

PLANNING COMMITTEE – 27 FEBRUARY 2020

PART I – DELEGATED

- 9. 19/2484/RSP – Part-Retrospective: Erection of three storey building with habitable roof space to create 8 x 2-bed self-contained flats with associated parking on basement level, cycle and refuse store, amenity areas, raised terrace and landscaping following demolition of existing dwellinghouse at 38 EASTBURY AVENUE, NORTHWOOD, HA6 3LN (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 28.02.2020

Ward: Moor Park & Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 17/2352/FUL - Erection of two storey building with habitable roofspace to create 7 x 2-bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping involving demolition of existing dwelling house – Withdrawn January 2018.8/317/74 – Re-building of outbuildings as extension to house – Refused August 1974.
- 1.2 18/0207/FUL - Erection of two storey building with habitable roofspace to create 7 x 2 bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping involving demolition of existing dwellinghouse – Permitted May 2018; not implemented.
- 1.3 18/1629/FUL - Variation of Condition 2 (Plans) of planning permission 18/0207/FUL to make alterations to the floor plans of Flats 1, 3, 4 and 6 – Permitted October 2018; development commenced.
- 1.4 19/0223/DIS - Discharge of Condition 9 (Bat Survey) pursuant to planning application 18/1629/FUL – Determined February 2019; condition 9 discharged.
- 1.5 19/0670/DIS - Discharge of Conditions 2 (Construction Management Plan), 4 (Turning Space), 6 (Hard and Soft Landscaping) and 8 (Materials) pursuant to planning permission 18/1629/FUL – Determined May 2019; details relating to conditions 2, 6 and 8 considered acceptable, details relating to condition 4 not acceptable.
- 1.6 19/1064/DIS - Discharge of Conditions 4 (Turning Space), 5 (Visibility Splays) and 7 (Drainage) pursuant to planning permission 18/1629/FUL – Determined August 2019; details relating to conditions 4 and 5 considered acceptable, details relating to condition 7 not acceptable.
- 1.7 19/1082/RSP - Variation of Condition 2 (Plans Numbers) of planning application 18/1629/FUL to remove existing parking space within the frontage of the site to allow for the provision of a turning space – Permitted August 2019.
- 1.8 19/1368/RSP - Variation of Condition 2 (Plan Numbers) of planning permission 19/1082/RSP to make alterations to existing approved external appearance/design and floor plans – Permitted September 2019.

- 1.9 19/2084/DIS - Discharge of Condition 3 (Drainage) pursuant to planning permission 19/1368/RSP – Determined December 2019; details considered acceptable.

2 Description of Application Site

- 2.1 The site contains a large detached dwellinghouse located on the south-west side of Eastbury Avenue in Northwood. This original dwellinghouse has been demolished and works have commenced to erect a two storey flatted development containing 7-units. The surrounding area is characterised by suburban development in the form of flatted developments and detached dwellings which sit side by side on relatively large plots. Within the immediate context, the site is positioned between 36 Eastbury Avenue, which is a detached dwelling on a relatively uniform front building line, and Latimer Place which is a part two-storey part three-storey flatted development with accommodation within the roofspace.
- 2.2 There are residential dwellings located to the rear of the site which are located on The Marlins, which is a private gated cul-de-sac which serves eight detached dwellings set within relatively sylvan grounds. No.36 Eastbury Avenue is built close to the shared boundary with the application site. Latimer Place is set off the shared boundary by approximately 7 metres and has an 'L' shaped footprint.

