

7. 18/1259/OUT – Outline Application: Demolition of existing dwelling, associated outbuildings and commercial buildings and erection of six detached dwellings and garages (landscaping and appearance reserved) and alterations to access at DAIMAR, BEDMOND ROAD, BEDMOND, HERTS, WD5 0QE (DCES)

Parish: Abbots Langley
Expiry of Statutory Period: 14 August 2018

Ward: Abbots Langley and Bedmond
Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The application has been called into Committee by the Director of Community and Environmental Services and by Abbots Langley Parish Council.

1 Relevant Planning History

- 1.1 17/1116/CLED – Certificate of Lawfulness Existing Use: Use of the land and buildings for commercial storage of materials and equipment – Withdrawn – 20 July 2017
- 1.2 17/1967/CLED – Certificate of Lawfulness Existing Use: Use of the land and buildings for commercial storage of materials and equipment – Permitted – 15 November 2017

2 Description of Application Site

- 2.1 The application site contains a detached bungalow located along Bedmond Road within the Metropolitan Green Belt. The bungalow is constructed in close proximity to the southern boundary. A grass verge separates the application site and highway and a dense vegetation screen and rendered brick wall forms the front boundary treatment. A detached single storey outbuilding with first floor accommodation is sited close to the northern boundary and is sited forward of the front elevation of the dwelling and close to the front boundary of the site. The outbuilding is orientated so that the front elevation faces in a south west direction and the rear elevation runs along the north boundary. The rear amenity space provision is bounded by a paddock to the rear.
- 2.2 There is a large gravel drive to the front of the dwelling which can accommodate a number of vehicles and serves an access track which is sited between the dwelling and outbuilding and runs along the northern boundary of the curtilage of the dwelling. The track leads to a paddock and serves a single storey 'L' shaped building. The building is constructed close to the northern boundary of the site and is used for commercial storage (Use Class B8); approved under application 17/1967/CLED. The commercial use also extends to the external area of hardstanding and along the access track. The commercial entity of the site is separated from the residential curtilage serving Daimar by metal gates to the front and close boarded fence. The residential property and commercial property both share the vehicular access off of Bedmond Road.
- 2.3 The land to the north of the site, which originally served Fox Cottage, has been separated from the residential unit and outline consent has been granted for the provision of up to two dwellings which was approved at appeal (reference 17/1607/OUT). Further approval of details has been submitted and are currently pending consideration (reference: 18/1577/AOD).
- 2.4 The neighbouring property to the south (The Dells) is a detached two storey dwelling which is set forward of the front elevation of the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks outline permission for the demolition of the existing dwelling, ancillary outbuilding and commercial building and the construction of six detached dwellings with associated landscaping and parking.
- 3.2 The proposed dwellings would be arranged around a cul-de-sac arrangement all fronting the access road. The proposal seeks the provision of four 5 bedroom dwellings and two 4 bedroom dwellings.
- 3.3 The dwellings would be detached and served by carports with the exception of the dwelling on plot 3 which would be served by an attached double garage. The dwellings would range in style and layout; three types of dwelling are proposed:
- Type A – consisting of two 5 bed properties sited at the end of the cul-de-sac on plots 2 and 3. These properties would measure 12.6m by 11.1m. The dwelling on plot 3 would include an attached double garage measuring 6m by 6m.
- Type B – consisting of two 4 bedroom properties sited on plots 3 and 4. These properties would measure 9m by 10.7m.
- Type D – consisting of two 5 bed properties sited on plots 5 and 6. These properties would measure 10.1m by 10.5m.
- 3.4 The dwellings on plots 4 to 6 would be served by two parking spaces and an attached carport; the dwellings on plots 1 and 2 would be served by two parking spaces and detached double carports.
- 3.5 The proposed dwellings would have a height of approximately 8m and would contain gable end features to the front, sides and rear.
- 3.6 The plots would range in width, depth and shape. The rear gardens of plots 3 to 6 would adjoin the site to the north; these dwellings would be sited a minimum of approximately 10m from the boundary from the northern boundary. The dwelling and detached carport on plot 1 would be sited approximately 1m from the southern boundary and the carport serving this dwelling would be sited a minimum of 1.5m from the front boundary. The dwellings would be served by on-site parking and front and rear amenity space provisions. The dwelling on plot 6 would be sited the closest to the access road to be set back a minimum of 1.5m.
- 3.7 The proposal would include the blocking up of the existing access; the proposed access would be sited to the south of the existing access and would measure 6m in width. The access road, with a width of 5m, would run through the centre of the site with a turning head sited to the west of plot 2.
- 3.8 The gardens of plot 2 and 3 and part of the dwelling on plot 3 would extend into the existing paddock to the rear of the site by a maximum of 5m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Objects]

