

8. 19/0337/FUL - Demolition of existing detached bungalow and garage and erection of a two storey detached building with further accommodation in the roofspace containing 7 apartments (7 x 2bed), modified vehicular access, forecourt parking, refuse and cycle storage and amenity space at AVIEMORE, 65 LOWER ROAD, CHORLEYWOOD, WD3 5LA (DCES)

Parish: Chorleywood Parish Council

Ward: Chorleywood South & Maple Cross

Expiry of Statutory Period: 23.04.2019

Case Officer: Scott Volker

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee.

1 Relevant Planning History

1.1 W/3111/73 – Proposed development of 5 terraced houses – Refused September 1973.

1.2 8/317/74 – Re-building of outbuildings as extension to house – Refused August 1974.

1.3 8/639/74 – Extension to dwelling – Permitted November 1974.

1.4 18/2423/FUL – Demolition of existing detached bungalow and garage and erection of a two storey detached building with further accommodation in the roofspace containing 9 apartments (8x2 bed and 1x3 bed), modified vehicular access, forecourt parking, refuse and cycle storage and amenity space – Refused February 2019 for the following reasons:

R1: The proposed development by reason of its siting, scale and design would appear at odds with the prevailing character of the surrounding area and would be a cramped form of development which would have a detrimental impact on the character and appearance of the area. The bulk and massing of the proposed residential block would be further exacerbated by its excessive height and flat roofed design. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

R3: The proposed development would result in an unneighbourly form of the development by virtue of to the detriment of the residential amenities of the occupiers of Wroxtton and would fail to provide adequate and useable amenity space for future occupiers to the detriment of their residential amenities. The proposed development would therefore be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R4: The proposed development would increase the parking demand for the site and would fail to provide sufficient parking to meet the demands arising from the proposed development. The development would therefore place additional pressure on the existing parking provision serving the area exacerbating parking pressures which would lead to conditions prejudicial to highway safety. It has also not been demonstrated that there would be safe and adequate means of access so as to ensure there would be no harm to the safe movement and free flow of highways users. As such, the proposal would be contrary to

Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

No appeal has been received to date.

2 Description of Application Site

- 2.1 The application site is located on the north east side of Lower Road in Chorleywood and is currently occupied by a detached bungalow and ancillary garage, served by an access track located between 63 and 67 Lower Road (also known as Railway Cottage and St Keyne respectively). The site has an area of approximately 1800sq. metres including the access track.
- 2.2 The bungalow faces towards the south-west and the main part of the bungalow is located 6 metres from the south-east boundary and has a width of 18 metres and depth of 8 metres. The bungalow has a large single storey side project which extends 13 metres beyond the north-west elevation of the main bungalow and is built in close proximity to the embankment.
- 2.3 To the north east of the site is an embankment which rises up steeply and beyond this is large public car park associated with Chorleywood Railway Station and beyond the car park is the station itself. The site is surrounded by residential properties to the south east, south and north-west. As a result the main part of the site and the bungalow are not visible from Lower Road.
- 2.4 The character of this part of Lower Road leading towards Quickley Lane is varied with a combination of detached, semi-detached and terraced residential properties. Generally the dwellings have a painted white render exterior with the odd exception which are facing brick or pebble dash rendered. Some of the properties have private driveways but most have small front gardens enclosed by low level brick walls, fencing and hedging. Further north along Lower Road the character is a mix of residential and commercial premises and local services including Chorleywood Library.
- 2.5 There are trees located within the application site, however they are not protected. The embankment to the north east has a blanket Tree Preservation Order TPO054. The land levels across the site slope down gradually from the embankment towards the front of the site.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing bungalow and the construction of a two storey building with a further accommodation in the roofspace containing 7 apartments (7 x 2-bed), modified vehicular access, forecourt parking, refuse and cycle storage and amenity space.
- 3.2 As a result of the existing land levels significant regrading works will be undertaken to level the site. This would result in the removal of up to 2.5 metres of spoil in areas at its highest point.
- 3.3 The main body of the new residential block would measure 14.8 metres in depth and 11.9 metres in width with the principal elevation facing north. The new building would include two storey front and rear projections; the front projection would be roughly located on the same footprint as the existing side projection. The rear projection would extend the depth of the building by a further 8 metres and would have a width of 9.5 metres.
- 3.4 The main part of the building would have a crown roof form measuring 8.6 metres in height; sloping down to an eaves height of 5.1 metres. Both the front and rear projections would have ridge heights set down from the main ridge, measuring 7 metres and 7.3 metres

