

PLANNING COMMITTEE - 27 FEBRUARY 2020

PART I – DELEGATED

- 6. 19/1992/FUL: First floor rear extension and single storey front extension to dwelling and construction of two storey and single storey side and rear extensions with basement level to be occupied as two, two bedroom flats with associated parking served by extended crossover, landscaping and bin storage at 1 WOODHALL LANE, SOUTH OXHEY, HERTS, WD19 6HE (DCES)**

Parish: Watford Rural Parish Council
Expiry of Statutory Period: 2 March 2020
(agreed Extension of Time)

Ward: Carpenders Park
Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted following completion of a Section 106 agreement to secure a commuted sum toward Affordable Housing.

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

1 Relevant Planning History

- 1.1 16/2344/PDE - Prior Approval: Single storey rear extension (depth 6 metres, maximum height 3 metres and eaves height 2.8 metres) – Withdrawn - 12.12.2016.
- 1.2 16/2592/PDE - Prior Approval: Single storey rear extension (depth 6 metres, maximum height 2.95 metres and eaves height 2.95 metres) – No objection - 19.01.2017.
- 1.3 17/1157/FUL - Single storey front extension, first floor rear extension and loft conversion including increase in ridge height and insertion of front and rear dormers – Withdrawn - 13.07.2017.
- 1.4 17/1485/FUL - Single storey front and first floor rear extensions – Permitted - 14.09.2017.
- 1.5 18/2198/FUL - First floor rear extension and single storey front extension to dwelling and construction of two storey side and rear extension with accommodation within the roof served by rooflights to be occupied as four flats comprising one x 2 bed flat and three x 1 bed flats, with associated parking served by extended access, landscaping and bin storage – Refused - 30.01.2019.

Refused for the following reasons:

- R1 The proposed development, by virtue of its height, width, depth, reduction in land levels, tapered flank elevation and siting of the ridge line would represent an oversized and unattractive development that would result in an incongruous, unduly prominent and dominant form of development to the detriment of the visual amenities of the street scene. The proposed two storey side and rear extension would therefore be contrary to Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.
- R2 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. The proposal would also result in the introduction of an overly long drop kerb and it has not been demonstrated that there would be safe and adequate means of access so as to provide sufficient parking

and ensure there would be no harm to the safe movement and free flow of other 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).

- R3 The development would fail to contribute to the provision of affordable housing in accordance with the requirements as set out within Policy CP4 of the Core Strategy. In light of the evidence demonstrating a pressing need for affordable housing within the District the proposed development 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).

2 Description of Application Site

- 2.1 The application site is situated on the north side of Woodhall Lane, South Oxhey and is located on an end plot where the side boundary adjoins the rear boundaries of No's 119-125 Prestwick Road. Woodhall Lane is generally characterised by semi-detached houses of similar design and scale. Along Prestwick Road the street scene is generally more varied including flatted development.
- 2.2 The application dwelling is a two storey semi-detached property with a gable roof form and white rendered and weather boarded exterior. The frontage of the application dwelling contains an area laid to lawn and an area of hardstanding, accommodating one parking space. The rear amenity space provision extends along the side and rear of the dwelling and includes a concrete outbuilding to the side of the dwelling. The land levels of the site rise up in an east to west direction. The neighbouring properties to the west are set on higher ground.
- 2.3 The adjoining semi-detached dwelling to the east No.3 has the same original rear building line as the application dwelling. The application dwelling is currently being extended to the rear at ground floor level in relation to prior approval 16/2592/PDE.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the construction of a first floor rear extension and single storey front extension to the existing dwelling, and the construction of two storey and single storey side and rear extensions with basement level to provide two 2-bedroom flats with associated parking served by extended vehicular crossover and landscaping.
- 3.2 The proposal would include alterations to the existing dwelling including the completion of the part built single storey rear extension, first floor rear extension above the ground floor extension and single storey front extension. The existing part constructed single storey extension would have a flat roof with a height of 3.1m. The first floor level would have a stepped footprint with the deepest section measuring 3.6m beyond the rear elevation of the dwelling. The first floor would have a width of 5.1m to be constructed in line with the existing western elevation and set in from the eastern elevation. The proposed two storey extension would have a ridge height of 6.6m with a part pitched roof and part flat roof form. The single storey front extension would project 1.5m beyond the front elevation of the dwelling and have a mono pitched roof with a height of 3.5m.
- 3.3 The proposed side extension would be constructed along the western elevation of the dwelling. The proposed side extension would have a stepped flank elevation. The front aspect would have width of 6.4m increasing to a width of 8.4m closer to the rear and the ground floor element would extend a further 2m to the west. The proposed extension would have a maximum depth of 14.4m at ground floor level and 10.4m at first floor level. The proposed extension would have a pitched roof with a hipped flank elevation and a maximum height to match the existing dwelling. The side projection would have a subordinate pitched

roof. The ground floor side and rear extension would have a flat roof with a height of 3.1m. The single front extension would have a mono pitched roof with a height of 3.5m and would project 1.5m forward of the first floor level.

- 3.4 The proposed side extension would be used as a flatted development consisting of two, two bed flats. The ground floor flat would be served by a door within the principal front elevation and the access to the first floor flat would be within the set back two storey side projection. A communal garden would be sited to the rear. Fenestration would be inserted within the front, side and rear elevations of the development at ground and first floor level.
- 3.5 The development would include parking along the frontage. Five parking spaces would be provided to the front of the building which would be served by an extended and new vehicular crossovers.
- 3.6 The plans have been amended to ensure that the boundary line is consistent between the plans and that the proposal would be set in a minimum of 1.2m from the flank boundary at all points. The first floor windows in the western elevation have been reduced in width.
- 3.7 The scheme has been amended following the refusal of application 18/2198/FUL the amendments include:
- Reduction in the number of units; application 18/2198/FUL proposed the provision of three one bed flats and one two bed flat plus the extensions to the existing dwelling;
 - 18/2198/FUL proposed a tapered flank elevation;
 - Reduction in the overall height of the extension and loss of accommodation within the roof – application 18/2198/FUL proposed to set the flatted development 1.2m below the ground level of the existing dwelling whilst having a ridge height set higher than the existing dwelling.