Members object to this application which they believe is overdevelopment of the green belt. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions and infomatives]

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:

Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted in relation to the proposed access onto Bedmond Road to illustrate the following:

Bellmouth, kerb radii and tactile paving details.

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.

Provision made for on-site bin-refuse stores within 30m of each dwelling and within 25m of the kerbside/bin collection point

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

Access and Highway Works

Prior to the first occupation of the development hereby permitted the vehicular access (indicated for improvement on drawing number SK-02 A) and other necessary highway works shall be completed in accordance with the Hertfordshire County Council residential access construction specification. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

Existing Access - Closure

Prior to the first occupation of the development hereby permitted vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the accesses shown on drawing number SK-02 only. Any other access shall be permanently closed, and the verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety and amenity.

Provision of Parking & Turning Areas

Prior to the first occupation of the development hereby permitted the proposed access road, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaces and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure permanent availability of the parking / manoeuvring area, in the interests of highway safety.

Provision of Visibility Splays - Dimensioned on Approved Plan

Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan number SK-02 A. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

Construction Management

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

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

HIGHWAY INFORMATIVE:

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

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

COMMENTS / ANALYSIS:

The proposal comprises of the demolition of the dwelling and outbuildings at Daimer, Bedmond Road, Bedmond. Bedmond Road is designated as a classified 'C' secondary distributor road, subject to a speed limit of 40mph and highway maintainable at public expense.

VEHICLE ACCESS:

There is an existing vehicle crossover (VXO) into the site. The proposals include a relocated access point leading to an access road approximately 5m wide, which is considered to be acceptable to enable two vehicles to pass. Furthermore following consideration of the classification of road and speed of traffic, the levels of visibility available at the access onto the highway is sufficient (visibility splays of 2.4m by 66m are shown in either direction along Bedmond Road). HCC as Highway Authority considers the arrangements to be acceptable and in accordance with *Roads in Hertfordshire: Highway Design Guide and Manual for Streets (MfS)*.

Additional information would be required in relation to the proposed new access. Following consideration of the size of development a formalised bellmouth would need to be constructed at this location with tactile paving on the footway either side of the entrance, designed and built in accordance with the HCC's guidelines and specifications

HCC as Highway Authority would not agree to adopt the proposed cul-de-sac. However it should be built to adoptable standards to be in accordance with guidelines as documented in *Roads in Hertfordshire*. Following consideration of the size and nature of the proposals with the cul-de-sac providing vehicular and pedestrian access, the proposed shared surface road is acceptable and further details on shared surface roads can be found in *Roads in Hertfordshire*, Sec 2, 5.2.2 and 8.5.3.

CAR PARKING & MANOEUVRABILITY:

The proposed layout and design of the parking arrangements and the width of the access way into the main car park at the rear is acceptable for the size of the proposals and in accordance with design guidance in *MfS* Sec. 8.3.48 and *Roads in Hertfordshire*. The proposals include the provision of 21 on site / off street car parking spaces. HCC as Highway Authority considers this level to be acceptable.

ACCESSIBILITY & SUSTAINABILITY:

The site lies to the south of Bedmond and the village's amenities are within a reasonable walking and cycling distance. There is an existing pedestrian footway along the western

side of Bedmond Road. The site is within walking distance of the nearest bus stops, which provide bus services to surrounding towns / villages including Abbots Langley, Kings Langley and Hemel Hempstead and their respective railway stations.

REFUSE / WASTE COLLECTION:

Provision would need to be made for on-site bin-refuse stores within 30m of each dwelling and within 25m of the kerbside/bin collection point, which is not currently demonstrated. The collection method must be confirmed as acceptable by TRDC waste management.

