

**6. 18/1109/FUL – Removal of existing livery yard buildings and erection of detached dwelling with parking and garden at LAND SOUTH OF OLD HOUSE LANE, OLD HOUSE LANE, LANGLEYBURY, HERTS, WD4 9AA (DCES)**

Parish: Sarratt Parish Council  
Expiry of Statutory Period: 02.08.2018

Ward: Chorleywood North & Sarratt  
Case Officer: Scott Volker

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

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

**1. Relevant Planning History**

- 1.1 16/1065/CLED - Certificate of Lawfulness Existing Use: Use of the buildings and land as a commercial horse livery yard - Withdrawn August 2016.
- 1.2 16/1884/CLED - Certificate of Lawfulness Existing Use: Use of the buildings and land as a commercial horse livery yard - Withdrawn November 2016.
- 1.3 16/2635/PREAPP – Pre Application: Removal of existing buildings and erection of single storey dwelling with parking and garage Closed.
- 1.4 17/0990/FUL - Removal of existing livery yard buildings and erection of detached dwelling with parking and garden – Permitted July 2017; not implemented.

**2. Description of Application Site**

- 2.1 The application site is located on the southern side of Old House Lane, Langleybury on the edge of the District. Old House Lane is located within a rural area and contains the application site with other detached dwellings on the northern side of Old House Lane. The application site and the surrounding area is designated Metropolitan Green Belt.
- 2.2 The application site covers approximately 1 acre and contains five buildings which the supporting information details are used for equestrian purposes as a livery yard. The buildings comprise of three barns, one ancillary shed and one stable block with six stables. The buildings within the site are all single storey in design and are a mix of timber and aluminium construction. The footprints of the buildings range from 15sq. metres to 88sq. metres. Further south of the application site is a paddock. The site is screened from view from Old House Lane due to the existing hedgerow and trees which run along the northern boundary of the application site and parallel with the highway.

**3. Description of Proposed Development**

- 3.1 Full planning permission is sought for the removal of the existing buildings within the site and the erection of a single storey dwelling with associated parking and attached garage.
- 3.2 The new dwelling would be splayed within the plot with the north-western corner of the dwelling set back from the highway by 11 metres and the north-eastern corner set back 18 metres. The dwelling would be rectangular in shape measuring 14.5 metres in width and 12 metres in depth, which includes two two-storey Dutch-hipped projections and a single storey front porch projecting 1.6 metres from the principal elevation. The dwelling would contain 4 bedrooms. The proposed dwelling would have a footprint of 150sq. metres.

- 3.3 The dwelling would have a Dutch-hip roof form within a ridge height of 6.1 metres sloping down to an eaves height of 2.7 metres with the measurement taken from a new artificial land level 0.3 metres lower than the natural land level. The two two-storey rear projections have ridge heights measuring 6 metres, 0.15 metres below the main ridge and sloping down to an eaves height of 2.7 metres. A crown roof form is proposed within the two rear projections; measuring 23.65sq metres and would be set down 0.5 metres below the main ridge of the dwelling. Glazing including rooflights are proposed to all elevations and roofslopes except the two inward facing roofslopes of the two rear projections.
- 3.4 The dwelling would have a weathered cedar cladding and red brick plinth exterior and anthracite grey windows and doors. The roof would have a plain clay tiled roof with conservation style rooflights.
- 3.5 A new permeable driveway would be constructed from the access off Old House Lane and leading to main entrance of the dwelling. The private amenity space for the new dwelling would measure approximately 540sq. metres. A new timber post and rail fence with soft landscaping is proposed to enclose the amenity space.
- 3.6 The total existing footprint of built form on site currently amounts to approximately 247sq. metres and the total footprint of the proposed built form equates to approximately 150sq. metres, a decrease of 40% compared to the existing.
- 3.7 The main changes between the previously approved scheme referenced 17/0990/FUL and current application are listed below:
- The ridge height of the dwelling would be 0.3 metres higher than previously approved however due to the proposed land level changes the ridge height of the proposed dwelling would be no higher than that previously approved.
  - The inclusion of a new crown roof set between the two two-storey rear projections.
  - Inclusion of a new front porch.
  - The overall footprint of the dwelling has increase by 12sq. metres.
  - The dwelling has been repositioned within the site.