3 Description of Proposed Development

- 3.1 Part-Retrospective planning permission is sought for the erection of a three storey building with habitable roof space to create 8 x 2-bed self-contained flats with associated parking at basement level, cycle and refuse store, amenity areas, raised terrace and landscaping following demolition of existing dwellinghouse.
- 3.2 The proposed residential block would be sited approximately 12–15 metres back from Eastbury Avenue; set in 2.5 metres from the boundary shared with No.36 Eastbury Avenue and 1.5 metres from the shared boundary with Latimer Place. The building would have a three storey appearance with accommodation contained within the roofspace served by dormers within the front roofslope and rooflights to the flanks. The building would measure a maximum depth of 26 metres and width of 20.6 metres.
- 3.3 The building would have a flat roof form with a maximum height of 12.6 metres sloping down to an eaves height of 9.8 metres as measured from the front elevation. The front façade would have a mock-Georgian appearance with the third storey set in 2 metres from the north-west flank and 3 metres from the south-west flank of the building; with a porch measuring 3.5 metres in width and height.
- 3.4 The flatted development would be served by a retained access point from Eastbury Avenue located in the north-western corner of the site. The other access point towards the north eastern corner of the site will be closed off. The frontage would contain a double width driveway, including a turning space, leading to an undercroft basement parking area which would be accessed under the eastern side of the flatted development. The remaining areas of the frontage would be soft landscaped with communal bin storage and cycle storage areas located forward of the main building.
- 3.5 The proposed bin storage would have a width of 3.6 metres, depth of 3.4 metres and would have a flat roof form measuring 2.5 metres in height and would have a bricked exterior.
- 3.6 The proposed basement parking would provide a total of 18 parking spaces (including one visitor's space); one of the spaces would be a designated disabled space.
- 3.7 A cycle storage area for up to fourteen bicycles would be located within the site frontage. It would have a width of 3.7 metres, depth of 3.8 metres and would have a flat roof form measuring 2.5 metres in height and would have a bricked exterior.

3.8 To the rear there would be a communal amenity area enclosed by hedging and trees.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No objection]

Batchworth Community Council has no objection to this application.

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

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:

Swept Path Analysis

No development shall commence until full details (in the form of scaled plans and written specifications) have been submitted and approved in writing by the Local Planning Authority to illustrate the following:

Swept-path analysis / tracking to illustrate that vehicles can safely and easily manoeuvre in and out of the proposed parking spaces.

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

Access

Prior to the first occupation of the development hereby permitted, vehicular access to and egress from the adjoining highway shall be limited to the access shown on drawing number 19-J2750-300 only. The other access shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

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

Provision of Visibility Splay

Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to the south-east of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway

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

Construction Management

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

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and

Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Highway Informative:

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

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

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

Comments / Analysis:

The proposal comprises of the demolition of an existing detached dwelling replaced by a building with nine two-bed flats with associated works at 38 Eastbury Avenue, Northwood. Eastbury Avenue is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The application is an enlarged version of a previously approved scheme for seven dwellings (planning application no. 18/0207/FUL).

Vehicle Access:

The existing dwelling has two vehicle crossovers (VXO) / dropped kerbs from Eastbury Avenue. The proposals include closing off one of these VXOs and having therefore one access from the highway. The width of the access is 4.94m which is acceptable and will allow two vehicles to pass one another. Furthermore visibility for vehicles entering and exiting the site is considered to be acceptable and appropriate for the level of use and speed of traffic.

The applicant would need to enter into an agreement with HCC as Highway Authority in relation to the closing of the VXO. In order for the development to be acceptable, the highway kerb at this location would need to be reinstated to a full height (please refer to the above Highway Informative and conditions).

Parking & Manoeuvrability:

The provision of 18 on site / off street car parking spaces is included as part of the proposals. The general provision and layout of the parking arrangements (as shown on submitted drawing no. 19-J2750-301) is considered to be acceptable by HCC as Highway Authority although this is subject to the submission and approval of swept-path analysis / tracking for the new parking area (which is amended from the previously approved parking area). A turning head / space is provided to enable service and other delivery vehicles to turn around on site and egress to the highway in forward gear, which is acceptable.

Refuse / Waste Collection:

A bin/refuse store has been included as part of the proposal. HCC as Highway Authority considers that the proposals are acceptable and in accordance with guidance as

recommended in Manual for Streets (MfS) and Roads in Hertfordshire. The collection method must be confirmed as acceptable by TRDC waste management.

Emergency Vehicle Access:

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

Traffic Generation & Impact on the Adjacent Highway:

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

Accessibility & Sustainability:

The property lies within Northwood. Shops / amenities and Northwood underground station are within 1.2km of the site and therefore within reasonable walking and cycling distance. Pedestrian footways exist providing good pedestrian accessibility to the Town Centre. The proposals include the provision of an on-site cycle store with 14 spaces in the underground parking area. HCC as Highway Authority considers this to be acceptable due to the relative sustainability of the location and good cycling accessibility.

Conclusion:

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into an agreement with HCC to cover the technical approval and construction of the reinstated kerb at the closure of one of the VXOs onto Eastbury Avenue. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

4.1.3 National Grid: [No response]

4.1.4 Thames Water: [No response]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 18

4.2.2 No. of responses received: 1 comment (Neutral)

4.2.3 Site Notice: Posted 21.01.2020 Expired 11.02.2020

4.2.4 Summary of Responses:

- Request for all first floor flank glazing to be obscured as per previous permissions.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area.

