

PLANNING COMMITTEE - 16 DECEMBER 2021

PART I - DELEGATED

8. **21/2090/FUL: Demolition of a pair of semi-detached buildings and erection of two pairs of three storey semi-detached dwellings to accommodate 4x3 bedroom dwellings with associated alterations to vehicular access and provision of landscaping and parking at 165-167 HAMPERMILL LANE, OXHEY HALL, Herts (DCES)**

Parish: Watford Rural
Expiry of Statutory Period: 09.11.2021

Ward: Oxhey Hall and Hayling
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted subject to the completion of a Section 106 Agreement.

Reason for consideration by the Committee: Watford Rural Parish Council have called the application to Committee due to concerns that the development does not maintain the character of the area due to its design.

1 Relevant Planning History

- 1.1 19/2146/FUL: Demolition of existing buildings and the erection of a part two, part three storey buildings with basement to accommodate 9 residential flats (4 x 1 bed, 2 x 2 bed, and 3 x 3 bed) with associated alterations to site access and provision of landscaping, parking and refuse storage. Application refused for the following reasons:

The proposed development by reason of its excessive width, depth, design and significant bulk and massing would result in an incongruous, contrived and uncharacteristic form of development which would appear excessively urbanising and excessively prominent, detracting from the visual amenities of Hampermill Lane. This would be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

The proposed development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. The development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

In the absence of a S106, the development would fail to make sufficient contributions to towards infrastructure. The failure to make sufficient contributions would result in harm to pedestrian safety through insufficient opportunities for pedestrians to safely cross Hampermill Lane, and would fail to maximise sustainable travel options and thus would be contrary to Policies CP8 and CP10 of the Core Strategy (adopted October 2011).

In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on existing trees of visual importance. Therefore necessary consideration and appropriate mitigation cannot be given to mitigate the adverse impact of the development on these trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

Appeal dismissed on the grounds of impact to character of the area. The Inspector found the appeal to be acceptable with regard to the impact on existing trees. It is noted that a Section 106 Agreement was agreed by all parties during the appeal process, in respect of contribution to affordable housing and highways infrastructure

2 Description of Application Site

- 2.1 The application site contains an existing pair of semi-detached dwellings located to the south side of Hampermill Lane, Oxhey Hall. The streetscene generally consists of residential dwellings which vary in terms of size and architectural design. The existing dwellings occupying the site are currently vacant and are in a poor state of repair. They are of identical design and have Dutch hipped projections to the front, side and rear elevations.
- 2.2 It is noted that the dwellings on this side of the highway are set at an elevated position in relation to the adjoining highway, with the rear gardens sloping up to the rear boundary, and up to the eastern boundary. To the west of the site is an existing footpath, which is set a lower land level relative to the site itself; beyond the footpath is an area of open land which is designated as Metropolitan Green Belt. The boundary with the adjacent footpath is screened by significant vegetation. There is currently no off street car parking provision.
- 2.3 The building line in this location is staggered with the existing dwellings set back from the neighbouring dwellings, no.161-163 to the east of the site. It is noted that the existing dwellings have single storey projections to the rear with mono pitched roof forms. The adjacent neighbour at no.163 appears to have been previously extended with a single storey rear conservatory. These neighbouring dwellings are set at an elevated land level relative to the adjacent highway.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the pair of semi-detached dwellings and erection of two pairs of three storey semi-detached dwellings, with associated alterations to vehicular access and provision for off street car parking and landscaping.
- 3.2 The proposed dwellings would form two, pairs of semi-detached dwellings which would be sited in a stepped building line, fronting Hampermill Lane. Unit 1 would be set back from the frontage by approximately 9.1m with Unit 4 being set back from the highway by a maximum distance of approximately 18.5m. Unit 1 would be set 1.8m from the flank boundary with the adjacent residential property to the east with Unit 4 being set back from the boundary by approximately 1.8m. A distance of 2m would be retained between Units 2 and 3.
- 3.3 In terms of height, the dwellings would be three storey in appearance with Units 1 and 2 having a maximum height of 9.8m (taken from the front elevation), and Units 3 and 4 having a height of 9.4m. The dwellings would all have flat roof form.
- 3.4 Unit 1: This dwelling would be located to the eastern side of the site and would have a width of 7.5m. It would have a stepped depth, with a maximum depth of 10.1m and a maximum depth to the rear of the family room which adjoins Unit 2 of approximately 13.8m. A recessed terrace would be provided at first floor level, which would be screened by the flank wall of the existing dwelling. Beyond the rear of the dwelling would be a rear garden with a maximum depth of 28.4m, and an area of approximately 227 square metres including the proposed patio area. The dwelling would have two off street car parking spaces, one of which would be provided within the integral garage.
- 3.5 Unit 2: The front elevation of the dwelling would be set back relative to the front wall of Unit 1 by approximately 3.5m. It would have a width of approximately 6.2m and a maximum depth of 13.8m. A recessed terrace would be provided at first floor level and would be screened by the flank walls of the dwelling. The rear amenity space would have a maximum depth of approximately 21m, with an area of approximately 158square metres including the patio area. The dwelling would have two off street car parking spaces, one of which would be provided within the integral garage and one would be provided to the side of the unit.

