

7. 19/0146/FUL – Demolition of existing dwelling, associated outbuildings and commercial buildings and erection of four detached dwellings and garages with associated access and landscaping at DAMAIR, BEDMOND ROAD, HERTS, WD5 OQE (DCES)

Parish: Abbots Langley

Ward: Abbots Langley and Bedmond

Expiry of Statutory Period: 26 April 2019 (Agreed Extended Time) Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called into Committee 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of Lawfulness Existing Use: Use of the land and buildings for commercial storage of materials and equipment – Withdrawn – 20 July 2017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
- 1.3 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 – Refused – 17 September 2018

Application 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.

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 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. 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) confirmed under application 17/1967/CLED. The commercial use also extends to the external area of hardstanding and along the access track, which at the time of the site visits included the storage of cars and materials. The commercial entity of the site is separated from the residential curtilage serving Daimar by metal gates to the front and close boarded fencing. 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 planning permission has been granted for the provision of two, two storey dwellings.
- 2.4 The neighbouring dwelling to the south (The Dells) is a detached two storey dwelling which is set forward of the front elevation of the application dwelling.
- 2.5 A public footpath runs along the northern boundary of the rear part of the site.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling, associated outbuildings and commercial buildings and erection of four detached dwellings and garages with associated access and landscaping.
- 3.2 All of the existing residential and commercial buildings will be removed from the site. Three detached dwellings (plots 1-3) would be sited in a row fronting Bedmond Road; the dwellings would have a similar building line to that of the existing dwelling.
- 3.3 Plot 1 would be sited along the southern boundary. The dwelling would measure 12.7m in depth by 8.3m in width. The dwelling would have a pitched roof with gabled flank elevations and a height of 9m. An attached garage would be sited to the front of the dwelling which would project 5.5m forward of the front elevation of the dwelling and 1m beyond the southern elevation. The garage would have a pitched roof with a maximum height of 4.7m.
- 3.4 Plots 2 and 3 would be sited to the north of Plot 1. The dwellings would be identical in scale measuring a maximum of depth of 13.6m (including the front bay) and width of 8.6m. The dwellings would have pitched roofs with gabled elevations and a height of 9m.
- 3.5 The dwelling on Plot 2 would be served by a single garage which would be located to the rear and north of the dwelling. The garage would measure 4.7m in height, 6m in depth and 4.1m in width.
- 3.6 Plot 3 would be served by a detached garage sited to the rear of the dwelling which would be accessed via the access road serving Plot 4. The garage would have measure 4.7m in height, 6m in depth and 4.1m in width.
- 3.7 The dwelling on Plot 4 would be sited to the north west of the site and would replace the existing commercial unit. The dwelling would be served by the existing vehicular access. The dwelling would have an 'L' shaped footprint and would measure 17.5m by 13.6m. The dwelling would include a part first floor level along the northern projection which would have a height of 6.8m. A dormer window would be inserted within the north and southern elevation of the northern projection. The western aspect would be single storey in height with height of 4.2m and a gabled end projection which would have a height of 5.6m. The

dwelling would have a combination of a pitched roof with gabled ends and a flat roof element over the single storey aspect.

3.8 The dwelling would be served by a single garage to the east which would have the same measurements as the garage serving Plots 2 and 3.

3.9 Each dwelling would be served by a private amenity space. The existing garden would be subdivided to serve Plots 1-3, and Plot 4 would be served by an amenity space provision sited to the west of the building. The existing paddock would be retained. Two visitor car parking spaces would be provided in the front forecourt area and the development would include areas of hard and soft landscaping.

