

8. **19/1331/FUL - Demolition of Grove Court and the construction of 43 apartments, 21 x 1-bedroom and 22 x 2-bedroom units, associated parking and landscaping, internal cycle storage and refuse/recycle bin store and shared access at 40-92 GROVE COURT, GROVE CRESCENT, CROXLEY GREEN, WD3 3JU (DCES)**

### **PRELIMINARY REPORT**

Parish: Croxley Green  
Expiry of Statutory Period: 28.10.2019

Ward: Dickinsons  
Case Officer: Claire Westwood

**Recommendation: That the Committee notes the report, and is invited to make general comments with regard to the material planning issues raised by the application.**

**NOTE: A decision will NOT be made on this application at this time. The application will be returned to a future committee meeting for determination.**

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee.

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

- 1.1 No planning history.

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

- 2.1 The application site is located on Grove Crescent, Croxley Green. Grove Crescent is a residential street off Baldwins Lane characterised by a mixture of 2 storey dwellings and 3 and 4 storey flatted blocks.
- 2.2 The Croxley Green Neighbourhood Plan (2018) describes Grove Crescent as; *“1950s local authority housing, served by a loop road contains several blocks of flats within the central portion including two blocks of four storeys – the only buildings of this height in the Parish”*.
- 2.3 Grove Court is an existing 2 storey building in a linear site at the end of the road. Grove Court was operated as a Sheltered Housing scheme, accommodating 27 flats with onsite warden support. The Planning Statement states that warden support service has ceased, however, the flats remain specifically for people over 55 years of age.
- 2.4 There are existing trees to the northern and eastern boundaries, including some afforded protection by Tree Preservation Orders. The building is set back from the road with lawn to the frontage. There is a single vehicular access to 6 off-street parking spaces allocated to Grove Court.
- 2.5 There is amenity space to the rear (north and east of the building). Beyond this to the north is Little Green Junior School and playing fields and to the east are the rear gardens of properties on Manor Way. The Green Belt adjoins the site to the north.
- 2.6 To the south is a parking area serving 2 storey Revels Court. To the west and opposite the site are 3 storey flatted blocks.
- 2.7 Parking in Grove Crescent is a mixture of bays at 90 degrees to the road and kerb side parking.
- 2.8 There is a small parade of shops within short walking distance (approximately 300 metres) on Baldwins Lane where there are also bus links. Croxley Station is approximately 20 minutes walk.

### 3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of Grove Court and the construction of 43 apartments, 21 x 1-bedroom and 22 x 2-bedroom units, associated parking and landscaping, internal cycle storage and refuse/recycle bin store and shared access.
- 3.2 The proposed layout consists of two blocks (Block A to the north and Block B to the south) increasing in height from 2 storeys to the south to 4 storeys to the north.
- 3.3 Block A to the north would have a maximum width (west to east) of 28 metres and maximum depth (north to south) of 16 metres. The south west front corner of the building would be set back approximately 21 metres from the access to the site. The western flank would be sited a minimum of 5.8 metres from the western boundary. The rear elevation would be sited between 16-18 metres from the northern boundary and the eastern boundary would be sited between 12.5-14 metres from the eastern boundary.
- 3.4 Block A would be accessed via a single central access within the front elevation. It would be part 3, part 4 storey, with the height increasing from east to west. The eastern flank would have a maximum height of 10.6 metres and western flank would have a maximum height of 12.2 metres. Block A would have a maximum height of 14.6 metres. The design includes a mixture of flat sections and angled mono pitched roofs.
- 3.5 Block B to the south would be sited with its stepped front elevation roughly parallel with Grove Crescent, set back between 2.3-5.8 metres from the road. Block B would have a maximum width (north to south) of approximately 38 metres and maximum depth (west to east) of approximately 22 metres. The southern elevation would be sited between 0.5-5 metres off the southern boundary. The rear elevation would be located between 9-21 metres from the eastern boundary. A distance of between 12-15 metres would separate the northern flank elevation of Block B and front elevation of Block A.
- 3.6 Access to Block B is provided via the front, northern flank and rear elevations, with an additional access to the front elevation serving the internal bicycle store and bin store. Block B would range from 2 – 4 storeys in height, increasing from south to north. Like Block A, the design would include a mixture of flat and mono pitched roof forms. Block A would have a height of 8.4 metres to the southern flank elevation (2 storeys), stepping up to 9.5 metres (flat roof 3 storeys) and 12 metres (flat roof 4 storeys). Block B would have a maximum height of 14 metres.
- 3.7 Materials proposed include a mix of brown and buff facing brick. Pitched roofs are proposed to be tiled, with a mid-grey ply membrane to flat roofed areas. Balconies, handrails and privacy screens would be steel and mid grey in colour. Fenestration is proposed to all elevations and would be dark grey PVC.
- 3.8 Block A would contain 18 flats and Block B would contain 25 flats. The breakdown of unit sizes proposed is indicated in the table below:

