) which shall be constructed on the site and provided as Shared Ownership Dwellings.
- iii. the arrangements for the transfer of the Affordable Housing to an Affordable Housing Provider or the arrangements for the management of the Affordable Housing if those dwellings are not to be transferred to a Affordable Housing Provider;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.
- vi. the timing of the completion of a Nominations Agreement to be entered into formalising the details to be agreed in respect of paragraphs (iv) and (v) above (in any event that Nominations Agreement to be completed prior to first Occupation of the Affordable Housing)
- vii. the arrangements for the use of any Net Proceeds following the sale of an interest in any of the Affordable Housing (in accordance where applicable with Homes England guidance)

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

- (A) any rights to acquire pursuant to the Housing Act 1996 or any equivalent statutory provision for the time being in force;
- (B) any right to buy pursuant to the Housing Act 1985 or any equivalent statutory provision for the time being in force;
- (C) where a tenant of a Shared Ownership Dwelling granted a Shared Ownership Lease has purchased the remaining shares so that the tenant owns the entire Shared Ownership Dwelling).
- (D) the restriction upon the use and disposal of the Affordable Housing shall cease to apply to the whole or any part of an Affordable Dwelling (hereafter referred to as the 'Affected Affordable Dwelling') where that whole or part is transferred or leased, pursuant to an event of default by any mortgagee or chargee of the Affordable Housing Provider or the successors in title to such mortgagee or chargee, or by any

- receiver or manager (including an administrative receiver) appointed pursuant to the Law of Property Act 1925 (hereafter referred to as the "Chargee"), PROVIDED THAT:
- (i) the Chargee has first given the Council and the Affordable Housing Provider (as appropriate) 5 (five) months prior notice in writing (the "Chargee's Notice") of its intention to exercise any power of sale or lease in respect of any Affected Affordable Dwelling; and
 - (ii) the Chargee has first given the Council or the Affordable Housing Provider the opportunity to complete a transfer of the Affected Affordable Dwelling in order to ensure that it continues to be used for the purposes of Affordable Housing. The Chargee's Notice shall not be a valid Chargee's Notice unless it is accompanied by a conveyancer's certificate signed and dated by the conveyancer and confirming that, at the date of the notice, the Chargee giving the notice is entitled to execute a transfer of the freehold of the Affected Affordable Dwelling and all land required to gain access to the Affected Affordable Dwelling from the public highway; and
 - (iii) the price for the purchase of the Affected Affordable Dwelling by the Council or the Affordable Housing Provider demanded by the Chargee shall not be permitted to exceed the market value of the Affected Affordable Dwelling at the date of the transfer on the valuation assumption that it is to be retained in perpetuity as Affordable Housing.
 - (iv) If the Council or the Affordable Housing Provider is unable to secure the transfer of the Affected Affordable Dwelling under the terms and in the circumstances described above within the said period of 5 (five) months in accordance with sub-paragraph (i) above then the Chargee shall be entitled to dispose of the Affected Affordable Dwelling on the open market not subject to the condition above that it shall not be used for any other purpose than as Affordable Housing.

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

C10 Materials

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).

C11 SuDS Maintenance

Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Provision of Parking & Servicing Areas

Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for users of and visitors to the development only.

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

C13 Refuse & Recycling

The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

C14 Energy Saving Measures

The development shall not be occupied until the energy saving and renewable energy measures detailed within the approved Energy and Sustainability Statement (18074 Version 4, Feb 20) are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C15 Car Parking Management Plan

A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development; management and allocation of disabled parking spaces; 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 permitted. The parking management plan shall be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not 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).

C16 Landscape Management

A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall

be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.

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

C17 Travel Plan

The approved Travel Plan (Y131/TPS/07 February 2020) shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Hertfordshire's Local Transport Plan (adopted 2018).

