

## PLANNING COMMITTEE – 25 FEBRUARY 2021

### PART I - DELEGATED

- 10. 20/2314/OUT - Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) at CEDAR HOUSE, SANDY LANE, NORTHWOOD, HA6 3EZ (DCES)**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 05.02.2021  
(Extension of Time Agreed 05.03.2021)

Ward: Moor Park & Eastbury  
Case Officer: Scott Volker

Recommendation: That Planning Permission be REFUSED.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by Batchworth Community Council.

#### **1 Relevant Planning History**

- 1.1 W/127/53 - Division of house and use of land for 3 building plots – Permitted.
- 1.2 W/526/56 - Bedroom over existing garage, existing garage into playroom, new double garage – Permitted.
- 1.3 W/114/63 - Extension to lounge, bedroom over – Permitted.
- 1.4 96/0800 - Two storey side extension – Permitted.
- 1.5 19/2425/OUT - Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) – Refused March 2020 for the following reason:

*R1 The proposed development would fail to provide sufficient parking spaces to meet demands arising from the proposed development and would not provide any on-site visitor parking. The failure to provide adequate off street parking is likely to result in pressure for parking elsewhere to serve the development. Furthermore, it has not been demonstrated that the proposed parking within the site would be accessible. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

*R2 As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).*

#### **2 Description of Application Site**

- 2.1 The application site is located on the eastern side of Sandy Lane in Northwood and is currently occupied by a detached two storey dwelling (which has been previously extended) and an ancillary building, both served by a gravel driveway from Sandy Lane. The site has an area of approximately 2500sq. metres measuring 45 metres in width and 55 metres in depth; the existing dwelling has a footprint of approximately 200sq.metres.
- 2.2 The existing dwelling on site faces west and has a staggered principal elevation, set back from the frontage of the site by a minimum of 35 metres. There is a green buffer to the front of the site which separates the site from Sandy Lane limiting views of the application site from Sandy Lane. The site is densely landscaped with mature trees and shrubs located

around all the boundaries of the site. There are a number of trees located within the site that are protected by a Tree Preservation Order. The land levels of the site rise up gradually from the front of the site to the rear.

- 2.3 The application site is surrounded by residential properties to the north, east and south. Both Knoll Oak to the north and Oxhey Cottage to the east are unoccupied and in a state of disrepair. To the south is Wildacre which is a large two storey detached dwelling sited on the junction of Sandy Lane and The Woods and accessed from The Woods. Due to the dense soft landscaping there are limited views of these surrounding neighbouring properties. To the west and on the opposite site of Sandy Lane is Ministry of Defence Northwood Headquarters.

### **3 Description of Proposed Development**

- 3.1 This application seeks outline planning permission for the demolition of the existing dwelling and the erection of a residential block containing twenty flats. Approval is sought for Access and Layout, with matters of Appearance, Landscaping and Scale reserved.
- 3.2 The proposed residential block would be 'L' shaped with a stepped rear elevation. The building would be sited approximately 20 metres back from Sandy Lane; 8-11 metres from the boundary shared with Knoll Oak and a minimum of 14 metres from Wildacre. From the submitted plans the block would contain three storeys but would have the appearance of the two storey building with third storey contained within the roof space served by dormers. The development will consist of nine 1-bed units, ten 2-bed units and one 3-bed unit.
- 3.3 A total of 27 above ground Ecogrid parking spaces would be provided primarily within the frontage of the site with some spaces located adjacent to the shared boundary with Wildacre. The total spaces include one visitor space and two 'car club' spaces, with the latter sited close to the access into the site. A designated refuse and recycling storage area is located close to the front boundary of the site.
- 3.4 To facilitate the development, the proposal includes the removal of 27 trees within the site, 3 of which are TPO trees (TPO T2 (Sycamore), T3 (Sycamore) and T5 (English Oak)). The trees are low quality trees or hedges classified as 'C' or 'U' within the supporting Arboricultural Method Statement. The proposal includes the planting of three replacement trees to replace the three lost TPO trees.
- 3.5 This application is a resubmission following the refusal of application 19/2425/OUT. The main differences between the two schemes include changes to the external appearance of the building to replace the pitched and hipped roof form with a hipped roof with a flat crown sedum and wildflower roof. The earlier scheme also incorporated basement level parking which provided the majority of the parking provision, however the parking provision is now located above ground level. Finally, this application does not change the total number of proposed units, however there is a change to the housing mix. The previous scheme proposed ten 1-bed units, seven 2-beds units and three 3-bed units and this current proposal now proposes nine 1-bed units, ten 2-bed units and one 3-bed unit.
- 3.6 This submission is supported by a FRA & SUDS/Drainage report prepared by Britscape Environmental Consultancy Ltd which includes a Sustainable Drainage Plan detailing that a lined balancing pond would be incorporated in the scheme. Notwithstanding this, the drainage report and attached plan relate to the application 19/2425/OUT and do not relate to the current proposal. A balancing pond shown in the Sustainable Drainage Plan is not shown on the submitted Site Layout Plan CH001 REV-1; instead the parking to serve the current proposed development is sited in this location.

### **4 Consultation**

#### **4.1 Statutory Consultation**

#### 4.1.1 Batchworth Community Council: [Objection – CALL-IN]

Batchworth Community Council objects to this application and requests it is called in:-

- The proposal is not in accordance with Policy CP3 of the Core Strategy which seeks to have a higher percentage of 3-4 bedroom family homes and a smaller percentage of single bedroom dwellings. Therefore, the density and layout should be renegotiated.
- The proposal is an overdevelopment of the site, will overlook neighbouring properties and therefore have a detrimental impact on the amenity of neighbouring residents
- There are concerns over inadequate provision for parking in the proposal including the ineffective layout of 6 double spaces that affect 12 spaces
- A lack of off-street parking provision could have a serious detrimental impact on the surrounding residential roads and the amenity of neighbouring residents.
- BCC believes the data regarding the transport network provided by the applicant is incorrect and out of date.
- BCC believes that the applicant has not sufficiently addressed concerns regarding drainage and surface water which could have an adverse impact to flood risk on the surrounding area
- The location of the balancing ponds needs to be revisited with the change of the planned car parking to be 100% surface
- The proposed development lies within 1000 metres of woodland and is thus considered low priority
- The trees and hedgerows within the site form part of a green corridor and foraging habitat for protected species which is a key link between areas of Priority Habitat Inventory - Deciduous Woodland (DEFRA Magic Map) to the north, west (front boundary where enlarged access is proposed) and south sides of the site. The site, therefore, should be recognised for its importance in connecting LNR, LWS and its clearance for development could have an adverse impact on the biodiversity within the protected sites.

