

18. 18/1922/FUL - Installation of proposed solar-pv panels to the roof at 15 BURY LANE, RICKMANSWORTH, HERTFORDSHIRE (DCES)

Parish: Batchworth

Ward: Rickmansworth Town

Expiry of Statutory Period: 22.11.2018

Case Officer: Claire Westwood

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is TRDC

1 Relevant Planning History

- 1.1 17/0416/FUL - Demolition of existing hall and provision of 17no. units of temporary residential accommodation with associated car parking and landscape works. Permitted 11.07.2017 and implemented.
- 1.2 Various Discharge of Conditions applications determined.

2 Description of Application Site

- 2.1 The site is a linear form with a width of approximately 19 metres adjacent to the boundary with Bury Lane and projecting to the south for a depth of approximately 55 metres. It was previously occupied by a single storey hall comprising a part flat and part pitched roof, however, this building was demolished following the grant of planning permission 17/0416/FUL.
- 2.2 As noted above, planning permission 17/0416/FUL has been implemented with works at an advanced stage on site. The modular units have been delivered and insulated and works have commenced on cladding the elevations with facing brickwork to match the adjacent Coach House. Timber roof joists have also been installed.
- 2.3 To the east of the site is an access road serving The Coach House (a 3 storey residential building) and public car park. To the west of the site is an access drive serving The Bury, a Grade II Listed Building containing flats. This access also serves as a public footpath which wraps around the south of The Coach House in the direction of St Mary's Church to the east. Beyond the access to the west is The Bury Open Space. To the north east of the site there is a terrace of residential properties on Bury Lane adjacent to the access road.
- 2.4 The application site is located within the Rickmansworth Town Centre Conservation Area.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the installation of solar-pv panels to the roof. 30 pv-panels are proposed and would be sited in a single line across the western roofslope. The individual panels would each have a width of 1.046 metres and a height of 0.8 metres, resulting in a total combined width of 32 metres. They would be set in 0.6 metres from both ends of the building, set down 0.4 metres from the ridge and set back 6.3 metres from the eaves. The panels would project 0.08 metres above the roof plane.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Batchworth Community Council: [No response at time of writing]
- 4.1.2 National Grid: [No response at time of writing]

4.1.3 Conservation Officer: [No response at time of writing]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 24

4.2.2 No of responses received: 0 (at time of writing, expires 23.10.2018)

4.2.3 Site Notice: Expires 24.10.2018

4.2.4 Press notice: Expires 26.10.2018

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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 CP1, CP8, CP9 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, DM3, DM4, DM6 and Appendix 2.

6.3 Other

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.

Rickmansworth Conservation Area Appraisal and Character Assessment (1993): The Conservation Area was designated in 1974 (and extended in 1980 to include the Victorian development of the town).

7 Planning Analysis

7.1 Background

7.1.1 Planning application 17/0416/FUL granted consent subject to conditions for the 'demolition of existing hall and provision of 17no. units of temporary residential accommodation with associated car parking and landscape works'.

7.1.2 In order to comply with the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) with regards to energy saving measures the applicant is proposing to install solar-pv panels.

7.2 Sustainability

7.2.1 Policy DM4 of the Development Management Policies LDD (adopted July 2013) requires 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.

7.2.2 The proposed solar-pv panels would meet the requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013).

7.3 Impact on Character, Street Scene & Heritage

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.3.2 Policy DM3 (The Historic Built Environment) of the Development Management Policies LDD is applicable. In relation to Conservation Areas, Policy DM3 advises that development will only be permitted if the proposal uses building materials, finishes that are appropriate for the local context.

7.3.3 Policy DM3 also requires that the Council will preserve the District's Listed Buildings. Development should not adversely affect the setting of any adjacent Listed Building.

7.3.4 The proposed solar-pv panels would extend for almost the full width of the western roofslope but due to their limited height a large proportion of the clay tiled roofslope would

remain visible. They would be set down from the ridge and given their limited projection above the roof plane they would not appear prominent.

- 7.3.5 It is acknowledged that there are no examples of solar-pv panels evident in the immediate vicinity within the Conservation Area, however, it is not considered that the proposed panels would appear excessively prominent or result in harm to the character or appearance of the Conservation Area or setting of any adjacent Listed Building. Similarly, the sustainability credentials are acknowledged and accord with National and Local Policies that support renewable and low carbon energy.

7.4 Impact on amenity of neighbours

- 7.4.1 The proposed solar-pv panels would be visible from neighbouring properties to the west, however, given the nature of the proposal the development would not result in harm to neighbouring amenity.

7.5 Wildlife and Biodiversity

- 7.5.1 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.

- 7.5.2 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.

- 7.5.3 The application has been submitted with a Biodiversity Checklist which does not identify the need for further surveys and given the nature of the proposed development it is not considered that there would be any impact on protected species.

- 8 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and 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: ACM-E0012-201; ACM-E0012-202; ACM E0012 101; ACM-E0012-102.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP8, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees

are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

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

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

- 12 The 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 development maintains/improves the economic, social and environmental conditions of the District.