EMERGENCY VEHICLE ACCESS:

The proposed on-site access road and turning area would be sufficient to enable emergency vehicle access to within 45m of each dwelling and to enable fire trucks to turn around and egress to Bedmond Road in forward gear. A swept path analysis for a fire tender has been included as part of the submitted Transport Statement, which is considered to be acceptable. The arrangements adhere to guidelines as recommended in *MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses*.

CONCLUSION:

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works required within the existing public highway. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives.

4.1.3 Herts and Middlesex Wildlife Trust: No comments received.

4.1.4 Herts Ecology: [No objections subject to conditions]

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which includes a large bungalow, garages, other outbuildings, and large rear garden.

The paddock beyond the garden will remain undeveloped and will be separated by a new hedgerow. I would like to see this comprise of native species known to thrive in the area.

There are a number of trees within the application boundary and, although the majority will be retained, some are proposed for removal. The usual bird caution should be adopted. An *Ecological Survey (Philip Irving, March 2018)* has been submitted in support of this application. The semi-natural habitats were considered to be of limited ecological interest. The buildings and trees were inspected for use by roosting bats and no bats or evidence of bats was found. Three trees have some potential for roosting bats however these will remain unaffected by the proposals. No further surveys were considered necessary, but sensible precautionary measures are suggested.

➤ **The recommendations in the report should be followed.**

Landscaping will be considered at the reserve matters stage, and biodiversity enhancements should also be included.

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. Simple biodiversity enhancements that could be incorporated into the development proposal include: bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and

martins, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree, shrub and hedgerow planting, orchard and fruit tree planting, wildflower area, wildlife pond, green roofs and walls, communal open spaces, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans.

4.1.5 Affinity Water: No comments received.

4.1.6 National Grid: No comments received.

4.1.7 Landscape Officer: [No objections]

I have no objections to the proposed tree removals, and am satisfied with the recommendations made within the arboricultural impact assessment (AIA) and arboricultural method statement (AMS), and level of protection shown on the tree protection plan.

In light of the above I do not wish to raise any objection in relation to the application, but would request that the AMS is updated to reflect service routes etc. (CR100)

4.1.8 Thames Water: No comments received.

4.1.9 Environmental Health: No comments received.

4.1.10 Environmental Protection: No comments received.

4.1.11 Highways Agency: [No objection]

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). In the case of this proposed development, Highways England is interested in the potential impact that the development might have on the M25. We are satisfied that the proposed residential development will not materially affect the safety, reliability and / or operation of the strategic road network (SRN).

Having examined the above application, we offer no objection.

4.1.12 Herts Footpath Section: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 3 No of responses received: 1

4.2.2 Site Notice: Expired 24 July 2018 Press notice: Not applicable.

4.2.3 Summary of Responses:

- The commercial building does not form part of the application site as it is not sited within the red line; no weight should be added to the removal of the commercial building in the assessment of the proposal;

- The site does not constitute previously developed land according to the NPPF as the site is located within a built up area;
- The two storey development would have a significantly greater impact on the character and openness of the Green Belt and conflicts with the purposes of including land within it than in comparison to the existing development;
- The height of the proposed two storey buildings would be more prominent than the existing buildings;
- The introduction of six dwellings would result in greater intensification of use of the site than in comparison to existing use which would result in greater harm;
- Proposal would be inappropriate development and no very special circumstances have been demonstrated that would outweigh the harm;
- The proposal would fail to relate to the existing established pattern of development along this part of Bedmond Road;
- The rear elevations of the dwellings would overlook the properties of the dwellings granted outline permission under application 17/1607/OUT on the neighbouring site;
- The proposed siting of the dwellings would result in loss of light and have an overbearing impact on the potential neighbouring properties.

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 revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

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 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, DM4, DM6, DM7, DM9, DM10, DM13 and Appendices 2 and 5.

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

6.3 Other

Open Space, Amenity and Children's Playspace 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 Introduction

7.1.1 The application has been submitted in outline and consequently, only those matters which are not reserved may be given significant weight. This application is for access, scale and layout to be considered with appearance and landscaping forming reserved matters. Therefore if planning permission were to be granted, the reserved matters of appearance and landscaping would need to be the subject of further application or applications.