- 3.6 Unit 3: This dwelling would have a maximum width of 6.5m and a depth of 13.8m. It would sit back relative to the front elevation of Unit 2. A recessed terrace would be provided at first floor level and would be screened by the flank walls of the dwelling. The rear amenity space would have a maximum depth of approximately 12m, with an area of approximately 84 square metres including the patio area (the area to the side has not been included as a useable amenity area). The dwelling would have two off street car parking spaces, one of which would be provided within the integral garage.
- 3.7 Unit 4: The front elevation of Unit 4 would be set back from the front elevation of Unit 3 by approximately 3.6m. Unit 4 would have a maximum width of 6.1m and a depth of 13.8m. A recessed terrace would be provided at first floor level. In addition, a terrace is proposed at second floor level which would be screened from Unit 4 by a screen with a maximum height of 2.2m. The rear amenity space would have a maximum depth of approximately 7.3m, with an area of approximately 151square metres including the patio area and area to the side of the dwelling. The dwelling would have two off street car parking spaces, one of which would be provided within the integral garage.
- 3.8 The current plans indicate that the dwellings would all be finished in brick work of varied types. The windows would be grey.
- 3.9 The development would be served by a new vehicular access which would provide access to all of the proposed units. The driveway area is indicated to be of a porous surface.
- 3.10 Bat boxes are proposed to be added within trees within the site. The plan indicates the planting of a new tree to the site frontage.
- 3.11 Amended plans have been received during the course of the application, which have amended the proposed vehicular access arrangements and have removed some flank glazing to Unit 1. In addition, the size of the garages have been increased and alterations have been made to the external finishes of the dwellings such that they would not all be finished with the same external materials.
- 3.12 It is noted that there has been a previous scheme on the site which has previously been refused which was for the provision of 9 flats. As such, the main difference is the change for a single three storey building, to the provision of two pairs of three storey semi detached dwellings. The design is also materially different changing the roof form from crown roof elements with gable projections to a flat roof form for all dwellings.

4 Consultation

4.1 Statutory Consultation

4.1.1 Watford Rural Parish Council: [Objection]

WRPC have examined the plans and local councillors know the site very well. We wish to object to the development of land at this location for the following reasons:

DM1 of the Development Management Policies document states The Council will protect the character and residential amenity of existing areas of housing from forms of “backland”, “infill” or other forms of new residential development which are inappropriate for the area.

We believe that this proposed plan fails under policy DM1 a) v) and development management policy 3.6. This type of infill development does not maintain the character of the area with its design. Under Appendix 2 5. New Development iii) it states that a development must “Respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors, and materials.” This does not follow as it clearly is out of context to the rest of the area’s traditional semidetached, two storey uniformities.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.

4.1.2 Affinity Water: [No objection]

Water Quality: You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (EAST). This is a public water supply, comprising a number of 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.

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

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

Water efficiency: Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

4.1.3 Thames Water: [No objection]

Waste Comments. The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing

the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be 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

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

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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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

4.1.4 Landscape Officer: [No objection]

Sufficient detail has been provided within the Arboricultural report provided, and must be adhere to throughout the development process. No further detail will be necessary.

Protection of trees (non-dischargeable) during construction of the development hereby permitted other than what has been stated, no further trees present within the properties of 165 and 167 Hampermill Lane, Oxhey Hall WD19 4TF shall not be lopped or felled without the written consent of the local planning authority. During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and

Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Decision: Support (Subject to non-dischargeable condition)

4.1.5 Herts Highways: [Initial Response: Objection raised]

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 recommends that permission be refused for the following reasons:

- 1) New access onto Class A main distributor road. The application proposes the installation of a secondary vehicle crossover (VXO) at the site, as stated within the Hertfordshire Local Transport Plan (LTP4) Policy 5, the Council will 'only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals'. Special circumstances have not been demonstrated at this site as there is an existing access and therefore this proposal infringes upon Policy and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

Highway Impact:

Secondary Access:

The application proposes to add an additional access to the site to create a carriage driveway for the 4 new dwellings. Hampermill Lane is a main distributor road and as stated within LTP4 only under special circumstances can a new access be considered on such a class road. The applicant has not demonstrated sufficient justification for the need for an additional access from the main distributor road. HCC as Highway Authority is therefore unable to recommend the granting of permission for this application and would recommend that the proposed second vehicle is removed in order for the proposals to be considered to be acceptable.

Site and Surroundings:

Hampermill Lane is a classified A main distributor road subject to a 30mph speed limit which is highway maintainable at public expense. The closest bus stop to the site is approximately 280m from the site and is served by the W20 and W21 buses to Holywell, North Bushey and Watford. The nearest train station is Bushey which is approximately 2.1km from the site and is served by the London Overground to Watford Junction and Euston or West Midlands trains to Euston, Watford Junction and Tring. Therefore, the Highway Authority are satisfied the site is in a sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking:

The existing access which is to remain as a part of the proposal would have to be altered in size to ensure it complies with Policy 5 of LTP4 and therefore HCC design standards. Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Paragraph 1.14.1, states that unnecessarily long crossovers should be avoided to minimise inconvenience to pedestrians or to decrease the likelihood of a VXO being obstructed by parking. The size VXO which is suitable at this site is 7.2m, made up of 6 flat kerbs and 2 ramped kerbs, as shown in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Figure 4.1.14.1. The visibility from the access must be 2.4m x 43m, this splay has been shown to be clear from the existing access within the Transport Statement and via satellite imagery. There have not been any collisions at the existing access within the last 5 years but it can be noted there have been 7 collisions within the last 5 years on Hampermill Lane between the site and Brookdene Avenue.