#### 4.1.2 Local Plans: [Comment received]

The proposal is for the demolition of the existing building (Cedar House) and construction of a new building providing 20 flats. The application site has not been allocated as a current 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 Core Strategy (adopted 2011) 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 targets.

Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market and affordable sectors' dwellings size within Three Rivers District as follows:

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

The development proposes 10 1 bedroom units (50%), 7 2 bedroom units (35%) and 3 3 bedroom units (15%) with no 4+ bedroom units. The proposal is not in accordance with Policy CP3 which seeks a lower proportion of 1 and 2 bedroom dwellings and a higher proportion of 3 bedroom dwellings. Whilst not complying with the indicative targets, current market conditions need to be taken into consideration.

Policy CP4 of the adopted Core Strategy requires 45% of new housing to be provided as Affordable Housing, unless it can clearly be demonstrated with financial evidence that this is not viable. The development proposes 11 market dwellings, 6 socially rented and 3 intermediate, therefore meeting the 45% Affordable Housing target.

#### 4.1.3 Housing Officer: [Initial 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.

It is encouraging to see that you are proposing a policy compliant 45% Affordable housing and that 6 of these will be social rent. Please could you provide further details on the property sizes of the 6 social rent dwellings.

#### Officer Comment:

During the course of the application process the applicant requested the consideration for the 9 units assigned towards the provision of affordable housing to be shared ownership. The Housing Officer confirmed that the council would not be able to support a site that is fully shared ownership as it would not the local need of the District and a lot of new shared ownership is unaffordable and the council would request a mix of rented and shared ownership. No details were provided in relation to property sizes of the 6 social rent dwellings.

#### 4.1.4 Herts 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 in consultation with the Highway Authority, to illustrate the following:*
  - a. *Details as to how a car would utilise the proposed “south” car club space whilst the vehicular entrance gates are open and/or being opened.*
  - b. *More details plan(s) as to where the cycle storage locations would be to ensure convenient and safe use.*
  - c. *Swept path analysis for a 12m long (3m wide) refuse vehicle and a fire tender to illustrate that they would be able to safely enter the site, turn around and egress to the highway in forward gear.*

*Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).*

- 2. Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on drawing number CH001 rev 1) shall be upgraded to a kerbed access with kerb radii of 6 metres and tactile paving on either side in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*

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

- 3. 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 plan(s) 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).*

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

*Reason: 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 Informatives**

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) 278 Agreement with Highway Authority: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>*

## **Comments / Analysis**

The proposal comprises of twenty dwellings replacing the existing dwelling at Cedar House, Sandy Lane, Northwood. Sandy Lane is designated as a classified A, main distributor road, subject to a speed limit of 40mph and is highway maintainable at public expense. There is an existing pedestrian highway footway fronting the property on the east side of Sandy Lane.

### Access

The site has an existing vehicle access from Sandy Lane made up of a vehicle crossover (dropped kerb) and providing access to the existing and neighbouring dwelling. The proposals include the utilisation of this existing access leading to a driveway /internal access road with a width of approximately 4.8m, the layout of which is shown on submitted drawing no. CH001 rev 1. HCC as Highway Authority (HA) considers that the 4.8m wide access driveway is acceptable for a development of this size and would enable two vehicles travelling in opposing directions to safely pass one another and is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: Highway Design Guide. The internal access road would essentially function as a shared surface access for vehicles, cyclists and pedestrians and therefore appropriate lighting and surfacing (and signage where appropriate) would be recommended to be provided within the site to ensure a safe and suitable access for all - a shared surface access is acceptable when taking into consideration the size and nature of the proposals.

Following consideration of the size of the proposals and associated number of vehicular trips to and from the site, the proposed kerbed bellmouth access with a kerb radii of 6m on either side would be acceptable. Tactile paving would also need to be provided on the footway either side of each access, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces. The applicant would ultimately need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to these necessary highway works.

### Parking & On-site Manoeuvrability

The current proposal includes the provision of 27 car parking spaces including two car club spaces. The level of parking is less than those levels as outlined in Three Rivers District Council (TRDC)'s parking standards, which would recommend a maximum of 38 car parking spaces. HCC as HA has previously commented (as part of its response to planning application 19/2425/OUT) that it did not consider that there was enough justification for the proposed level of 24 car parking spaces for that application.

The Design & Access Statement (DAS) submitted as part of this planning application includes a more extensive parking assessment (than the previous application) including a justification for the proposed level of car parking. Following consideration of the details as laid out in the DAS, the increased level of parking spaces and the provision of two car club car parking spaces, HCC as HA would not have an objection to the level of parking. The HA is supportive of the use of car clubs to contribute to reducing the level of private car ownership and of electric vehicle charging provision to ensure that the proposals are in accordance with NPPF and Hertfordshire's Local Transport Plan (LTP4). TRDC as the planning and parking authority would ultimately need to be satisfied with the level of proposed parking.

The layout and dimensions of the car parking spaces as shown on submitted drawing no. CH001 rev 1 are generally considered to be acceptable by HCC as HA and in accordance with MfS. It is considered that cars would be able to use the allocated car parking areas, turn around and egress to the highway in forward gear, which would be necessary. Nevertheless as detailed in the recommended condition 1, information would be required to be submitted and approved as to how a car would use the proposed "south" car club space without being obstructed by the vehicular entrance gate(s).