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 with no very special circumstances to outweigh the harm to the openness 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 objections]

Decision

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:

CONDITIONS:

1. *No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:*
 - *Swept path analysis to illustrate that a fire tender can easily manoeuvre and turn around within the site and get access to within 45m from all parts of dwelling 4 at the rear of the site and not have to reverse more than 20m in doing so. The width of the access road is acceptable at a minimum of 3.7m.*
 - *Provision of bin storage sites for each dwelling within the confines of the site and separate from the proposed collection point.*
2. *Provision of Parking & Servicing 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, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).
3. *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 PL-01 C. 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: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. 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: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS:

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

ACCESS & PARKING:

There is an existing vehicle crossover (VXO) into the site, which the proposed development will continue to use and is considered to be acceptable when taking into account the size of the proposals with access for four dwellings. 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: A Design Guide and Manual for Streets (MfS)*.

The proposed layout and design of the access way into the site and parking arrangements is acceptable for the size of the proposals and in accordance with design guidance in *MfS* and *Roads in Hertfordshire*. The proposals include the provision of 14 on site / off street car parking spaces. HCC as Highway Authority considers this level to be acceptable. TRDC is the parking authority and would ultimately need to be satisfied with the level of parking.

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*.

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 / RECYCLING COLLECTION:

The proposed bin collection point is on land which is part of the highway verge. Whilst this is acceptable for collection, they would not be permitted to be stored here on non-collection days and therefore acceptable bin/recycling stores within 30m of each dwelling and within the confines of the site would need to be provided. The collection method must be confirmed as acceptable by TRDC waste management.

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 material increase in the number of vehicles using the site. 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]

We previously commented on development proposals at this address and my comments now remain similar, namely:

The application site includes a large bungalow, garages, other outbuildings, and large rear garden. The paddock beyond the existing 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.

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 and the Recommendations in the report should be followed as an Informative should consent be granted.**

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, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. **I would like to see the location and type of any proposed biodiversity enhancement features marked on a Biodiversity and Landscape plan and this should be secured as a Condition** if permission is granted.

4.1.5 Affinity Water: No comments received.

4.1.6 National Grid: No comments received.

4.1.7 Landscape Officer: [No objection]

The application is accompanied by an arboricultural survey, an arboricultural impact assessment, an arboricultural method statement and a tree protection plan, prepared by David Clarke in January 2019. These documents cover all trees on site and in the adjacent properties that can be affected by the construction works.

Although I have no objections to the proposal in principle, I would respectfully ask that should the proposal be granted permission, the exact location of services (tree protection and utilities No17.1 of the Arboricultural Method Statement) is provided prior to the works commencement.

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, DM8, 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

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 Green Belt

7.1.1 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.

7.1.2 The NPPF at paragraph 145 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.

7.1.3 Paragraph 146 of the NPPF also states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.4 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.

7.1.5 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.

7.1.6 Within the residential part of the site the proposed development would result in the demolition of the existing dwelling and outbuilding and its replacement with three detached dwellings. The replacement dwellings would be sited between two areas of residential development (although it is noted that the land to the north is currently undeveloped permission has been granted for a pair of semi detached dwellings which is a material consideration). As such, following the demolition of the existing dwelling the three replacement dwellings on Plots 1-3 would represent infill development between Dell Cottage and Notley Cottage.

7.1.7 The application site falls outside of the identified settlement boundary of Bedmond as set out within the Core Strategy. However, 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) under the limited infilling exception. 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.'

- 7.1.8 The application site adjoins Notley Cottage. Having regard to the Inspector's justification above, the LPA considers weight should be given to this justification as the circumstances of the sites are very similar. Therefore the application site is considered to lie within the village of Bedmond for the purposes of paragraph 145 of the NPPF.
- 7.1.9 The proposed development on Plots 1-3 would therefore be considered in relation to limited infilling in villages exception. The first matter of whether the site fall lies within a village has been covered in the paragraphs above. The second matter is to determine whether the proposal constitutes limited infilling. The NPPF does not define what is limited infilling. A reasonable definition is small scale development which fills gaps in an otherwise built up area. Following the demolition of the existing dwelling and outbuilding the proposed development would infill the gap between Dell Cottage and neighbouring plot, which is due to be developed. The provision of three dwellings with small scale ancillary buildings would fall within the category of limited development.
- 7.1.10 The proposed construction of three detached dwellings with associated ancillary buildings would fall within the exception of limited infilling in villages set out in paragraph 145 of the NPPF. Consequently the redevelopment of the residential part of the site (Plots 1-3) would not be inappropriate development within the Green Belt and would not result in harm to the Green Belt.
- 7.1.11 The dwelling on Plot 4 would be sited to the rear of the site in place of the existing commercial unit and use of the land for commercial purposes. The assessment of the acceptability of the development on Plot 4 will be considered against exception g) of paragraph 145 of the NPPF:

'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'

- 7.1.12 The north western part of the site and the access track and hardstanding to the front and north of the building benefit from unrestricted commercial storage use and as such the building and land to the north west is considered to be constitute previously developed land.

The proposal seeks to remove the commercial use of the site and demolish the existing building and redevelop this part of the site for residential purposes

- 7.1.13 It is prudent to assess whether the proposed replacement building would be of greater bulk and massing in relation to the existing building. The existing building has a footprint/floorspace of approximately 190sq.m; the replacement dwelling would have a footprint of approximately 170sq.m but a floorspace of 210sq.m.
- 7.1.14 The northern aspect of the proposed replacement dwelling would include first floor accommodation and this aspect of the dwelling would be set approximately 2.5m higher than the existing structure. The height of the northern aspect of the dwelling would result in a reduction to the openness of the Green Belt than in comparison to the existing built form. The northern elevation of the proposed dwelling would measure 14m in width whilst the existing built form covers a width of 21m. The reduction in width of built form along the northern boundary would help to mitigate the harm arising from the height of the proposed building. The built form would be re-sited to the west of the plot. The western elevation would have a depth of 17m which would be 2m greater than the eastern elevation of the existing structure and the gable feature to the south would be set higher than the existing dwelling. The connecting roof form would not be set at the same level as the existing building. A single detached garage is also proposed to be sited to the east of the dwelling.
- 7.1.15 The proposed replacement dwelling, by virtue of its height and depth, would be of greater bulk and massing to that of the existing low profile building. The harm arising from the proposed replacement building, in part, would be mitigated by the reduction in width of the northern elevation in comparison to the existing structure. The use of the site would also be a factor in assessing whether the proposed development would have a greater impact on the openness of the Green Belt. The existing commercial part of the site has permitted unrestricted commercial storage use (Use Class B8). The existing use results in the storage of materials and commercial vehicles on open land to the west and south of the building and along the access track which was evident at the time of the site visits. The external storage is detrimental to the openness of the Green Belt and detracts from the rural qualities of the landscape. The proposed development would result in the removal of the materials and vehicles which would materially improve the openness of the site and visual amenities of the landscape. The change of use of the commercial aspect to a single residential unit would also result in a significant reduction in the level of use of the site. The change of use from commercial to a single residential unit would therefore serve to overcome the harm arising from the aspects of the proposed built form that would be of greater bulk and massing and the development. Overall the development would positively improve the openness of the site.
- 7.1.16 The demolition of the existing building and its replacement with a dwelling and the change of use of the commercial part of the site to residential would fall within the exception of redevelopment of previously developed land set out in paragraph 145 of the NPPF. Consequently the redevelopment of the residential part of the site (Plot 4) would not be inappropriate development within the Green Belt and would not result in harm to the Green Belt.
- 7.1.17 The gardens serving Plots 1 and 2 would be contained within the boundaries of the existing garden and would not project into the paddock to the rear with the exception of the garage serving Plot 3. The proposed garage serving Plot 3 and part of the garden would project within part of the existing paddock. The garage however would be small in scale and would not appear unduly prominent within the landscape. The siting of the garden and garage serving Plot 3 would not result in an inappropriate or unacceptable form of development or encroachment into the countryside. The proposed gardens serving Plots 1 and 2 would also be shallower than the existing garden which would also mitigate the extension into the paddock of the garden serving Plot 3.