Parking is a matter for the LPA, but HCC would like to comment that the parking spaces are of an adequate size of 2.4m x 4.8m as outlined in Manual for Streets. The garages are measured to approximately 3m x 5.5m, Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Paragraph 9.3 states garages should be a minimum of 3.3m x 6m but this size can still be considered appropriate. Cycle storage is shown within these garages. Three Rivers District Council emerging standards state that within a development there must be 1 active charging point for an electric vehicle per dwelling, therefore, this development would require 4 electric vehicle charging points, one for each of the new dwellings.

Surface Water: The Government's flood risk maps for planning indicate parts of the nearby carriageway to be at a high risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>. Therefore, a drainage solution from the new dwellings and the driveway which removes the risk of expelling surface water onto Hampermill Lane should be provided to ensure flood risk does not increase.

Refuse and Waste Collection: Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin location and that residents must not have to carry bins over 30m to the collection point. No details of the location of the refuse storage have been shown on the block plan, drawing number 14446-SK02-E. Therefore, details of refuse storage is also requested.

Emergency Vehicle Access: In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the dwellings being within this 45m. The Transport Plan also shows that an emergency vehicle can enter the site if needed by providing swept path drawings.

Conclusion: HCC as the Highway Authority have reviewed the supporting documents and drawings and wishes to raise an objection to the application. This is due to severe highway safety concerns as the proposals are contrary to Policy 5 within the Hertfordshire Local Transport Plan.

Officer Comment: Following the above comments, the applicant has sought to amend the access arrangements and Herts Highways were re-consulted and the following comments received:

4.1.5.1 Herts Highways: [Second Response: No objections]

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

1) Existing Access – Closure

Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number 14446-SK02-F only. Any other access or egresses shall be permanently closed, and the footway / kerb shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

2) New Access

Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 14446-SK02-F in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3) Electric Vehicle (EV) Charging Point

Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

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

4) Construction Management Plan / Statement

No development shall commence until a Construction Management Plan (or Construction Method Statement)* has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement 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 parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;

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).

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

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Site and Surroundings:

Hampermill Lane is a classified A main distributor road subject to a 30mph speed limit which is highway maintainable at public expense. The closest bus stop to the site is approximately 280m from the site and is served by the W20 and W21 buses to Holywell, North Bushey and Watford. The nearest train station is Bushey which is approximately 2.1km from the site and is served by the London Overground to Watford Junction and Euston or West Midlands trains to Euston, Watford Junction and Tring. Therefore, the Highway Authority are satisfied the site is in a sustainable location, which is in line with the principles set out in HCC's Local Transport Plan 4 (LTP4).

Access and Parking:

The amended plans show that the existing access at the site from Hampermill Lane is to be closed and a new access to be created. The new access has a suitably sized VXO which measures at 7.2m, this will be made up of 6 flat kerbs and 2 ramped kerbs, as shown in Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Figure 4.1.14.1. The visibility from the access must be 2.4m x 43m, this splay has been shown to be clear from the new access within drawing number SK03 Rev C and via satellite imagery. There have not been any collisions at the former access within the last 5 years but it can be noted there have been 7 collisions within the last 5 years on Hampermill Lane between the site and Brookdene Avenue.

Parking is a matter for the LPA, but HCC would like to comment that the parking spaces are of an adequate size of 2.4m x 4.8m as outlined in Manual for Streets. The garages are measured to approximately 3m x 5.5m, Roads in Hertfordshire: Highway Design Guide 3rd Edition Section 4 – Design Standards and Advice Paragraph 9.3 states garages should be a minimum of 3.3m x 6m but this size can still be considered appropriate. Cycle storage is shown within these garages. Three Rivers District Council emerging standards state that within a development there should be 1 active charging point for an electric vehicle per dwelling, therefore, this development would require 4 electric vehicle charging points, one for each of the new dwellings.

Surface Water:

The Government's flood risk maps for planning indicate parts of the nearby carriageway to be at a high risk of surface water flooding: <https://flood-map-for-planning.service.gov.uk/>. Therefore, a drainage solution from the new dwellings and the driveway which removes the risk of expelling surface water onto Hampermill Lane should be provided to ensure flood risk does not increase.

Refuse and Waste Collection:

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin location and that residents must not have to carry bins over 30m to the collection point. No details of the location of the refuse storage have been shown on the site plan, drawing number 14446-SK02-F. However, with the location of the new access all of the front of the dwellings are within the 25m.

Emergency Vehicle Access: In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the dwellings being within this 45m. Drawing number SK10 Rev B shows that an emergency vehicle can enter the site if needed by providing swept path drawings.

Construction Management Plan (CMP):

Due to Hampermill Lane being a classified A main distributor road which HCC considers to be traffic sensitive from Monday to Sunday from 06:00 to 20:00, a Construction Management Plan (CMP) has been requested. Details should be provided as per the condition to ensure that construction does not impact upon the highway carriageway.

Conclusion: HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.6 Herts Ecology: [No objection]

The application site comprises two semi-detached dwellings, a separate toilet block, and good-sized gardens with plenty of trees. Garden vegetation is unmanaged and overgrown, and the buildings are unoccupied and in a state of disrepair. The site is on the edge of Watford, close to open countryside; and to the south lies the extensive 'South Oxhey Playing Fields' with mixed grassland and woodland habitats.

We previously commented on development proposals at this address in August 2019 (pre app) and January 2020 (full app). I am pleased to see ecology surveys have been updated this year and a *Protected Species Report, August 2021* prepared by CSa Environmental has been submitted in support of this application.