It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Introduction

7.1.1 Planning permission has previously been granted under application 18/0207/FUL for the demolition of the existing dwelling and erection of two storey building with habitable roofspace to create 7 x 2 bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping. The planning permission was later varied under application 18/1629/FUL to make internal changes to the floor plans of Flats 1, 3, 4 and 6 which involved the removal of the en-suite bathroom to ‘Bedroom 2’ and

adjacent cupboards within all the flats to create a study room. No other alterations were proposed. Works then commenced on site and the permission was later varied on two more occasions under references 19/1082/RSP and 19/1368/RSP to remove a parking space within the frontage of the site to allow for the provision of a turning space and to make alterations to the approved external appearance/design and floor plans.

7.1.2 This planning application now seeks part-retrospective planning permission for the erection of a three storey building with habitable roof space to create 8 x 2-bed self-contained flats with associated parking on basement level, cycle and refuse store, amenity areas, raised terrace and landscaping following demolition of existing dwellinghouse.

7.1.3 The principle of the demolition of the original dwellinghouse has been approved and this application will assess the acceptability of the replacement three storey building. The current application proposes no increase in the width or depth of the building previously approved or alterations to the siting of the building. The development does however result in an increase in height to create a third floor and an increase in the number of units (1 additional unit) and additional parking provision within the basement.

7.2 Affordable Housing

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

7.2.2 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31 July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11 May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19 May 2016.

7.2.3 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1 September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000sq. metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1 September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

7.2.4 Paragraph 63 of the NPPF advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”*

Annex 2 of the NPPF defines “major development” as “for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”

7.2.5 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :

- a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
- e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”

7.2.6 The supporting text to Policy CP4 summarises the justification for it:

- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.
- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the district to 2021 would need to be affordable.

7.2.7 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.

7.2.8 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over **£2.1 million**. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

7.2.9 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.3+million to £2.9+million¹** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

¹ Sums payable will be subject to indexation in most cases from June 2011 which will not be calculable until the date of payment. The headline sums will therefore increase. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

- 7.2.10 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between October 2011 and March 2019 198 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 9% of all such schemes.
- 7.2.11 Current evidence of housing need in the District is noted below at 7.2.19 to 7.2.31. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

- 7.2.12 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: between 1 May 2016 and 12 April 2017 for instance, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to overall identified needs and adopted development plan objectives. This is dealt with in more detail below.
- 7.2.13 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

Development Plan Policies and the WMS

- 7.2.14 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:
- Consider the starting point under the development plan policies
 - Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
 - Consider up to date evidence on housing needs
 - Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.
- 7.2.15 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

“the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception”

- 7.2.16 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being “no more than a conventional description of the law’s treatment of the Secretary of State’s policy in the decision making process”:

“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy”

7.2.17 As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government’s intentions on planning obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

7.2.18 In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that *“whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.”* The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

7.2.19 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been reached having had regard to the following relevant factors:

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

General House Price Affordability in Three Rivers

7.2.20 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016², the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it the **seventh** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and fifty local authority areas (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£375,000.00
2	South Bucks	£370,000.00
3	St Albans	£355,000.00
4	Windsor and Maidenhead	£345,000.00
5	Chiltern	£335,000.00

6	Herstmere	£330,000.00
7	Three Rivers	£325,000.00
8	Epsom and Ewell	£324,000.00
9	Cambridge	£320,000.00
10	Mole Valley	£320,000.00

Table 1.

7.2.21 Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics (ONS) in the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000.00, making it now the **sixth** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and fifty local authority areas (see table 2 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£390,000.00
2	South Bucks	£386,000.00
3	St Albans	£355,000.00
4	Chiltern	£375,000.00
5	Windsor and Maidenhead	£373,000.00
6	Three Rivers	£355,000.00
7	Mole Valley	£349,950.00
8	Epsom and Ewell	£340,000.00
9	Cambridge	£338,000.00
10	Epping Forest	£330,000.00

Table 2.

7.2.22 Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,657.00 in 2017, 13.3 times worsening to 14.4 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement in excess of 14 times such an income means that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2016 to have a deposit of £239,694.00, or (without such a deposit) to earn £92,857.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional £6,250.00 Stamp Duty payment would also have been due.