### Waste Collection / Storage and Emergency Vehicle Access Arrangements

Provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling and within 25m of the collection point. The current location as shown on drawing CH001 rev 1 is not within the normally recommended 30m of each dwelling and therefore would be required to be relocated closer to the building. A swept path / tracking plan for a refuse vehicle would be necessary to illustrate that a 12m long refuse vehicle would be able to safely enter the site, turn around and egress to the highway in forward gear. Any

collection method would also need to be confirmed as acceptable by TRDC as waste collection authority.

A swept path analysis would also be necessary to illustrate that a fire tender would be able to safely enter the site and get within 45m of all parts of the dwellings in addition to turning around and egressing to the highway in forward gear. This should be achievable when taking into the consideration the size of the access road and width of the access gates and is necessary to ensure that the proposals are in accordance with guidelines as laid out in MfS, Roads in Hertfordshire and Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwelling houses.

#### Conclusion

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

#### 4.1.5 Herts and Middlesex Wildlife Trust: [Objection]

Objection: Bat surveys have not been completed. Surveys must be completed and definitive mitigation put forward before decision can be made - in accordance with ODPM circular 06/05 and BS 42020.

The 'preliminary' bat survey identifies the reasonable likelihood that protected species (bats) are present and recommends that more surveys are required.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

These surveys must be completed before determination. Worst case scenario mitigation may be appropriate but will need to be submitted for approval.

#### 4.1.6 Herts Ecology: [No objection, subject to condition]

Thank you for consulting Hertfordshire Ecology on the above. I apologise for the delay with this reply. We have previously commented on similar development proposals at this address (19/2425/OUT on 14/02/2020) and I have the following comments to make now:

The application site is a large detached dwelling with amenity lawn, ornamental planting, bordering trees, and hardstanding drive. It is located in a very woody part of Northwood within 280m of Oxhey Woods Local Nature Reserve / Local Wildlife Site / Ancient Woodland Inventory site.

The site and low-density neighbouring buildings are clearly located on a broadleaf woodland site, with plenty of mature broadleaf trees and woodland in close proximity. There are records of roosting bats in the vicinity.

#### Bats

A bat report has been submitted in support of this application – *Preliminary Roost Assessment (Cherryfield Ecology, 07/02/2019\*)*.

A daytime survey was carried out on 4 February 2020 and no evidence of bats was found; however the building was assessed to have *low* potential to support roosting bats due to the presence of gaps under lead flashing and in the wooden soffits, and a missing roof tile. Following best practice guidelines, one follow-up dusk emergence survey is recommended

to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard bats if present and affected.

Dusk emergence surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. As we are within the unfavourable time of year to undertake these bat activity surveys, an outline mitigation strategy with recommendations has been included within the bat report to enable the LPA to consider the impact of the proposals on bats.

If bats will be affected, it is acknowledged that a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued if applied for.

With this report and mitigation measures in place, I consider the LPA has enough information on bats for determination. The Recommended mitigation and enhancements should be followed. I advise the outstanding survey is secured by **Condition** and can suggest the following wording:

*“Prior to the commencement of the development, one dusk emergence survey should be undertaken during May - August inclusive to determine with confidence whether bats are roosting and, should this be the case, the outline mitigation measures (ref: Preliminary Roost Assessment by Cherryfield Ecology, 07/02/2019) should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.*

*Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”*

#### Trees and net gain

The Application Form indicates that trees will be affected by the proposal. I am pleased to see an Arboricultural Impact Assessment (AIA) has been submitted at this stage. The site is densely populated with trees. The AIA covers 119 trees and groups of trees, some of which are immediately off site. Twenty-seven trees including 3 hedges are proposed for removal and these have been assessed as being of low quality.

Existing trees (including roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage, and advice in the tree report should be followed.

**The removal of so many trees and hedges – albeit them of limited ecological value - will result in a biodiversity net loss to the site, and this should be addressed.** 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. Consequently, the proposals should include compensation and enhancement measures of relevance to the local landscape to demonstrate that net gain can be achieved. Suitable options could include: replacement planting and semi-natural landscaping, the improved management of remaining habitats, fruit/nut tree planting; wildflower sowing, the integration of bird nest and bat roost opportunities within the fabric of the new building and/or on suitable retained trees, homes for invertebrate, hedgehog boxes and holes in fencing, etc.

#### Nesting birds

Any significant tree/shrub work or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

Finally, I have no objection to the principle of this development at the site. I would like to see details on how measurable biodiversity net gain will be achieved at the appropriate planning stage. This should be provided in a **Biodiversity Gain Plan and/or Landscape and Ecological Management Plan** and submitted to the LPA for written approval.

4.1.7 Affinity Water: [No response]

4.1.8 National Grid: [No response]

4.1.9 Landscape Officer: [Comment]

There are a number of trees on the site protected by Tree Preservation Order (TPO328; 333; 800 & 681). The submitted tree report indicates that a substantial number (approx. 27) of trees would be removed to facilitate the development, including three protected by TPO. All the trees proposed for removal are rated C (poor quality) or U (unsuitable for retention), so there would be no real objection to their removal.

However, due to the large amount of new car parking space proposed to the front of the development, there is very limited scope for remedial landscaping. The proposed three new trees, as replacements for the protected trees removed, is inadequate compensation for the substantial loss of trees.

The plans within the FRA & SUDs assessment indicate an alternative site layout, with subterranean car parking. This layout would potentially allow greater space for remedial tree planting and landscaping, including a SUDs system in the form of a rain garden. And without this layout it is difficult to see how surface water drainage could be attenuated on-site, as described in the report.

Negotiation is advised to obtain a revised design, which would enable increased tree planting and soft landscaping to mitigate the proposed tree removals.