Bats: Two bat roosts had previously been confirmed in the semi-detached dwellings. No new roosts were identified this year; however a protected species licence will be required

VIII. Nearby, and within the Oxhey Hall estate curtilage if the Grade II listed Hampermill House, built circa late 18th century.

- The modern, trendy, stark, incongruous development made up of rectangles with hard lines and no features which will enable it to blend in with its historical and even more recent surrounds.
- The flat rooves are completely out of keeping with the rest of the area, especially the more historic parts. Nowhere else on the estate are there properties which are completely flat rooved.
- The modern flat rooves may have a life span of a maximum of 50 years but the houses on the estate have and will in many cases exceed that 100%. This is not sustainable development and conflicts with TRDC's requirement that "All new housing development should be designed and built to a high quality for the duration of its lifetime".
- The flat roof forms when viewed from the flanks would appear stark;
- The flat roof forms appear commercial character;
- It would set a dangerous precedent;
- There are flaws in the Energy Statement,
- Staggered layout will impact on the view of the sun going down from the properties to the east
- Only three neighbours were consulted. If the entire estate were leafleted there would be more objections;
- Not opposed to development on the site but consider that the development by reason of its design, width, staggered positioning, siting and depth would result in an unduly prominent form of development which would be very different to the majority of dwellings within the vicinity and be completely out of keeping with the current street scene.
- A new build provides the opportunity to install some or all of the following :- the below surface pipework for ground source heat pumps, air sourced heat pumps and both solar thermal and solar p.v.
- Concern that the 45 degree splay line is intruded; & may be quite adequate for determining a single storey extension to a property but 3 storey buildings present a quite different scenario to neighbours. The summer late afternoon and evening sun will be lost from early in the afternoon for the rear gardens of the new properties except the plot nearest to the pathway but including no. 163. We remain concerned that the development is excessively deep when viewed from the west (and from the footpath) and feel that the depth of the stagger needs to be re-considered. Perhaps a solution is to have just 3 properties – a detached and one pair of semi-detached.
- Concern regarding the external finishes and glazing. We are convinced that the design would be very different to the majority of dwellings within the vicinity which, whilst showing some architectural variation, generally do have more traditional roof forms.

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

The National Planning Policy Framework was updated in 2021. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due

weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM10, DM11, DM13 and Appendices 2 and 5.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 Planning Analysis

7.1 Principle of Demotion

7.1.1 The existing dwellings are not statutorily or locally listed and thus there is no in principal objection to the demotion of the existing buildings.

7.2 Principle of Development

7.2.1 The proposal seeks approval for the demolition of the existing dwellings and their replacement with four dwellings (two pairs of semi-detached dwellings), thus resulting in a net gain of two residential dwellings. 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.

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 local housing sites;
- 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 site is located within Oxhey Hall which is identified as a Secondary Centre in the Core Strategy (adopted October 2011). Policy PSP3 advises that Secondary Centres such as Oxhey Hall will be expected to provide 24% of the District's housing requirements over the Plan period. In addition Policy PSP3 sets out that future development within Secondary Centres should be focused on sites within the urban areas on previously developed land. In this case it is acknowledged that the development would be partly located on garden land and thus not wholly on previously developed land. However, in this case, the site is located in an existing urban area, along a main road frontage. Furthermore, at the time of the appeal for 9 flats, the Inspector made the following comments regarding the principal of redevelopment of the site:

"The built form along this section of Hampermill Lane largely consists of semi-detached or detached properties which are two-storey in scale. There is a variety of architectural styles in the area, and the general streetscape is one which has a staggered building line with properties set at a higher land level.

The appeal proposal would introduce flats into an area where these are not commonplace. That said, and as acknowledged by the Council, this is not a form of development which is objectionable in principle. Therefore, the key issue is whether the proposed building would successfully integrate with the surrounding area."

7.2.4 In acknowledging that the provision of flats were a form of development that were not objectionable in principle, the Inspector has agreed that the site is suitable for residential development. Again this is further emphasised at paragraph 16 of the appeal decision with the Inspector stating the following:

"In coming to the above views I acknowledge that the current buildings do not make the best use of the land available at the site and that the Council's Housing Delivery Test Action Plan 2019 (HDTAP) identifies that there is a need to increase density and optimisation of sites to deliver more housing."

7.2.5 Consequently, it is therefore considered that the site is suitable for residential development subject to assessment against all other relevant material planning considerations as set out below.

7.3 Housing Mix

7.3.1 Policy CP3 of the Core Strategy advises that housing proposals take into account the range of housing needs in terms of size and types of dwellings as identified by the SHMA and subsequent updates. The Local Housing Needs Assessment (LNHA) was finalised in 2020 and is the most recent update to the SHMA. The recommended mix for market housing is 5% 1 bedroom units, 23% 2 bedroom units, 43% 3 bedroom units and 30% 4 bedroom units. The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The nature of the proposed development means that it would provide 100% 4 bedroom units (the study has been treated as a bedroom) and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not 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 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.
- 7.4.2 As a net gain of two units, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the “Oxhey and Watford Fringe” market area where the figure is £350 per square metre. The Council have calculated the affordable housing payment requirement to be £85,330. This is based on the habitable internal area of the four new dwellings, average adjusted to the proposed net gain of two dwellings.
- 7.4.3 The applicant has confirmed that they are willing to make a policy compliant affordable housing contribution, and a S106 agreement to secure this is currently being prepared. Subject to the completion of a S106 agreement, the development is considered to be acceptable in this respect in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).
- 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 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.5.3 In determining the appeal relating to application 19/2416/FUL, the Inspector made the following comments regarding the general character of the locality: *'the built form along this section of Hampermill Lane largely consists of semi-detached or detached properties which are two-storey in scale. There is a variety of architectural styles in the area, and the general streetscape is one which has a staggered building line with properties set at a higher land level'*
- 7.5.4 In this case, the plans propose the erection of two pairs of two storey semi-detached dwellings. In terms of the general form, it is considered that the provision of semi-detached dwellings would be appropriate given the wider character of the streetscene.