- 7.1.18 The curtilage serving Plot 4 would extend into the existing paddock by approximately 10m thus resulting in a material change of use of the land. This would represent encroachment into the countryside which is contrary to paragraph 146 of the NPPF. However, the removal of the commercial use and paraphernalia of the site would outweigh the harm the siting of the curtilage would have on the Green Belt by virtue of its inappropriateness and actual harm, in accordance with paragraph 144 of the NPPF.
- 7.1.19 The proposed development would therefore not result in inappropriate development and or any greater harm to the openness of the Green Belt. Where harm is identified this is mitigated by the improvements that would through the loss of the commercial use of the site and demonstrate very special circumstances. The proposed development would therefore be in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the DMLDD and the NPPF.
- 7.1.20 Due to the sensitive nature of the site permitted development rights in relation to extensions, outbuildings and boundary treatments will be removed from the entire site.

7.2 Impact on Character and Street Scene

- 7.2.1 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'.
- 7.2.2 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 be only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.2.3 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.
- 7.2.4 The existing residential part of the site contains a large detached bungalow and outbuilding on a wide plot. The dwelling and outbuilding would be demolished and replaced with three two storey detached dwellings. The street scene is characterised by two storey dwellings including detached and semi-detached properties. The provision of three detached

dwellings would not be out of character. The dwellings and plots along Bedmond Road within the vicinity of the site dwellings in also vary in scale. The dwellings to the south consist of the detached dwellings on deep plots whilst the properties to the north consist of semi detached properties on shallower plots. The proposed dwellings would be sited on moderate sized plots which would be of sufficient size as to not result in a cramped form of development. The scale and design of the proposed dwellings on Plots 1-3 would also be in keeping with the varied character of this part of Bedmond Road.

- 7.2.5 The dwelling on Plot 1 would be served by an attached garage which would adjoin the front elevation. The garage projection would extend forward of the proposed building line and Dell Cottage. The existing outbuilding is positioned close to the front boundary and the neighbouring properties to the north are also set forward. The proposed garage would be sited to the south of the plot where the built form to the south is set back from the highway. However, as previously noted the existing outbuilding is positioned close to the front boundary; the proposed front projection would therefore not disrupt the existing established building line. Furthermore, the roof form of the garage would be hipped to the side where it would front the highway and the garage would be set back 6.6m from the front boundary and 15m from the highway. The single storey nature and positioning of the garage would therefore not result in an unduly prominent feature.
- 7.2.6 The dwelling on Plot 1 would be set in a minimum of 2.3m from the southern boundary; the garage would be sited closer with a separation of 1.1m. The garage would be single storey level only and the siting of the two storey aspect of the dwelling would exceed the 1.2m guidance. 3m would separate the dwellings on Plots 1 and 2 and 6.7m would separate the two storey aspects of the dwellings on Plots 2 and 3; the vehicular access serving Plot 4 would be sited to the side of Plot 3. Sufficient spacing would be provided within the site to ensure that the development would have a spacious quality and complement the setting and surroundings.
- 7.2.7 The dwelling on Plot 4 would not follow the established building line of residential properties along this part of Bedmond Road. However, it would replace an existing commercial building. The siting of a residential unit to the rear of the plot would therefore not result in any demonstrable harm to the overall character of the area. The dwelling would not be readily visible from Bedmond Road and where there would be views it would not represent a prominent or contrived feature. A public footpath runs along the boundary adjacent to Plot 4. The proposed replacement dwelling would not result in a prominent or dominant feature as viewed from adjacent public vantage points. Plot 4 would be served by a long access track however this is already existing and established and would not result in a contrived layout.
- 7.2.8 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.
- 7.2.9 The existing site contains large areas of hardstanding and the commercial unit contains external areas of storage along the access track and to the south and west of the commercial building. The existing commercial storage forms an unsightly feature within the landscape and the existing frontage that consists of large areas of hardstanding and large outbuilding close to the front boundary of the site do not positively contribute to the visual amenities of the street scene. The proposed development would improve the visual aesthetics of the site to the benefit of the character and visual amenities of the street scene and landscape. The development would result in the removal of the high boundary treatment that runs along the frontage of the site. This forms a dominant feature within the street scene, the plans indicate that the trees would be replacement with new hedging this would have a positive impact on the visual amenities of the street scene.
- 7.2.10 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 plot size, siting and scale of the dwellings would

not result in any material harm to the character of the area. The proposal would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM7 and Appendix 2 of the DMLDD.