4.1.10 Hertfordshire County Council Growth and Infrastructure Unit: [Comment]

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 your CIL zone 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.

I trust the above is of assistance if you require any further information please contact the Growth & Infrastructure Unit.

4.1.11 Lead Local Flood Authority: [Objection]

Thank you for consulting us on the above Outline Application: Construction of twenty flats (appearance, landscaping and scale reserved) at Cedar House, Sandy Lane, Northwood, Hertfordshire, HA6 3EZ.

The FRA & SuDS/Drainage carried out by Britscape Environmental Consultancy Ltd reference: 576354, dated September 2019, and the information submitted in support of this application does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development. In order for the Lead Local Flood Authority

to advise the relevant local planning authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques the following information is required as part of the flood risk assessment;

1. Confirmation from Thames Water regarding the proposed discharge rates and volumes.

### **Overcoming our objection**

To address the above points, please see the below comments;

1. In our previous response (dated: 17.03.2020), we required further clarification of the discharge point from the proposed balancing pond. Following review of the updated Sustainable Drainage Plan (revision 2), we now understand that the balancing pond is to discharge at a rate of 1l/s into the main sewer located off the site. However, it has not been specified whether this is discharging to the main surface water or foul water sewer and no confirmation from Thames Water has been provided regarding the proposed discharge rates and volumes.

We will require further clarification as to whether the pond is discharging into the surface water or foul water sewer system and permission from Thames Water that they are satisfied with the proposed discharge rate of 1l/s shown on the drainage plan. This information should be provided upfront prior to the approval of planning permission to ensure that the proposed scheme is feasible. An agreement in principle rather than a formal permission would be acceptable.

We acknowledge that the current planning application is for Outline permission with matters involving appearance, landscaping and scale reserved, however it is important that certain details are confirmed to ensure that the most appropriate drainage scheme can be implemented to ensure there will be no flood risk to the site and the surrounding area and to demonstrate that an appropriate scheme using the key principles of SuDS is feasible.

### **Informative to the LPA**

Please note if the LPA decides to grant planning permission we wish 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.

Officer Comment:

As previously set out at paragraph 3.6 above, the FRA & SUDS/Drainage report and accompanying Sustainable Drainage Plan prepared by Britscape Environmental Consultancy Ltd relate to the application 19/2425/OUT and do not relate to the current proposal. The abovementioned balancing pond shown in the Sustainable Drainage Plan is not shown on the submitted Site Layout Plan CH001 REV-1; instead the parking to serve the current proposed development is sited in this location.

#### **4.1.12 Ministry of Defence: [No objection]**

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 09/11/20.

The applicant is seeking outline planning permission for the construction of twenty flats (appearance, landscaping and scale reserved) at Cedar House, Sandy Lane, Northwood.

The application site occupies the statutory aerodrome height and bird strike safeguarding zones surrounding RAF Northolt, lying approx. 7.35km north of the centre of the airfield.

There are no aerodrome height safeguarding concerns with this proposed development.

## **Bird strike safeguarding zone**

Within the bird strike safeguarding zone, the principal concern of the MOD is the creation of new habitats may attract and support populations of large and, or flocking birds close to the aerodromes, which could potentially increase the bird strike risk to aircraft operations.

As this is an outline planning application, there are limited details for drainage proposals. On review of the FRA and drainage scheme document, it is listed the SUDS attenuation as consisting of a rain garden surface storage planter, permeable paving and geo-cellular storage and the proposed building will have a sedum/grass roof. The drainage layout in Appendix D of the same report also shows the presence of a lined balancing pond to attenuate water prior to discharge, but the site layout document does not show the balancing pond.

Further clarification is required that any balancing pond holds water only during and immediately after an extreme rainfall event (1:30 years or greater), draining within three days after such an event (as this should not result in additional attractant for hazardous birds).

The main part of the development with the potential to attract and support hazardous birds is the sedum roof and any proposed bodies of open water (i.e. a balancing pond).

Therefore, as part of any planning permission granted, the MOD request the following to be included as a conditional requirement:

- The applicant has a 'Call Off Management Plan' for the provision of site managers to undertake bird control (using appropriate licensed means) which would address any population of gulls or other bird species, occupying the roof considered to be a hazard to air traffic using RAF Northolt, to disperse as many as necessary in order to prevent them from successfully breeding at the site.
- To facilitate this, it will be necessary to ensure there is roof access to the central sedum/wildflower area for personnel engaged in the bird control activities.
- The MOD requests clarification on the presence of a balancing pond as part of the scheme and if proposed, further clarification that any balancing pond holds water only during and immediately after an extreme rainfall event (1:30 years or greater), draining within three days after such an event.

In summary, the MOD has no safeguarding objections to this proposed development subject to the above planning conditions for the access to the roofs being provided, a suitable call off Bird Hazard Management Plan is put in place to prevent successful breeding by large gulls on the roof and clarification on the presence of a balancing pond as part of the scheme.

I would be grateful if you could acknowledge receipt of this letter and confirm that a relevant condition covering the MOD's requirements is included in any consent granted.

It is important that the conditions requested in this response are included in any planning permission granted. As per Planning Circular 01/03: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, if Three Rivers District Council decides to grant planning permission contrary to our advice then we must be notified 28 days prior to a decision being made.

### **4.1.13 Environmental Health Officer: [No objection]**

Online historical mapping does not indicate that the site has had a previous potentially contaminative use.

The proposed development will result in a sensitive end use. However, the previous residential use of the site is unlikely to have given rise to anything more than diffuse

anthropogenic contamination. The development is likely to include managed soft landscaping, as opposed to private gardens.

Based on this, the following contaminated land condition is recommended on this **and any subsequent applications** for the site.

1. *Reporting of Unexpected Contamination: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.*

*Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

#### 4.1.14 Crime Prevention Officer: [Comment]

Thank you for sight of planning application 20/2314/OUT | Outline Application: Construction of twenty flats (Appearance, Landscaping and Scale reserved) | Cedar House Sandy Lane Northwood HA6 3EZ.