respectively. Glazing is proposed to all elevations of the building serving the flats which also includes first floor Juliette balconies and dormer windows within the roofspaces.

- 3.5 At its closest point the proposed residential block would be set off the south-west boundary by 9 metres; increasing to 13 metres at the rear. The rear projection would be set off from the common boundary with Wroxton by 6 metres, with the main part of the building set in a further 8 metres. The front projection would be built up to the north-east boundary, the main building set in 4.5 metres and the rear projection 1.5 metres.
- 3.6 The proposed residential block would contain seven 2-bed units and would benefit from a communal amenity space area. The flat within the roofspace would benefit from a small terrace area within the northern roofslope.
- 3.7 The submitted site plan details that the twelve parking space would be provided to serve the flats and a bricked bin storage area for the flats is proposed adjacent to the access into the site with an additional temporary bin storage area closer to the entrance of the site to be used on collection days.
- 3.8 The bricked bin storage area would measure 2.8 metres in width; 2.4 metres in depth and would have a flat roof form measuring 2.1 metres in height.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

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

* The proposed development would result in an unneighbourly form of development, with the loss of residential amenity space and privacy.

* The proposed development would be cramped form of development which would have a detrimental impact on the character and appearance of the area. The development would be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

* The application does not comply with CP12, CP10 of the Core Strategy (adopted October 2011) - there will not be adequate parking for this proposed development, with additional pressure on the existing parking provision serving the area exacerbating parking pressures which would lead to conditions prejudicial to highway safety. The proposal would be contrary to Policies CP10, and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2015).

* The ingress and egress to this site.

* Overdevelopment of the site.

* The proposed development is located within a flood risk area - DM8.

* Loss of trees - DM6.

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

The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the works that would be needed on highway land to amend and improve the existing VXO. Please see the following highway informative:

General works within the highway - construction standards

AN) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter

into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Parking:

The proposal includes the provision of 12 on-site car parking spaces (the same level as for the previous application for nine dwellings), the layout of which is shown on submitted plan no. 18193-01-113 B. The size of the parking bays is acceptable and there would be sufficient space to enable the easy and safe manoeuvring of vehicles and is in accordance with MfS.

The level of parking is slightly lower than the car parking standards as outlined in Appendix 5 of Three Rivers District Council's (TRDC's) *Development Management Policies: Local Development Document* (12 spaces compared to the standard of 14). However it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective, particularly when taking into consideration the relatively sustainable location (in zone 2 of TRDC's accessibility zones), reduction of proposed dwellings from nine to seven, the potential to promote sustainable travel to the nearby railway station and the provision of 10 secure cycle parking spaces. TRDC is the parking authority for the district and therefore should ultimately be satisfied with the level of parking.

Refuse/Waste Collection:

A refuse / recycling store and separate collection point have been included as part of the proposals and waste collection would be from Lower Road (waste collection vehicles are not proposed to enter the site). HCC as Highway Authority considers that the proposals are acceptable. The arrangements must be confirmed as acceptable by TRDC waste management.

Emergency Vehicle Access:

The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. A turning area has been included to enable any larger vehicles including Fire Trucks accessing the site to turn around and egress to the highway in forward gear. A swept path analysis has been included as part of the submitted transport assessment (drawing no. 18193-01-113 B). This adheres to guidelines as recommended in *MfS, Roads in Hertfordshire; Highway Design Guide* and *Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellingshouses*. Details of the proposal have been passed onto Herts Fire and Rescue to see if they have any additional comments to make.

