

**16. 18/1744/FUL - Demolition of garages and erection of two storey building with further roof accommodation to provide six flats, with associated garden, car parking and landscaping at LAND AND GARAGES REAR OF 2-34, GREEN STREET, CHORLEYWOOD, HERTS, WD3 5QR (DCES)**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 23.10.2018

Ward: Chorleywood North and Sarratt  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted subject to Cconditions.

Reason for consideration by the Committee: The application has been called in by Chorleywood Parish Council.

**1 Relevant Planning History**

- 1.1 17/1503/FUL - Demolition of existing garages and erection of two semi-detached two storey dwellings with associated access, parking and landscaping – Refused for the following reason

*The proposed scheme results in the overdevelopment of the site by reason of a cramped and contrived design, which does not maintain the character of the area in terms of plot layout, plot frontage and access and would result in a form of development which would be unable to maintain the prevalent character of the area, to the detriment of the visual amenities of the locality contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

Appeal allowed. 18.05.2018

**2 Description of Application Site**

- 2.1 The application site is located to the rear of 2-34 Green Street and is accessed via a track fronting the junction of Green Street and Station Approach.
- 2.2 The site is currently occupied by 25 garages arranged in two blocks along the south western and north western boundaries.
- 2.3 The neighbouring properties to the north east along Green Street are predominately flatted properties. The properties within the small cul-de-sac abutting the north western boundary of the application site are semi-detached bungalows.
- 2.4 To the south west of the application site is the London Underground track.
- 2.5 Land levels slope upwards from the entrance to the site from south east to north west.

**3 Description of Proposed Development**

- 3.1 This application seeks full planning permission for the demolition of garages and erection of two storey building with further roof accommodation to provide six flats, with associated garden, car parking and landscaping.
- 3.2 The proposed flats would be 4 two bed units and 2 one bed units.
- 3.3 Each of the 2 bed units would have 1 double bedroom with en-suite, 1 single bedroom, bathroom and an open plan kitchen/living area. The ground floor units would benefit from a private amenity area to the rear. The 1 bed units would include a double bedroom, bathroom, w/c and an open plan kitchen/living area. The 2 bed units would be located on the ground and first floor with the 1 bed units located at second floor level within the roofspace.

- 3.4 The building itself would have an 'L' shaped footprint with a width of 13.4m and a depth of 9.4m with a rear projection set in 2.6m from each flank projecting a further 4m. The building would also have a front gable feature with a depth of 1m and width of 6.5m. The main building would have a height of 9m with a central crown roof section with two front and rear gables. The front gable would be set down centrally by 0.6m. The rear gable projection would be in line with the height of the main roof.
- 3.5 The second floor flats would be served by a two casement window within the front and rear of the gables and a rooflight within the side roofslope.
- 3.6 The roof would be slate with the flanks and front elevation finished in painted render. The front and rear gables would both be finished in timber cladding. The windows and doors would be anthracite grey.
- 3.7 The units would be accessed via a drive entered from Green Street. The proposed building would face the access drive with parking provision to the front for 4 vehicles with 2 additional spaces at the top of the access in addition to a visitor's parking space.
- 3.8 The proposed building would be sited a minimum of 1.2m from the flank boundary to the front and 2m towards the rear. The proposed building would site 2.3m from the left hand boundary to the front and 3m towards the rear. Owing to the land levels rising from south east to north west the amenity areas to the rear would be stepped.
- 3.9 Refuse provision is proposed to the south of the building with a cycle store proposed to the north west of the site. 1 cycle space per unit would be provided.
- 3.10 The notable difference between this scheme and that allowed at appeal via application reference 17/1503/FUL include:
- The proposed rear gable projection would be 1m deeper.
  - Each of the front and rear gables would be 0.7m higher.
  - A central flat roof section would be introduced between the gables
  - A front gable feature has been added which would be set down from the main ridge.
  - A rear gable feature has been included in place of the two storey flat roofed projection previously proposed.
  - A rooflight has been added to each flank roofslope.
  - 6 flats (previously 2 semi-detached dwellings)

## **4 Consultation**

### **4.1 Statutory Consultation**

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

The Committee had Objections with this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application:-

- Overdevelopment of the site
- Contrived development
- PARKING - a major issue with allocated parking, which falls way short of the allocation - DM13
- The impact on the Ingress and Egress of the proposed development
- Concern with the dangerous location of the development.

Contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 Appendix ii, iii and DM13 of the Development Management Policies LDD (adopted July 2013).

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:

*Prior to the commencement of the development hereby permitted full details shall be submitted and approved in writing by the Local Planning Authority to demonstrate 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. This should include sufficient soakaway provision.*

*Full details of a passing point for vehicles just south of the proposed visitor parking space and/or increased width of access route to enable two vehicles to pass one another.*

*Waste Collection arrangement details.*

*Provision of one secure cycle parking space for each dwelling i.e. a total of six.*

*Provision of Parking & Servicing Areas*

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

*Reason: To ensure permanent availability of the parking / maneuvering area, 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 or Statement and the approved details are to be implemented throughout the construction programme.*

*Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013)*

**COMMENTS / ANALYSIS:**

The proposal comprises of the removal of the existing garages and erection of six dwellings (four two-bed and two one-bed) at land to the rear of 2 to 34 Green Street, Chorleywood. Green Street is designated as an unclassified local access road, subject to a speed limit of subject 30mph and is highway maintainable at public expense.

**ACCESS:**

The proposals include using the existing garage access for vehicular and pedestrian access into the site, the layout of which is shown on the submitted plan no. J580/F202. The proposals appear to reduce the width of the existing access road to approximately 3.3m in some parts, which is less than the recommended width of 4.1m to enable vehicles to pass one another. HCC as Highway would recommend the provision of a passing bay just to the south of the proposed visitor parking spaces. This is to ensure that the proposals are in accordance with *Roads in Hertfordshire: Highway Design Guide and Manual for Streets (MfS)*.

HCC as Highway Authority would not agree to adopt the proposed access road. 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, pedestrian and cycling access, it is

recommended that the access road be constructed as a shared surface road. Further details on shared surface roads can be found in *Roads in Hertfordshire, Sec 2, 5.2.2 and 8.5.3*.

Although no specific alterations have been proposed, the applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority if there are any works on highway land at the existing access. Please see the following highway informative:

*General works within the highway - construction standards*

*AN) Construction standards for works within the highway: 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 road 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.*

**PARKING & MANOEUVRABILITY**

The proposals include the provision of a turning head at the end of the close, which should “be designed to cater for the largest vehicle likely to be encountered” *Roads in Hertfordshire*. This turning head would need to be kept clear of parked vehicles to enable service and delivery vehicles (and other visitors) to be able to turn around and egress to the highway in forward gear.

The proposal includes the provision of seven car parking spaces (one for each dwelling in addition to one visitor space), the layout of which is shown on plan no. J580/203. The size of the parking bays of 2.4m wide and 5m long is acceptable. The level of parking is less than that outlined in Appendix 5 of Development Management Policies: Local Development Document. The removal of the existing 27 garages will result in a reduction of parking provision in the immediate vicinity. However given the relatively sustainable location close to Chorleywood Station and the existing permit holder only parking restrictions in front of numbers 2 to 34 Green Street, it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.

**SURFACE WATER DRAINAGE:**

The proposed development would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. The proposals state that the driveway and parking would be constructed of “permeable tarmac/paving”. However no specific details have been provided as to the disposal of any surface water on site and therefore HCC as Highway is recommending that this information be provided (particularly due to the gradient of the access into the site from Green Street) as stated in the above condition.

**REFUSE / WASTE COLLECTION:**

Provision has been made for on-site bin-refuse stores within 30m of the proposed dwellings as shown on submitted drawing number J580/F203. However it is indicated that residents would need to take their bins to the highway on Green Street on collection days, which is a distance of approximately 80m from the bin store. This is not in accordance with *MfS* or *Roads in Hertfordshire*, which states that bin stores should be provided within

25m of the kerbside/bin collection point. Subsequently the collection method must be confirmed as acceptable by TRDC waste management.

**EMERGENCY VEHICLE ACCESS:**

HCC as Highway Authority would recommend that the applicant consult with Herts Fire & Rescue in relation to emergency vehicle access to ensure that the proposals are acceptable and in accordance with guidance in *MfS, Sec 6.7* and *Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses*. The proposed access route is likely to be less than the recommended emergency vehicle access width of 3.7m at some points and the proposed dwellings are more than 45m from Green Street, which is the recommended maximum distance for vehicle access for a pumping appliance.