7.1.2 The illustrative material submitted as part of the application with regard to the landscaping and appearance shows how the site could potentially be developed, but approval is not sought for these details within the application and these are taken into account as indicative only. Therefore while the assessment may acknowledge the appearance of the development indicated and consideration of landscaping and associated impacts, the detail of these matters would be assessed and agreed at a subsequent stage should outline permission be granted.

7.2 Principle of Development

7.2.1 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

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

7.2.2 The application site is located between the settlements of Abbots Langley and Bedmond however it is not located within the settlement boundaries of either the designated Key Centre of Abbots Langley or Village of Bedmond. The application site does therefore not fall within the provisions of either Policy PSP2 or PSP4 of the Core Strategy.

7.2.3 This would not however preclude the development of the site for future residential development as the site as a whole (the land outlined in red and blue on the location plan) already contains both residential and commercial development. As such, any future residential development of the site would be required to be assessed against all of the relevant material planning considerations in accordance with national and local plan policies.

7.3 Housing Mix

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

7.3.2 Policy CP3 of the Core Strategy also sets out proportions that should form the basis for the housing mix of development and indicates that proposals should broadly be for 30% 1-bedroom units, 35% 2-bedroom units, 34% 3-bedroom units and 1% 4-bedroom units. However, the most recent SHMA, published in January 2016 identified the indicative targets for market sector dwelling size within Three Rivers District as:

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

7.3.3 The proposed development would provide 100% four plus bed dwellings. Policy CP3 of the Core Strategy identifies that where a development does not accord with the mix as set out within the required mix then applications should explain how relevant factors have contributed to the mix of housing proposed. No such justification has been provided in support of the application. As such, the proposed development would fail to meet the housing requirements set out within the recent SHMA and no justification has been provided to demonstrate why the housing breakdown would be acceptable. The proposal would therefore be contrary to Policy CP3 of the Core Strategy.

7.4 Affordable Housing

7.4.1 The content of the NPPF is a material planning consideration in the assessment of the application. However, current evidence concludes that there is a continued pressing need for new additional housing in Three Rivers. As such, sites falling below the 10 units and 1,000sq.m threshold should continue to make a valuable contribution towards increasing the number of affordable units in the District. In light of this evidence, the Council will continue to fully apply part (a) and (e) of Core Strategy Policy CP4 when determining all relevant planning applications. The proposed development which would result in a net gain of five dwellings would therefore be required to contribute to affordable housing provision.

7.4.2 In relation to small developments Policy CP4 of the Core Strategy states:

'In order to increase the provision of affordable homes in the District and meet local housing need, the Council will:

a) In view of the identified and pressing need for affordable housing in the District, seek overall provision of around 45% of all new housing as affordable housing. All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.

e) In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.'

7.4.3 Policy CP4 does however identify that the amount of affordable housing contributions required to be made will take into consideration financial viability.

7.4.4 Taking into consideration the scale of the development the provision of commuted payments towards affordable housing provision off-site would be acceptable. A viability

assessment was submitted in support of the application detailing that it would not be viable to make any affordable housing contributions. However, the independent assessor advised that an affordable housing contribution of £96,500 would be viable. No further information has been submitted in support of the applicant's original claim that it would not be viable to make any affordable housing contributions.

7.4.5 The proposed development would therefore fail to contribute to the need for affordable housing within the District and would be contrary to Policy CP4 of the Core Strategy and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.5 Green Belt

7.5.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

7.5.2 The NPPF states that local planning authorities should consider the construction of new buildings in the Green Belt as inappropriate development, with the exception of:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and;
- g) limited infilling or the partial redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.5.3 Paragraph 134 of the NPPF sets out the five purposes of including land within the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.5.4 Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD relate to development within the Green Belt and reflect the guidance as set out in the NPPF.

7.5.5 The Planning Statement submitted in support of the application details that the proposal should be considered under exception (g) of paragraph 145 of the NPPF as the site is previously developed. 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 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.'