Conclusion:

HCC as Highway Authority has considered that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway, subject to the inclusion of the above planning conditions and informative. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the access to the site.

4.1.3 Herts and Middlesex Wildlife Trust: [No response]

4.1.4 Herts Ecology: [No objection subject to conditions]

I am pleased to see a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Tyler Grange, 13 March 2019) has been submitted in support of this

application. The site was visited on 17 October 2018 and includes four buildings, amenity grassland, mature trees, ornamental shrub planting, ornamental hedgerow and fence boundaries, and hardstanding / bare ground. The habitats were judged to be of limited ecological value, with the main interest being scattered mature trees. The site was not considered to be support protected species with the exception of potentially roosting bats and nesting birds.

Bats

No bats of evidence of bats was found; however the bungalow (B1) was assessed to have low potential to support roosting bats due to the presence of gaps in soffit boxes, an open ventilation louvre, gaps under roof tiles (which are all potential roosting features known to be used by crevice-dwelling bats such as Pipistrelles). Following best practice guidelines, one dusk emergence / dawn re-entry survey is recommended to determine presence/absence and provide mitigation to safeguard bats if necessary.

One tree (T1) had moderate potential to support roosting bats due to the presence of potential roosting features; consequently an endoscope inspection of the tree is recommended to determine presence/absence. This survey can be carried out at any time of year; however should this survey identify signs of roosting bats, or provide inconclusive results, then further emergence / re-entry survey effort may be required during May – August inclusive, to determine presence / absence of roosting bats and/or provide mitigation if needed.

As bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the Local Planning Authority (LPA) prior to determination, so it can consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (aka Habitats Regulations).

Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Therefore, until the recommended surveys are undertaken, the LPA does not have enough information regarding the presence or not of bats in the building or tree identified to have bat roosting potential. **However, as we within the unfavourable time of year to undertake bat activity surveys, to address this now, potential bat mitigation measures have been included in the PRA report. With this Outline Bat Mitigation Strategy in place, I consider sufficient information has been submitted to ensure any extant bats are safeguarded from harm, and to enable the LPA to apply and satisfy the third test of the Habitats Regulations.**

I consider the LPA has sufficient information to evaluate any impact on EPS (bats) prior to determination. As follow-up surveys are still required, I advise they are secured by Condition:

Bat survey of house B1:

Prior to demolition of the house (B1), 1 dusk emergence / dawn re-entry survey should be undertaken of the building between May to August (inclusive) to determine with confidence whether bats are roosting. Should roosting bats be found, the outline bat mitigation strategy (ref: Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, Tyler Grange, 13 March 2019) should be modified as appropriate based on the results and then be submitted to the Local Planning Authority for written approval. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.

Bat survey of tree T1:

Prior to any work affecting Tree T1, a bat endoscope inspection of potential roosting features supported by this tree should be undertaken to accurately classify the roosting bat potential and determine the presence or likely absence of roosting bats. Depending on the results, further emergence / re-entry survey effort may be required during May – August inclusive, to determine presence / absence of roosting bats and/or provide mitigation if needed. Should roosting bats be found, the outline bat mitigation strategy (ref: Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, Tyler Grange, 13 March 2019) should be modified as appropriate based on the results and then be submitted to the Local Planning Authority for written approval. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.

It is acknowledged that if bats will be affected by the proposals, an EPS licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.

Trees

There are a number of trees on site and some are proposed for removal. The loss of any mature trees should be mitigated for with the introduction of at least two new trees, ideally native species, with the landscape scheme.

Birds

The trees and shrubs on site have potential to support common breeding bird species. Therefore, 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.

Biodiversity enhancements

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 have been suggested in the ecology report (e.g. bat and bird boxes, native planting, in sections 5.35 and 6.4). I would like to see a Biodiversity and Landscape Plan secured by Condition, which shows the location and type of habitat boxes, as well as (native) tree/shrub/hedgerow species.

Prior to the commencement of development, a Biodiversity and Landscape Plan should be submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development. It should show the location of any habitat boxes, and specify tree/boundary/hedgerow species, including any native species.