I cannot find any reference to security or crime prevention in the documents listed, I would ask that the entire development is built to the police minimum standard Secured by Design not just the 45% affordable housing.

#### **Physical Security (SBD)**

*Communal door sets:* Certificated to BS PAS 24: 2016, or LPS.1175

*Access Control to block of flats:* Audio Visual. Tradespersons release buttons are not permitted.

*Postal delivery for communal dwellings (flats):* Communal post boxes within the communal entrances or through each door with the post office being given an access fob

*Individual front entrance doors of flats:* Certificated to BS PAS 24:2016

*Windows – Flats:* Ground floor windows and those easily accessible certificated to BS PAS 24:2016 or LPS 1175 French doors for balconies.

*Dwelling security lighting:* Communal entrance hall, lobby, landings, corridors and stairwells, and all entrance/exit points. (Dusk to dawn lighting).

*Bin stores:* Bins must be secure

*Car Park:* Lack of car parking does place extra demand on the local Police (dealing with ASB, people parking in unauthorised areas).

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 8

4.2.2 No of responses received: 10 objections, 0 letters of support

4.2.3 Site Notice: Posted 11.11.2020 Expired 02.12.2020 Press notice: N/A

4.2.4 Summary of Responses:

- Loss of trees/screening

- Loss of privacy
- Increase in traffic movements/nuisance
- Parking spaces located too close to shared boundary
- Impact on trees within and around site
- Detrimental impact on ancient woodland
- Impact on local wildlife/biodiversity
- Development not in keeping with existing character of the area
- Planning consent would set a precedent
- Additional traffic congestion
- Inadequate parking provision
- Overdevelopment
- Detrimental impact on neighbouring amenity, character and environment
- Increase in traffic congestion and pollution
- Boundary dispute – Destruction of shared vegetation/hedgerow
- Access is a danger to pedestrian safety
- Increase in noise pollution
- Impact on wildlife
- Overbearing form of development

## **5 Reason for Delay**

### 5.1 Committee Cycle

## **6 Relevant Planning Policy, Guidance and Legislation**

### 6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

### 6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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

### 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## 7 **Planning Analysis**

### 7.1 Introduction

7.1.1 As this is an outline application, only those matters not reserved may be given significant weight. In this case, the reserved matters are appearance, landscaping and scale and approval is only sought for layout and access.

7.1.2 For clarity 'access' and 'layout' are defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) (Order 2015) as:

'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

7.1.3 This application follows refused application 19/2425/OUT and the differences are listed at paragraph 3.4 above, and this application will need to establish whether the previous reasons for refusal have been overcome, and whether the amended scheme accords with the development plan.

### 7.2 Housing Mix

7.2.1 The proposal involves the demolition of the existing detached dwelling to facilitate the proposed development. There appears to be no structural issues to necessitate the demolition. However, the existing dwelling proposed to be demolished is not locally or nationally listed and the site is not within a Conservation Area where additional policies in relation to demolition apply. As such, subject to compliance with all other relevant planning policies and a suitable replacement scheme, there is no in principle objection to the demolition of the existing dwelling.

### 7.3 Principle of Development

- 7.3.1 The proposed development would result in a net gain of nineteen units (twenty in total). The site is not identified as a housing site in the adopted Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.3.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy.
  - ii. The sustainability of the development and its contribution to meeting local housing needs.
  - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
  - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.3.3 The application site is within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place predominantly on sites within the urban area, on previously developed land within Secondary Centres. Policy PSP3 indicates that the Key Centres including Chorleywood will provide approximately 24% of the District's housing requirements over the plan period.
- 7.3.4 The application site is not considered to be previously developed land but would be development on garden land and spreads beyond the footprint of the existing dwelling, however, given the location of the site within the Secondary Centre of Eastbury, there are no in principle objections to the addition of residential development on the application site subject to compliance with the Policies set out in the Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013) and subject to assessment against all other material considerations.
- 7.4 Housing Mix & Affordable Housing
- 7.4.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.
- 7.4.2 Core Strategy Policy CP3 states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in February 2016 and has identified the indicative targets for market sector dwelling sizes within Three Rivers District, which are 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
- 7.4.3 The indicative targets for affordable housing are:
- 1 bedroom 40.9% of dwellings  
2 bedrooms 28% of dwellings  
3 bedrooms 29% of dwellings  
4+ bedrooms 2.1% of dwellings
- 7.4.4 The development proposes 45% 1-bed units, 50% 2-bed units and 5% 3-bed units, with 0% 4+-bed units. The proposal is not in accordance with Policy CP3 which seeks a lower proportion of 1 and 2-bed dwellings and a higher proportion of 3-bed dwellings. Whilst the

proposed mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4.5 Policy CP4 of the Core Strategy (adopted October 2011) requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. Policy CP4 sets out that 45% of all new housing should be affordable and that as a guide, 70% of the affordable housing should be provided as social rented and 30% should be intermediate. However the policy does set out that in assessing affordable housing requirements, the Council will take each case on its merits taking into account site circumstances and financial viability.

7.4.6 The application proposes 9 affordable units (6 social rent and 3 intermediate). The provision of 9 affordable units is equivalent to 45% in accordance with the requirements of Policy CP4 and would provide 67% social rent and 33% intermediate, broadly in accordance with the required tenure split. Further details in respect of unit sizes of the social rent units were not provided by the applicant during the course of the application process however a condition on any grant of consent would require further details to be submitted to ensure adequate provision of unit sizes for social rent units.

## 7.5 Impact on Character and Street Scene

7.5.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

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

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

7.5.3 The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.

7.5.4 The application site and the surrounding area immediately to the north, east and south comprise of large detached residential dwellings located on spacious plots. Further north is

Oxhey Woods which is a Local Nature Reserve and a semi-ancient woodland and to the west is the Ministry of Defence Northwood Headquarters. As a result of the spacious plots the residential dwellings in the vicinity are well set in from their respective flank boundaries.