- 7.5.5 The four dwellings would front Hampermill Lane and thus would not constitute a tandem form of development. The plans indicate a staggered building line across the site. At the time of the appeal for 9 flats, the Inspector noted the staggered building line proposed and stated the following:

“Furthermore, when travelling along Hampermill Lane eastwards the side elevation of 163 Hampermill Lane is already a prominent feature. As the appeal development would be sited closer to the road than No.163, it would draw the eye as it would be even more prominent to the extent that it would be dominating on entering the built-up area.”

- 7.5.6 In this case, it is noted that the building line is still staggered and as such, the flank wall of Unit 2 in particular would be largely visible when travelling eastwards towards the site. However, in this instance, the development has been designed such that the dwellings would be located further back relative to no.163 and thus would not appear as dominating when entering the built up area due to the set back from the road. In addition, the development now consists of two pairs of semi -detached dwellings rather than a three storey flatted development which means that there is more spacing within the site, thereby further minimising its prominence. Furthermore, as set out above, the Inspector commented that the streetscape is one with a staggered building line and as such it due to these reasons, it is not considered, that the layout proposed would be an uncharacteristic layout in this context.

- 7.5.7 It is also acknowledged that the Inspector raised some concern with regard to the scale and depth of the building proposed on appeal, noting:

“Whilst there is landscaping to the western boundary of the site, this is largely outside of the appeal site and there is no guarantee that this would remain for the life of the development. Even if the tree screening could be maintained, I am of the view that such screening does not justify a building of the scale and depth proposed. Additionally, I am also conscious that the depth of the building would be readily evident from the footpath down the side of the appeal site.”

- 7.5.8 The staggered building line proposed still results in the built form projecting rearwards into the site. However, the scheme is materially different, in that two pairs of semi -detached dwellings are proposed, rather than a single mass of built form containing 9 flats. As such the impact is viewed to be significantly less and as such it is not considered that significant demonstrable harm would occur.

- 7.5.9 With regard to spacing, Appendix 2 of the Development Management Policies LDD also provides further guidance on siting, and advises that first floor developments should be set a distance of 1.2m from the boundaries to prevent a terracing effect although this can be reduced in higher density localities. Unit 1 would be set approximately 1.8m from the boundary with no.163 whilst Unit 4 would be located 1.8m from the western boundary. The splayed nature of the western boundary is noted and it is acknowledged that Unit 4 may appear as located in closer proximity to the boundary when viewed from the immediate frontage. However, given Unit 4 is set back from the front boundary by a distance exceeding 18m, it is not considered that any harm would arise. It is noted that a minimum distance of 2m would be retained between Units 2 and 3, however, it is not considered that any terracing effect would occur as due to the staggered layout proposed, they would not be viewed immediately adjacent to one another, with Unit 3 set significant back from Unit 2.

- 7.5.10 In terms of plot width, there would be no distinguishable boundaries between dwellings at their frontage due to the nature of the proposed access arrangements. However, as outlined above, there would be sufficient spacing between dwellings and to site boundaries such that the dwellings would not appear as cramped from the frontage. Furthermore, the plot widths within the streetscene do vary considerably. Due to the splayed nature of the frontage, the maximum plot lengths vary from between 48-39m which would be comparable with other plot lengths within the locality.

7.5.11 With regards to height, the plans indicate the provision of three storey flat roofed buildings. It is acknowledged that the Inspector noted that the built form in this section of Hampermill Lane is generally two storey in scale, however, in this case the land levels in this section of Hampermill Lane slope down to the western boundary with the streetscene indicating that the dwellings would have a lower height than the immediately adjacent two storey neighbours. Consequently, as a result of the land levels in this location, it is not considered that the buildings would appear excessively prominent as a result of their height.

7.5.12 At the time of the appeal, significant concern has been raised with regard to the design of the scheme with the Inspector noting the following:

“That said, the appeal proposal has clearly been designed to appear as a series of individual buildings and this is reflected in the multiple gable features to the frontage, the use of a palette of different materials, together with the crown and flat roof sections. I also acknowledge that the ridge line of the building is stepped down and follows the general trend of roof lines as the land levels change along the road.

Whilst these design elements help to break up the massing and visual bulk of the building, it would still nevertheless be seen as an overly large building given its three storey nature, the elevated nature of the site relative to the road, and the overall width and depth of the building itself. This is particularly the case given the strong vertical emphasis on the front elevation as a result of the four gable ends and the use of the same external material from ground floor to roof level.”