Reason: To ensure that biodiversity objectives for net gain are realised

Finally, sensible precautionary mitigation measures for badgers, bats, birds, reptiles and hedgehogs are mentioned in sections: 5.17, 5.22-26, 5.28-30, 5.32-33 and these should be followed by Informative.

4.1.5 London Underground Infrastructure Protection: [No objection subject to condition]

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

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

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

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

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

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

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

We also ask that the following informative is added:

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

4.1.6 Affinity Water: [No response]

4.1.7 National Grid: [No response]

4.1.8 Landscape Officer: I have no arboricultural objections or concerns in respect to the proposed development, but as requested by the previous Officer, for the application 18/2423/FUL, on the 8th January 2019, I would request that the tree report and associated tree protection plan are listed as approved documents to ensure compliance with the contents and methods of work.

4.1.9 Thames Water: [No response]

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 44

4.2.2 No of responses received: 26 objections, 0 letters of support

4.2.3 Site Notice: Posted 07.03.2019 Expired 28.03.2019

4.2.4 Summary of Responses:

- Loss of privacy
- Inadequate parking
- Inadequate access
- Inadequate provision for servicing and waste management
- Detrimental impact on neighbouring amenity, character and environment
- Increase in traffic congestion and pollution
- Boundary dispute – Destruction of shared vegetation/hedgerow
- Access is a danger to pedestrian safety
- Increase in noise pollution
- Impact on wildlife
- Compromised safety and stability of the site
- Overbearing form of development
- Loss of trees
- Loss of light
- Increase in flood risk
- Plans are inadequately scaled/detailed
- Out of keeping with the context of the area
- Impact on neighbouring property values
- Risk of a landslip from embankment
- Significant intensification of the site

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 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 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 Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

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

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

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of six dwellings (seven in total). The site is not identified as a housing site in the adopted Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

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

7.1.3 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place on previously developed land and appropriate infilling opportunities within Key Centres. Policy PSP2 indicates that the Key Centres including Chorleywood will provide approximately 60% of the District's housing requirements over the plan period.

7.1.4 The application site is not considered to be previously developed land but would be development on garden land and spreads beyond the footprint of the existing dwelling, however, given the location of the site within the Key Centre of Chorleywood, there are no in principle objections to the addition of residential development on the application site subject to compliance with the Policies set out in the Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013) and subject to assessment against all other material considerations.

7.2 Housing Mix

7.2.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs, 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.

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

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

7.2.3 The proposed development would provide 100% 2-bed units. The proposed development does not provide a mix of bedroom numbers and as such would not accord with CP3 of the Core Strategy in this respect.

7.2.4 Whilst the proposed mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing

7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document.

7.3.2 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*

7.3.3 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.

7.3.4 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)).

7.3.5 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.

7.3.6 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." 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.

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

General House Price Affordability in Three Rivers

- 7.3.7 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).

Affordable Housing Requirements in Three Rivers

- 7.3.8 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

- 7.3.9 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

- 7.3.10 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.

- 7.3.11 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.

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

- 7.3.12 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

- 7.3.13 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

- 7.3.14 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.
- 7.3.15 The proposed development would result in a requirement for a commuted sum of £500,000 towards affordable housing based on a habitable floorspace of 400sq. metres multiplied by £1250 per sq. metres which is the required amount in 'Highest Value Three Rivers' market area.
- 7.3.16 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 7.3.17 The applicant submitted information with the application indicating that it would not be possible for the development to contribute to the provision of affordable housing as a result of development viability. This information has been reviewed by an independent viability assessor. The appraisal notes a benchmark land value of £1,265,000 and shows a deficit of £329,500, the Council's viability assessor therefore concluded that the scheme is not able to support an affordable housing payment and remain viable.
- 7.3.18 As a result, based on the site circumstances it is not considered that the proposed development would be viable if required to contribute to affordable housing.