- 7.5.5 As noted above, this outline application only has matters of access and layout to be considered. Matters of appearance, scale and landscaping area reserved for later consideration. Furthermore, matters of access are considered at Section 7.11 below.
- 7.5.6 In terms of layout, the submitted proposed site layout plan shows a building with a larger footprint than the existing. The building would be positioned closer to Sandy Lane than the existing dwelling on site however a set-back distance of approximately 20 metres would be retained. This distance has the potential to reduce the prominence of the building however it should be noted that scale and appearance are not to be formally considered as part of this current application. The proposed building would not result in tandem form of development and it would be set away from the northern and southern boundaries of the site by at least 8 metres. Alongside the separation distance from Knoll Oak and Wlilacre to the north and south respectively, this ensures the proposal would not appear cramped within its plot. The layout would ensure sufficient spacing is retained around the perimeter of the building for landscaping to be provided. The scheme proposes that all parking provision is provided at above ground level and is primarily located within the frontage of the site. It is noted that the siting of the parking and this element of the site's proposed layout is not considered to be the best design approach particularly with the use of Ecogrid. The use of Ecogrid would, to some extent, mitigate the visual urbanising impact of the frontage by allowing sections of grass to grow through however it would appear incongruous and unsympathetic when considered within the context of the site and the surrounding locality. However it is noted that the site is heavily screened by existing dense vegetation and trees located on the area of highway land which separates the application site from Sandy Lane which limits any views into the site from public vantage points. The submitted Site Layout Plan CH001 REV-1 indicates that two car club spaces would be located close to the gated entrance of the site. Given their close proximity, particularly the closest space, it is not considered that this space is readily accessible as the gate blocks the space and therefore would restrict its usability. As such, the layout of the proposed development is not considered suitable and is therefore considered unacceptable and contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 of the Development Management Policies LDD.

## 7.6 Impact on amenity of neighbours

- 7.6.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.6.2 The Design Criteria as set out in Appendix 2 of the DMLDD 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.
- 7.6.3 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. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.
- 7.6.4 The proposed development would be located over 17 metres from the nearest neighbouring residential property. On this basis, it is not considered that the proposed development would have an adverse impact on the amenities of the occupants of any neighbouring properties in relation to loss of light or become overbearing. Furthermore there are also a number of

trees to be retained along the common boundaries which would also help to mitigate the presence of the building from neighbouring properties. Elevation drawings have been provided as part of this application which details that extensive glazing would be located to all elevations at both ground and first floor levels with additional dormer windows located within the roof slopes which might overlook the neighbouring gardens, however this cannot be considered under this Outline application. Furthermore, no detailed floor plan drawings have been provided to indicate what rooms the windows would serve and this would be reviewed as part of a reserved matters submission.

## 7.7 Quality of accommodation for future occupants

7.7.1 This outline application does not include detailed floor plans showing the internal layout of the proposed building. Such matters would be reviewed as part of a reserved matters submission.

## 7.8 Amenity Space Provision for future occupants

7.8.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom. The development would require an indicative provision of 540sq. metres.

7.8.2 From the submitted plans it does not appear that any private amenity space in the form of balconies or terraces would be provided. The application dwelling is sited on a large plot which includes garden area and a large number of trees. This submitted site layout plan indicates that areas of useable amenity space to the north, east and south of the building would be provided as communal space for the occupants of the units within the building which measures approx. 1,000sqm which would exceed the indicative standards and is considered acceptable.

## 7.9 Wildlife and Biodiversity

7.9.1 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.

7.9.2 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.

7.9.3 The application is supported by a Biodiversity Checklist and a Preliminary Bat Roost Assessment prepared by Cherryfield dated 7th February 2019. Both Herts Ecology and Herts & Middlesex Wildlife Trust were consulted on the application. Herts and Middlesex Wildlife Trust raised an objection to the application and requested further surveys be undertaken. Herts Ecology also provided comments at a later date in the application process. Herts Ecology noted that a daytime survey was carried out and no evidence of bats was found; however the building was assessed to have low potential to support roosting bats. As such they recommended further follow-up dusk emergence / dawn re-entry survey to be undertaken prior to commencement of development on site and suggested that a suitably worded condition is attached to any outline consent. Herts Ecology

also commented that a Biodiversity Gain Plan and/or Landscape and Ecological Management Plan should be provided to ensure that there is biodiversity enhancements across the site following the development. The landscaping Reserved Matter would be expected to provide details of landscape management and biodiversity measures arrangements across the site.

## 7.10 Trees and Landscaping

- 7.10.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.10.2 The application site contains a number of trees eight of which are protected by Tree Preservation Orders. An Arboricultural Method Statement prepared by Tracy Clarke Tree Consultancy dated October 2020 has been submitted with the application. The submitted statement details that a total of twenty seven trees (including three hedges) would be removed however these are low quality trees or hedges within the site classified as 'C' or 'U' and of no significance to public amenity. Three of these trees are TPO trees (TPO T2 (Sycamore), T3 (Sycamore) and T5 (English Oak)) which are located where the proposed car park is to be created. Two of the TPO trees are assessed as low value and one as poor value due to their poor structural or physiological condition. In addition, three replacement trees of the same species are proposed to be planted nearby and within the site.
- 7.10.3 The Landscape Officer was consulted on the submitted details and accepted the findings of the Arboricultural Method Statement that all the trees proposed for removal are rated C (poor quality) or U (unsuitable for retention), and raised no objection to their removal. Notwithstanding this, the Landscape Officer commented that due to the large amount of new car parking space proposed to the front of the development, there is very limited scope for remedial landscaping. The proposed three new trees, as replacements for the protected trees removed, is inadequate compensation for the substantial loss of trees and therefore required further negotiation with regards to proposing an acceptable replanting scheme. Such matters would be reviewed as part of a reserved matters submission. welto