7.2.23 When one considers the median affordability ratio for Three Rivers compared to the rest of England and Wales, the position is even more serious: the median quartile income to median quartile house price affordability ratio is 13.82, the fifth worst affordability ratio in England and Wales, as set out in table 3 below, again when compared against 350 local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ¹
1	South Bucks	14.55
2	Hertsmere	14.16
3	Mole Valley	14.0
4	Chiltern	13.92
5	Three Rivers	13.82
6	Elmbridge	13.82
7	Cambridge	13.45
8	Epsom and Ewell	12.99
9	Oxford	12.58
10	Christchurch	12.47

Table 3.

- 7.2.24 Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 14.30. By September 2017 that had risen to 14.84.
- 7.2.25 It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 7.2.26 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.³
- 7.2.27 The SHMA also looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum.
- 7.2.28 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum.⁴ The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

Affordable Housing Provision in Three Rivers

- 7.2.29 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this.
- 7.2.30 Since the start of the plan period from 1 April 2001 to 31st March 2018 (the latest date where the most recent completion figures are available), 4,047 gross dwellings were completed. From this, 933 were secured as affordable housing, a total of 24.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 888 affordable housing units or 21.5% in order to fulfil the 45% affordable housing requirement up to 31 March 2018. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing
- 7.2.31 The latest available Annual Monitoring Report, published in March 2018 states: "the low percentage recorded in the 2017/18 year can partly be attributed to the Governments Written Ministerial Statement (WMS) in November 2014 which led to an amendment to National Planning Practice Guidance. This meant that from May 2016, the Council was only able to require affordable housing on sites of 10 or more dwellings, or where development had a combined gross floor area of 1000sqm. The Council was therefore unable to fully implement Core Strategy CP4, in line with government guidance. Out of a total of 23 sites where overall development would result in a net gain of one or more dwellings, and where

³ Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

⁴ Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

CP4 would have been applied, only seven contributed towards the provision of affordable housing during the 2017/18 monitoring period. Given the implications of the WMS outlined above, only 10 of the 23 sites contributing a net gain of one or more dwellings were required to contribute towards affordable housing provision, with seven sites making contributions as required. A further two sites which were replacement dwellings and contributed no net gain, provided a total of three gross dwellings which are included in the gross dwelling completion figures.”

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

7.2.32 As set out at para 7.2.12 above, between 1st May 2016 and 12th April 2017, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. In 2017-2018 there were 67 planning applications for net gain residential schemes, of which 57 were small site schemes (85%). From 1st January 2018- December 2019 there were 50 planning applications for net gain residential schemes, of which 46 were small site schemes (92%).

7.2.33 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-19 some 313 dwellings were completed which equates to 39 dwellings per annum. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: “It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.”

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

7.2.34 As set above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, small scale (1-9 unit) schemes have (as at December 2019) secured a further **£1.3+million - £2.6+million** (see footnote 1) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

7.2.35 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The

Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between October 2011 and March 2019 there were 198 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

- 7.2.36 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. The Council considers these appeal decisions to be of continuing relevance post the new Framework.
- 7.2.37 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.
- 7.2.38 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS.
- 7.2.39 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2.40 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:
- "...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."⁵*
- 7.2.41 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.
- 7.2.42 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (13 decisions as at the date of this document) that

⁵ Paragraph 7, Planning Inspectorate Letter, March 2017.

whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21 June 2019:**

“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”

- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley, Decision date: 27 June 2019:**

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

- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley, Decision date 5 August 2019:**

“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”

- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley, Decision Date: 1 November 2019:**

“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council’s evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.

A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22 October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much

needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council's body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance."

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date: 11 October 2019:**

"The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Council's evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council's approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework's threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight."

Conclusion

- 7.2.43 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018 and in December 2019 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2017 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.
- 7.2.44 The proposed development would result in a requirement for a commuted sum of £750,000 towards affordable housing based on a habitable floorspace of 600sq. metres multiplied by £1250 per sq. metres which is the required amount in the 'Highest Value Three Rivers' market area.
- 7.2.45 The applicant has submitted information with the application indicating that it would not be possible for the development to contribute to the provision of affordable housing as a result of development viability. This assessment has been reviewed by an independent viability assessor.
- 7.2.46 Adams Integra have confirmed that it would not be viable for the development to make financial contributions towards affordable housing therefore the Council will not seek a

commuted payment from the applicant for this scheme. The development accords with Policy CP4 of the Core Strategy (adopted October 2011).