7.4 Impact on Character and Street Scene

- 7.4.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high

standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

- 7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
 - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
 - iii. The generation of excessive levels of traffic;
 - iv. Loss of residential amenity;
 - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.4.3 In terms of design, Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.
- 7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level should be set in a minimum of 1.2 metres from flank boundaries, although this distance must be increased in low density areas.
- 7.4.5 The prevailing character of the southern part of Lower Road, North Road and Quickley Lane is semi-detached, detached and terraced two storey dwellings set within roughly rectangular shaped plots with street facing frontages, linear front building lines and amenity space to the rear. Whilst there is some variation, generally the properties have painted white render exteriors and are roughly uniform in terms their size and scale. In the wider area, particularly to the north, the character of the area is mixed with examples of flatted developments such as St Christopher's Court and commercial premises with residential above up towards Chorleywood shopping parade.
- 7.4.6 The proposed development given its siting to the rear of several properties along Lower Road would not be tandem development (the placing of one dwelling behind another in a single plot), however, it would constitute backland development. Notwithstanding this, the application site is currently in residential use containing a single bungalow (to be demolished) and has an existing access from Lower Road. Notwithstanding this, the inclusion of the proposed development would introduce an uncharacteristic feature especially within the immediate vicinity of the application site.
- 7.4.7 The proposed site plan indicates that the new building would be set in from the boundaries shared with Wroxton and those shared with the dwellings along Lower Road to the south-west and north. It is also noted that in some cases the distances between the proposed

building and the shared boundaries has been increased in comparison to the previously refused scheme referenced 18/2423/FUL. Notwithstanding this, the building particularly the front projection would still be built up against a new retaining wall with an embankment located along the north-east boundary.

- 7.4.8 The proposed new building is a reduced scheme in comparison to the previously refused application and the table below highlights the main differences between the two:

	Existing	Refused 18/2423/FUL	Current 19/0337/FUL
Max Height	6.5 metres	9.4 metres	8.6 metres
Max Width	16 metres	20.2 metres	16.4 metres
Max Depth	32.5 metres	35 metres	31.5 metres
Footprint	370sq. metres	455sq. metres	350sq.metres

- 7.4.9 Whilst it is noted that the current development is a reduction in comparison to the previously refused scheme and would be relatively similar in depth, width and footprint as the existing bungalow on the site, the replacement building with its two storey design and crown roof form would result in an increase in height, bulk and massing of the built form within the site. The size and scale of the building is further highlighted by the need to undertake significant engineering works to regrade the land level to accommodate the building and attempt to reduce its prominence. The overall size and scale of the proposed development with the inclusion of the crown roof would exacerbate the overall bulk and massing of the building which is surrounded by more traditional two storey dwellings of moderate proportions. Furthermore, given the close proximity of the building to the north-east boundary the proposed development would continue to result in a cramped form of development especially when viewed from the front. As with the previously refused scheme the design of the proposed development includes multiple roof forms and eaves heights which are not in harmony and lead to an unbalanced appearance to the building particularly when viewed from the flanks and rear.

- 7.4.10 As such it is not considered that the current scheme has overcome the previous reason for refusal of application 18/2423/FUL on character grounds so as to justify approval of the application. It is considered that due to the siting, scale and design, the proposed development would result in overdevelopment of the site that would be significantly out of character with the built form within the vicinity of the application site. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the DMP LDD (adopted July 2013).

7.5 Impact on amenity of neighbours

- 7.5.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 The Design Criteria at Appendix 2 of the Development Management Policies document states that extensions should not be excessively prominent in relation to adjacent properties and not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.5.3 The Design Criteria at Appendix 2 of the Development Management also state that two storey development should not intrude into a 45 degree splay line drawn 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 spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.
- 7.5.4 The Design Guidelines at Appendix 2 also outlines that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. An indicative figure

of 28 metres should be achieved between the faces of single or two storey buildings backing onto each other with this distance increased with additional floors. Where garden length alone is relied upon to provide privacy a minimum length of 14 metres should be achieved.