**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 of vehicles using Green Street. 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 any highway works that may be needed within the existing public highway at the entrance to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

**4.1.3 Herts Property Services: [No objection]**

Thank you for your email regarding the above mentioned planning application.

Growth & Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers' CIL Area and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact me or the planning obligations team ([growth@hertfordshire.gov.uk](mailto:growth@hertfordshire.gov.uk)).

**4.1.4 London Underground: [No objection subject to conditions]**

Thank you for your communication of 29 August 2018.

Though we have no objection in principle to the above planning application there are a number of potential constraints on the redevelopment of a site situated close to railway infrastructure. Therefore, it will need to be demonstrated to the satisfaction of LUL engineers that:

- our right of support is not compromised
- the development will not have any detrimental effect on our structures either in the short or long term
- the design must be such that the loading imposed on our structures is not increased or removed
- we offer no right of support to the development or land

Therefore we request that the grant of planning permission be subject to conditions to secure the following:

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the demolition, foundations, basement and ground floor structures, or for any other structures below

ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- provide details on the use of tall plant/scaffolding
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- demonstrate that there will at no time be any potential security risk to our railway, property or structures
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

We also ask that the following informative is added:

The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant; scaffolding:

#### 4.1.5 Herts Property Services: [Advisory comments]

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

#### 4.1.6 National Grid: Made the following comments on application 17/1503/FUL

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

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

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

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

4.1.7 Hers and Middx Wildlife: No comments received.

4.1.8 Thames Water: No comments received.

4.1.9 Environmental Health: No comments received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 27                      No of responses received: 5

4.2.2 Site Notice: Expired 20.09.2018    Press notice: Not required

4.2.3 Summary of Responses:

- Increased activity leading to increase noise and disruption
- Concerns regarding overlooking/loss of privacy
- Parking issues
- Request for boundary vegetation
- Request for darker render
- Loss of existing garages
- Concerns regarding access to the site and conflict with existing highways users
- Access to narrow
- Residents could be vulnerable to crime
- Overdevelopment
- Flats least popular in Chorleywood with priority for affordable dwellings

## **5 Reason for Delay**

5.1 Not applicable.

## **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 PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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

## 6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

## **7 Planning Analysis**

### 7.1 Principle of Development

- 7.1.1 The proposed development would result in a net gain of six units.
- 7.1.2 Policy CP2 of the Core Strategy sets out that the Council will identify sufficient land for housing within the District to meet the Three Rivers housing target of 180 dwellings per year until 2026. Housing will be made primarily within the existing urban area and also from housing sites at the most sustainable locations on the edge of existing settlements. Specific sites will be identified through the Site Allocations document taking in to account policies set out within the Core Strategy.
- 7.1.3 Policy SA1 of the Site Allocations document outlines that permission will not be granted for development resulting in a net loss of housing and sites should be developed at an overall capacity which accords with the dwelling capacity for that site.

- 7.1.4 The Spatial strategy sets out that for Three Rivers the hierarchy of settlements across the district have been defined in order to direct growth to the most sustainable and appropriate locations.
- 7.1.5 The application site is not an allocated site defined within the Site Allocations Document (November 2014). Policy CP2 of the Core Strategy sets out 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 site by site basis. Regard should be given to the location of the proposed development, the sustainability of the development and the contribution to housing needs, infrastructure requirements, impact on delivering allocated housing sites and monitoring information relating to housing supply and targets.
- 7.1.6 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards previously developed land and appropriate infilling opportunities within the Principal Town and Key Centres and Core Strategy Policy PSP2 indicates that the Key Centres (including Chorleywood) will provide approximately 60% of the District's housing requirements over the plan period.
- 7.1.7 The proposed development would be of previously developed land and given the location of the site within a Key Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2, however this is subject to consideration against other material considerations as discussed below. It is also noted that permission was granted at appeal for the residential development of the application site.

## 7.2 Housing Mix

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

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

- 7.2.2 The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors.
- 7.2.3 The proposed development would provide 33% 1 bed units and 77% 2 bed units. As such whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

## 7.3 Affordable Housing

- 7.3.1 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.

- 7.3.2 During the course of the application the revised NPPF was published. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. As such proposals for the residential development of sites of 10 dwellings or less (not "major development") will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.
- 7.3.3 Based on habitable floor space of 53sqm for each 2 bed flat and 34sqm for the 1 bed. The commuted sum would be £350,000 based on a habitable floor space of 280sqm x £1250 (commuted sum for WD3 5 Highest Value Area).
- 7.3.4 A viability report has been submitted with the application which has been reviewed by Adams Integra who conclude in their report dated 05.10.2018 that it would not be viable for the development to make a contribution towards affordable housing.