	<b>1 bed 2 person</b>	<b>2 bed 3 person</b>	<b>2 bed 4 person</b>	<b>Total flats</b>	<b>Total beds</b>
Ground	7	2	3	12	17
First	6	3	4	13	20
Second	4	3	4	11	18
Third	4	1	2	7	10
Total	21	9	13	<b>43</b>	65

- 3.9 The application details indicate that 100% of the dwellings would be affordable, with 18 Affordable Rented units (Block A) and 25 Shared Ownership Units (Block B).
- 3.10 The existing vehicular access would be retained and would serve an access road extending to the north along the western site boundary where it would return around the rear (north)

of Block A, continuing south to the rear (east) of Block B accessing parking to the rear of both blocks. In total 45 car parking spaces are proposed, including 4 disabled spaces and 2 visitor spaces. A turning area is also indicated between the two blocks. A bin store is proposed adjacent to the vehicle access in addition to an internal bin store within Block B. Cycle parking would be provided internally within Block B.

- 3.11 A landscaped buffer is provided to the northern site boundary. Additional soft landscaping is proposed between the two blocks, the front of Block B and to the south-east boundary to the rear of Block B. A narrow landscaped buffer is also proposed for the length of the eastern site boundary where the site adjoins the rear gardens of properties in Manor Way.
- 3.12 In addition to communal landscaped areas, the Design and Access Statement sets out that most ground floor flats are provided with private amenity space with balconies to most upper floor flats.
- 3.13 The building and external areas are proposed to be lit with low level bollard lighting and security lighting at entrances.
- 3.14 The application is accompanied by:
- Planning Statement
  - Design and Access Statement
  - Biodiversity Checklist
  - Preliminary Ecological Appraisal & Preliminary Roost Assessment
  - Transport Statement
  - Travel Plan
  - Topographical Survey
  - Drainage Report
  - Energy and Sustainability Report
  - Tree Survey Report
  - Arboricultural Impact Plan
  - Tree Protection Plan
  - Affordable Housing Statement

## 4 Consultation

### 4.1 Statutory Consultation

Affinity Water	4.1.1	No response received at time of drafting report
Croxley Green Parish Council	4.1.2	No objection
Development Plans	4.1.3	Advisory comments (Policy CP4)
Environmental Health	4.1.4	No response received at time of drafting report
Environmental Protection	4.1.5	No response received at time of drafting report
HCC Highways	4.1.6	No response received at time of drafting report
HCC Lead Local Flood Authority	4.1.7	Initial objection
HCC Waste & Minerals	4.1.8	No objection
Herts Constabulary	4.1.9	No response received at time of drafting report
Herts Ecology	4.1.10	Initial objection
Herts Property Services	4.1.11	No objection
Housing	4.1.12	Comments
Landscape	4.1.13	No objection
National Grid	4.1.14	No objection
Thames Water	4.1.15	No objection

4.1.1 Affinity Water: No response received at time of drafting report

#### 4.1.2 Croxley Green Parish Council: [No objection]

Councillors are in favour of the application and noted the inclusion of cycle racks and the overall design of the building.

#### 4.1.3 Development Plans: [Advisory comments]

The application proposes the redevelopment of an existing flatted development to provide 43 apartments (21 one-bedroom dwellings and 22 two-bedroom dwellings). The development would result in a net gain of 17 dwellings. The application site has not been allocated as a housing site by the Site Allocations Local Development Document and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site. Policy CP2 of the adopted Core Strategy (adopted 2011) states that applications for windfall sites will be considered on a case by cases basis having regard to:

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

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

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

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

Policy CP4 goes on to state that as a guide, the Council seek 70% of all the affordable housing provided to be social rented and 30% to be intermediate. The application proposes 42% affordable rented units and 58% shared ownership units and therefore does not comply with Policy CP4(b). Providing a higher percentage of affordable rented units and a lower number of shared ownership units would more closely align the proposal with the requirements of Policy CP4. Whilst Policy CP4 states that site circumstances and financial viability should be taken into account when assessing affordable housing requirements, the proposed tenure split should be rebalanced as far as possible in order to ensure compliance with Policy CP4.

#### 4.1.4 Environmental Health: No response received at time of drafting report

#### 4.1.5 Environmental Protection: No response received at time of drafting report

4.1.6 Hertfordshire County Council – Highway Authority: No response received at time of drafting report

4.1.7 HCC Lead Local Flood Authority: [Objection]

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

### **Reason**

The Flood Risk Statement and surface water drainage assessment carried out by Earth Environmental and Geotechnical dated March 2019 submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Demonstrate a feasible and acceptable method of surface water discharge
2. Demonstrate an appropriate SuDS hierarchy
3. Demonstrate a feasible SuDS maintenance plan
4. Provide assessment of surface water exceedance routes
5. Appropriate management of surface water drainage during construction

### **Overcoming our objection**

1. We acknowledge it is proposed to reduce the existing brownfield run-off rates and volumes to replicate as close as possible the pre-development greenfield run-off rates and volumes. However in order to demonstrate this is feasible, an appropriate and feasible discharge location is required.