7.3 Housing Mix

7.3.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

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

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

7.3.3 The proposed development would provide 100% 2-bed units. The proposed development does not provide a mix of bedroom numbers and as such would not accord with CP3 of the Core Strategy in this respect.

7.3.4 Whilst the proposed mix would not strictly accord with Policy CP3, the principle of a flatted development containing 7 x 2-bed units has previously been approved and it is not considered that this proposed development including an additional 2-bed unit would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.4 Impact on Character and Street Scene

7.4.1 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'.

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

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;
- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width,

frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

- 7.4.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 7.4.5 The application site is located within a residential area which is characterised by a variety of built form ranging from detached houses to two and three storey flatted developments, the latter of which dominate the southern side of Eastbury Avenue. The local character of Eastbury Avenue has significantly altered over recent years with the introduction of flatted development of varying design and size. The flatted developments in close proximity to the application site are predominantly three storeys in height however some contain accommodation within the roofspace served by dormer windows, undercroft parking or basements such as Latimer Place to the east. They also generally have flat roof forms which reduce their overall height. In terms of architectural design, the local area is extremely mixed with Art Deco inspired development sited adjacent to more traditional dark bricked buildings with lighter buildings immediately opposite.
- 7.4.6 As previously mentioned at paragraph 7.1.3 the proposed new building would have the same footprint and layout as previously approved and construction has already commenced on site. The proposed development would not result in tandem development and the building would be positioned roughly in line with the existing front building line of the built form in this part of Eastbury Avenue. The flatted development would have a three storey appearance with accommodation contained within the roofspace. The building would be set in from the flank boundaries by a minimum of 1.5 metres along the eastern flank and 2.5 metres along the western flank which would exceed the guidance contained at Appendix 2 and ensure that appropriate spacing is maintained. The spacing would be increased at the third storey level.
- 7.4.7 The proposed building would have a maximum height of 12.6 metres to create the additional third storey (an increase of 2.9 metres in comparison to the originally approved scheme). The indicative street scene plan 19-J2750-310 details that the ridge of the proposed development would be set below that of Latimer Place and would be 1.7 metres higher than that of the approved flatted development currently under construction at 36 Eastbury Avenue (Ref:18/1381/FUL) reflecting the land level changes in this part of Eastbury Avenue. The third storey of the building would be set in from both flanks and the roof would be hipped away from the shared boundary. As such, the proposed three storey appearance of the building would not make it become unduly prominent or out of character within the street scene and the building would remain set back between 12-15 metres from Eastbury Avenue. Whilst it is noted that the proposed building would not have a symmetrical appearance to the front elevation by reason of the differing set in distances of the third storey; given the limited widths of these element in comparison to the development as a whole, it is not considered that these third storey wings would be excessively prominent. As such, it is not considered that there would be any detrimental harm to street scene.
- 7.4.8 Two dormers are proposed within the front roofslope of the building. They would be set down from the main ridge and are of small scale and are considered to be a subordinate features within the roof in accordance with the Design Criteria at Appendix 2 of the Development Management Policies LDD.

7.4.9 At the time of the original planning application 18/0207/FUL a condition was added requiring details of external materials to be submitted. A separate application to discharge this condition was submitted and set out that the proposed materials as the following:

Bricks - Hoskins Sunset Gold Brick
Roof Tile - Natural Spanish Slate or similar
Dormers - Lead finish to cheeks and roof
Stone & Render elements - Natural stone or cast stone - colour: natural
Rainwater Goods Black finish gutters and downpipes.
Windows Timber Sliding Sash, painted white
Patio Doors Timber, painted white

7.4.10 The materials have been considered under 19/0670/DIS and are acceptable given the variety within the streetscene. The submitted application form for this application details that the same materials will continue to be used in the construction of the proposed three storey building. A condition shall be attached requiring the development to be undertaken in accordance with the previously approved details.

7.4.11 The proposed bin and cycle storage areas would be sited forward of the main building. The bin storage area is located in close proximity to the front boundary and the cycle storage area is set back approximately 2.5 metres. Both would have a flat roof forms with modest heights of 2.5 metres. They would have bricked exteriors to match the main building and there are no changes proposed to these ancillary buildings in comparison to what was previously approved. As such, it is not considered that the proposed bin and cycle storage areas would become a prominent features within street scene and would not have an adverse impact on the character or appearance of the area.