7.5.6 In a pre-application advice note (16/2338/PREAPP) it was considered that the site sat outside of the built up area of Bedmond and Abbots Langley thus the residential curtilage of the site would be considered to constitute previously developed land, including the residential garden. However, since issuing the pre-application advice note planning permission for the construction of two dwellings on land to the north of the application site was granted at appeal (Land Adjoining Notley Cottage; Outline Application: Construction of up to two dwellings; reference: 17/1607/OUT). In the appeal the Planning Inspector commented that the appeal site should be read in context with the village of Bedmond stating:

'The appeal site is located some 650m from the centre of the village, which can be accessed within approximately 8 minutes' walk via a continuous footpath along Bedmond Road. Within the village centre, services and facilities include a church, primary school, post office, village hall, sports and social club, and public open spaces. Additionally, there are a number of bus stops along Bedmond Road, including stops close to the appeal site. Bus services from these stops run between Watford, Garston, Abbots Langley, Kings Langley and Hemel Hempstead 7 days a week.

The appeal site is located within a ribbon of residential development within reasonable proximity of the village centre which is safely accessible on foot. It is also physically closer to the centre of Bedmond than the outlying properties on Harthall Lane, which lie within the settlement boundary. No reasoning has been provided for either Harthall Lane's inclusion or the exclusion of this part of Bedmond Road from the settlement boundary. This appeal is not the place to address matters such as settlement boundaries, which are better suited to discussion at a Local Plan examination. However, having visited both Harthall Lane and the appeal site during my site visit, it is my view that given its locational circumstances, the appeal site lies within the village of Bedmond for the purposes of paragraph 89 of the Framework.'

7.5.7 Taking the Planning Inspectors comments regarding the position of the site in relation to Bedmond Village it would be considered to form part of the built up area of Bedmond. Thus, the garden serving the dwelling would not be considered to constitute previously developed land.

7.5.8 The proposal would result in the demolition of the existing dwelling and outbuilding and the commercial building. The commercial building does not sit within the application site outlined in red, however, it is included within the land outlined in blue and its demolition and removal could be secured by a negatively worded condition. As such, the removal of the commercial building will form part of the assessment of the application.

- 7.5.9 Thus, although the residential garden is not considered to be previously developed parts of the site, including the commercial aspect to the rear do constitute previously developed land. As such, it is prudent to assess whether the limited infilling or the partial or complete redevelopment of the previously developed land would have a greater impact on the openness of the Green Belt than the existing development.
- 7.5.10 The existing dwelling, outbuilding and commercial buildings have a floorspace of approximately 834sq.m and footprint of 742sq.m. The proposed development would have a floorspace (including the garages and carports) of 1274sq.m and footprint of 719sq.m. The existing dwelling, outbuilding and commercial building are of generous proportions thus have a large footprint and the proposed development would reduce the footprint of built form within the site by approximately 3%; this would not result in a notable reduction. However, the overall floorspace of the proposed development, as the dwellings would be two storey, would increase the floorspace within the site by 35% which would result in a significant increase in floorspace than in comparison to the existing built form.
- 7.5.11 The proposed dwellings would all be two storeys in height with a height of approximately 8m. The indicative street scene demonstrates that the proposed dwellings would sit 2.6m higher than the existing dwelling and 2m higher than the commercial building, which is set on higher ground to the residential dwelling and outbuilding. The proposed height of the dwellings would appear materially more prominent within the landscape and street scene than the existing buildings. The proposed height of the buildings would therefore have a greater impact on the openness of the Green Belt than in comparison to the existing buildings. The harm to the openness would be further exacerbated by the bulk of the proposed buildings. The plans show that the proposed dwelling would include gabled end features where the bulk and massing at roof level would be significant. The proximity of the buildings to one another especially the dwellings on plots 2 and 3 and plots 3 to 6 would also have a further detrimental impact on the openness of the site as viewed to the front and rear and to the north and south than in comparison to the existing built form.
- 7.5.12 The proposed development would also result in encroachment onto the existing garden. As previously identified it is considered that the site is located within a built up area, as such, the garden would not constitute previously developed land. Even if the garden were to be considered previously developed the addition of three two storey dwellings with associated curtilages, parking and paraphernalia would result in significantly greater harm to the openness of the Green Belt than that of the existing garden that contains limited built form and serves a single dwelling. Plots 2 and 3 would also result in incursion of residential development into the paddock to the rear. Plot 3 would extend approximately 5m rearwards of the existing rear boundary demarcating the residential curtilage and part of the dwelling on plot 3 would also encroach into the paddock. This incursion in conjunction with the provision of two storey dwellings would result in incursion of built form and unacceptable development on undeveloped open land. The proposal would therefore result in encroachment into the countryside which would conflict with the purposes of including land within the Green Belt.
- 7.5.13 The proposed development would result in the removal of the commercial building that is sited to the north east of the residential curtilage. This is a material consideration in the assessment of the application. The proposed development would result in the removal of the building and access track and the land would be converted into open space and incorporated as part of the paddock which is to be retained. The removal of the building and hardstanding would serve to improve the openness of this part of the site. The proposal would also result in the removal of a commercial building which would further improve the openness of the site. The commercial building consists of a single storey 'L' shaped building which the planning statement indicates is used for both commercial and residential storage. As identified on the site visit the access and hardstanding is also used for the storage of vehicles, however, vehicles are moveable structures and are less conspicuous within the landscape than that of the proposed two storey buildings. The benefits arising from the proposed removal of the single storey commercial building and