7.5.13 As such, the Inspector raised significant concern regarding the mass and visual bulk of the building and the strong vertical emphasis as a result of the proposed gable ends. The current scheme is materially different, in that two pairs of semi-detached dwellings are proposed rather than a single three storey building extending across the site. This has had the effect of breaking up the visual mass and bulk of the building when viewed on the site and has created a greater perception of openness. However, it is noted that some concern has been raised by the Parish Council, Resident’s Association and a neighbour with regard to the design of the dwellings. In particular, concern has been raised with regard to the flat roof forms considering them to be uncharacteristic of the streetscene and that they would be utilitarian in their appearance. It is acknowledged that the proposed dwellings would not be traditional in terms of their appearance, and would have flat roof forms with a large amount of glazing to the first floor front elevation. Whilst it is acknowledged that the proposal would introduce a different design of development into the area, particularly with regard to the proposed roof form, the Inspector in considering the previous appeal emphasised the varied nature of Hampermill Lane. In addition, the flat roof form, along with the staggered ridge height does minimise the perception of a vertical emphasis on site. Generally, flat roof forms are a design feature used for residential development and is not only typical of commercial buildings. Furthermore, the absence of built form immediately to the west means that the location of the site lends itself to a different design. Consequently, in this instance, it is not considered that a different and more contemporary form of design would be harmful but would simply add greater variation to an already mixed streetscene. It is noted that the application contains detail of materials, with the external walls being a red brick, with grey windows. Again, given the varied nature of Hampermill Lane, it is considered that the materials would be acceptable. A condition shall be added requiring the development to be undertaken in accordance with the approved details.

7.5.14 Due to the nature of the access arrangements, the plans include a large extent of hardstanding across the site frontage. However, this would not appear unduly incongruous or urbanising given that many of the dwellings within Hampermill Lane have large extents of hard surfacing, some with retaining walls due to the land level differences. It is noted that the plans do include some planting details which would soften the impact of the development. It is considered the landscaping scheme will be added as a condition of the

consent to ensure that that full details are provided prior to the commencement of development.

7.5.15 In summary, for the reasons outlined and subject to conditions, the development is considered to be acceptable and in accordance with Policies CP and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.6 Impact on amenity of neighbours

7.6.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that '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 streetscene'.

7.6.2 The nearest residential neighbours to the application site are the adjacent pair of semi-detached dwellings known as no.161 and no.163 which are located to the east of the site. The dwellings would be set back relative to the front building line of these neighbouring dwellings with the streetscene indicating that they would be set at a lower land level. As such, it is unlikely that they would appear unduly prominent when viewed from the frontage. With regard to two storey rear development, Appendix 2 of the Development Management Policies LDD sets out the following:

Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

7.6.3 The plans indicate that whilst there would be an intrusion of the 45 degree line when taken from a point level with the first floor rear wall of the dwelling, there would be no intrusion when taken from the rear wall of the existing single storey rear projection which is where the guidance in Appendix 2 sets out that it should be taken from. Furthermore, due to the difference in land levels with the proposed dwellings being sited at a lower level and the distance between the dwellings, it is not considered that the dwellings would appear unduly overbearing or prominent. It is also noted that the proposed dwellings would be sited to the west of the dwellings, and as such, it is not considered that there would be a significant loss of sunlight to these neighbouring dwellings.

7.6.4 The flank wall of Unit 1 would be most visible to the existing residential neighbours and there are a number of windows proposed within the flank wall across all three floors. The plans indicate that with the exception of the study, the windows would all serve non habitable accommodation and thus can be conditioned to be obscure glazed. With regard to the study, it is noted that the flank window would actually be a secondary window, with the room also being served by glazing to the front elevation. As such, it is considered that this window can also be conditioned to be obscured glazed. Some concern was also raised with regard to the glazing to the family room facing the neighbouring dwelling and in response, amended plans have been received removing the glazing from this element. To prevent overlooking between dwellings, a condition shall be added to the consent requiring the glazing in the flank elevations of units 1-3 to be obscure glazed and top vent opening only.

7.6.5 It is noted that there would be recessed terraces provided at first floor level to all of the units. Whilst these would generally be discouraged, in this case no adverse overlooking would occur, as the plans indicate that these would be fully recessed and screened by the flank walls of the dwellings themselves, thus restricted outlook to their own amenity gardens. It is noted that Unit 4 would also have a second floor balcony. However, the plans indicate a

2.2m privacy screen which would prevent an unacceptable impact to neighbouring dwellings. In addition the plans indicate a first floor front balcony feature to all dwellings. These would have outlook to publically visible areas and thus would have no impact in terms of overlooking. With regard to the patio areas, the plans indicate that this would be at the same level as the ground floor of the dwellings with the gardens rising to the rear. The plans indicate that the patios serving Units 1 and 2 would be at a higher level than Units 3 and 4, however, due to the stepped building line, no adverse impact in terms of overlooking would occur as the flank wall of Unit 3 would screen the adjacent patio areas.

7.6.6 There are no residential neighbours opposite the site that would be adversely affected. Likewise there are no residential neighbours to the rear of the site that would be adversely affected.

7.6.7 In summary, given the site circumstances and subject to conditions, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.7 Living conditions for Future Occupiers

7.7.1 It is relevant to assess the impact of the development on future occupants of the dwellings. It is acknowledged that the building line would be stepped and as such, there would be an intrusion of the 45 degree line across the site. However, on balance it is not considered that any significant impact particularly due to the land levels lowering across the site. Furthermore, it is considered that any future buyer would be aware of this relationship with regard to the building line. With regard to sunlight, it is emphasised that the units are all south facing such that they would receive ample amounts of sun light throughout the day and the afternoon, thus providing suitable living conditions for future occupiers.