4 Consultation

4.1 Consultees

4.1.1 Watford Rural Parish Council: [Objection]

I write in connection with the above planning application. WRPC have examined the plans and local councillors know the site well. We wish to object strongly to the development of land at this location for the following reasons:

The National Planning Policy Framework requires Local Planning Authorities to set parking requirements taking into account the accessibility of the development; the type, mix and use of the development; the availability and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.

DM1 of the Development Management Policies document states The Council will protect the character and residential amenity of existing areas of housing from forms of “back land”, “infill” or other forms of new residential development which are inappropriate for the area – This is clearly an infill project.

We believe that this proposed plan fails under policy DM1 a) v). This type of infill development does not maintain the character of the area with its basement design. Under Appendix 2 5. New Development iii) it states that a development must “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.” This does not follow as it clearly is out of context to the rest of the area’s property uniformity.

We believe that this proposed plan fails under policy CP12 c) of the Local Development Framework – Core Strategy Document. Concerns have been raised by neighbours regarding the blocking out of light that they have always had.

We note and echo the concerns of the public comment where it states that any extra parking along this road will exacerbate the parking issues which currently exist there. Parking is at a premium and adding further dropped kerbs to this area will cause locals difficulty, especially near a main road. This could cause danger to pedestrians which could fall foul of which then causes failures under CP10 (l) of the TRDC's Local Development Framework - Core Strategy Document where it states that a development must make “adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians”

Also, we believe that this policy may also fail under policy “DM1 Residential Design & Layout” of the Local Plan, as it states in Appendix 2 under point 3c “Amenity Garden Space” that a 2 bed flat should have 31 sqm of garden space. The plans do not adequately show the dimensions of the garden so WRPC respectfully ask TRDC to confirm that the garden space follows these guidelines.

Further, TRDC did not agree to a similar application 18/2198/FUL. Council would suggest that, on this application, the reasons is still applicable and therefore should be refused once again.

With these points in mind, we respectfully please ask for this application to be called into to planning committee, unless officers are minded to refuse, for councillors to discuss.

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions, and you should satisfy yourselves on any facts before reaching your decision.

4.1.2 Hertfordshire Highways: [No objection]

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:

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:

- *Provision of a suitable level of safe, secure and convenient cycle parking.*

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Provision of Parking & Access

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

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. 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).

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Agreement with Highway Authority: *The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority 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.*

AN) Obstruction of public highway land: *It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047*

COMMENTS / ANALYSIS:

The application comprises of the extension to an existing property to create two additional dwellings and associated works at 1 Woodhall Lane, Watford. Woodhall Lane is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

VEHICLE ACCESS:

The existing property is accessed via a 4.5m wide vehicle crossover (VXO)/ dropped kerb (made up of three flat kerbs and two ramped kerbs) leading to a parking area. The proposals include two VXOs, one leading to three car parking spaces (with a total width of 7.2m) and one VXO leading to two car parking spaces for the existing dwelling (with a total width of 5.4m). The proposed access arrangements are shown on submitted plan no. PB-19/1wood/11D and are considered to be acceptable by HCC as Highway Authority.

PARKING & MANOEVRABILITY:

The layout and dimensions of the proposed parking areas/bays are acceptable and in accordance MfS and Roads in Hertfordshire. Vehicles would be unable to turn around and egress to the highway in forward gear although this is acceptable onto a local access.

The level of parking is slightly less than the recommended level based on the car parking standards as outlined in Appendix 5 of Three Rivers District Council's (TRDC) Development Management Policies: Local Development Document. Nevertheless the level is considered to be acceptable by HCC as Highway Authority. Any effects from parking would not be significant enough to recommend refusal from a highways perspective particularly as the proposed development is in Zone 2 of TRDC accessibility zones. TRDC is the parking authority and should ultimately need to be satisfied with the level of parking.

REFUSE / WASTE COLLECTION:

Provision would need to be made for on-site refuse /recycling stores within 30m of each dwelling and within 25m of the kerbside/bin collection points. The collection method must be confirmed as acceptable by DBC waste management.

EMERGENCY VEHICLE ACCESS:

The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellings.

CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The applicant would need to enter into an Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works at the accesses to the site. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

4.1.3 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 11 No of responses received: 12

4.2.2 Site Notice Expired: 9 December 2019 Press notice: Not applicable

4.2.3 Summary of Responses:

4.2.4 Additional traffic; Overdevelopment; Overshadowing; Area is overpopulated; The property currently has unfinished poorly built extension, concerns over quality of new build; Problems arose with existing extension proposal will make this worse; Build will cause a lot of disruption and upset to surrounding properties; Proposal will result in additional cars being parked on the already overcrowded highway which is also used by commuters; Extension to vast crossover will impact on highway safety and restrict parking provisions along the highway; Concerns regarding drainage; Foundations could not support such structures; Loss of privacy to surrounding neighbours; Not appropriate for this location; Impact on safety of children; Noise will harm neighbouring residents; Additional parking would impact on highway safety and road is narrow and close to a sharp bend; Basement may cause harm to other properties; Site could not accommodate five parking spaces; Concerns over construction traffic; Loss of natural light and view; Loss of value of neighbouring properties; Too close to boundaries and would create an eyesore; Size of the development would make it incongruous with other dwellings within the immediate vicinity; Development would be akin to a hostel; Proposal would set a precedent.

5 Reason for Delay

5.1 Re-consultation due to receipt of amended plans.

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 Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM9, 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. Relevant policies include SA1.

6.3 Other

Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation) is relevant to this application.

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 application site is not identified as part of the District's housing supply in the Site Allocations LDD (SALDD). Policy CP2 of the Core Strategy stipulates that in assessing applications for development not identified as part of the District's housing supply, including windfall sites, applications will be considered on a 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 need.
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing site
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.1.2 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.
- 7.1.3 The application site is located within South Oxhey 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 South Oxhey will provide approximately 60% of the District's housing requirements over the plan period.
- 7.1.4 The proposed development would be located on part previously developed land, where the existing detached garage is sited, and part garden land. Given the location of the site within the Key Centre of South Oxhey, its sustainable location and that the site serves a residential dwelling, there are no in principle objections to the addition of residential development on the application site on part of the garden 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 Core Strategy Policy CP3 advises that new development should provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and the characteristics of housing in the area and sets out that proposals should take into account the range of housing needs as identified in the Strategic Housing Market Assessment and subsequent updates.
- 7.2.2 The South West Hertfordshire Strategic Housing Market Assessment (2016) (SHMA) advises that in terms of the size of accommodation needed to 2036 in Three Rivers, the overall requirement is for approximately 19% 1 bedroom units, 28% 2 bedroom units, 37% 3 bedroom units and 16% 4+ bedroom units.
- 7.2.3 The net gain of residential units would provide two 2 bedroom units which would not meet the breakdown as set out within the SHMA. The Core Strategy does recognise that the housing mix may need to be adjusted for specific schemes taking into consideration specific site factors. The proposal is for an extension to the existing building and use of the extension as flatted development, thus the size of the units would be limited to the scale of the plot. Due to the limitations of the site no objections are raised to the housing mix proposed.
- 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. The proposed development would result in a net gain of two dwellings as such a monetary contribution would be required to be sought unless viability demonstrates otherwise.