## **4. Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Sarratt Parish Council: [Objection]**

The Parish Council object strongly to this application on the grounds that it is a new dwelling in the Green Belt with no special circumstances being demonstrated. The proposed building due to its size and bulk is over development of the Greenbelt site. It requests that this application is called into committee.

#### **4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]**

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

##### **Surface Water Drainage**

1. 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:

- Surface water drainage. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

Highway Informative:

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

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

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Comments/Analysis:

The application comprises of the removal of the existing horse livery yard buildings and erection of a four-bed detached dwelling with parking at Land at Old House Lane, Langleybury. Old House Lane is designated as an unclassified local access road, subject to a speed limit of 60 mph and is highway maintainable at public expense.

Vehicle Access & Parking:

There is no proposed new or altered vehicular access with the proposals using the existing access. HCC as Highway Authority has considered that the present inter vehicle to vehicle visibility and pedestrian forward visibility from this access is deemed to be satisfactory and acceptable for the level of use it will receive and is in accordance with guidelines in Roads in Hertfordshire; Highway Design Guide and Manual for Streets (MfS).

The existing gates at the access are set back approximately 4m from the edge of the highway carriageway. To adhere to guidelines as recommended in Roads in Hertfordshire, gates should be set back to a minimum 6m from the edge of the carriageway. However HCC as Highway Authority has considered that the existing arrangement is acceptable as the existing gates open inwards and the number of vehicles predicted to be using the site would not be significantly different from the current use.

The applicant refers to the provision of five on-site car parking spaces, the proposed arrangements of which are shown on submitted plan no. 17-925-P 01 and there is sufficient turning space for vehicles to turn around and egress to the highway in forward gear. The arrangements and provision are therefore considered to be acceptable by HCC.

Three Rivers District Council (TRDC) is the parking authority for the district and therefore ultimately should be satisfied with any parking provision.

**Emergency Vehicle Access:**

The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.

**Waste Collection:**

Provision would need to be made for an on-site bin/refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point and the collection method must be confirmed as acceptable by TRDC waste management.

**Traffic Generation and Impact on Adjacent Highway:**

The proposal is of a small scale and HCC as Highway Authority considers that the traffic generation of vehicles would be similar (or lower) than its current use and would not have a significant or detrimental impact on the local highway network.

**Conclusion:**

HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. Therefore HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives.

4.1.3 Herts and Middlesex Wildlife Trust: [No response received]

4.1.4 Herts Ecology: [No response received]

4.1.5 Landscape Officer: [No Objection]

The proposal should not impact any on-site trees and all trees on adjacent land are located at an adequate distance. I therefore have no arboricultural concerns or objections to the proposal.

4.1.6 Affinity Water: [No response received]

4.1.7 Thames Water: [No response received]

4.1.8 National Grid: [No response received]

**4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 0          No responses received: 0

4.2.2 Site Notice: Posted 14.06.2018      Expired: 05.07.2018

4.2.3 Summary of Responses: Not applicable.

**5. Reason for Delay**

5.1 Committee cycle.

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 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 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

## 6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP4, CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 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, DM2, DM6, DM7, DM10, DM13 and Appendices 2 and 5.

## 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## 7. **Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The National Planning Policy Framework (NPPF) supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In order to promote sustainable development in rural areas the NPPF makes it clear that housing should be located where it will enhance or maintain the vitality of rural communities. As a result, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as ‘where the

development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting’.

- 7.1.2 The application site is not identified as part of the District’s housing supply in the Site Allocations LDD (SALDD) (adopted November 2014). Policy CP2 of the Core Strategy (adopted October 2011) stipulates that in assessing applications for development not identified as part of the District’s housing supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy
  - ii. The sustainability of the development and its contribution to meeting local housing needs
  - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
  - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.1.3 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.
- 7.1.4 The application site is not positioned within a sustainable location, it is outside of the urban areas identified within the Spatial Strategy of the Core Strategy and relatively isolated from local transport services. However, the proposal would result in the redevelopment of the application site. Therefore, subject to the development resulting in an enhancement to the immediate setting, the principle of residential development may be considered acceptable. Furthermore, there is an extant permission referenced 17/0990/FUL which proposed a similar scheme as this current application.
- 7.1.5 The impact of the development on the immediate setting and all other material planning considerations are set out in detail below.