7.7.2 With regard to amenity space, Appendix 2 of the Development Management Policies LDD sets out guidance on amenity space to ensure adequate provision for future occupiers. This advises that a dwelling with four bedrooms require 105 square metres of amenity space provision. In this case, the amenity spaces have been measured (including the recessed terrace areas) with the following proposed:

Unit 1: 236 square metres

Unit 2: 158 square metres

Unit 3: 93 square metres (differs from the site plan as area to the side of this dwelling is a pathway and not a useable section of amenity space)

Unit 4: 169 square metres

7.7.3 All but Unit 3 would benefit from policy compliant amenity spaces, however, Unit 3 would have a shortfall of twelve square metres. Whilst the shortfall is acknowledged, no objection is raised in this instance for the following reasons. The amenity spaces also provide large useable patio areas with modest areas of soft landscaping. The amenity space layout would provide future occupiers with sufficient and useable amenity space that would not have any significant harm on their living conditions. It is also noted that the gardens would all be south facing. In addition, the site is located in 0.3miles from Ashburnham Play Area which can be accessed via a footpath adjacent to the site. In addition, the site is located in close proximity to South Oxhey Playing fields. There would therefore be adequate access to useable outdoor space. It is also acknowledged in respect of Units 3 and 4, that the rear gardens are shorter than others within the vicinity, however, it is not considered that this would be readily visible from the frontage and thus would have no impact on the character of the area. A condition shall be added requiring details of boundary treatment to be submitted prior to occupation to ensure that the gardens are adequately screened from neighbouring properties.

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 site is located on the edge of Watford, in close proximity to open country side and to the south lies the extensive Oxhey Playing Fields with mixed grassland and woodland habitats. Herts Ecology have been consulted and note that two bat roosts have previously been confirmed, however, no further roosts have since been identified. Herts Ecology have advised that a protected species licence would be required for the roosts identified in 2019 to proceed lawfully with the proposed works (which include demolition) and that they have no reason to believe that a licence will not be issued. Suitable mitigation, compensation and enhancements have been provided to safeguard bats and ensure their conservation status is maintained. As such no objection is raised in this regard. The details submitted indicate two replacement bat boxes on retained trees and two additional integrated bat boxes on buildings to provide enhancements for bats. Herts Ecology are satisfied with these measures and a condition will be added to ensure that these measures are implemented.
- 7.8.4 The submitted information also indicates that a low population of Slow worms were recorded during 2021 surveys and appropriate precautionary working methods have been provided to avoid committing an offence. A condition is recommended ensuring that the recommendations set out in the protected species report are followed in full.
- 7.8.5 Herts Ecology note that 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. At present, there have been no landscape documents submitted which detail how the scheme will increase biodiversity opportunities on site. Herts Ecology have advised that the production of a Landscape and Ecology Management Plan is necessary, detailing how biodiversity will be included in the development scheme to address the expectations of NPPF in achieving biodiversity enhancements and net gain.
- 7.8.6 In summary, Herts Ecology make no objections to the scheme subject to a number of conditions to protect existing species on site, and to enhance biodiversity on site. The development is therefore viewed as acceptable and in accordance with Policy CP9 of the Core Strategy and Policy DM76 of the Development Management Policies LDD.

7.9 Trees and Landscaping

- 7.9.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposal should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.9.2 The Landscape Officer has advised that sufficient detail has been provided within the Arboricultural Report and therefore it is not considered that there would be any significant impact on any existing trees. It is also noted that the Inspector at the time of the appeal did not find there to be harm arising to any trees on site, stating the following:

"I find that the proposal would accord with the provisions of Policy DM6 of the DMP and that this matter is not a barrier to the granting of planning permission. However, that does not outweigh the harm I have found to the overall character and appearance of the area."

7.9.3 A condition shall be added to the consent, to require the works to be undertaken in accordance with the Arboricultural Report and Tree Protection Plan. Due to the nature of the works, it is considered necessary to add a pre-commencement condition for a landscaping scheme to be submitted. This is to ensure appropriate soft landscaping is provided on site both to ensure a satisfactory visual appearance and to enhance biodiversity given the site's location. This shall ensure planting including a new tree indicated on the site plan is provided to enhance the appearance of the site from the frontage.

7.10 Highways, Access and Parking

7.10.1 Policy CP10 of the Core Strategy advises that development should have a safe and adequate means of access. It is noted that Herts Highways raised initial objections to the access arrangements due to creation of an additional vehicular access to the site. In response, the applicant has amended the access arrangement such that only a single access point is proposed which is viewed. Hertfordshire Highways have been consulted on the amended plans and have confirmed that these arrangements are acceptable subject to a number of conditions.

7.10.2 Policy DM13 of the Development Management Policies LDD sets out car parking provision for residential dwellings. This advises that a dwelling with four bedrooms should have three off street car parking spaces. It is noted that the dwellings are indicated to have three bedrooms, however, the study could be utilised as a bedroom and as such has been treated as one for the purposes of calculating off street car parking provision, thus there would be a maximum requirement for twelve off street car parking spaces on site. The plans indicate that each dwelling would have two spaces, one of which would be provided within the garage and thus there would be a shortfall of four spaces across the development. It is acknowledged that Herts Highways have stated that generally a garage should measure approximately 3.3m x 6m, with the proposed garages measuring 3m x 5.5m. In response to these comments, the applicant has increased the size of all the garages to 3.3m x 6m as indicated above. . In addition, Herts Highways have advised that the car parking spaces to the front are of appropriate size.

7.10.3 Whilst the above shortfall of four car parking spaces is acknowledged, it is not considered that this would result in significant demonstrable harm to justify refusal given that there is a bus stop within 0.1miles (a three minute walk) on Hampermill Lane and the site is within 30 minute walk of a number of local stations including Bushey and Moor Park. In addition, a condition would be added requiring the garage to be retained for off street car parking provision.