C18 Obscure Glazing

Before the first occupation of the buildings hereby permitted, the following windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7 metres above the floor level of the room in which the window is installed:

- All first and second floor flank windows to the east elevation of Block A.
- All first and second floor rear windows to the east elevation of Block B.
- All first floor windows to the south flank elevation of Block B.

The windows shall be permanently retained in that condition thereafter.

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

C19 Privacy Screens

Prior to the first occupation of the buildings hereby permitted, privacy screening shall be erected in accordance with the specification as indicated on approved plan 045 (Balcony Detail) to the eastern flank elevations of balconies to Blocks A and B as shown on approved plans 121 P3 and 123 P5 and to the third floor roof terraces as shown on approved plan 113 P4. The screening shall be retained and maintained as such 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).

C20 Drainage Strategy – In Accordance With

The development permitted by this planning permission shall be carried out in accordance with the approved the Flood Risk Statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated February 2020 Revision H and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provide a cascading SuDS scheme by implementing source control measures with permeable paving and rain gardens and an attenuation measure through the use of an infiltration tank.
3. Managing surface water exceedance through the use of above ground ponds and swales

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

Reason: To prevent pollution of the water environment and provide a sustainable system of water drainage and management to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C21 Badgers

Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.

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

C22 Ecology – Recommendations

The development shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (prepared by Arbtech, Issue 2.1 7/2/20).

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

C23 Lighting

No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity 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).

C24 Fire Hydrants

Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion

of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

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

8.2 **Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

- 12 Construction Hours:

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 Positive & Proactive:

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 application follows pre-application discussions and a previously withdrawn application. The current amended scheme would result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

14 Bats:

Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

15 Hedgehogs:

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water.

16 Nesting Birds:

Any demolition of buildings or clearance of vegetation 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.

17 Obstruction of public highways land:

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

18 Affordable Housing – Definitions:

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

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

Affordable Rented Dwellings means a dwelling provided through an Affordable Housing Provider let to households who are in Housing Need subject to rent controls

that require a rent that does not exceed the South West Herts Local Housing Allowance (including any Reasonable Service Charge).

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

Choice Based Lettings Scheme means the system which is used by TRDC which enables properties to be let to applicants.

Housing Allocations Policy is the Council's policy which determines the Council's priorities and procedures when allocating accommodation in accordance with the requirements of Section 167 of the Housing Act 1996.

Dwelling means a residential unit comprised in the development.

Homes England (HE) means the agency of that name established by the Government (pursuant to the Housing and Regeneration Act 2008) which exercises the function of the former Housing Corporation in relation to financial assistance for new affordable homes (or any successor body).

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

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

Nominations Agreement means a contract to be entered into between the Council and the owner of the Affordable Housing whereby the Council shall have 100% nomination rights in respect of the Affordable Housing on first Occupation and 75% thereafter on re-lets to enable the Council to nominate occupiers. It shall also secure the prioritisation of Shared Ownership Dwellings to persons who are TRDC residents (have resided in the District for 5 years) or who have a local connection (as per the TRDC Housing Allocations Policy).

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

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

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

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

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

Shared Ownership Dwellings means Affordable Housing owned and managed by an Affordable Housing Provider sold subject to a Shared Ownership Lease

Shared Ownership Lease means whereby the Dwelling is let:

- (a) in accordance with 'shared ownership arrangements' within the meaning of section 70(4) of the 2008 Act; and
- (b) on a lease in the form of the Homes and Communities Agency standard lease on terms where:
 - (i) the percentage of the value of the dwelling paid as a premium on the day on which a lease is granted under the shared ownership arrangement is a minimum of 25% and a maximum of 75 per cent of the market value (where the market value at any time is the price which the dwelling might reasonably be expected to fetch if sold at that time on the open market);
 - (ii) on the day on which a lease is granted under the shared ownership arrangements, the annual rent payable is not more than three per cent of the value of the unsold interest; and
 - (iii) in any given year the annual rent payable does not increase by more than the percentage increase in the CPI for the year to September immediately preceding the anniversary of the day on which the lease was granted plus 0.5 per cent;