It is currently proposed that the surface water run-off from the site will be managed via a new surface water sewer network which will discharge into permeable paved car park, which will then discharge into an underground attenuation tank. It is proposed that this tank will infiltrate beneath into the existing ground, but where this may not be sufficient, an overflow will be provided into an existing private combined sewer.

However infiltration tests have not been carried out to demonstrate the feasibility of infiltration. This is important to carry this out prior to the detailed design and layout of the development to ensure if infiltration is feasible, the size and location of the SuDS measures can be implemented.

It is also not acceptable to connect into an existing combined sewer, this is only considered acceptable where all other methods of discharge have been technically discounted. Until it is demonstrated that infiltration is not possible and that there are no external surface water sewers within proximity of the site that could be connected into, we find the proposals to connect into a combined sewer unacceptable. The applicant has provided a Thames Water asset map however this map is missing data. Any proposed connection into an existing sewer will need the prior written consent from the operator as this will need to be provided as part of the drainage assessment.

Infiltration tests should be carried out in accordance with BRE Digest 365.

2. The surface water drainage assessment has provided a SuDS method assessment and has discounted all above ground SuDS options. However we note that there are proposed green spaces within the development and green frontages to the proposed apartments. We therefore require the applicant to consider these areas for making space for water. If these areas are amenity spaces, it may be possible to integrate surface water features into the areas that could add to the amenity and biodiversity of these areas for future residents. If it

is shown that infiltration is feasible these areas may only be wet during rainfall events and dry for most of the time. This will need to be assessed as part of the SuDS viability for these areas. It may also be possible to provide rain gardens or similar features. This will also improve accessibility for maintenance to the drainage system and improve water quality.

The proposed landscape plan and Design and Access Statement shows the access roads throughout the site to be of permeable block paving, however this is not shown on the drainage plan 430 DR-100 Rev P1.

3. It is stated that the maintenance of the proposed underground surface water drainage network including the piped drainage, permeable paving and tank would be undertaken by residents of the site. However this is not feasible as the drainage is not owned by the residents due to the shared apartment blocks and communal areas within which these features are located. With the systems being located underground, it cannot be expected that the private residents could access these features to carry out the maintenance themselves and who would be appointed to do so for the lifetime of the development. As part of the drainage network is a combined system, these systems are usually sealed to prevent surcharging of the network.

4. We acknowledge that exceedance routes are discussed within the surface water drainage assessment. However any areas of proposed exceedance should be shown on the site layout plan showing exactly where these areas are, the depth and extent of these areas and the flow routes based on the proposed site levels to demonstrate that these flows and extents will not increase flood risk elsewhere and can be managed within the site.

5. We appreciate that a detailed construction plan may not be available at this stage of the planning process, however the surface water drainage assessment states that during construction the drainage network will remain online and the new network once built will also be online during construction. It should be acknowledged at this stage of how this will be managed in principle to ensure any proposed SuDS features will not become full of building material, dust and pollutants from the construction site, causing risk of pollution and blockage to the drainage network.

The applicant can overcome our objection by submitting a surface water drainage assessment which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

Production of a surface water drainage assessment will not in itself result in the removal of an objection. We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage

<http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/> this link also includes HCC's policies on SuDS in Hertfordshire.

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

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

### **Minerals**

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

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

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

## **Waste**

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

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

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

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

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

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;  
Policy 2: Waste Prevention and Reduction; &  
Policy 12: Sustainable Design, Construction and Demolition.

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

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Good practice templates for producing SWMPs can be found at:  
<http://www.smartwaste.co.uk/> or  
<http://www.wrap.org.uk/category/sector/waste-management>.

The county council would expect detailed information to be provided within a SWMP. The SWMP should cover both waste arisings during the demolition and construction phases. The waste arising from construction will be of a different composition to that arising from the demolition. As a minimum the waste types should be defined as inert, non-hazardous and hazardous.

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

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

4.1.9 Herts Constabulary: No response received at time of drafting report

4.1.10 Herts Ecology: [Objection]

The application is supported by a Preliminary Ecological Appraisal (report dated 26/7/2019) this includes a Preliminary Roost Assessment (PRA), a Phase 1 survey of the existing habitats on site, and an assessment of the suitability of the site for protected species including: reptiles, amphibians, nesting birds, badgers and hedgehogs.

#### Bats

A Preliminary Roost Assessment was carried out by Arbtech on the 25/07/2019. This found no evidence of bats but identified a number of potential roosting features formed by gaps around the roof end, under tiles and raised lead flashing. The PRA identifies that the building also has a large number of loft spaces some of which could be accessible by bats but no evidence of any bat use was found within these. In its assessment, the report also considered the European protected species licences granted for the destruction of bat roosts in close proximity (380m) to the site. One of these was a void and crevice dwelling bat maternity roost and the potential for bats from this location relocating to Grove Court was considered a possibility. Based on the sum of these considerations the building was



considered to have a high habitat potential, which following Bat Conservation Trust best practice guidelines would require at least 3 follow-up dusk emergence / dawn re-entry surveys, as recommended in the PRA.