- 7.5.5 With regards to overlooking, windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge. Development should not include balconies which overlook neighbouring properties to any degree.
- 7.5.6 Given the siting of the development in relation to surrounding neighbouring properties, the proposed building would not intrude on a 45 degree splay line in relation to any neighbouring dwelling. The properties along Lower Road have uniform original front and rear building lines, although some have been extended to the rear. The submitted block plan indicates a minimum separation distance of approximately 28 metres between the proposed residential block and the properties along Lower Road. This distance is greater than previously proposed as part of application 18/2423/FUL and accords with the guidance detailed above. In addition, there are no first floor windows proposed within the flank elevation of the main part of the building and the two dormer windows located within the roofslope of the main dwelling are shown to be fitted with obscure glazing and non-opening below 1.7 metres from the internal floor level. The glazing proposed at first floor level within the flank elevations of the front and rear projections is set back a distance of 30-40 metres which exceeds the guidance figure detailed above. As such it is not considered that the proposed residential block would result in any loss of light, become significantly overbearing or cause unacceptable levels of overlooking towards these neighbours on Lower Road. The proposed development does include a terrace within the roofspace serving Unit 7 which may increase the perception of overlooking however the submitted plans indicate that 1.8 metre high obscure glass privacy screens would be proposed to the flanks preventing any overlooking towards the neighbouring properties along Lower Road.
- 7.5.7 There are no residential properties located directly north-east of the application site that would be affected by the proposed development. The glazing proposed within the front elevation of the residential block including the terrace within the roof would primarily overlook the frontage of the site and the forecourt parking. Whilst the private amenity space of 63 Lower Road is beyond the forecourt parking there is a minimum distance of 15 metres retained and this part of amenity space is not considered this neighbour's 'private zone' which is located further away. As such, it is not considered that the proposed development would result in any detrimental impact on the residential amenities of this neighbour.
- 7.5.8 With regards to the neighbour to the south (Wroxton) application 18/2423/FUL was refused on grounds that the scheme resulted in a detrimental impact on the residential amenities of this neighbour through overlooking and a loss of privacy. This neighbour does include a window at both ground and first floor level and is set off the shared boundary by 5 metres.
- 7.5.9 It is now proposed to increase the separation distance between the rear projection of the proposed building and the shared boundary with Wroxton to 6 metres, an increase of 2 metres. The proposed Section C-C drawing numbered 403 REV-P.01 indicates that the proposed residential block would be located on a lower land level than this neighbour as a result of the regrading works. The roof form of the two storey rear projection would be hipped away from this neighbour and the main part of the residential block would be set in 12 metres from the boundary. As such, it is not considered that the proposed residential block would result in any loss of light or become an overbearing form of development towards the residential amenities of this neighbour.

- 7.5.10 There is no glazing proposed within the rear elevation of the two storey rear projection directly facing Wroxton but there is glazing at first floor level located within the flank elevation along with glazing at first floor level within the rear elevation of the main building which would face towards Wroxton. However, the building is sited on a lower land level than Wroxton and the glazing within the flank elevation is now located further away from the shared boundary and would primarily overlook the amenity space and garden of the application site. In addition, the glazing within the rear elevation of the main dwelling is set approximately 14 metres in from the boundary which is considered to be sufficient distance. Finally, whilst it cannot be solely relied upon it is there is some existing trees and hedging which provide some screening of this neighbour.
- 7.5.11 As such, it is considered that the proposed development has overcome the previous reason for refusal of application 18/2423/FUL and it is not considered that the proposed development would result in any significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.6 Amenity Space Provision for future occupants
- 7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space.
- 7.6.2 The proposal would result in the construction of seven 2-bed apartments. As such, the amenity space requirement would therefore be 147sq. metres.
- 7.6.3 The Landscape Master Plan details that a communal area of laid to lawn measuring 225sq. metres would be provided however part of the communal area is located adjacent to the forecourt parking and is therefore not considered useable. Notwithstanding this, it is considered that sufficient amenity space would be provided to adequately serve the occupants of the apartments.
- 7.7 Wildlife and Biodiversity
- 7.7.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.7.3 The application is supported by an Ecological Assessment and Preliminary Bat Roost Assessment prepared by Tyler Grange dated March 2019 and a Local Biodiversity Checklist. Both Herts Ecology and Herts & Middlesex Wildlife Trust were consulted on the application. Herts Ecology provided a response and raised no objections to the proposed development subject to conditions requiring further follow-up surveys. As such, subject to conditions, the proposed development would be acceptable in accordance with Policy CP9