7.10.4 It is noted that at the time of the appeal, the S106 agreement secured contributions to highways infrastructure. However, this is a substantially smaller scheme and a contribution has not been requested by the Highways Authority.

7.10.5 In summary, due to the amendments made to the site access and subject to conditions, Herts Highways raise no objection to the development on highways safety grounds. In addition, the level of off street car parking is viewed to be sufficient. The development is therefore in accordance with Policy CP10 of the Core Strategy and Policy DM13 of the Development Management Policies LDD.

7.11 Sustainability

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

7.11.2 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.

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

7.12 In this case, an Energy Statement has been submitted which details that the scheme would achieve a 14% reduction in carbon emissions, thus exceeding the policy requirements. The submitted statement indicates that the savings would be achieved through the proposed building fabrics rather than the provision of renewable technologies. It is noted that some objections have been received stating that a new build provides an opportunity to utilise renewable technologies and that the proposed development fails to do this. Whilst these comments are acknowledged, the policy does not specify that renewables have to be utilised. In addition, renewable technologies are not always appropriate due to other factors including siting and relationship with neighbouring properties. In addition, concern has been raised that a flat roof form is not sustainable, again, these comments are noted, however, flat roof forms are often utilised and that they may need to be replaced in the long term future, would not justify the refusal of planning permission. Therefore, in summary, no objection is raised in this regard and a condition shall be attached requiring the works are undertaken in accordance with the submitted Energy Statement.

7.13 Refuse and Recycling

7.13.1 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

7.13.2 As with other properties along the Hampermill Lane frontage, the bins would be collected at the front of the site. However, full details of bin storage are yet to be provided and as such, it is considered appropriate to add this as a condition, for full details to be provided prior to occupation.

7.14 Tilted Balance

7.14.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore Paragraph 11 of the NPPF (2021) is required to be considered. In the context of decision taking, the NPPF states 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 i) the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or ii) 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

- 7.14.2 In this case, it is acknowledged that there would be a shortfall in off street car parking provision and a shortfall in amenity space for one of the proposed units, however for the reasons already set out it is not considered that any significant harm would occur. Likewise it is acknowledged that whilst the scheme would introduce a different design, this is also not considered to be harmful. The proposed development would be beneficial to the character of the area by bringing back into use a site which is currently occupied by two vacant dwellings which have not been maintained for a significant amount of time. In addition the development would make a small contribute to the shortfall in housing through the provision of two additional dwellings which would also attract weigh in favour of the development. The development would also make a policy compliant contribution towards the delivery of affordable housing. Nevertheless, the development is considered acceptable as no harm has been identified and thus paragraph 11 is not engaged.
- 7.14.3 However, if a different view is reached, it will be important to consider paragraph 11 part (d)(ii) of the NPPF and make a judgement as to whether any benefits exist which would outweigh any identified harm.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions and following the completion of a Section 106 Agreement:

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1093-001 B, 14446-S007-1ST, 14446-SK02-K, 14446-SK03-E, 14446-SK04-C, 14446-SK05-D,

14446-SK07-A, 14446-SK08-A, SK03 C

Reason: For the avoidance of doubt, in the proper interests of planning and visual amenity in accordance with Policies PSP3, CP1, CP3, CP4, CP8, CP9, CP10 and CP12; of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

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

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template.

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 parking, loading / unloading and turning areas);
- e. Delivery times;
- f. Siting and details of wheel washing facilities;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C5 No excavation below the chalk groundwater table including piling shall take place whatsoever until a ground investigation / piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. All excavation / piling must thereafter be undertaken only in accordance with the terms of the approved ground investigation / piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- C6 Prior to the commencement of the development, a Landscape and Ecology Management Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan shall thereafter be submitted to the LPA for written approval and the development shall be carried out only in accordance with the approved plan.

Reason: To demonstrate the expectations of NPPF in achieving overall net gain for biodiversity have been met in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 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 before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

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

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the

Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 The development shall be constructed in accordance with the mitigation and enhancement measures (for Bats and Slow Worm) as set out in the Protected Species Report by CSA Environmental (August 2021).

Reason: 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).

- C9 The development shall only be implemented in accordance with the submitted Arboricultural Report dated 16 August 2021.

The protective measures, including fencing, as shown on the Tree Protection Plan dated 16 August 2021 shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C10 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).

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

- C11 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).

- C12 Prior to the first occupation of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number 14446-SK02-J only. Any other access or egresses shall be permanently closed, and the footway / kerb shall be

reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C13 Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing number 14446-SK02-F in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority. Prior to use, appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- C14 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

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

- C15 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application 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.

- C16 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C17 Before the first occupation of the dwellings hereby permitted the flank window(s) in Units 1, 2 and 3 shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C18 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order

2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

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

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

- C19 The integral garages hereby permitted shall be kept available for the parking of motor vehicles at all times The integral garages shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of visual amenities of the area and to ensure that on-site car parking provision is maintained to avoid the standing of vehicles on the adjoining highway to the detriment of safety and the free flow of traffic thereon and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C20 Prior to occupation of the development hereby permitted, the privacy screen to Unit 4 shall be erected in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To safeguard the residential amenities of neighbouring 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).

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.

- 12 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 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.
- 14 You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (EAST). This is a public water supply, comprising a number of 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.

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

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

Water efficiency: Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions: There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

In this location Affinity Water will supply drinking water to the development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

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

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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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.

- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 17 Obstruction of highway: 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 18 Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the

interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

- 19 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.