## 7.11 Highways, Access and Parking

- 7.11.1 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. Policy CP10 of the Core Strategy (adopted October 2011) states that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District and demonstrate that it provides a safe and adequate means of access.
- 7.11.2 As existing the application site benefits from an access via Sandy Lane within the north-western corner of the site which also provides access to Knoll Oak. The proposals include the utilisation of this existing access leading to a driveway /internal access road with a width of approximately 4.8m. The Highway Officer considered the access driveway to be acceptable for a development of this size so as to allow two vehicles to pass each other when travelling in opposite directions. They recommended that given the internal access road would be shared surface access for vehicles, cyclists and pedestrians, appropriate lighting and surfacing should be provided to ensure a safe and suitable access for all.
- 7.11.3 In addition, following consideration of the size of the proposals and associated number of vehicular trips to and from the site, the Highway Officer considered that the proposed kerbed bellmouth access with a kerb radii of 6m on either side would be acceptable. Tactile paving would also need to be provided on the footway either side of each access, laid out in accordance with standards laid out in Guidance on the use of Tactile Paving Surfaces.

7.11.4 The Highway Officer considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. A Section 278 Agreement would be needed to be agreed with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. In conclusion, the Highway Officer raised no objections on highway grounds to the application, subject to conditions and informative.

## 7.12 Parking

7.12.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:

- 1 bedroom dwellings – 1.75 spaces (1 assigned)
- 2 bedroom dwellings – 2 spaces (1 assigned)
- 3 bedroom dwellings – 2.25 spaces (2 assigned)
- 4 or more bedroom dwellings – 3 spaces (3 assigned)

7.12.2 The development will consist of nine 1-bed units, ten 2-beds units and one 3-bed units. Therefore the proposal is required to provide a total of 38 parking spaces, of which 23 should be assigned.

7.12.3 The submitted site layout plan shows that 27 surface parking spaces would be provided which includes 1 visitor space and two allocated 'car club' spaces. The proposed development would therefore result in a shortfall of 14 parking spaces. The previously refused scheme resulted in a shortfall of 15 spaces.

7.12.4 The supporting Design and Access Statement suggests that the site is located within a sustainable location; however whilst there are bus stops located close to the application site, the application site is not within close proximity of local services and other transport links and it is not considered that the site is in a sustainable location to justify such a significant shortfall in parking. Northwood Underground Station is located 1 mile away and Carpenders Park Overground Station and Moor Park London Underground Station are located 1.5 and 2.1 miles away respectively. Furthermore, Northwood High Street and South Oxhey High Street are a minimum of 1 mile away. Therefore it is considered that there would be heavy reliance on car ownership for occupants of the flats. The location of the site is such that there is no on street parking available.

7.12.5 The applicant also contends that the provision of two 'car club' spaces which have the ability to reduce parking by between 6 and 10 spaces per car club vehicle would equate to a worst case position of 12 spaces in addition to the remaining 25 spaces provided. However as previously explained at paragraph 7.5.6 it is not considered that one of the 'car club' spaces would be useable given its proximity to the entrance gates. Nevertheless, whilst the comments of the Highway Officer supporting the use of car club spaces are noted, the Local Planning Authority are the parking authority and current Local Plan does not include policy regarding 'car clubs'. Therefore at this current time the Parking Standards are required to be met to ensure that adequate parking provision is provided to meet the needs of the development. Furthermore, the proposed development would only provide 1 visitor parking space.

7.12.6 As mentioned above the site is not considered to be located within a sustainable location and there is no on street parking available and therefore there is a greater requirement for parking to be provided on site. It is noted that this application is a resubmission following the refusal of application 19/2425/OUT on lack of parking, however the proposed changes to this current scheme have not overcome the previous reason for refusal.

- 7.12.7 During the course of the application process the applicant stated that regard should be had to a recent appeal decision in Kings Langley where the Planning Inspector granted prior approval for the conversion of an office building Under Class O of the General Permitted Development Order to 74 residential units which resulted in a shortfall of 114.5 spaces (Ref: APP/P1940/W/20/3252855 LPAs Ref: 20/0369/PDR). Whilst this appeal decision is noted, the circumstances are very different. The Inspector considered the appeal site was located in a highly sustainable location 160 metres from Kings Langley Train Station with additional local bus routes nearby. In addition, 80 cycle spaces were being provided. The Inspector stated that the scheme therefore represented an opportunity to promote walking, cycling and public transport. In contrast, for the reasons previously set out in paragraph 7.12.4 it is not considered that this application site is located in sustainable location and should not therefore be considered in the same circumstance as the appeal site.
- 7.12.8 In conclusion, the proposed development would result in a significant shortfall of parking provision to serve the flatted development and would not provide any on-site visitor parking. The failure to provide adequate off street parking is likely to result in pressure for parking elsewhere to serve the development. Cars would likely be forced to park on surrounding roads such as The Woods, Oxhey Drive and Watford Road which are generally free of on-street parking and thus the addition of parking cars would alter the character of the area to an unacceptable degree and would also potentially result in danger to highway safety through obstruction to vision and highway. Furthermore, it has not been demonstrated that the 'car club' spaces within the site would be accessible. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).
- 7.13 Sustainability
- 7.13.1 Paragraph 148 of the NPPF states that "Planning plays a key role in helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".
- 7.13.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.13.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.13.4 The application is supported by an Energy and Sustainability Statement which sets out that 'the proposed development will incorporate a number of sustainable and renewable construction technologies resulting in a 5.6% saving. The site would include a Ground Source Heat Pump and the installation of Solar Panels. The appropriateness of the ground source heat pump and solar panels would be assessed at the reserved matters stage of the application, and it will only be once these matters area considered and assessed that the appropriateness of the use of each can be considered and confirmed.