I acknowledge the buildings appear to have been adequately assessed and that some bat potential is present. The photographic evidence shows relatively modern buildings in generally good condition, and in my opinion are generally well-sealed for the most part.

I accept the presence of roosting bats in the area is demonstrated by the licence records, but I consider it is highly spurious to use the suggestion that bats from these roosts could use the buildings here to imply their potential is increased. Any licence – by default – is granted with a requirement to provide adequate compensation for the bats at or very close to the location of the licence – otherwise it wouldn't be issued. Consequently the likelihood of these bats occurring here is no different to the potential for any displaced bats to find any roosting anywhere, and we know that no evidence of any bats was found at this site, despite the extent of loft void space accessed.

Consequently, based on the information submitted, **in my view the potential is only moderate** at best which for planning purposes should **require only two presence/absence surveys** to further inform any current use of the building by bats. Given we are currently within the summer survey period when bats are active (usually between May and August, or September if the weather remains warm) the presence / absence surveys should now also be undertaken to adequately inform the application. Clearly if a roost is identified, three surveys will be needed to fully inform a licence application.

Furthermore, **no outline mitigation has been provided** which we would expect even if no further surveys can be undertaken due to inappropriate bat activity seasons. Therefore currently the LPA has no knowledge of any likely compensation which may be required in the event a roost is found to be present.

If a roost is to be affected, an EPS licence will also be required from Natural England to enable the proposals to be implemented, and consequently this may need to be factored in to any development timescale. However, due to **insufficient current information, I am unable to advise whether or not I consider a licence would be issued.**

On this basis, until the follow-up surveys are undertaken, and if necessary an appropriate mitigation strategy devised, **the LPA currently has insufficient information on bats to determine the application.** As bats are European Protected Species (EPS) this information is required to be submitted to the Local Planning Authority *prior to determination*, so it can sufficiently consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2018.

The walkover survey was conducted on 26/7/2019 this identified evidence and potential for the following protected species and habitats:

#### Badgers

No badger sets were found on site although the site is unlikely to be used by badgers for this purpose. However, evidence of badger use of the site was present in the form of snuffle holes and a gap in the fence and under a gate were confirmed to be used by badgers. Consequently, I advise the following is attached to any consent given as a

#### **Condition:**

*“Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an*

*outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.”*

### Hedgehogs

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

*“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or have mammal ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. It is also possible to provide enhancements for hedgehogs by making small holes (13cm x 13cm) within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site but will be too small for most pets.”*

### Nesting birds

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

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

### Habitats

The phase 1 survey identified habitats of low ecological value within the body of the site being composed of amenity grassland small areas of ruderal vegetation and introduced shrub species. The only habitats on site of ecological significance are a mature oak, a mature cherry tree and a species rich intact hedgerow. These are being retained under the present proposal.

### Biodiversity net gain

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The landscaping plan forming part of the proposal includes the planting of a new hedging along the eastern boundaries and this should consist of a range of native species.

Further enhancements are recommended within the ecological report section 4.2 and these include new trees including fruit trees, a wildflower meadow area, a range of bird boxes, retention and creation of suitable gaps in fences for mammal access. Whilst there appears to be limited space around the development to achieve all of these, I advise that an appropriate **Landscape and Ecology Management Plan (LEMP)** is submitted as a **Condition of Approval** to demonstrate what biodiversity enhancement and subsequent management is proposed to achieve a net gain.

#### 4.1.11 Herts Property Services: [No objection]

Hertfordshire County Council’s Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers’ CIL Area B and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure

Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

#### 4.1.12 Housing: [Comments]

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

Policy CP3 of the adopted Core Strategy (2011) sets out the proportions that should form the basis for housing mix in development proposals submitted to Three Rivers District Council. Proposals should broadly be for 30% 1-bed units, 35% 2-bed units, 34% 3-bed units and 1% 4+ bed units. However, identified need for affordable housing suggests the following preferred mix: 22% 1-bed units, 50% 2-bed units, 24% 3 bed units and 4% 4 + bed units. The main requirement is for 2 bed 4 person units as we have a high requirement for family sized accommodation.

I note that you are currently proposing 43 dwellings all at Affordable tenure, with 18 of these being Affordable rented in a mix of one and two bedroom properties which would be welcomed in the District. However, there is high percentage of one beds and a higher percentage of family sized accommodation (2 bed and above) is preferable due to our high numbers of homeless families. As stated above, our identified need for Affordable housing is 22% one bed and 50% 2 bed. Please advise the size of these 2 bedroom Affordable rented properties as our preference would be 4 person units.

I understand that you are proposing 100% Affordable housing, however, the current development does consist of 27 Affordable units so there is only a net gain of 16 units.

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

#### 4.1.13 Landscape Officer: [No objection]

The application is accompanied by a Tree Survey Report, including a preliminary tree protection plan. The contents of which I am in agreement, and is sufficient for this stage of the planning process.