7.4.12 In summary, it is not considered that the proposed flattened development would appear unduly prominent or have an adverse impact on the character or appearance of the street scene of Eastbury Avenue and is considered to be acceptable and in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Impact on amenity of neighbours

7.5.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.5.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

7.5.3 With regards to privacy, Appendix 2 states that to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.

- 7.5.4 In this case and with regard to No.36 Eastbury Avenue, permission has been granted under application 18/1381/FUL for the demolition of the existing detached dwelling and the erection of a three storey building including accommodation in roof space and works have commenced on site. The proposed flatted development would not intrude on a 45 degree splay line in relation to the new development at No.36 Eastbury Avenue. The main building would be set in 2 metres from the common boundary within this adjacent site and this distance would be increased at third storey to 5 metres and the roof of the proposed flatted development would be hipped away from the boundary. As such, it is not considered that the proposal would result in a form of development that would result in significant loss of light or that it would appear overbearing to No.36 Eastbury Avenue so as to justify refusal of the application by reason of demonstrable harm to the residential amenities of the occupants of the neighbouring flatted development.
- 7.5.5 With regard to the occupants of Latimer Place, there would be a total separation distance of approximately 10 metres between the proposed development and this neighbouring flatted development. In addition, Latimer Place is sited on a higher land level and is positioned further back within its respective plot. As such it is not considered that the proposed development would result in any adverse impact in terms of overshadowing or becoming an overbearing form of development towards the occupants of Latimer Place.
- 7.5.6 The application site backs onto No.2 The Marlins. This neighbouring property to the rear holds a splayed position within its plot and as such its rear elevation does not directly face towards the application site and is directed to the north-east towards Latimer Place. The built footprint of the proposed development would remain the same as previously approved and would not encroach any closer to the rear boundary of the site where a minimum distance of 15 metres to this boundary would be maintained; and this distance would increase further at second and third storey level. Whilst there would be an increase in height through the addition of a third storey a distance ranging between 27-35 metres would be maintained between the proposed flatted development and No.2 The Marlins. This distance is considered sufficient to prevent any harm towards this neighbour and it is not considered that the development would result in an unacceptable adverse impact on the residential amenity of this neighbour through causing loss of light or appearing overbearing so as to justify refusal of the application.
- 7.5.7 With regards to overlooking, windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.5.8 Fenestration is proposed at both ground and upper floor levels within both flank elevations. These windows would serve both habitable and non-habitable rooms. A condition is suggested requiring all windows at upper floor level to be obscure glazed and non-opening below 1.7 metres to ensure no overlooking would occur.
- 7.5.9 Rooflights are proposed within both flank roof slopes which would serve habitable rooms. A condition is suggested requiring these windows to be positioned so that the cill heights would be 1.7 metre above internal floor level to prevent any overlooking.
- 7.5.10 The glazing proposed within the rear elevation would primarily overlook the communal amenity space. As previously detailed at paragraph 7.5.6 there is a distance of approximately 27-35 metres between the flatted development and No.2 The Marlins located to the rear which is considered sufficient distance between the two to prevent any significant overlooking towards this neighbour. Furthermore, the existing line of mature trees which are currently sited along the rear boundary screen any views of No.2 The Marlins from the application site preventing any direct overlooking towards this neighbour.

- 7.5.11 The submitted plans indicate that units 7 and 8 would be contained within the third storey and the roofspace would have access to an external terrace to the rear. The Design Criteria at Appendix 2 of the Development Management Policies LDD states that development should not include balconies which overlook neighbouring properties to any degree. Both terraces would be sunken below the ridge of the roof and screening would be installed to prevent any overlooking. Whilst balconies are often discouraged, subject to a condition requiring a privacy screen to be installed to the flanks of the external balcony at a height of 1.8 metres above the floor level to prevent any overlooking to neighbour amenity, no objection is raised.
- 7.5.12 Given the set back of the proposed development from Eastbury Avenue and the separation provided to neighbours to the north of Eastbury Avenue by the highway, it is not considered that the proposal would result in overlooking or loss of privacy to these neighbours.
- 7.5.13 The proposed bin and cycle storage areas would be sited within the frontage of the site but would be located away from both No.36 Eastbury Avenue and Latimer Place, and they would have low level flat roof forms. As such, it is not considered that they would cause any unacceptable loss of light or become overbearing towards the occupants of the proposed new flatted development at No.36 Eastbury Avenue or Latimer Place.
- 7.5.14 In summary, subject to conditions on any consent, it is not considered that the proposed development would result in unacceptable adverse impacts on the residential amenity of any neighbouring dwellings so as to justify refusal of the development which would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.6 Amenity Space Provision for future occupants