## 7.14 Flood Risk and Drainage

- 7.14.1 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take into account advice from the lead local floor authority.
- 7.14.2 Policy CP1 of the Core Strategy states that there is a need to avoid development in areas at risk from flooding and to minimise flood risk through the use of Sustainable Drainage Systems (SuDS). This policy also states that there is a need to manage and reduce risk of and from pollution in relation to quality of land, air and water and dealing with land contamination. Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding, and would not unacceptably exacerbate risk of flooding elsewhere, and that development must protect the quantity and quality of surface and groundwater resources from aquatic pollution and that there must be sufficient surface water drainage. Policy DM9 refers to contamination and pollution control.
- 7.14.3 The application is supported by a Flood Risk Assessment & SUDs/Drainage document accompanied by a Sustainable Drainage Plan. As previously mentioned, these supporting documents relate to the refused application 19/2425/OUT. The parking proposed for this current application is now sited in the location where the balancing pond shown on the Drainage Plan.
- 7.14.4 The Lead Local Flood Authority (LLFA) were consulted on the application and raised an objection to the proposed development citing that the submitted information does not currently provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.
- 7.14.5 Given that the second reason for refusal of the previous application 19/2425/OUT was on flood risk grounds the applicant was invited at various points within this current application process to provide the required detail to overcome the objection raised by the LLFA. However, insufficient information has been provided as part of this application to prove that the proposed development would not result in unacceptable risks. As such the previous reason for refusal of 19/2425/OUT has not been overcome and this current application will be refused on that basis.

## 7.15 Refuse and Recycling

- 7.15.1 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
- 7.15.2 The submitted plans indicate that a bin storage area would be located adjacent to the parking spaces within the frontage of the site. The Highway Officer commented that provision would need to be made for an on-site refuse/recycling store within 30m of each dwelling and within 25m of the collection point. The current location as shown on drawing CH001 rev 1 is not within the normally recommended 30m of each dwelling and therefore would be required to be relocated closer to the building. The Waste Collection Team were asked to review the submitted details and comments are awaiting. The Committee would be updated verbally on any response received.

7.15.3 Nevertheless, the consideration of the location of refuse and recycling storage areas need to take into consideration in determining Outline application seeking approval on the matter of Layout. The proposed siting of the storage is not sited within specified distances mentioned above and should be located nearer to the building.

#### 7.16 Ministry of Defence (MOD)

7.16.1 The application site is located adjacent to the Ministry of Defence Northwood Headquarters. The application site occupies the statutory aerodrome height and bird strike safeguarding zones surrounding RAF Northolt, lying approx. 7.35km north of the centre of the airfield.

7.16.2 There are no aerodrome height safeguarding concerns with this proposed development. Within the bird strike safeguarding zone, the principal concern of the MOD is the creation of new habitats may attract and support populations of large and, or flocking birds close to the aerodromes, which could potentially increase the bird strike risk to aircraft operations.

7.16.3 The MOD raised no objections to the proposed development subject to a conditions requiring the submission of a 'Call Off Management Plan' for the provision of site managers to undertake bird control (using appropriate licensed means) which would address any population of gulls or other bird species, occupying the roof considered to be a hazard to air traffic using RAF Northolt, to disperse as many as necessary in order to prevent them from successfully breeding at the site. In addition, conditions are also requested to ensure there is roof access to the central sedum/wildflower area for personnel engaged in the bird control activities and details that the proposed balancing pond holds water only during and immediately after an extreme rainfall event.

7.16.4 In summary, the MOD raised no safeguarding objections to this proposed development subject to the aforementioned planning conditions.

#### 7.17 Infrastructure Contributions

7.17.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq. metre of residential development is £180.

#### 7.18 Tilted Balance

7.18.1 The LPA cannot demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "*the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites*". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "*Plans and decisions should apply a presumption in favour of sustainable development... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*".

7.18.2 The NPPF identifies that there are three dimensions to sustainable development; social, economic and environmental. The social benefits of the scheme would include a medium contribution towards making up the shortfall in housing in the district therefore facilitating

the Government's aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using the amenities in the District. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, ANOB – see footnote 6 of the NPPF).

- 7.18.3 It is recognised that the development would contribute to the shortfall in housing within the district by providing a net gain of 19 units and provide policy compliant affordable housing. The provision of on-site affordable housing on a site such as is this is a policy requirement and therefore is considered a neutral factor.
- 7.18.4 Notwithstanding this the scheme would result in a significant shortfall in parking provision which would lead to parking pressures in an area where there is no on-street parking which conflicts with the NPPF in respect of promoting sustainable development and Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013). Paragraph 103 of the NPPF states significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. As detailed within the report, the application site is not considered to be within a sustainable location with only local bus routes available. Local services and train stations are not otherwise readily accessible to future occupants of the proposed development. In addition, it has not 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 and this is given significant weight against the grant. In view of the above, it is considered that in relation to paragraph 11 part (d) (ii) of the NPPF the adverse impacts significantly and demonstrably outweigh the benefits of the development.

## **8 Recommendation**

That PLANNING PERMISSION BE REFUSED for the following reason(s):

- R1 The proposed development would fail to provide sufficient on-site parking spaces to meet demands arising from the proposed development including the provision for on-site visitor parking given the parking constraints on Sandy Lane. The failure to provide adequate off street parking is likely to result in unacceptable pressure for parking on nearby residential roads to the detriment of the visual amenity of the area. As such, the proposal would be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- R2 As a major form of development the scheme fails to incorporate sustainable drainage systems and no evidence has been submitted which suggests such measures would be inappropriate at the application site. The development has therefore not demonstrated that it would not increase flood risk to the site and within the locality. Accordingly the development fails to comply with Policy CP1 of the Core Strategy (adopted October 2011), Policy DM8 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).
- R3 The Local Planning Authority objects to the layout of the development in respect of the extent and siting of the parking area which fails to provide suitable opportunity for replacement planting.

### **8.1 Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development

Management Procedure) (England) Order 2015. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application and additional information was provided it was not considered acceptable, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.