- 7.3.2 In November 2014, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) setting out changes to national planning policy. The WMS stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and which have a maximum combined gross floor area of 1,000sqm. National Planning Practice Guidance (NPPG) was amended to reflect this. However on 31 July 2015 the High Court held (*West Berkshire Council v SSCLG [2015]*) that the policy expressed through the WMS was unlawful and the NPPG was changed to reflect this. On 11 May 2016 the Court of Appeal reversed the High Court decision. The NPPG was subsequently amended to reflect the WMS on 19 May 2016.
- 7.3.3 In light of the above developments, between November 2014 and August 2015 and May 2016 and 1 September 2017 the Council gave greater weight to the WMS policy and associated NPPG guidance in it than to adopted Policy CP4 of its Core Strategy in respect of development proposals for 10 dwellings or less and which had a maximum combined gross floor area of 1000 square metres. However, having undertaken an analysis of up to date evidence of housing needs (**The Needs Analysis**), officers advised in 2017 that when considering the weight to be given to the WMS in the context of breaches of the adopted development plan policy, the local evidence of housing need contained in the Needs Analysis should generally be given greater weight. On 1 September 2017 the Council resolved to have regard to the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS 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.
- 7.3.4 On 24 July 2018 a new version of the National Planning Policy Framework (the Framework) was published with immediate effect for development management purposes. Paragraph 63 of the Framework advises that *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).”* Annex 2 of the NPPF defines *“major development”* as *“for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.”*
- 7.3.5 The Council's current affordable housing policy is set out in Policy CP4 of the Core Strategy (adopted in October 2011) and establishes that :
- a) “...All new development resulting in a net gain of one or more dwellings will be expected to contribute to the provision of affordable housing.”
 - e) “In most cases require affordable housing provision to be made on site, but in relation to small sites delivering between one and nine dwellings, consider the use of commuted payments towards provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.”
- 7.3.6 The supporting text to Policy CP4 summarises the justification for it:
- Average house prices in Three Rivers are some of the highest in the country outside of London. As a result, many local people have difficulty accessing housing on the open market.

- A Housing Needs Study estimated that 429 affordable dwellings would be needed each year to satisfy need. Such provision would exceed the total number of all housing types provided in the District in any year.
- The 2010 Strategic Market Housing Assessment (SMHA) found that the requirement for affordable housing in and around the Three Rivers area remains exceptionally high.
- In order to completely satisfy affordable housing requirements, **all** future housing in the District to 2021 would need to be affordable.

7.3.7 This policy remains the legal starting point for the consideration of planning applications under Section 38(6) PCPA 2004, which requires that the Council determines applications in accordance with the adopted development plan unless material considerations indicate otherwise. Revised NPPF 63 is a material consideration. The weight to be given to it is a matter for the decision maker when determining each planning application. This note explains the advice from the Head of Planning Policy & Projects and Head of Regulatory Services on the weight that they recommend should be given to NPPF 63 for these purposes in light of the Needs Analysis.

7.3.8 Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over **£2.1 million**. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that Three Rivers' policy has already delivered a significant contribution towards the delivery of much needed affordable housing in the district.

7.3.9 In addition to the £2.1 million already received, small scale (1-9 unit) schemes have secured to date a further **£1.3+million to £2.9+million¹** of affordable housing contributions in respect of unimplemented but current planning permissions. All of those schemes were agreed to be viable with those sums secured. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received.

7.3.10 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. Indeed between October 2011 and March 2019 198 planning permissions were granted for minor residential developments which contribute a net dwelling gain. Of those only 18 have been permitted to lapse which is only 9% of all such schemes.

7.3.11 Current evidence of housing need in the District is noted below. It confirms that the needs underlying the adopted development plan policy remain pressing.

Importance of Small Sites to Three Rivers

7.3.12 It is important to acknowledge the percentage of residential development schemes which tend to come forward in the District which propose the delivery of less than 10 dwellings: between 1 May 2016 and 12 April 2017 for instance, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council.

¹ Sums payable will be subject to indexation in most cases from June 2011 which will not be calculable until the date of payment. The headline sums will therefore increase. The quoted upper limit includes a policy compliant contribution of £1,341,250.00 which relates to a minor development PP subject to a late stage viability review mechanism. The AHC, whilst capped at this figure, will only be known once viability is re-run at occupation when actual build costs and realised sales values are understood. The contribution paid could therefore be substantially less than the policy compliant sum referred to above, hence the range specified.

Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt. The contribution to both market housing supply and affordable housing supply are therefore both material to overall identify needs and adopted development plan objectives. This is dealt with in more detail below.

- 7.3.13 If the weight to be given to the Framework is greater than the adopted development plan, this large proportion of Three Rivers' expected new housing delivery will contribute nothing towards affordable housing. This would compromise Three Rivers' ability to deliver its objectively assessed need for affordable housing.

Development Plan Policies and the WMS

- 7.3.14 The content of the Framework is a material consideration in any planning decision, and one which the decision making authority must weigh against the development plan as the starting point under section 38(6) of the 2004 Planning and Compulsory Purchase Act. The correct approach is to:

- Consider the starting point under the development plan policies
- Have regard to the Framework and its objectives if those development plan policies would be breached – it is officers' view that the Framework should be given considerable weight as a statement of national policy post-dating the Core Strategy
- Consider up to date evidence on housing needs
- Consider whether the Framework should outweigh the weight to be given to the local evidence of affordable housing need and the breach of the adopted development plan policy.