- 7.6.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.
- 7.6.2 The proposal would result in the construction of eight two-bedroom apartments, it is noted that units 1, 2, 4, 5, 7 and 8 all include a study which could be converted into a third bedroom. On this basis, the indicative amenity space requirement when assessing the proposed development is based on two 2-bed units and six 3-bed units and the resultant amenity space requirement is 281sq. metres.
- 7.6.3 The submitted plans indicate that there would be an area of approximately 350sq.metres to the rear of the proposed building which is considered sufficient in size for communal amenity space and would exceed amenity space standards.

7.7 Wildlife and Biodiversity

- 7.7.1 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.
- 7.7.2 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.

7.7.3 The application is supported by a Biodiversity Checklist and Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd. The same Ecological Appraisal was submitted as part of application 18/0207/FUL which was reviewed by both Herts Ecology and Herts & Middlesex Wildlife Trust who required by condition 3 dusk emergence / dawn re-entry surveys to be undertaken prior to commencement of development. Those surveys were undertaken and submitted as part of Discharge of Condition application 19/0223/DIS and considered satisfactory. The development has since commenced and no further surveying works is required. The proposed development would be acceptable in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.8 Trees and Landscaping

7.8.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.8.2 The application site contains a number of trees which are protected by Tree Preservation Order 217. The application is supported by Phase II Arboricultural Impact Assessment, Tree Constraints Plan No.101 147, Tree Protection Plan I Phase I Construction and Tree Protection Plan II Phase II Construction. The same information was submitted as part of application 18/0207/FUL and the details were considered acceptable.

7.8.3 As such, subject to conditions to ensure that the development is implemented in accordance with the submitted information, the proposal would be acceptable 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).

7.9 Highways and Access

7.9.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.9.2 As existing the application site benefits from a carriage driveway with two access points onto Eastbury Avenue. The proposed development seeks to retain the existing access located within the north-western corner of the site and close off the other access. This arrangement is the same as previously approved. The Highways Officer was consulted on the application and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into an agreement with HCC to cover the technical approval and construction of the reinstated kerb at the closure of one of the vehicular crossovers onto Eastbury Avenue. The Highways Officer therefore raised no objection subject to conditions relating to visibility splays, access and Construction Management Plan.

7.9.3 Details relating to visibility splays have previously been agreed under application 19/1064/DIS and have been implemented prior to the commencement of the works on site as such this condition is no longer required.

7.9.4 A Construction Management Plan has also been agreed under applications 19/0670/DIS as such conditions will be attached to this consent ensuring that the development is implemented in accordance with the approved Construction Management Plan.

7.10 Parking

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

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

7.10.2 For the reasons previously explained at paragraph 7.6 the parking requirements for the development would be based on two 2-bed units and six 3-bed units. The development would require 17.5 spaces (14 assigned).

7.10.3 The proposed basement level parking would provide 18 parking spaces which would meet the required number of spaces set out above. The Highways Officer commented that the general provision and layout of the parking arrangements (as shown on submitted drawing no.19-J2750-301) is considered to be acceptable although they required swept-path analysis / tracking for the new parking area to ensure all the spaces are easily accessible. Following receipt of the comments the applicant provided vehicle tracking on plans J11 – J14 which were reviewed by the Highways Officer who confirmed that they were acceptable and remove the need for the condition to be attached. A turning head / space is provided within the site frontage to enable service and other delivery vehicles to turn around on site and egress to the highway in forward gear, which the Highways Officer considered acceptable.

7.10.4 Appendix 5 also sets out cycle parking standards and requires 1 space per dwelling. The development proposes a 16 space cycle store which would exceed the adopted standards. It is suggested that the Parking Management Plan also include details of the allocation of cycle parking.

7.10.5 The proposed development is therefore considered to be acceptable and in accordance with Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.11 Sustainability

7.11.1 Paragraph 148 of the NPPF states that “Planning plays a key role in helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

7.11.2 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.