My only slight concern is that the Norway maple tree at the front of the site has been omitted. Although this is an offsite tree, and not directly impacted by the proposal, it extends across the boundary line and will require some degree of protection.

Should planning permission be granted I would request that a pre-commencement condition is attached requiring an arboricultural method statement to be submitted and approved.

#### 4.1.14 National Grid: [No objection, advisory comments]

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

#### 4.1.15 Thames Water: [No objection]

Waste Comments:

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

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments:

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

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 76

4.2.2 No of responses received: 13 objections at time of drafting report, any additional comments to be reported verbally at committee

4.2.3 Site Notice: Expired 31 August 2019

4.2.4 Summary of Responses:

### **CHARACTER/SCALE**

- Scale and nature of development would give disproportionate increase in residential headcount than the number of apartments implies.
- On Green Belt boundary – building would destroy views.
- Loss of soft landscaping has negative impact.
- Overdevelopment.
- 4 storeys too high.
- Not in keeping with local landscape of 2 and 3 storey buildings.
- Eyesore.
- Should not exceed existing footprint and encroach into green space, particularly car parking.

### **AMENITY**

- Impact on quality of life.
- Loss of sunlight – sunlight assessment does not look beyond 3pm, impact will be worse later in the day. Should be hourly sunlight assessment for summer months. Dispute findings of submitted analysis.
- Overbearing as experienced by neighbours.
- Increased noise from cars.
- Increase noise from future residents (current flats for elderly).
- Pollution.
- Overlooking, including from balconies.
- Existing building is 2 storeys so no overlooking.
- Disturbance from parking adjacent to garden boundary, would be unable to enjoy use of garden.
- Disturbance from building works (noise, dust, dirt, mud etc).
- Impact on health.

### **ECOLOGY/TREES**

- Impact on bats and other wildlife such as badgers, hedgehogs, deer, that use site.
- Any development should be wildlife friendly.
- Impact on existing trees.
- Impact of lighting on bats and other wildlife.

## HIGHWAYS/PARKING

- 45 parking spaces insufficient number for a development of this size.
- Lack of parking for visitors.
- Parking overspill onto adjacent road.
- Obstruction of pavements.
- Additional traffic.
- Not a sustainable location so residents will have to use cars.
- Highways safety concerns.
- Existing highways infrastructure cannot cope with additional traffic.

## OTHER

- Safety concerns having car park adjacent to gardens.
- The existing garden at Grove Court is secure whereas there would be access to all.
- Security measures should be provided.
- Would not have undertaken recent works to my property if had known this would happen.
- Anti social behaviour.
- Insufficient consultation.
- Consultation during summer holidays unacceptable.
- Existing building should be refurbished.
- Would existing infrastructure cope?
- No mention of solar panels.
- Social housing would be in single building, not evenly distributed.

## 5 Reason for Delay

5.1 No delay.

## 6 Relevant Planning Policy, Guidance and Legislation

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

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

### 6.2 The Three Rivers Local Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5.

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

## 6.3 Other

The Croxley Green Neighbourhood Plan (Referendum Version). Adopted December 2018. The neighbourhood plan seeks to protect the character and appearance of the area, and requires extensions to be well designed. Relevant policies include: CA1 (New developments), HO1 (Satisfying local housing needs), HO2 (Lifetime neighbourhoods and security), HO3 (Connections to existing footpaths and cycle ways in new developments) and Appendix B (Character Areas). The application site is within Character Area 7 (North of Baldwins Lane, Links Way and Little Green Lane).

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

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## **7 Planning Analysis**

### 7.1 Principle of Development

7.1.1 The application site is located in Croxley Green, identified as a Key Centre in the Core Strategy (adopted 2011). The proposal seeks approval for the demolition of the existing building comprising 27 units and its replacement with 2 blocks ranging from 2 – 4 storeys containing a total of 43 flats. The site has not been allocated as a housing site by the Site Allocations LDD (adopted November 2014) and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site.

7.1.2 Policy CP2 of the Core Strategy states that applications for windfall sites will be considered on a case by case basis having regard to:

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

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

*Loss of Sheltered Housing/Specialist Accommodation:*

7.1.4 Whilst there is no available planning history, it is noted that the existing building until recently provided sheltered accommodation with on-site warden care. Whilst on-site warden care has ceased, the units until recently remained in occupation only by residents over 55 years of age and therefore the existing building is considered to provide specialist accommodation.

7.1.5 Policy CP3 (Housing Mix and Density) of the Core Strategy (adopted October 2011) advises that development should provide a range of housing types, including provision of housing for the elderly and supported specialist accommodation. Policy HO1 of the Croxley Green Neighbourhood Plan (2018) relates to satisfying local housing needs and advises that proposals should consider the needs of local priority groups including the ageing population and affordable housing for rent for a range of household sizes.