7.3 Impact on amenity of neighbours

7.3.1 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'.

7.3.2 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.

7.3.3 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.

7.3.4 The closest neighbouring property to the north is Notley Cottage which would be sited a significant distance from the site and would be unaffected by the proposed development. It is however noted that planning permission has been granted for the construction of two dwellings between the site and Notley Cottage. The dwelling on Plot 3 would be set in from the northern boundary and would not result in any harm to any future occupants of the neighbouring site. The dwelling on Plot 4 would also be set in from the eastern boundary which adjoins the garden of Fox Cottage. The proposed dwelling would be set in from the boundary with Fox Cottage and would not result in any loss of light or harm to the visual amenities of the surrounding neighbouring properties.

7.3.5 The dwelling on Plot 1 would be constructed close to the common boundary with Dell Cottage. The proposed dwelling would extend approximately 4.4m beyond the rear elevation of the neighbouring dwelling. The proposal would intrude the 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of Dell Cottage by approximately 2.5m. A minimum distance of 5m would separate the proposed dwelling and Dell Cottage, this would provide sufficient separation as to prevent the proposed dwelling from resulting in any unacceptable loss of light or harm to the visual amenities of Dell Cottage. The proposed garage on Plot 1 would project beyond the front elevation of the neighbouring dwelling. The garage would be single storey level only with hipped roof form so that the highest point would be set in from the boundary. The siting and scale of the garage would not result in harm to the residential amenities of Dell Cottage.

7.3.6 Subject to the condition that the first floor windows to be sited within the flanks of the dwelling in Plots 1 and 3 are obscure glazed the development would not result in loss of privacy to the surrounding neighbouring properties.

7.4 Quality of accommodation for future occupants

- 7.4.1 The layout of the proposed development would provide suitable living conditions for future occupants. Each property would be served by private amenity space which would not be overshadowed and the amenities of the individual dwellings would not be affected by each other.
- 7.4.2 The dwellings would have windows in the side elevations facing each other the first and second floor windows would be conditioned to be obscure glazed and top level opening which would prevent overlooking.
- 7.5 Amenity Space Provision for future occupants
- 7.5.1 Plots 1-3 dwelling would have four bedrooms and Plot 4 would have five bedrooms. Each unit would be served by an amenity space provision in excess of 300sq.m. The Design Criteria of the DMLDD stipulates that four bedroom dwellings should be served by an indicative amenity space provision of 126sq.m; the proposal would exceed this indicative level.
- 7.6 Wildlife and Biodiversity
- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist and Ecological Survey. Herts Ecology have raised no objections to the proposal in terms of impact on protected species and request a condition in relation to biodiversity enhancements.
- 7.7 Trees and Landscaping
- 7.7.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.7.2 The site contains a number of mature trees which will be retained. The proposal would result in the removal of the Cypress hedge sited along the frontage, three Cypress and a Western Red Cedar (G1) positioned close to the southern boundary and 9 Cypress (G6), sited within the commercial aspect of the site. Although some of the trees are of substantial height they are not protected and the Landscape Officer raised no objections to the proposed development subject to conditions. The hedging sited along the northern boundary with the footpath will be retained. The building would be sited close to the existing vegetation along the northern boundary however it would have the same proximity as that of the existing building.
- 7.7.3 The proposed development would help to tidy up the site which contains large areas of hardstanding. A hard and soft landscaping condition would be attached to any planning permission to ensure that sufficient soft landscaping will be implemented to complement the rural surroundings and replace the planting to be lost especially the hedging along the front boundary. A management plan condition would also be attached to any planning permission to ensure the maintenance of the areas of communal soft landscaping is managed in perpetuity.