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

7.8 Trees and Landscaping

- 7.8.1 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.
- 7.8.2 The application site contains some trees however none of which are protected by a Tree Preservation Order. The site is located beside an embankment owned by Transport for London and is covered by a blanket Tree Preservation Order TPO054. An Arboricultural Method Statement prepared by GHA Trees dated November 2018 has been submitted with the application. The Landscape Officer was consulted on the submitted details and they raised no objections to the trees highlighted for removal and the level of protection proposed. They therefore raised no objection.
- 7.8.3 As such, subject to conditions, the proposal would be acceptable 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).

7.9 Highways and Access

- 7.9.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.9.2 As existing the application site benefits from an access located within the north-western corner of the site. The proposals include upgrading and realigning the access. The Highways Officer was consulted on the application and considered that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the access to the site.

7.10 Parking

- 7.10.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings and states that 2-bed dwellings should benefit from two off-street parking spaces (1 assigned).
- 7.10.2 The proposal would result in the construction of seven 2-bed apartments and would therefore require 14 spaces (7 assigned spaces).
- 7.10.3 Planning application 18/2423/FUL resulted in a shortfall of 6.25 spaces and was subsequently refused in this regard.
- 7.10.4 In comparison, the proposed development would continue to provide 12 parking spaces however the resultant shortfall would be reduced to 2 spaces. Whilst it is noted that there would be a shortfall of 2 spaces within the site, the proposed spaces would exceed the number of assigned spaces required to serve the development and would be of appropriate size with sufficient space for manoeuvrability. In addition, the application site is located in a sustainable location, within walking distance to local shops and services and transport links. It is also noted that the Highway Authority have noted that it is unlikely that the effects from parking would be significant. As such, the proposed parking is on balance considered acceptable and it is not considered that the shortfall of two parking spaces would result in

demonstrable harm to justify the refusal of planning permission in this regard. The previous reason for refusal has therefore been overcome.

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 application is supported by an Energy Statement prepared by C80 Solutions dated February 2019 which states that the development would achieve a 25% reduction in CO2 emissions overall compared to Part L 2013. The proposed development would include Photovoltaics however no further details have been provided. A condition will be attached to any consent requiring further details of the location of the solar panels.

7.12 Flood Risk and Drainage

- 7.12.1 Concerns have been received with regards to the potential impact of the proposed development on local flooding.
- 7.12.2 The proposed development would require significant regrading works to level the site to accommodate the proposed residential block. The application site is not located within an area of flood risk and a Flood Risk Assessment would not generally be required for development of the scale proposed.
- 7.12.3 It is not considered that the development would have an adverse impact on areas at risk of flooding or would be subject to unacceptable risk of flooding and would be acceptable in accordance with Core Strategy Policy CP1 and Policy DM8 of the Development Management Policies document, however an informative would highlight the need to ensure that development does not result in flooding.

7.13 Refuse and Recycling

- 7.13.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.13.2 The submitted plans indicate that a bin storage area would be located adjacent to the parking spaces within the site and an additional temporary storage area used on collection days would be located closer to the entrance into the site. The Highways Officer raised no objection to the proposed waste collection/storage provisions and are considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013)

7.14 Infrastructure Contributions

7.14.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq. metre of residential development is £180.

8 **Recommendation**

8.1 That PERMISSION BE REFUSED for the following reasons:

R1 The proposed development by reason of its siting, scale and design would appear at odds with the prevailing character of the surrounding area and would result in a cramped form of development which would have a detrimental impact on the character and appearance of the area. The bulk and massing of the proposed residential block would be further exacerbated by its excessive height and flat roofed design. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.