## 7.2 Green Belt

- 7.2.1 The application site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 7.2.2 As set out at paragraph 134 of the NPPF, Green Belt serves five purposes:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.2.3 The requirements of the NPPF are reflected in the adopted policies of the Core Strategy and Development Management Policies LDD (DMP LDD) (adopted July 2013). Policy CP11 of the Core Strategy states that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt. Policy DM2 of the Development Management Policies LDD replicates guidance in the NPPF which stipulates at paragraph 145:

*‘A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- *Buildings for agriculture and forestry;*

- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development.'*

7.2.4 Annex 2 of the NPPF defines previously developed land as: 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

7.2.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.2.6 The application site currently contains five buildings which include three barns, one ancillary shed and a stable block used for equestrian purposes in connection with a livery yard. Planning permission has previously been granted for the redevelopment of the site for the construction of a two storey four bedroom dwelling referenced 17/0990/FUL. The approved scheme was considered redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it that the existing development. This application seeks a similar proposal and as such this report will assess whether the proposed changes would have a greater impact on the openness of the Green Belt in comparison to the existing built form on the site and the extant permission.

7.2.7 For the benefit of comparing; the below table sets out the differences between the previously approved scheme and current proposal:

**Table 1:**

	17/0990/FUL	18/1109/FUL
Height	5.8 metres	6.1 metres (+0.3metres)
Depth	9.8 metres	10.3 metres not incl. porch; 12 metres incl. porch (+2.2 metres)
Width	14.5 metres	14.5 metres (No change)
Footprint	138sq. metres	150sq. metres (+12sq. metres)
Floorspace	200sq. metres	215sq. metre (+15sq. metres)

- 7.2.8 As set out at paragraph 3.6 of this report, the total existing footprint of built form on site currently amounts to approximately 247sq. metres and the total footprint of the proposed built form equates to approximately 150sq. metres, a 40% reduction compared to the existing.
- 7.2.9 Whilst it is noted that the proposed new dwelling would have a larger footprint than the previously approved dwelling, this is a minimal increase which includes a small front porch. The proposed development would still result in a reduction in built form within the site. The reduction in built form would have a direct positive impact on the openness within the site and would have a positive impact on views of and through the application site from the open landscape which surrounds the site. It is noted that the proposed dwelling would have a ridge height 0.3 metres higher than previously approved which would be 0.8 metres greater than the tallest building currently on the site; however it is proposed to lower the land levels by 0.3 metres so that the ridge of the proposed dwelling would not be any higher than the previously approved scheme and therefore it would not become more prominent in comparison to that previously approved.
- 7.2.10 It is proposed to re-site the dwelling so that it would have a splayed position within the plot. The dwelling would still be located in a similar location to the existing stable building within the site albeit it would face north rather than east. Furthermore, the majority of the dwelling would still be located within the footprint of the dwelling approved under 17/0990/FUL. As such, it is not considered that the re-siting of the dwelling would result in a greater impact on the openness of the Green Belt in comparison to the existing built form or to that previously approved.
- 7.2.11 The proposed dwelling does include a crown roof form set between the two Dutch-hip projections; however this additional element would not increase the overall bulk and massing of the dwelling and it would be set down from both the main ridge and the ridges of the two rear projections. Furthermore, it would only be visible from the open landscape to the south of the site where it would be set below and read against the main ridge of the dwelling and would not therefore be readily apparent. The proposed dwelling would have a weathered cedar clad exterior and brick plinth with a plain clay tiled roof to replicate a barn style building providing a rural appearance which was previously approved under application 17/0990/FUL.
- 7.2.12 In addition, the proposed curtilage of the new dwelling would remain as previously approved and would not spread beyond the existing open fenced boundaries to the south east and west. These would be replaced with a new post and rail fence line, backed up with native hedge mix and planting. However, to ensure an appropriate boundary treatment, further details with regard to the design and height of the boundary treatment is considered necessary and a condition would be attached to any consent. An additional condition would be attached to any consent requiring further details of hard and soft landscaping.
- 7.2.13 The existing site benefits from a large gravel access and parking area which leads to the barns contained within the site. The development proposes alterations to the extent of hardstanding to serve the new dwelling however it would still result in a reduction to the overall extent of the gravel access which currently exists within the site which is considered to enhance the openness of the Green Belt.
- 7.2.14 Given the location of the application site and as previously attached to 17/0990/FUL, it is considered reasonable to remove Permitted Development Rights to control further development within the Green Belt.
- 7.2.15 Overall, whilst this application proposes a slightly larger dwelling with additional hardstanding in comparison to application 17/0990/FUL, the redevelopment of the site is not considered to have a greater impact on the openness of the Green Belt and the