- 7.3.15 This approach reflects the Court of Appeal's judgment in West Berkshire, which held that whilst the government, whether central or local, could state policy "rules" absolutely, decision makers must consider them without treating them as absolute: their discretion to weigh material considerations in the balance and do something different cannot be fettered by policy:

"the exercise of public discretionary power requires the decision maker to bring his mind to bear on every case; they cannot blindly follow a pre-existing policy without considering anything said to persuade him that the case in hand is an exception"

- 7.3.16 At paragraph 26 of the judgment, the court cited statements made to the High Court on behalf of the Secretary of State, describing those as being "no more than a conventional description of the law's treatment of the Secretary of State's policy in the decision making process":

"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. It would then be a matter for the decision maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy"

- 7.3.17 As confirmed by the Court of Appeal decision in the West Berkshire case, whilst the WMS, and now the Framework, is clear with regard to the Government's intentions on planning

obligations in relation to small sites, the weight to attach to a development plan policy is a matter of discretion for the decision taker. Policies should not be applied rigidly or exclusively when material considerations may indicate an exception may be necessary.

7.3.18 In determining an appeal in Elmbridge, Surrey in August 2016 (appeal reference: APP/K3605/W/16/3146699) the Inspector found that “*whilst the WMS carries considerable weight, I do not consider it outweighs the development plan in this instance given the acute and substantial need for affordable housing in the Borough and the importance of delivering through small sites towards this.*” The existence of evidence of housing need is important in this context. That general principle has not been changed by the Revised NPPF.

7.3.19 Officers advise that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need in the Needs Analysis, be treated as outweighed by the Framework. This conclusion has been 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 development plan policy does not impose burdens where they would render schemes unviable.**

General House Price Affordability in Three Rivers

7.3.20 Due to the District’s close proximity to London, Three Rivers has traditionally been situated within a high house price area. According to data published by the Office of National Statistics (ONS) in the third quarter of 2016, the lowest quartile house price in Three Rivers in 2016, representing the cheapest properties in the District was £325,000.00, making it 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 (see table 1 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£375,000.00
2	South Bucks	£370,000.00
3	St Albans	£355,000.00
4	Windsor and Maidenhead	£345,000.00
5	Chiltern	£335,000.00
6	Hertsmere	£330,000.00
7	Three Rivers	£325,000.00
8	Epsom and Ewell	£324,000.00
9	Cambridge	£320,000.00
10	Mole Valley	£320,000.00

Table 1.

7.3.21 Since the publication of the above ONS data in 2016, the general house price affordability position has grown worse. According to data published by the Office of National Statistics

(ONS) in the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000.00, making it now the **sixth** most expensive local authority area in England and Wales (excluding London), out of a total of three hundred and fifty local authority areas (see table 2 below).

Number	Local Authority Name	Lowest Quartile House Prices
1	Elmbridge	£390,000.00
2	South Bucks	£386,000.00
3	St Albans	£355,000.00
4	Chiltern	£375,000.00
5	Windsor and Maidenhead	£373,000.00
6	Three Rivers	£355,000.00
7	Mole Valley	£349,950.00
8	Epsom and Ewell	£340,000.00
9	Cambridge	£338,000.00
10	Epping Forest	£330,000.00

Table 2.

7.3.22 Lowest quartile earnings in Three Rivers in 2016 were £24,518.00 and £24,657.00 in 2017, 13.3 times worsening to 14.4 below the lowest quartile house prices (ratio of lower quartile house prices to lower quartile gross annual, residence based earnings). In a mortgage market where lenders are traditionally willing to lend 3.5 times a person's income, clearly a lending requirement in excess of 14 times such an income means 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.

7.3.23 When one considers the median affordability ratio for Three Rivers compared to the rest of England and Wales, the position is even more serious: the median quartile income to median quartile house price affordability ratio is 13.82, the fifth worst affordability ratio in England and Wales, as set out in table 3 below, again when compared against 350 local authorities.

Number	Local Authority Name	Median quartile house price affordability ratio ¹
1	South Bucks	14.55
2	Hertsmere	14.16
3	Mole Valley	14.0
4	Chiltern	13.92
5	Three Rivers	13.82
6	Elmbridge	13.82
7	Cambridge	13.45
8	Epsom and Ewell	12.99

9	Oxford	12.58
10	Christchurch	12.47

Table 3.

- 7.3.24 Looking at the ratio of lower quartile house prices to lower quartile to gross annual, residence based earnings, in 2016 the ratio was 14.30. By September 2017 that had risen to 14.84.
- 7.3.25 It is clear from the above that the affordability of housing in Three Rivers is getting worse with time.

Affordable Housing Requirements in Three Rivers

- 7.3.26 The South West Hertfordshire Strategic Housing Market Assessment January 2016 (SHMA) found that at that time there were approximately 658 households within Three Rivers that were situated in unsuitable housing. Unsuitability is based on the number of households shown to be overcrowded in the 2011 Census (updated to a 2013 base for the purposes of the SHMA). 59.4% of these households were unable to afford market housing, which meant the revised gross need was reduced to 391 households.²
- 7.3.27 The SHMA also 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.
- 7.3.28 With these figures in mind, the SHMA calculated the net affordable housing need within the five local authority areas of the South West Herts area as being 54,997 units over the 23 year period from 2013 to 2036. This is 2,391 units per annum.³ The net need within Three Rivers was calculated as being 357 units per annum or 8,211 units over the same 23 year period. The SMHA identified the district's OAN for the next plan period as being 514 dwellings a year; thus affordable housing need equates to 69% of total housing need.

Affordable Housing Provision in Three Rivers

- 7.3.29 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.
- 7.3.30 Since the start of the plan period from 1 April 2001 to 31 March 2018 (the latest date where the most recent completion figures are available), 4,047 gross dwellings were completed. From this, 933 were secured as affordable housing, a total of 24.5%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 888 affordable housing units or 21.5% in order to fulfil the 45% affordable housing requirement up to 31 March 2018. This shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing
- 7.3.31 The latest available Annual Monitoring Report, published in March 2018 states: "the low percentage recorded in the 2017/18 year can partly be attributed to the Governments Written Ministerial Statement (WMS) in November 2014 which led to an amendment to National Planning Practice Guidance. This meant that from May 2016, the Council was only able to require affordable housing on sites of 10 or more dwellings, or where development

³ Table 33: Estimated Current Need, South West Hertfordshire Housing Market Assessment (January 2016).