7.1.6 The Planning Statement sets out that;

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

## 7.2 Housing Mix

7.2.1 Policy CP3 of the Core Strategy (adopted October 2011) states that the Council require housing proposals to take into account the District's range of housing needs, in terms of the size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District, as follows:

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

7.2.2 The proposal would provide 1 and 2 bedroom units only and would therefore not meet the proportions set out in Policy CP3. It is recognised that the proportions of housing mix may be adjusted for specific schemes to take account of market information, housing needs and preferences and specific site factors.

## 7.3 Affordable Housing

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

7.3.2 The submitted Planning Statement sets out that the applicant is proposing to provide 100% affordable housing. This is expanded on in the submitted Affordable Housing Statement which sets out that Block A would comprise 18 Affordable Rented units (42%) and Block B would provide 25 Shared Ownership units (58%).

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

## 7.4 Impact on Character and Street Scene



- 7.4.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should:
- ‘...have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.’
- 7.4.2 The NPPF encourages the effective use of land. At the heart of the NPPF is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.
- 7.4.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development
  - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles
  - iii. The generation of excessive levels of traffic
  - iv. Loss of residential amenity
  - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.4.4 Points ii, iii and iv are referred to in the relevant sections below.
- 7.4.5 In relation to point i), Block B would front Grove Crescent with Block A set back slightly of the access. The development would not be tandem development.
- 7.4.6 The existing 2 storey building is not of any particular architectural merit and the site is not within a Conservation Area, as such there is no in principle objection to the demolition of the existing building subject to consideration of an appropriate replacement scheme.
- 7.4.7 In relation to point v), the existing building occupies a large proportion of the length of the site north to south. The proposal to introduce two blocks would create spacing to the central part of the site with separation of between 12-15 metres between the blocks. Due to the set forward nature of Block B the spacing would not be apparent when approaching the site from the south, however, it would be apparent when approaching from the west and would allow for views through the site.
- 7.4.8 Block B would be sited closer to Grove Crescent than existing, however, some space for soft landscaping to the front of the building would be retained. The front elevation would be stepped, relating to the bend in the road and the height of the building would also be stepped from 2 – 4 storeys. Block A would also have a stepped footprint and height ranging from 3 – 4 storeys. In terms of height, Grove Crescent is a residential street characterised by a mixture of 2 storey dwellings and 3 and 4 storey flatted blocks. As such, the principle of a development of the height proposed may not appear out of character.
- 7.4.9 In terms of design, the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposal would be of more contemporary appearance than that existing with a mixture of flat sections and angled mono pitched roofs. Materials proposed include a mix of brown and buff facing brick. Pitched roofs are proposed

to be tiled, with a mid grey ply membrane to flat roofed areas. Balconies, handrails and privacy screens would be steel and mid grey in colour. Fenestration is proposed to all elevations and would be dark grey PVC.

- 7.4.10 Hardstanding to provide parking is proposed to the north of Block A and east of Block B and would occupy a significant proportion of the site, although areas of soft landscaping are retained to the northern boundary, between the blocks, to the front of Block B and to the rear of the 2 storey element of Block B.

## 7.5 Impact on amenity of neighbours

- 7.5.1 The Design Criteria as set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that new development should take into consideration impacts on neighbouring properties and visual impacts generally. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the area.
- 7.5.2 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. The distance should be greater between buildings in excess of 2 storeys.
- 7.5.3 The existing building is a single two-storey block that runs from north to south, occupying most of the length of the site. The proposal would introduce 2 Blocks with a separation distance of between 12 – 15 metres between them which would open up the central part of the site to some degree. The proposed site layout plan also indicates that the proposed building would be sited closer to Grove Crescent to the west, thereby increasing the spacing to the boundary with Manor Way gardens.
- 7.5.4 Block A would be partly 4, partly 3 storey's in height with its height reducing from west to east. The 4 storey element to the west would be sited approximately 5.8 metres from the western boundary (currently 4.2 metres) with a separation of approximately 13.8 metres between the building and adjacent flank wall of the three-storey flats at 96-106 Grove Crescent. It is noted that there are no flank openings existing in the neighbouring flats to the west facing the application site. The rear (northern) elevation of Block A would be sited between 16-18 metres from the northern boundary with the playing fields (currently 12 metres at the closest point). There are no neighbours to the north of the site.
- 7.5.5 The eastern 3 storey element of Block A would be sited between 12.5 – 14 metres from the eastern site boundary with the rear gardens of properties in Manor Way (current building between 14-16 metres). There would be a separation distance of approximately 23 – 26 metres between the flank elevation of Block A and rear elevations of dwellings in Manor Way. Slim windows are proposed in the eastern flank elevation and are shown to serve bathrooms or to be secondary windows to habitable rooms. Balconies are proposed to the front and rear elevations. Vertical metal posts forming balcony screens are shown to the flank elevation of the front facing balconies.
- 7.5.6 Block B to the south would step up in height from 2 storey to the south to 4 storey to the north. The 2 storey element would be sited a minimum of 9 metres from the eastern boundary, comparable with that existing, while the 4 storey element would be sited approximately 21 metres from the boundary (11 metres existing). There would be a distance of between approximately 26 – 34 metres from the rear elevation of Block B and rear elevations of properties in Manor Way. Fenestration and balconies are proposed at all levels within the east elevation facing Manor Way. Vertical metal posts forming balcony screens are indicated.