#### 7.4 Impact on Character and Street Scene

- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.4.2 In terms of new residential development, Policy DM1 of the DMP LDD 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:
- 7.4.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 7.4.5 It is acknowledged that this scheme proposes 6 units as opposed to a pair of semi-detached properties however the principle of residential development in this location has been allowed by the planning inspectorate following the refusal of application reference

17/1503/FUL which was then granted at appeal. In their decision, the Inspector noted other developments that had similar accesses in the area and did not consider the access to be unduly awkward or contrived. The inspector further outlines that whilst the access would undoubtedly be long with the building not benefitting from a street frontage, there are other example of similar local developments. The appeal decision further commented that there would be reasonable separation distances with the design responding appropriately to the site and its surroundings.

- 7.4.6 The proposed building would be finished in an off white coloured render and timber cladding. The previous application included the use of the same materials which was considered acceptable. Given the varied nature of the wider area and that the building would not be readily visible from the streetscene it is not considered that the use of these materials would appear incongruous.
- 7.4.7 It is acknowledged that the proposed building would have an increased bulk and massing to that previously consented at appeal including the introduction of a flat roof section, front and rear gables and an increase in the depth of footprint to the rear by 1m. However the building would remain set in from the flank boundaries by a minimum of 1.2m and therefore would comply with Appendix 2 of the DMP LDD.
- 7.4.8 Appendix 2 of the DMP LDD outlines that crown roofs are generally discouraged as they can exacerbate the depth of properties and result in additional bulk and massing. As outlined above the proposed introduction of a crown roof would result in an increase in the bulk of the building compared with the previously proposed pair of semis. However the use of materials and introduction of gable features would break up the mass of the building and add visual interest to the front and rear elevations. Given this in addition to the isolated nature of the building not with immediate neighbours the building would not appear excessive in scale with spacing retained to the flanks and would not appear cramped within its boundaries when compared with the previously consented building.
- 7.4.9 In summary the scale and massing of the proposed building is considered appropriate and the development would respect the character and appearance of the area and would accord with Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

## 7.5 Impact on amenity of neighbours

- 7.5.1 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.
- 7.5.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD also 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.
- 7.5.3 Appendix 2 of the DMP LDD further outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure of 28m should be achieved between the faces of single or two storey buildings backing onto each other. Where garden length alone is relied upon to provide privacy a minimum length of 14m should be achieved.
- 7.5.4 A minimum separation distance of 30m from the corner of the rear elevation of the proposed building on the right would be achieved to the properties to the north west. As such the proposed development would exceed the guidelines of Appendix 2 in relation to back-to-back distances. In addition to this the proposed building would be angled away slightly from the neighbouring properties to the rear and as such the rear elevations would not directly face each other. Therefore it is not considered that the proposed building

would result in unacceptable levels of overlooking. It is acknowledged that the new building would result in an additional storey of built form compared with the existing garages, however given the separation distances, oblique orientation and that the proposed building would be sited on a slightly lower land level to the bungalows at the rear it is not considered that the proposed building would result in an unacceptable overbearing impact or loss of light.

- 7.5.5 The proposed building would be sited a minimum of 1.2m from the boundary to the north east with the neighbours along Green Street with the distance increasing to 2m towards the rear. In addition to this there would be a minimum separation distance of 27m increasing to 30m owing to the slightly splayed nature of the boundary relative the neighbouring maisonettes. It is acknowledged that the proposed building would have a slightly bulkier roof form with the formation of a crown roof and a deeper rear projection and gable feature to the rear. However given that the roof would remain pitched away from the boundary and the front and rear gables would be set in from the main side elevation in addition to the separation distances it is not considered that the proposed building would result in an unacceptable overbearing impact or loss of light to the neighbours along Green Street.
- 7.5.6 The first floor flank window facing the neighbours along Green Street will be conditioned to be obscure glazed and top level opening in order to prevent unacceptable overlooking to neighbouring amenity. The proposed rooflight facing Green Street will also be required to have a cill height of at least 1.7m in order to further mitigate the potential for unacceptable overlooking.
- 7.5.7 In summary, it is not considered that the proposed development would result in an adverse impact to neighbouring properties in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD in this respect.