⁴ Table 38: South West Hertfordshire Housing Market Assessment (January 2016). Net need = Current Need + Need from Newly-Forming Households + Existing Households falling into Need – Supply of Affordable Housing.

had a combined gross floor area of 1000sqm. The Council was therefore unable to fully implement Core Strategy CP4, in line with government guidance. Out of a total of 23 sites where overall development would result in a net gain of one or more dwellings, and where CP4 would have been applied, only seven contributed towards the provision of affordable housing during the 2017/18 monitoring period. Given the implications of the WMS outlined above, only 10 of the 23 sites contributing a net gain of one or more dwellings were required to contribute towards affordable housing provision, with seven sites making contributions as required. A further two sites which were replacement dwellings and contributed no net gain, provided a total of three gross dwellings which are included in the gross dwelling completion figures.”

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

7.3.32 As set out at para 1.10 above, between 1 May 2016 and 12 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. In 2017-2018 there were 67 planning applications for net gain residential schemes, of which 57 were small site schemes (85%). From 1st January 2018- December 2019 there were 50 planning applications for net gain residential schemes, of which 46 were small site schemes (92%).

7.3.33 In terms of numbers of completed dwellings proposed by those small site schemes, between 2011-19 some 313 dwellings were completed which equates to 39 dwellings per annum. Whilst such numbers are significant, it is acknowledged that major developments, whilst far less frequent, provided significantly greater quantities of housing. However CP4(e) does not generally require small site schemes to provide on-site affordable housing (small-scale piecemeal development is unattractive to RP's). Instead commuted sums in lieu of on-site provision are required and thus it is the sums of money secured and the contribution those make towards the provision of additional much needed affordable housing in the District which the policy should be tested against. This has been acknowledged by Planning Inspectors on appeal, as referred to below:

APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley: *“It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.”*

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

7.3.34 As set above, the commuted payments (£2.1 million) to be spent on the provision of affordable housing which have been collected by the Council to date have made a direct contribution towards the identified affordable housing shortfall in the district: providing some 21 units with some of the monies being utilised to assist in the delivery of a further 17 units (38 in total). Furthermore, small scale (1-9 unit) schemes have (as at December 2019) secured a further **£1.3+million - £2.6+ million** (see footnote 1) in respect of unimplemented but current planning permissions. The Council has several large scale future residential developments planned which will aim to deliver substantial quantities of further affordable housing in the District in the medium term future, utilising those additional affordable housing contributions as and when they are received. It is clear therefore that CP4(e) has made and will continue to make a significant contribution towards the provision of much needed affordable housing in the District in the future.

Adopted development plan policy does not impose burdens where they would render schemes unviable

7.3.35 Policy CP4 makes it clear that a requirement for a scheme to contribute towards the provision of affordable housing is subject to viability considerations and is therefore consistent with paragraph 122 of the Framework. The application of CP4, which includes this in built viability allowance, cannot properly be said to be a barrier to delivery. The Council accepts that if, properly tested, viability cannot be established on current day costs and values then a scheme should not currently be required to provide or contribute to affordable housing delivery. Between October 2011 and March 2019 there were 198 planning permissions granted for minor (net gain) residential developments in the District. Of those only 18 have lapsed (9%). This demonstrates that the application of CP4 has not acted as a brake on small scale residential developments.

Relevant Appeal Decisions

7.3.36 There have been a number of appeal decisions since the WMS was upheld by the High Court in May 2016. As an example, the Planning Inspectorate has dismissed appeals that were submitted against the decisions made by Elmbridge Borough Council (appeal no: 3146699), Reading Borough Council (appeal ref: 315661), South Cambridgeshire District Council (appeal ref: 3142834) and Islington Borough Council (3154751, 3164313, 3174582, 3177927 and 3182729). These were for small scale housing schemes where those Councils had attached greater weight to their affordable housing policy than to the WMS as a consequence of local evidence of substantial affordable housing need. The Council considers these appeal decisions to be of continuing relevance post the new Framework.

7.3.37 The Inspectors appointed to determine these appeals stated that the WMS needed to be addressed alongside existing Local Plan policy. Within each case, the Inspectors found that there was substantial evidence of a pressing need for affordable housing within these three local authority areas. On this basis, it was considered that local policy had significant weight and there was strong evidence to suggest that these issues would outweigh the WMS within these three cases.

7.3.38 In March 2017 the Planning Inspectorate issued a response to a letter from Richmond and Wandsworth Councils regarding the perceived inconsistency of approach by the inspectorate in relation to a further five appeal decisions made in 2016, regarding the weight that was made to the WMS.

7.3.39 Out of these five decisions, the Planning Inspectorate considered that three appeal decisions were reasonable, and fairly reflected the Court of Appeal's decision that although great weight should be attached to the WMS as a material circumstance; planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise.

7.3.40 However, the Planning Inspectorate considered that the decision taken on the two remaining appeals which stated that lesser weight was afforded to local policies because they were now, in part, inconsistent with national policy, was not appropriate. The seventh paragraph in the response from the Inspectorate, summarised the approach that the Inspectorate acknowledges should be taken:

7.3.41 "...an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies."⁴

7.3.42 It is clear therefore that the Planning Inspectorate considered that although the WMS (and now the Framework) was a material consideration, this should be balanced against the

⁵ Paragraph 7, Planning Inspectorate Letter, March 2017.

policies within a plan along with any further evidence that supports a Local Planning Authority's application of the policy.

7.3.43 The Council's stance has been tested on appeal on numerous occasions and the Planning Inspectorate have repeatedly concluded (13 decisions as at the date of this document) that whilst the NPPF carries considerable weight, it does not outweigh CP4 of the Councils development plan given the acute and substantial need for affordable housing in the District and the important contribution small sites make towards addressing this shortfall. Below are extracts from a few of those decisions:

- **APP/P1940/W/19/3222318, Eastbury Corner, 13 Eastbury Avenue, Northwood, Decision date: 21 June 2019:**
“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it. Policy CP4 makes it clear that site circumstances and financial viability will be taken into account when seeking affordable housing provision.”
- **APP/P1940/W/19/3221363, The Swallows, Shirley Road, Abbots Langley Decision date: 27 June 2019:**
“The Council has however provided robust evidence to demonstrate high affordable housing need locally and that affordability in the District continues to deteriorate. Indeed, needs analysis carried out by the Council highlights the importance of small sites in addressing shortfall and the lack of affordability that exists in the District. I apply substantial weight to this local evidence due to its recentness and the clear conclusions that can be drawn from it.”
- **APP/P1940/W/19/3225445, 6 Berkely Close, Abbots Langley Decision date 5 August 2019:**
“The Council has provided robust evidence of high affordable housing need in the District, and in line with the findings of other appeal decisions cited by the Council, I attribute substantial weight to that need as a consequence and consider that a contribution towards the provision of affordable housing is necessary.”
- **APP/P1940/W/19/3230999, 27 Gable Close, Abbots Langley Decision Date: 1 November 2019:**
*“The Council has provided detailed evidence of acute affordable housing need locally: a Needs Analysis was undertaken in May 2016 after the publication of the Written Ministerial Statement which introduced the affordable housing thresholds now included in the Framework. Based on the Needs Analysis, the Council's evidence highlights the issue of general house price affordability in the District, plus an exceptionally high need for affordable housing exacerbated by a significant shortfall in supply. It also identifies the importance of small sites in providing affordable housing with contributions from small sites amounting to over £2.1 million since 2011 being spent towards the delivery of 38 affordable dwellings.
A further Needs Analysis following publication of the revised Framework in July 2018 demonstrated that housing stress had increased since 2016. The Council has therefore revisited its position following the update to national policy. There is no evidence before me that affordable housing contributions are acting as a brake on development. Rather, the evidence is that contributions from small sites collected since the policy was adopted in 2011 are delivering affordable housing on the ground. Due to its recentness and the clear conclusions that can be drawn from it, I give this*

local evidence substantial weight. It underpins the approach in Policy CP4 as an exception to national policy.”

- **APP/P1940/W/19/3230911, 67 & 69 St Georges Drive, Carpenders Park, Decision date 22 October 2019:**

“The Council has undertaken several needs analyses, the latest being July 2018, to demonstrate the acute shortage of affordable housing in the District, especially in light of high house prices and that much of the District is also constrained by the Metropolitan Green Belt. It further highlights the importance small sites make to the contribution to the overall provision of affordable housing. Up until the end of March 2017 there has only been 22.6% of affordable housing provision which falls short of the policy requirement of 45% The shortfall demonstrates that the provision of affordable housing is still very much needed, such that Policy CP4 should continue to apply to small sites, despite the Framework and the WMS. In light of the Council’s body of evidence that demonstrates the particular housing circumstances and needs of the District, I attach substantial weight to this local evidence and consider that the national policy position does not outweigh the development plan and Policy CP4 in this instance.”

- **APP/P1940/W/19/3230458, 19 Lynwood Heights, Rickmansworth, Decision date: 11 October 2019:**

“The Council states that its Strategic Housing Market Assessment (2010) has demonstrated that there is a significant affordable housing need locally due to very high house prices and rents and a constricted supply of suitable housing sites. Further, the South West Hertfordshire Strategic Housing Market Assessment (2016) estimated a net affordable housing need of 14,191 in the District between 2013-36 and there is also a worsening situation with regards to affordability. Based on the Councils evidence the District is the 7th most expensive local authority area in England and Wales in 2016 and demonstrates that its application of Policy CP4 has delivered a significant contribution of over £2.1 million towards the delivery of affordable housing without disrupting the supply of small residential sites. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The robust evidence referred to in footnote 1 and the clear need to deliver affordable housing in the District underpins the Council’s approach in Policy CP4 as an exception to national policy and therefore in this case, the Framework’s threshold would not outweigh the conflict with the development plan. I therefore attach considerable weight to Policy CP4. I am also referred to a number of recent appeal decisions in the District which support this approach and are therefore relevant to the scheme before me and as such carry considerable weight.”

Affordable Housing Conclusion

- 7.3.44 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Having regard to the Framework as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need continues to deserve significant weight in deciding whether, for the purposes of Section 38(6), the revised Framework policies weigh sufficiently against the Core Strategy Policy CP4. Having undertaken this assessment in 2017 and further reviewed it post the new NPPF in 2018 and in December 2019 with regard to more up to date evidence, where available, officers are of the view that the Framework does not outweigh the weight to be attached to the local evidence of affordable housing need. That evidence shows that the need for affordable housing in Three Rivers is great and the contribution that small sites have made has been significant. Furthermore comparisons between 2016 and 2017 ONS data shows that the affordability of housing in Three Rivers is deteriorating year on year

and the need for affordable housing is growing. As such proposals for the residential development of sites of 10 dwellings or less (not “major development”) will currently be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

7.3.45 The development would result in a net gain of two residential units and the development would generate an affordable housing contribution of £34,335.00 plus indexation. A draft legal agreement has been submitted with the application and it has been confirmed that the applicant is willing to pay the full contribution. The completion of the agreement is currently being undertaken to secure the amount required. Thus, subject to the successful completion of the S106 agreement the proposed development would meet the affordable housing requirements as set out within Policy CP4 of the Core Strategy and the Affordable Housing SPD.

7.4 Impact on Character and Street Scene

7.4.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy sets out that development should make efficient use of land but should also ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area.’

7.4.2 Policy CP3 of the Core Strategy advises that ‘the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential areas.’

7.4.3 Policy DM1 and the Design Criteria at Appendix 2 of the Development Management Policies document further 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. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the street scene.

7.4.4 The Design Criteria stipulates that the first floor level of two storey side extensions should be set in 1.2m from flank boundaries to maintain appropriate spacing between properties.

7.4.5 The principle of the proposed first floor rear extension and single storey front extension to the original dwellinghouse have previously been approved under extant planning permission 17/1485/FUL. The proposed extensions to the front and rear of the existing dwelling would not be materially different to that of the approved scheme in terms of scale or design. As such, no objections are raised to the first floor rear extension and single storey front extension to the original dwelling. The proposed development would however include the addition of a two storey structure to the side of the dwelling which would provide flatted development.

7.4.6 The proposed two storey side extension would have a similar width to that of the original dwelling. Thus the proportions of the development along the frontage of the site would not appear dissimilar in scale to that of the original dwelling and neighbouring dwellings within the street scene. The width of the proposed development would increase to 8.6m at first floor level. However, this projection would be set back 4.3m from the proposed first floor front elevation. The projection would have a subordinate pitched roof and the amended plans (linking the roof to the main roof form) ensure that this element does not have an incongruous relationship with the main part of the built form. The set back of this aspect would also prevent it from result in an obtrusive feature in the street scene. Due to the relationship with the neighbouring properties fronting Prestwick Road the full length of the western elevation would be visible within the street scene. The depth of the first floor level of the proposed development would match the depth of the previously permitted first floor

extension serving the original dwelling and would project 3.6m beyond the rear elevation of the original dwelling which is not considered excessive or result in an unduly prominent feature within the street scene. The proposal would include a single storey projection to the side and rear which would not result in a prominent or contrived addition.