- 7.5.7 The southern 2 storey elevation of Block B would be between 0.5 – 5 metres from the southern boundary. There is spacing of approximately 16 metres to 2 storey Revels Court to the south, with the vehicle access to the rear parking area of this adjacent building also providing separation.
- 7.5.8 Due to the siting of building on the bend in the road, there are no neighbours opposite that directly face the application site. There would be separation of 29 metres between the front elevation of Block B and corner of 61 – 71 Grove Crescent.
- 7.5.9 The applicant has submitted a 'Sunlight Analysis' (18074-OA-B1-050-P-XX-P1). This shows the existing and proposed development in relation to neighbouring buildings at 9am, 12pm and 3pm on the 21<sup>st</sup> of June, December and March. This indicates that at the times in June, neither the existing or proposed buildings would result in shadowing of the gardens of properties in Manor Way. In December, the gardens would be shaded, however, there is no discernible change between existing and proposed. In March neither the existing or proposed buildings would result in shadowing of the gardens of properties in Manor Way
- 7.5.10 It is proposed that the existing access is retained to serve parking to the rear of Block A and Block B, with parking running parallel to the boundary with Manor Way gardens. A narrow landscaped buffer is shown along the length of this boundary.

## 7.6 Amenity Space Provision for future occupants

- 7.6.1 Amenity space standards require 21sqm for 1 bed flats and 31sqm for 2 bed flats. This would result in a total requirement for 1,123sqm to serve the proposed residential development. Space may be communal but in the case of communal space for flats, this should be well screened from highways and casual passers-by.
- 7.6.2 The majority of units would benefit from private balconies or terraces at ground floor, with additional communal amenity space. The plans detail that 644sqm of communal amenity space would be provided in addition to 480sqm provided by balconies and terraces. As such there would be total provision of 1,124sqm.
- 7.6.3 It is also noted that the site is within walking distance of public open space and play space on Baldwins Lane.

## 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 has been submitted with a Biodiversity Checklist, Preliminary Ecological Appraisal and Preliminary Roost Assessment.
- 7.7.4 The report notes that the existing building has high habitat value to support roosting bats and as the proposals include the demolition of the existing building, any bat roosts would be destroyed. As such, the report recommends that three bat emergence/re-entry surveys are undertaken during the active bat season (May – September) to confirm a presence or likely-absence of bat roosts in this building.

- 7.7.5 Hertfordshire Ecology have reviewed the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment and whilst they note the findings, they are of the view that based on the submitted information there is only moderate potential for bats and therefore only two emergence/re-entry surveys would be required. They do also comment that they would expect outline mitigation to be provided.
- 7.7.6 The emergence / re-entry surveys have been scheduled and the LPA is waiting for the results of these surveys which will be forwarded to Herts Ecology for review.
- 7.7.7 The Preliminary Ecological Appraisal and Preliminary Roost Assessment also noted that evidence of bird nesting was found within the roof. As such, works would be required to be undertaken outside of the period 1<sup>st</sup> March to 31<sup>st</sup> August unless a close inspection of the building and vegetation is first undertaken immediately prior to the commencement of works.
- 7.7.8 A walkover survey conducted in July 2019 found no evidence of badger sets, however, there was evidence of badger use of the site. The survey also identified the potential for hedgehogs. As such Herts Ecology would require a condition on any grant of consent to ensure any excavations are covered overnight.
- 7.7.9 The Preliminary Ecological Appraisal identified habitats of low ecological value within the body of the site being composed of amenity grassland, small areas of ruderal vegetation and introduced shrub species. The only habitats on site of ecological significance are a mature oak, a mature cherry tree and a species rich intact hedgerow. These are being retained under the present proposal. Herts Ecology note that the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. The landscaping plan forming part of the proposal includes the planting of a new hedging along the eastern boundaries and this should consist of a range of native species. Further enhancements are recommended within the ecological report and include new trees including fruit trees, a wildflower meadow area a range of bird boxes, retention and creation of suitable gaps in fences for mammal access. Whilst there appears to be limited space around the development to achieve all of these, Herts Ecology advise that an appropriate Landscape and Ecology Management Plan (LEMP) is submitted as a Condition of Approval to demonstrate what biodiversity enhancement and subsequent management is proposed to achieve a net gain.
- 7.8 Trees and Landscaping
- 7.8.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:
- “i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces”.
- 7.8.2 Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping) of the Development Management Policies LDD (adopted July 2013) advises that development proposals for new development should be submitted with landscaping proposals which seek to retain trees and other landscape and nature conservation features. Landscaping proposals should also include new trees to enhance the landscape of the site and its surroundings as appropriate.
- 7.8.3 The application is accompanied by a Topographical Survey; Tree Survey Report; Arboricultural Impact Plan and Tree Protection Plan. The submitted reports have been reviewed by the Landscape Officer who raises no objection. They do note that there is a

Norwegian Maple tree to the front of the site (not on the submitted plans) which whilst not directly affected, would need to be protected should planning permission be granted.