purpose of including land within it than the existing built form within the site. The significant reduction in footprint and volume of built form within the site, and the scale and design of the proposed development would outweigh any harm caused to the Green Belt by the new residential development. The development would therefore accord with Policy CP11 of the Core Strategy, Policy DM2 of the DMP LDD and the NPPF.

### 7.3 Impact on Character and Street Scene

- 7.3.1 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'.
- 7.3.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
  - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
  - iii. The generation of excessive levels of traffic;
  - iv. Loss of residential amenity;
  - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.3.3 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant sections below and it is noted that the proposal would not result in tandem development.
- 7.3.4 Policy DM1 and the Design Guidelines at Appendix 2 of the Development Management Policies document also set out that new 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.
- 7.3.5 The application site is located within a rural location and is well screened by mature trees and significant amounts of vegetation along the northern boundary. There are no residential properties located in the near vicinity of the application site and as such, the proposed dwelling would not sit within an existing street scene whereby dwellings are of a particular architectural design or scale.
- 7.3.6 As noted at paragraph 7.2.11 the proposed dwelling would be constructed using materials that would result in the dwelling having a more rural appearance. Whilst the dwelling would contain glazing to all elevations at ground floor level and serving the roofspace, they are considered to be of a size and scale that is appropriate for a dwelling of this size.
- 7.3.7 In addition and as previously stated at paragraph 7.3.5, there are a number of mature trees and extensive hedging along the northern boundary which does provide some

screening; however, this cannot be relied upon to screen the proposed dwelling from the street scene. Should these trees and vegetation be lost or removed the proposed new dwelling would be readily visible. The proposed development now includes a single storey front porch. Despite this, the dwelling would be set a minimum of 11 metres at its closest point increasing to 18 metres from the highway and the dwelling would be single storey with accommodation within the roofspace with a maximum ridge height of 6.1 metres from the lowered land level. As such it is not considered that it would become a prominent feature within the street scene.

7.3.8 The development would therefore be acceptable in this regard in accordance with Core Strategy Policies CP1, CP3 and CP12 and Policies DM1 and Appendix 2 of the Development Management Policies document.

#### 7.6 Impact on amenity of neighbours

7.6.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.' Policy DM1 and Appendix 2 of the Development Management Policies LDD 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.

7.6.2 Given the isolated location of the application site, the closest neighbouring property would be The Lodge which is located a minimum of 80 metres to the east of the proposed dwelling. As such, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential properties and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.7 Amenity Space

7.7.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The Design Criteria at Appendix 2 of the Development Management Policies document (adopted July 2013) provides indicative levels of amenity space for dwellings in relation to the number of bedrooms. For a dwelling containing four bedrooms the indicative level is 105sq.metres. The application site benefits from amenity space measuring approximately 540sq. metres. This is well in excess of the indicative levels for a dwelling of this size and is considered sufficient for future occupiers of the dwelling.

#### 7.8 Parking & Access

7.8.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The proposal would result in a four bedroom dwelling which the Parking Standards set out should provide three assigned spaces within the curtilage.

7.8.2 The proposed dwelling would benefit from a permeable driveway which would be located to the east of the dwelling which is sufficient to provide off-street parking provision for four vehicles which would meet the Parking Standards and is considered acceptable.

7.8.3 There is no proposed new or altered vehicular access and the proposal would utilise the existing access from Old House Lane. The Highways Officer was consulted on the application and considered that the current inter vehicle to vehicle visibility and pedestrian forward visibility from this access is satisfactory and acceptable for the residential use of the site. The Highways Officer also considered that the traffic generation of vehicles in

connection to the residential use of the site would be similar (or lower) than its current use and would not have a significant or detrimental impact on the local highway network. The new permeable driveway would also allow for vehicles to enter and leave the site in forward gear.