## 7.6 Amenity Space Provision for future occupants

- 7.6.1 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. Section 3 of Appendix 2 of the Development Management Policies LDD sets out indicative levels of amenity space dependent on the number of bedrooms.
- 7.6.2 Appendix 2 of the DMP LDD outlines that a one bed flat should provide 21sqm with additional bedrooms requiring 10 additional square metres each.
- 7.6.3 As such the development should provide a total of 166sqm. The ground floor flats would each have 9sqm of private amenity space which would be a shortfall of 12sqm. 120sqm of additional shared amenity space would also be provided to the rear of the site. Overall there would be a shortfall of 28sqm. However given the flatted nature of the development and that the site is within walking distance of Chorleywood Common and that there is a useable area of shared amenity space it is not considered that the shortfall would result in detrimental harm to future occupants.

## 7.7 Wildlife and Biodiversity

- 7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy

(adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.7.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application.

## 7.8 Trees and Landscaping

7.8.1 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. As such it is not considered that the proposed development would result in unacceptable harm in this respect. A condition requiring details of hard and soft landscaping is considered appropriate.

## 7.9 Highways, Access and Parking

7.9.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access 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 Parking Standards are as follows:

1 bedroom dwellings – 1.75 spaces per dwelling (1 assigned space)

2 bedroom dwellings – 2 spaces per dwelling (1 assigned space)

7.9.2 The proposed development would provide 1 space per unit in addition to 1 visitor's space. The development would require 11.5 spaces (6 assigned spaces). The proposed development would provide 7 spaces resulting in a shortfall of 4.5 spaces. Whilst this is noted, all assigned spaces would be provided and the site is within close walking distance of local shops, services and transport links. Given this, it is not considered that the shortfall of parking would result in harm justifying the refusal of planning permission. It is however considered appropriate to require a parking management plan.

7.9.3 The Highways Officer has advised that they do not consider that the proposal would result in harm to highways safety or a conflict with highways users subject to the inclusion of conditions.

## 7.10 Sustainability

7.10.1 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.

7.10.2 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.

7.10.3 The application has not been accompanied by a separate Energy Statement however the Design and Access submitted indicates that an Air Source Heat Pump and Photovoltaic panels will be included. It is therefore considered necessary for a condition to be attached to any consent requiring further details of the proposed sustainable energy measures.

## 7.11 Refuse and Recycling

7.11.1 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

7.11.2 The principle of residential development has been granted on the site with the inspector considering it appropriate to require additional refuse details via condition. A bin store is proposed to the south west of the building however a condition will be attached to provide further elevations and details of the bin store in addition to the proposed collection arrangements.

## 7.12 Infrastructure Contributions

7.12.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing.

7.12.2 The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.

## **8 Recommendation**

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

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: J580 F200, J580 F201, J580 F202, J580 F203 Rev A, J580 F204, J580 F205, J580 F206, J580 F207, J580 F208, J580 F209

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the building operations above ground level, 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 than those approved.

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

- C4 Prior to commencement of the development hereby permitted, a detailed design and method statement (prepared in consultation with London Underground) for all foundations, basement and ground floor structures, and any other structures below ground level including piling (temporary or permanent), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved design and method statement.

Reason: This is a pre-commencement condition to ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 Prior to commencement of the development hereby permitted details of the disposal of surface water from the drive and parking area shall be submitted to and approved in writing by the Local Planning Authority. The works for the disposal of surface water shall be carried out in accordance with the approved details prior to occupation of the development.

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).

- C6 The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

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

- C7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

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

- C8 Prior to the commencement of the development hereby permitted, details of passing places along the vehicular access shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

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

- C9 Prior to the commencement of the development hereby permitted, a noise exposure assessment to include details of measures necessary to mitigate any potential for future noise or disturbance to future occupiers of the development shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be carried out in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

Reason: This condition is a pre commencement condition to ensure that the occupants do not suffer from unacceptable noise levels within the proposed dwellings and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013)

- C10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and 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 condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to the commencement of the development hereby permitted, details of fire hydrants serving the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

Reason: This is a pre commencement condition to ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

- C12 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

- C13 Before the first occupation of the building hereby permitted the first floor flank window in the north eastern elevation shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

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

- C14 A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development; management and allocation of disabled parking spaces; and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. The parking management plan shall be carried out in accordance with the approved details.

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

## 8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](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 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.