7.11.4 The application is supported by an Energy Statement prepared by NRG Consulting dated November 2019 referenced ES/EA/201911 – BC which states that the development would achieve a 5.51% reduction in CO2 emissions overall compared to Part L 2013 and is acceptable in accordance with Policy DM4 of the Development Management Policies LDD.

7.12 Refuse and Recycling

7.12.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.12.2 A refuse enclosure has been indicated on the plans within the north western corner of the site, set back approximately 8 metres from the highway. The storage area would be of sufficient size to accommodate four 770L bins. The Highways Officer was consulted and considers that the proposals are acceptable and in accordance with guidance as recommended in Manual for Streets (MfS) and Roads in Hertfordshire. The refuse/recycling provision proposed is considered acceptable in accordance with Policy CP1 of the Core Strategy and Policy DM10 of the Development Management Policies LDD.

7.13 Infrastructure Contributions

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

7.14 Tilted Balance

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

- 7.14.2 The NPPF identifies that there are three dimensions to sustainable development; social, economic and environmental. The social benefits of the scheme would include a small contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using the amenities in Northwood. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, ANOB – see footnote 6 of the NPPF).
- 7.14.3 Notwithstanding the above, it is considered that the development complies with paragraph 11 of the NPPF; however, if an alternative recommendation is reached, consideration will be required as to whether any identified adverse impacts would significantly and demonstrably outweigh the benefits of the development.

8 Recommendation

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

- C1 The development hereby permitted shall be carried out in accordance with the following approved plans:

19-J2750-214, 19-J2750-215, 19-J2750-215, 19-J2750-216, 19-J2750-300, 19-J2750-301, 19-J2750-302, 19-J2750-303, 19-J2750-304, 19-J2750-305, 19-J2750-306, 19-J2750-307, 19-J2750-308, 19-J2750-309, 19-J2750-310, 19-J2750-311, 19-J2750-312, 19-J2750-313, 101 147 (Tree Constraints Plan), Tree Protection Plan I and Tree Protection Plan II.

Reason: For the avoidance of doubt and in the proper interests of planning, the locality and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C2 The development shall be carried out in accordance with the approved Construction Management Plan referenced 19-J2757-603 REV-P1 approved under application 19/0670/DIS.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

- C3 The development shall be carried out and maintained in accordance with the approved Hard and Soft Landscaping Plan referenced 19-J2757-601 REV-P1 approved under application 19/0670/DIS.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 The development shall be finished in external materials as approved under application 19/0670/DIS.

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).

- C5 The development shall be undertaken in full compliance with the construction methods detailed in the Phase II Arboricultural Method Statement (Ref. 101 147) forming part of the application.

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

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

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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).

- C7 A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details thereafter.

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

- C8 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 windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the building hereby approved.

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).

- C9 Prior to the first occupation of the development hereby permitted, vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the access shown on drawing number 19-J2750-300 only. The other access shall be permanently closed, and the footway shall be reinstated in accordance with

a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

- C11 Prior to the first occupation of the development hereby permitted, details (including the position, height, design and intensity) of all external lighting to be installed on the site or affixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed only in accordance with the approved details.

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

- C12 Prior to the first occupation of the development hereby permitted, the measures detailed within the Energy Statement produced by NRG Consulting dated November 2019 shall be incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C13 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities shall be provided in accordance with drawing number 19-J2750-300 and 19-J2750-311. The refuse/recycling facilities shall be permanently retained thereafter.

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

- C14 Prior to the first occupation of the development hereby permitted, the turning space shall be provided in accordance with drawing numbers 19-J2750-300. The turning space shall be permanently retained thereafter.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted the first and second floor window(s) in the east and west flank elevations facing Latimer Place and 36 Eastbury Avenue; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C16 Prior to occupation of flats 7 and 8, details of screening to a height of 1.8m as measured from the surface of the rear balconies to be erected to the flanks of the rear balconies shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation of flats 7 and 8 in accordance with the approved details, and maintained as such thereafter.

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

- C17 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C18 Prior to the first occupation of the development hereby permitted, the details relating to sewage disposal and drainage works approved under application 19/2084/DIS shall be implemented and shall be permanently maintained as such thereafter.

Reason: To ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208

207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

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

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 Highway Informative:

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

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