7.8 Highways, Access and Parking

- 7.8.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. The parking standards dictate that a four bedroom dwelling should have 3 assigned spaces.
- 7.8.2 Each unit would be served by three parking spaces two external and one garage. The garages would be of a size that could accommodate modern cars. The proposal would also include two visitor parking spaces. Sufficient parking would therefore be provided to serve the proposed development in accordance with the standards.
- 7.8.3 The existing access would be retained. The Highways Officer advised that the proposed layout and design of the access way into the site and parking arrangements is acceptable for the size of the proposal. The proposal would include a shared surface with no separate pedestrian footpath, the Highways Officer has confirmed that this is acceptable. The Highways Officer has also confirmed that the demolition of the existing dwelling and commercial unit and replacement with four dwellings is unlikely to result in a material increase in the number of vehicles using the site and considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway subject to conditions.
- 7.8.4 The dwelling in Plot 4 would be served by the existing access track sited along the northern boundary. This access would also serve the parking of Plot 3. There is sufficient space within the site to allow cars to wait clear of the highway if a cars are entering and exiting the access road at the same time. As the access road would only serve two units it is not considered that the use of the access would be intensive or result in conflict.

7.9 Housing Mix

- 7.9.1 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.
- 7.9.2 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
- 7.9.3 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.
- 7.9.4 A supporting document has been submitted and details that the size of the unit on Plot 4 is to accommodate the existing occupants of Daimar who wish to stay on the site. The document further clarifies that the three four bedroom dwellings to the front of the site are designed to be in keeping with the other dwellings in the locality and to ensure the scheme is viable. It is not considered that a reason for refusal would be justified in relation to the housing mix taking into consideration the character of the area and existing site.

7.10 Affordable Housing

7.10.1 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.

7.10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the adopted development plan subject to material considerations otherwise. The Courts are clear that:

- (a) the weight to be given to such considerations is a matter for the decision maker.
- (b) policy (however absolutely it is stated) cannot displace that – the decision must always be taken with regard: *“As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy”*.¹
- (c) The Framework *“is no more than ‘guidance’ and as such a ‘material consideration’ for these purposes. “It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan.”*²

7.10.3 Officers consider that the correct approach is to:

- (1) Consider the starting point under the development plan policies
- (2) Give significant weight to the Framework policies
- (3) Have regard to current evidence of local housing need as a material consideration in deciding whether Framework policy should outweigh the breach of the adopted development plan policy.
- (4) consider whether there is evidence of viability justification for failing to provide affordable housing, which would satisfy Policy CP4.

Policies should not be applied rigidly or exclusively when material considerations may indicate that it would not be in the interests of good planning to do so.

7.10.4 Following the issue of a WMS in Nov 2014 which stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and the amendment of the PPG In May 2016 to reflect this, the Council undertook an analysis of up to date evidence of housing needs in the Council's area (The Needs Analysis). The Council considers that the local evidence of housing need in the Needs Analysis:

- (a) confirms that housing stress has increased since the Core Strategy was adopted;
- (b) underlines the continuing relevance and importance of Policy CP4 (and the weight to be given to such local housing need for the purposes of Section 38(6)).

¹ Source: Court of Appeal in *West Berkshire Council v SSCLG [2016] 1 W.L.R. 3923* – citing statements made to the High Court on behalf of the Secretary of State at paragraph 26 and confirming them at paragraph 29

² Source: *Supreme Court in Hopkins Homes Ltd v SSCLG and Anor and Cheshire East Borough Council v SSCLG and Anor [2017] 1 W.L.R. 1865* at paragraph 21 per Carnwarth LJ

7.10.5 The Council resolved on 1st September 2017 to treat the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS and PPG for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

7.10.6 Following the publication of the 2018 NPPF the Council undertook a further Needs Analysis in July 2018 titled: *“Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing.”* (Appendix A) This document concluded that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need be treated as outweighed by the Framework. This conclusion was reached having had regard to the following relevant factors:

- General House Price Affordability in Three Rivers
- Affordable Housing Supply Requirements in Three Rivers
- Affordable Housing Provision in Three Rivers
- Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings
- The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites
- Relevant Appeal Decisions
- The fact that the adopted plan policy does not impose burdens where they would render schemes unviable.