- 7.4.7 The proposed extension would be of a height to match the original dwelling thus would respect the street scene in this respect. In relation to design the proposed side extension would have a pitched roof which would be hipped to the side. The dwellings along Woodhall Lane predominantly consist of gabled flank elevations and the neighbouring dwelling (No.3) has a gabled flank elevation. The hipped roof would appear slightly at odds with the existing street scene of Woodhall Lane. However, the site is located close to the junction with Prestwick Road where the design of the buildings are varied. Furthermore, the proposed development would be first development along this part of Woodhall Lane and the rear elevations of the neighbouring properties to the west face the flank of the application. As such, due to the siting of the application site the slight variation in the roof form in comparison to the other properties along Woodhall Lane would not result in demonstrable harm to the visual amenities of the street scene or overall character of the area.
- 7.4.8 The proposed development would be set in a minimum of 1.2m from the flank boundary. Due to the relationship with the neighbouring properties to the west, the proposal would not result in a terracing effect within the street scene and would not result in a cramped feature. Due to the generous width of the existing plot the width of the proposed development and proximity to the flank boundary would not result in apparent overdevelopment of the site.
- 7.4.9 The single storey front projection would not be of a height or depth that would disrupt the established building line along this part of the street scene or result in an obtrusive feature.
- 7.4.10 The proposed development would result in extension and alterations to the existing dwelling and would result in the provision of a net gain of two residential units. Thus the provisions of Policy DM1 of the DMP LDD would also apply. In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'back land', '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, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).
- 7.4.11 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.
- 7.4.12 The proposed development would not result in back land or tandem development. It would be sited to the side of the existing dwelling and would result in an infill development. As discussed in the paragraphs above the scale of the proposed development is not considered to result in any demonstrable harm to the visual amenities of the street scene.
- 7.4.13 Woodhall Lane is a residential street characterised by two storey semi-detached dwellings. The proposed development would result in the addition of a two storey structure which would contain two, two bedroom flats. One entrance would be sited within the front

elevation of the proposed development with the second entrance to the first floor flat sited within the front elevation of the recessed side projection. The second front door would be set back from the front elevation and would not be readily apparent within the street scene. The proposal on first appearance would therefore be that of a single dwelling rather than flatted development. Furthermore, although Woodhall Lane consists of single residential units flatted development is sited along Prestwick Road. The block of flats along Prestwick Road are located opposite the junction with Woodhall Lane and considered to be within the immediate vicinity of the application site. Thus, taking into consideration the varied nature of Prestwick Road there are no in principle objections to the provision of flats within the site in relation to impact on character of the area. The principle of flatted development within this location would therefore not result in any demonstrable harm to the overall character of the area.

- 7.4.14 A basement level is proposed however this would be served by internal stairwells and would not be visually apparent from any public vantage points. The proposed basement level would therefore not change the character of the area or affect the visual amenities of the street scene.
- 7.4.15 The bulk, massing and scale of the development in terms of plot size, building footprint, plot width, frontage building line, plot frontage width, frontage building line and street scape features would not appear out of character within the street scene or result in a contrived or incongruous form of development.
- 7.4.16 The development would include the extension to the existing crossover and the addition of a new crossover along the frontage of the site to allow the provision of five on-site parking spaces. The development would result in the frontage consisting only of hardstanding whereas existing is contains both hard and soft landscaping. There are a number of properties along Woodhall Lane which contain just hardstanding along the frontage. In addition the site is located adjacent to an area of soft landscaping to the west. The proposed extent of hardstanding would not appear incongruous or result in demonstrable harm to the visual amenities of the street scene.
- 7.4.17 The proposed design of the additions to the original building and proposed flatted development would not result in an unduly prominent or incongruous features within the street scene. Furthermore, the principle of flatted development would not result in any harm to the character of the area in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

7.5 Impact on amenity of neighbours

- 7.5.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD states that:

'All developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings. The degree of overlooking and privacy inherent in a development will depend on density, layout, distances and angles between buildings, internal layout, positioning of windows, relative levels and, to some extent, the presence of trees, hedges or other landscape features. Reliance should not be placed in high screening fences or walls (2 metres and above) where these would form a dominant and oppressive feature.'

- 7.5.2 The first floor rear extension and single storey front extension has been previously permitted under extant planning permission 17/1485/FUL where no unacceptable harm to the residential amenities of No.3 were identified. The scale of the proposed extensions to the existing dwelling would not be materially different to the approved scheme. Taking this into consideration the first floor rear extension and ground floor front extension would not result in any demonstrable harm to the residential amenities of No.3. The proposed two storey side extension and ground floor projections would be built in line with the front and rear

extensions permitted under application 17/1485/FUL and would not result in any loss of light or harm to the visual amenities of No.3.