use of the land for commercial purposes would not serve to outweigh the harm the proposed scale of the development would have on the openness of the Green Belt.

- 7.5.14 The planning statement makes reference to the fact that the building and land that is in commercial use is unrestricted. However, the commercial building only has permission for B8 use for storage and due to the constraints/limitations of the site in terms of size of the building and extent of the land that has a permitted commercial use for storage any further intensification, than what currently exists, would be limited. The proposed development however, which would result in a net gain of five dwellings on the site, would result in a significant intensification of use with additional cars, vehicular movements and increased residential paraphernalia. The removal of the commercial entity would not serve to overcome the intensification of use as a result of the addition of five additional residential properties within the site. The intensification of use of the site is demonstrated by the increase in vehicular movements as highlighted in the Transport Statement. The existing commercial use and residential use generate approximately 15 two way trips over the course of a typical weekday/weekend day whilst it is anticipated that the proposed development would generate approximately 48 two way trips over the course of a typical weekday. This demonstrates a significant increase in vehicular movements as a result of the proposed development and the intensification as a result of the proposal.
- 7.5.15 The proposed development, by virtue of the height, bulk and massing of the buildings and intensification of use of the site, would result in significant greater harm to the openness of the Green Belt than that of the existing buildings and commercial property. The removal of the commercial building and opening up of the land to the north east would not serve to overcome this harm. The proposed development would therefore fail to meet any of the exceptions as set out within paragraph 145 of the NPPF and would represent inappropriate development which, by definition, would be harmful to the Green Belt. The proposed development would also result in significant greater harm to the openness of the Green Belt than in comparison to the existing built form and uses.
- 7.5.16 Paragraph 144 of the NPPF states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other resulting from the proposal, is clearly outweighed by other considerations.'* The provision of additional market housing within the District would not serve to overcome the harm the development would have on the Green Belt. No very special circumstances have been submitted that would outweigh the harm the development would have on the Green Belt by virtue of its inappropriateness and substantial actual harm.
- 7.5.17 The proposed development would therefore be contrary to Policy CP11 of the Core Strategy, Policy DM2 of the DMLDD and the requirements of the NPPF.

7.6 Impact on Character and Street Scene

- 7.6.1 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'.
- 7.6.2 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:

'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, gap between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)'

7.6.3 The Design Criteria at Appendix 2 of the Development Management Policies document 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. Specific guidance includes that to prevent terracing and maintain spacing, the flank elevations of development should be set in at least 1.2m from flank boundaries at first floor level and above.

7.6.4 The proposed development would form a new residential development off Bedmond Road with the properties fronting the new internal access road. The existing built form along this part of Bedmond Road forms a ribbon and linear pattern where the dwellings front Bedmond Road, with the exception of the caravan park to the south. In relation to the creation of a cul-de-sac within this location this would not respect the linear pattern of residential dwellings which form this part of Bedmond Road. However, to the south of the site is a caravan park which provides a sense of variation. The application site itself is already unique in relation to the other residential properties as it contains a detached commercial building to the rear which is served by long access cutting through the site. Furthermore, Bedmond to the north is varied in terms of character and layout. It is therefore not considered that the cul-de-sac layout of the development would result in any demonstrable harm to the character of the area or visual amenities of the street scene.