General House Price Affordability in Three Rivers

7.10.7 As set out in more detail in the Council’s document: Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing, data published by the Office for National Statistics (ONS) demonstrated that in 2016 Three Rivers was the seventh most expensive local authority area in England and Wales (excluding London) out of a total of three hundred and fifty local authority areas. The lowest quartile house price in Three Rivers was £325,000.00. This represents a worsening of the position since 2011. The general house price affordability position has grown worse since 2016. According ONS data for the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000, making it now the sixth most expensive local authority area in England and Wales (excluding London).

7.10.8 Lowest quartile earnings in Three Rivers in 2016 were £24,518.001, 13.3 times [less than] the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings). That worsened to £24,657.00 in 2017 (14.4 times [less]). It is clear from this data that most first time buyers are simply unable to purchase a dwelling in the District. Such a lending ratio would have required a first time buyer in 2016 to have a deposit of £239,694.00, or (without such a deposit) to earn £92,857.00 per annum to get onto the lowest/cheapest rung of the property ladder. An additional £6,250.00 Stamp Duty payment would also have been due. The position is even more serious when the median affordability ratio for Three Rivers compared to the rest of England and Wales is considered: the median quartile income to median quartile house price affordability ratio is 13.82, the fifth worst affordability ratio in England and Wales.

Affordable Housing Requirements in Three Rivers

7.10.9 The Council's Strategic Housing Market Assessment (2010) which assessed current and future housing markets and needs found that:

- (1) the requirement for affordable housing in and around the Three Rivers area remained exceptionally high. This is largely as a result of very high house prices and rents, a constricted supply of suitable sites for all housing types and losses from the existing affordable stock through ‘Right To Buy’ sales,

- (2) **all** future housing supply in the district to 2021 would need to be affordable to satisfy affordable housing requirements. This represented the highest requirement amongst the six authorities within the London Commuter Belt.
- (3) The South West Hertfordshire Strategic Housing Market Assessment (January 2016) SHMA looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum. With these figures in mind, the SHMA calculated the net affordable housing need within Three Rivers as being 617 units per annum or 14,191 units over the same 23 year period.

Affordable Housing Provision in Three Rivers

- 7.10.10 Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this. Since the start of the plan period from 1 April 2001 to 31st March 2017 (the latest date where the most recent completion figures are available), 3,736 gross dwellings were completed. From this, 843 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 836 affordable housing units or 22.4% in order to fulfil the 45% affordable housing requirement up to 31 March 2017. This existing shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing and as such there is a high importance that small sites deliver to affordable housing contributions.

Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings

- 7.10.11 Between 1st May 2016 and 12th April 2017, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. This demonstrates the importance of small sites to the overall delivery of housing in the district. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt.
- 7.10.12 During the latest 2016/2017 monitoring period, there were a total of 164 gross dwelling completions within the District, of which 0% were affordable. All of those completions related to planning permissions granted for 10 or less dwellings with a combined floorspace of less than 1000 sq metres. The above data emphasises the importance of small sites to the delivery of housing within Three Rivers and contradicts Appellants' case as stated at paragraph 3.23.

Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small site

- 7.10.13 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies to be utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that, its policy has delivered a significant contribution towards the delivery of much needed affordable housing in the district, without disrupting supply.

Relevant Appeal Decisions

7.10.14 On any view of the local housing need position, there is a serious planning issue. The Council's position is that it deserves significant weight, consistent with the decisions in similar situations where the 'exception' is a function of weight. Whilst some decisions pre-date the NPPF, paragraph 63 of the NPPF is fundamentally the same as the WMS and PPG. It is also noted that there have been more recent appeal decisions that post-date the NPPF which also support the Council's approach.