## 7.9 Highways & Access

7.9.1 Paragraph 109 of the NPPF states that; '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

7.9.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111 of the NPPF).

7.9.3 Policy CP1 of the Core Strategy (adopted October 2011) advises that in ensuring all development contributes to the sustainability of the District, it is necessary to take into account the need to reduce the need to travel by locating development in accessible locations and promoting a range of sustainable transport modes.

7.9.4 Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) advises that all development should be designed and located to minimise the impacts of travel by motor vehicle on the District. Development will need to demonstrate that:

*i) It provides a safe and adequate means of access*

*j) It is appropriate in scale to the existing infrastructure...*

*k) It is integrated with the wider network of transport routes...*

*l) It makes adequate provision for all users...*

*m) It includes where appropriate, provision for public transport either within the scheme or through contributions*

*n) The impact of the proposal on transport has been fully assessed...*

*o) The proposal is accompanied by a draft Green Travel Plan*

7.9.5 The application is accompanied by a Transport Statement and Travel Plan.

7.9.6 HCC as Highways Authority have been consulted and have confirmed they are reviewing the details. Their comments are awaited.

## 7.10 Parking

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

21 x 1.75 = 36.75 spaces (21 assigned)

22 x 2 = 44 spaces (22 assigned)

Total = 80.75 spaces (43 assigned)

7.10.2 Based on the current breakdown (21 x 1 bed and 22 x 2 bed) there would be a requirement for 81 car parking spaces of which 43 should be assigned.

7.10.3 The site layout includes 45 car parking spaces (1 space per unit plus 2 visitor spaces). As such there would be a shortfall against standards of 36 spaces, although all assigned spaces would be provided.

7.10.4 Appendix 5 requires 1 accessible space for every dwelling built to mobility standards. 4 of the proposed spaces would be accessible.

- 7.10.5 Appendix 5 does not apply a zonal reduction for residential parking standards but does indicate that in areas of high accessibility a reduction in standards may be considered appropriate.
- 7.10.6 The existing site circumstances are a material planning consideration and it is noted that the existing 27 units benefit from only 6 allocated car parking spaces. With regards to parking standards, Sheltered Dwellings with warden control would require 0.75 spaces per unit, which includes consideration of visitor spaces. Sheltered Dwellings with no warden control would require 1.5 spaces per unit. There is currently no on-site warden, therefore applying 1.5 spaces per unit there would be an existing requirement for 40.5 spaces to serve the development. The figure would be 20.25 spaces if applying the 0.75 standard. In either case, it is acknowledged that the existing development has a significant shortfall of parking against standards.
- 7.10.7 Cycle parking standards require 1 space per 2 units. This would be exceeded as the submitted details indicate there would be 56 spaces provided within Block B to serve the development as a whole.

## 7.11 Sustainability

- 7.11.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. To prove compliance with the policy, the developer is required to submit an Energy Statement.
- 7.11.2 The application is accompanied by an Energy and Sustainability prepared by Eco Energy and Environmental Ltd. The report sets out that the design taken a 'fabric first' approach to energy conservation in order to meet the above requirements. This approach uses a well-insulated, very airtight construction of the fabric and thermally efficient materials (e.g. aerated blocks), double glazed windows and external doors and an efficient Thermal Mass of materials. Additionally, an efficient condensing boiler system will be specified to provide heat and hot water to the flats. A further energy efficient feature is the installation of a Vent Axia Sentinal Kinetic B balanced Mechanical Ventilation with Heat Recovery system in each flat. Low energy light fittings will also be used throughout.
- 7.11.3 The report concludes that the development would achieve an improvement of 7.59% which would exceed the 5% policy requirement.

## 7.12 Flood Risk and Drainage

- 7.12.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.12.2 The application is accompanied by a Flood Risk Statement and Drainage Management (SuDS) Report (March 2019). HCC as Lead Local Flood Authority (LLFA) have reviewed the submitted details and raise an initial objection to the proposed development in the absence of an acceptable surface water drainage assessment. The applicant is reviewing the comments with a view to submitting additional/amended information.

## 7.13 Refuse and Recycling

7.13.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.13.2 The submitted Transport Statement (section 3.8) refers to servicing and refuse collection. This sets out that the proposed collection method is intended to remain as existing, with refuse vehicles servicing the site directly. A refuse storage area is proposed within Block B in close proximity to the highway, with a further area to the west of the access road.

7.13.3 The County Council's adopted waste planning documents reflect Government policy which seeks to ensure that all planning authorities taken responsibility for waste management. This includes ensuring that development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and ensuring that the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

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

## 7.14 Infrastructure Contributions

7.14.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015.

## **8 Recommendation**

8.1 Members should note that there is no recommendation for approval or refusal at this stage in the consideration of the application.

8.2 Consequently, it is recommended that the Committee notes the report, and is invited to make general comments with regards to the material planning issues raised by the application.