7.6.5 In relation to the siting of the dwelling the dwellings on plots 1 and 6 would be sited closest to Bedmond Road and would be set forward of the front elevation of the existing dwelling and Dell Cottage. The building line along this part of the street scene is varied with Dell Cottage to the south sited forward of the application dwelling and Notley Cottage to the north sited forward of Dell Cottage. The existing outbuilding is set forward of both Dell Cottage and the existing dwelling. Taking into consideration that the outbuilding is sited close to the front boundary the dwelling on plot 6 would not appear out of character or unduly prominent within the street scene; the forward setting of the dwelling on plot 6 would also respect the siting of Notley Cottage to the north. The dwelling on plot 1 would be set back however the detached carport would be set significantly further forward of Dell Cottage. The siting of the carport would not respect the building line to the south of the site and would appear unduly prominent.

7.6.6 The proposed two storey detached dwellings would not appear out of character. However, the proposed dwellings along plots 3-6 would not meet the 1.2m separation criteria and would not respect the general spacious character of the street scene. Furthermore, the dwelling at plot 1 would be sited just 1m from the flank boundary and would not respect the spacious character of the street scene.

- 7.6.7 In terms of plot size and shape the plots would be smaller than the existing plot and neighbouring properties to the south. However, two dwellings on a small plot were granted directly to the north of the site and the existing dwellings to the north consist of a pair of semis. The varied size and shape of the plots would not appear out of character or result in any harm.
- 7.6.8 The indicative street scene demonstrates that the proposed dwellings would not appear excessive in height than in comparison to the two storey dwelling to the south. Furthermore, the proposed development would improve the visual aesthetics of the site which currently contains a large area of hardstanding to the front.
- 7.6.9 Thus, taking the existing layout of the site into consideration and the variation of built form along this part of Bedmond Road and the wider village of Bedmond the proposed layout of the development in terms of the creation of a cul-de-sac, plot size and shapes would not result in any material harm to the character of the area. However, there are concerns that the layout of the development in terms of proximity of the dwellings would not respect the spacious quality of the street scene. Furthermore, the forward setting of the carport on plot 1 would appear prominent within the street scene.

7.7 Impact on amenity of neighbours

- 7.7.1 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'.
- 7.7.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that 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. The Design Criteria at Appendix 2 provide specific guidance including that to avoid unacceptable loss of light to neighbours, two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the positioning of windows and development to neighbours.
- 7.7.3 In the interests of privacy and to avoid overlooking, the Design Criteria advise that a distance of 28m should be achieved between the faces of single or two storey buildings backing on to each other. Distances should be greater between buildings in excess of two storeys with elevations which directly face each other or in situations where there are site level differences involved. Appendix 2 of the Development Management Policies document also advises that windows of habitable rooms at first floor level should not generally be located in flank elevations and that flank windows of other rooms should be non-opening below 1.7m and obscure glazed. Development should not incorporate balconies or first floor conservatories which overlook neighbouring properties to any degree.
- 7.7.4 The closest neighbouring property to the north is Notley Cottage which would be sited approximately 30m from the rear elevations of the proposed dwellings on plots 3-6. The rear elevations of these proposed dwellings would face the flank boundary of the application site and flank of Notley Cottage and would include first floor habitable rooms within the rear elevation. Taking into consideration the separation of the proposed development from the existing neighbouring property to the north the proposal would not result in any loss of light, harm to the residential amenities or overlooking of this neighbouring property. A neighbour objection has been raised that the proposal would overlook the potential development that would be sited between the site and Notley Cottage. It is noted that outline permission has been granted on this site and there is currently a pending approval of details application. However, the proposed development

is required to be assessed in relation to the existing site circumstances where the land directly to the north previously formed the residential curtilage serving Fox Cottage. This land is currently separate from Fox Cottage however if it were to be brought back into use as the garden of Fox Cottage it is not considered that the proposal would result in demonstrable harm. The dwellings along plots 3-6 would be sited a minimum of 10m from the northern boundary. This would be sufficient to prevent unacceptable overlooking and an overbearing feature. Furthermore, the proposed development would not overlook the private amenity space provision sited directly to the rear of Fox Cottage.

7.7.5 The dwellings on plots 1 and 2 would be sited close to the flank boundary with Dell Cottage. Dell Cottage is set in from the common boundary and it is not considered that the dwellings on plots 1 and 2 would result in any unacceptable loss of light or harm to the visual amenities of this neighbouring property. The proposed dwellings on plots 1 and 2 would also not contain any habitable windows within the elevations facing Dell Cottage, thus no overlooking into this neighbouring property would result from the proposed development.