The fact that the adopted plan policy does not impose burdens where they would render schemes unviable

7.10.15 Policy CP4 states "in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances **and financial viability**." It is clear that the operation of CP4 does not act as any form of brake on small scale development.

7.10.16 The applicant has submitted a viability appraisal which identified that an affordable housing contribution would not be viable. The independent appraisal of the applicants submission concluded that:

'The appraisal, which has a profit level of 17.5% shows a deficit of £132,048.

Should the Council be minded to grant planning approval it is our opinion the applicant would not be able to provide an off-site affordable housing payment.'

7.10.17 In light of this the LPA will not be seeking affordable housing contributions in relation to the proposed development.

7.11 Sustainability

7.11.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

7.11.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.11.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.11.4 The Sustainability Appraisal identifies that the proposed development would produce 6.29% less carbon dioxide emissions through a fabric first approach. No renewable energy technologies would not be proposed.

7.12 Refuse and Recycling

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

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

7.12.2 The plans indicate that the bin collection point would be sited within the grass verge positioned outside of the application site. The Highways Officer has confirmed that this is a highways verge and commented that the storage of the bins on the verge on collection days would be acceptable however following collection must be removed and located within the curtilage of the site. Each property is served by a private amenity area which is sufficient to store the bins throughout the remainder of the week. Any planning permission would include a condition that the bins are only to be located on the bin collection point on collection days only. The existing dwelling and dwellings along Bedmond Road are served by roadside collection, the proposal would not materially affect the existing service.

7.13 Infrastructure Contributions

7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The Charging Schedule sets out that the pre-application site is within 'Area B' within which the charge per sqm of residential development is £120.

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: SHEET No.1, SHEET No.2, SHEET No.3, PL-01 Rev F, PL-02, PL-04 Rev A, PL-05 Rev D, PL-06 Rev A, PL-07 Rev B, PL-08 Rev E, PL-09 Rev D, PL-10 Rev A, PL-11 Rev A.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the Green Belt, neighbouring properties and street scene in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM4, DM6, DM7, DM8, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations Development Plan Document (adopted November 2014).

C3 No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the swept path analysis to illustrate that a fire tender can easily manoeuvre and turn around within the site and get access to within 45m from all parts of dwelling 4 at the rear of the site and not have to reverse more than 20m in doing so. The turning provision shall be thereafter maintained at all times.

Reason: This 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).

- C4 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: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

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

- C6 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).

- C7 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, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: 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).

- C8 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 PL-01 F. 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 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).

- C9 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials 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).

- C10 Prior to the first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the southern elevations or roof slopes of the dwelling on Plot 1 hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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).

- C12 Before the first occupation of the buildings on Plots 1, 2 and 3 hereby permitted the first and second floor window(s) in the flank elevations of the dwellings on Plots 1, 2 and 3 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(s) 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).

- C13 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and

Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C14 Prior to occupation of the development hereby permitted, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure that the approved landscaping is satisfactorily maintained, 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).

- C15 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 of refuse and recycling facilities on the premises on non-collection days and confirmation that the bins will only be stored on the highway verge on collection days. 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).

- C16 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and in the interests of the visual amenities of the site, Green Belt and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C17 The development shall be carried out in accordance with the mitigation measures and enhancement measures in strict accordance with the details set out within Ecological Survey, by Philip Irving, dated March 2018.

Reason: Reason: To ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy

(adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C18 Prior to the first occupation of the development hereby permitted the commercial use of the site shall cease and all existing commercial and residential buildings shall be demolished and all materials (and vehicles associated with the commercial storage use) shall be permanently removed from the site.

Reason: To protect the Green Belt from inappropriate development and to meet the requirements of Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 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 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 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.

- 13 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.
- 14 The applicant is advised that a Public Right of Way runs adjacent to the application site. This Right of Way must be protected to its current width and surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

- 15 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- 16 The applicant is reminded that any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.
- 17 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

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