7.8.4 Whilst the Highways Officer commented that the existing gates at the access are set back approximately 4 metres from the edge of the highway carriageway which would not fully comply with the Roads in Hertfordshire; A Design Guide and Manual for Streets document, which states that gates should be set back a minimum of 6 metres from the edge of the carriageway they considered the existing arrangement to be acceptable as the existing gates open inwards and the number of vehicles predicted to be using the site would not be significantly different from the current use.

7.8.5 The Highways Officer considered the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway and therefore raised no objections subject to conditions/informatives.

## 7.9 Wildlife and Biodiversity

7.9.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.9.3 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.9.4 Both Herts Ecology & Herts & Middlesex Wildlife Trust were consulted on the application however no response was received from either. It is noted that Herts Ecology provided a response for application 17/0990/FUL. Herts Ecology commented that they do not have any biological (species or habitat) data for the application site and they considered the semi-natural habitats to be of negligible ecological interest did not consider that any ecological surveys are necessary. However, they suggested that a precautionary approach to the demolition works is taken and the following Informative is added to any permission granted should bats roosts be found. As such, the same informative will be added to any consent.

## 7.10 Trees and Landscaping

7.10.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.10.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.10.3 The proposed development would not result in the loss of any existing trees located within or around the application site. The Landscape Officer was consulted on the application and raised no objection to the proposed development. A condition would be attached to any consent requiring the submission of a hard and soft landscaping scheme.

## 7.11 Sustainability

7.11.1 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.

7.11.2 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.

7.11.3 The application is supported by an Energy Statement dated June 2018 prepared by Elmhurst Energy which details that the dwelling would result in a 29% saving in CO2 emissions and meet the current Building Control requirements.

7.11.4 The proposed dwelling will also include renewable technology as part of the construction which will include an Air Source Heat Pump; however no further details have been provided. As such a condition will be attached to any consent requiring further details of the energy saving measures to ensure that the development complies with Policy DM4 of the Development Management Policies LDD.

## 7.12 Refuse and Recycling

7.12.1 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

7.12.2 An individual area for the storage of refuse and recycling facilities for the proposed dwelling has not indicated on the submitted plans. As such, a condition would be attached requiring details of storage of refuse and recycling facilities to serve the dwelling.

### 7.13 Affordable Housing and Infrastructure Contributions

7.13.1 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.

7.13.2 The proposed development would result in a requirement for a commuted sum of £161,250 towards affordable housing based on a habitable floorspace of 215sq. metres multiplied by £750 per sq. metres which is the required amount in 'The Langleys and Croxley' market area.

7.13.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.

7.13.4 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.

7.13.5 The application has been reviewed by the Council's independent viability assessor who agrees that whilst the development would not be viable with a policy compliant commuted sum, they consider that there is a surplus of £25,000 which can be provided towards an off-site affordable housing contribution. The applicant has confirmed their agreement to entering into a Section 106 Agreement to secure a commuted payment of £25,000 and a Section 106 is being progressed.

## 8. **Recommendation**

8.1 That the decision be delegated to the Director of Community and Environmental Services to GRANT PLANNING PERMISSION subject to the following conditions / and subject to the completion of a Section 106 Agreement:

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 17-925-P-01.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the openness of the Green Belt and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities for mud and dust control have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the adjacent 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).

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard and soft landscaping works required by the approved scheme shall be carried out completed prior to the first occupation of the development hereby permitted and the soft landscaping shall be maintained, including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This is a pre-commencement condition to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the buildings being constructed in inappropriate materials in accordance with Policies CP1, CP11 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 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:

- Surface water drainage. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: This condition is a pre commencement condition in the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance

with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the openness of the Metropolitan Green Belt and the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B – addition or alteration to the roof

Class C – any other alteration to the roof

Class E – buildings incidental to the enjoyment of a dwellinghouse

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Part 2

Class A – a gate, fence, wall or other means of enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 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](mailto: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](http://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 applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

14 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.

15 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land



which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

- 16 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 17 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.