7.8 Quality of accommodation for future occupants

7.8.1 The relationship between the proposed dwellings would provide acceptable living conditions to protect the residential amenities of the future occupants.

7.9 Amenity Space Provision for future occupants

7.9.1 The Design Criteria of the DMP LDD stipulates amenity space must be provided within the curtilage of all new residential developments and must be provided in the form of private gardens. Appendix 2 sets out the following indicative amenity space provision requirements which should be met:

- 1 bed dwelling – 42 square metres
- 2 bed dwelling – 63 square metres
- 3 bed dwelling – 84 square metres
- 4 bed dwelling – 105 square metres
- additional bedrooms – 21 square metres each.

7.9.2 The four bed dwellings should be served by amenity space provision of 105sq.m and the five bed properties should be served by amenity space provision of 121sq. Each of the units would be served by useable private amenity space provision that would exceed 121sq.m thus would meet the requirements of the Design Criteria.

7.10 Wildlife and Biodiversity

7.10.1 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.

7.10.2 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.

7.10.3 The application has been submitted with a Biodiversity Checklist and Ecology Survey. Herts Ecology advised that the works should be carried out in accordance with the survey and any permission would include a condition requesting this. Herts Ecology advised on

details that should be submitted with any landscaping scheme, which is to be considered at reserved matters stage. Any permission would include an informative advising the applicant of these requirements.

7.11 Trees and Landscaping

7.11.1 Landscaping is a reserved matter. However, the Landscape Officer has not raised any objections in terms of the siting of the proposed dwellings in relation to any trees to be retained or the removal of any trees.

7.12 Highways, Access and Parking

7.12.1 The proposed development would result in the closing up of the existing access and re-siting of the proposed access to the south of the existing. Subject to conditions the Highways Officer raised no objections to the proposed alterations to the access. The Highways Officer confirmed that the development is unlikely to result in a significant increase in the number of vehicles using the site.

7.12.2 Each dwelling should be served by at least three parking spaces. The plans indicate that each dwelling would be served by two on-site external spaces and at least one parking space within the garage or carports. The single carports would have a minimum width of 2.8 and depth of in excess of 6m which would be sufficient to accommodate a modern car. Thus, sufficient parking would be provided to serve the development.

7.13 Sustainability

7.13.1 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.

7.13.2 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.

7.13.3 The submitted Energy Statement details that the proposed development would produce 6.97% less carbon emissions than Building Regulations Part L (2013) with a fabric first construction. This would meet the requirements of Policy CP1 of the Core Strategy and Policy DM4 of the DMLDD.

7.14 Refuse and Recycling

7.14.1 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

- 7.14.2 Sufficient space would be provided within the curtilages of the proposed dwellings to allow the storage of the refuse and recycling bins. The plans indicate a collection point sited on the grass verge along the frontage of the site. The site is already served by refuse collections and it is not considered that the proposal would add undue pressure on the existing collections. The grass verge to the front of the site is of sufficient size as to prevent the bins being spilled out onto the highway on collection days. To ensure that the bins are only stored on the grass verge on collection days a waste management condition would be attached to any planning permission.

8 Recommendation

That PLANNING PERMISSION BE REFUSED for the following reasons:

- R1 The proposed development, by virtue of the height, bulk and massing of the buildings and intensification of use of the site, would result in significant greater harm to the openness of the Green Belt than that of the existing residential buildings and commercial use of the site. The proposed development would therefore constitute inappropriate development and would result in significant actual harm to the openness of the Green Belt. No very special circumstances exist to outweigh the harm to the Green Belt by virtue of its inappropriateness and actual harm and the development is contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the National Planning Policy Framework.
- R2 The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011) in that the scheme would not provide policy compliant affordable housing and it has not been demonstrated that it would not be viable to meet policy requirements for affordable provision; a S106 Agreement has not been agreed to secure provision; and the proposed housing mix would fail to meet the requirements of Policy CP3 of the Core Strategy (adopted October 2011) and no evidence or justification has been provided to support the proposed housing mix.

8.1 Informatives:

- I1 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.