- 7.5.3 The proposed development would cover a depth of 10.4m at first floor level along the western flank boundary which also forms the rear boundaries of No's 119-125 Prestwick Road. The rear elevations of these neighbouring properties face the flank boundary of the application site with a distance of approximately 15m separating the rear elevation of the neighbouring properties and the intervening boundary. The proposed development would be set a minimum of 1.2m from the flank boundary increasing to the rear and the application site is set on lower ground. The proposed development would alter the outlook for the residents of the neighbouring properties facing the site. However, due to the separation between the proposed development and neighbouring properties and that the site is set on lower ground it is not considered that the scheme would result in any unacceptable loss of light or demonstrable harm to the visual amenities of these neighbouring properties. The flank elevation would also be stepped which would further reduce the visual massing of the development as viewed from the neighbouring properties. Furthermore, as the site is located to the east of the neighbouring properties fronting Prestwick Road the proposal would not result in loss of sunlight or unacceptable overshadowing of the neighbouring gardens. The hipped roof form would also help to reduce the bulk of the development at roof level close to the common boundary.
- 7.5.4 Due to the separation between the properties the proposal would not result in any harm to the residential amenities of the neighbouring properties to the front of the site.
- 7.5.5 The proposal would include the provision of first floor windows within the western flank elevation facing the neighbouring properties. These windows would serve non-habitable rooms or would be secondary windows thus would be conditioned to be obscure glazed and top level opening only. As these would face the rear boundary of the neighbouring properties to the west they would not result in unacceptable perceived overlooking. The ground floor windows would not result in unacceptable overlooking and a condition requiring details of boundary treatments would be attached to any permission to ensure the privacy of the neighbouring properties are protected. The fenestration to be inserted within the front and rear elevations would not result in any unacceptable overlooking of the surrounding neighbouring properties.
- 7.5.6 Neighbours have raised concerns regarding impact on their properties through subsidence in relation to the basement. It would be the applicant's responsibility to ensure that the works do not affect the structural integrity of the neighbouring properties which is not a material planning consideration. However, any permission would include an informative reminding the applicant that a party wall agreement would be required.
- 7.5.7 Neighbours have raised concerns in relation to the noise generated by the proposed development. The proposal would provide two additional residential units one of which would be accessed via a pedestrian access sited along the flank of the proposed building. It is not considered that the provision of two residential units would result in unacceptable noise and disturbance to neighbouring properties and the siting of the entrance would not facilitate noise and disturbance. The proposed flats would be served by a communal garden which again if used by the occupants of the development would not generate unacceptable noise and disturbance to the surrounding residential properties. Any noise during construction would be governed by Control of Pollution Act 1974.
- 7.6 Highways, Access and Parking
- 7.6.1 Policy CP10 of the Core Strategy sets out that development should provide a safe and adequate means of access and makes adequate provision for all users.
- 7.6.2 The scheme proposes the provision of two crossovers one measuring 7.2m in width and one 5.4m in width with a 0.9m full height kerb in between. The Highways Officer raised no

objections to the siting or width of the two proposed crossovers in relation to highway safety including pedestrians. The Highways Officer noted that the five parking spaces would be of sufficient size to meet standards and their accessibility would be acceptable and confirmed that the Highways Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. A construction management plan condition would be attached to any planning permission requiring details to be submitted in relation to the parking of construction traffic.

7.6.3 Policy CP10 of the Core Strategy also states that development should make adequate provision for all users including car and vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out parking standards. These standards identify the following car parking requirements:

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

4 bedroom dwelling – 3 spaces per dwelling

7.6.4 The proposed development would provide five parking spaces. The allocation of the parking has not been set out within the application, this can be secured by condition. However, the plans appear to indicate that two spaces would be provided to serve the existing dwelling which would have four bedrooms and three spaces would serve the proposed flats with one assigned space for each unit. In accordance with the standards the proposed development would generate a total parking need of 7 parking spaces resulting in a shortfall of 2 spaces. It is noted that planning application 18/2198/FUL was refused due to insufficient parking however that scheme proposed the creation of a four bedroom dwelling (as currently proposed) and the addition of a further four residential units resulting in a parking requirement of 9.5 spaces and resulting in a shortfall of four parking spaces.

7.6.5 The proposed development would provide sufficient parking to provide one assigned space per flat and would result in the shortfall of one parking space for the existing dwelling. One additional visitor space would also be provided to serve the flatted development. The site is located close to the junction with Prestwick Road and within approximately 110sq.m of the main shopping parade which will provide services to meet daily needs. The site is also within 300m of the train station and bus stops. The site is therefore considered to be within a sustainable location with access to services and public transport links and there are no parking restrictions along Woodhall Lane. Taking this into consideration the provision of 5 parking spaces is considered to be sufficient to serve the proposed development and not place undue pressures on the surrounding road networks in terms of roadside parking.

7.7 Amenity Space

7.7.1 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 and specific standards for provision of amenity space are set out in Appendix 2 of the DMP LDD.

7.7.2 The plans do not clearly identify the subdividing boundary line however it is reasonable to assume that a subdividing line would be created between the flats and dwelling in line with the party wall; the measurements will be based on this. Any planning permission would include a condition requiring details of boundary treatment and siting of the boundary line. The Design Criteria of the Development Management Policies document stipulates that two bed flats should be served by 31sq.m amenity space provision. The proposed flats would be served by an amenity space provision of approximately 130sq.m. This would be provided as shared amenity space. The existing dwelling which would have four bedrooms would be served by an amenity space provision of approximately 66sq.m. This would fall below the 105sq.m. However, useable amenity space provision would be provided and the scale of the amenity space serving the original dwelling would not be apparent from public vantage points thus would not affect the character of the area. It is not considered that the failure to provide the full amenity space provision to serve the existing dwelling would render the scheme unacceptable or result in any demonstrable harm to the amenities of occupants.

Permitted development rights will be removed from the existing dwelling due to the resultant plot size.

7.8 Wildlife and Biodiversity

7.8.1 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.

7.8.2 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.

7.8.3 The application has been submitted with a Biodiversity Checklist and details that no protected species would be affected by the development.

7.9 Trees and Landscaping

7.9.1 Policy DM6 of the Development Management Policies LDD advises that development should not have an impact on any significant trees or areas of landscaping,

7.9.2 No protected trees would be affected by the proposed development.

7.10 Sustainability

7.10.1 Policy DM4 of the Development Management Policies LDD sets out that development must produce at least 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.

7.10.2 Any planning permission would include a condition that an Energy Statement must be submitted prior to the commencement of works to ensure the development would meet the requirements of Policy DM4 of the Development Management Policies LDD.

7.11 Refuse & Recycling

7.11.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the DMP LDD 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.

7.11.2 The existing dwelling is already served by the refuse service and the addition of two units is not considered to result in unacceptable demand. The development includes a pathway along the flank of the flats which will allow external access to the rear to accommodate the bins. Any planning permission would include a pre-commencement condition regarding storage and collection details to prevent any bins being left on the highway and causing an obstruction. Details of the bin storage and collection points for the existing dwelling will also be required to be submitted. The amended plans ensure that the proposed development would be set in a minimum of 1.2m from the flank boundary at all points. This would ensure

that there would be sufficient access for bins along the flank of the building as it is noted that there would be insufficient space to store bins within the frontage of the plot.

7.12 The 'Tilted Balance'

7.12.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

7.12.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. In accordance with paragraph 11 of the NPPF the LPA do apply a presumption in favour of sustainable development. The addition of two residential units would provide limited long term economic benefits. However the proposal would result in the creation of two additional residential units within a sustainable location and would make the full policy-compliant monetary contribution towards much needed affordable housing provision within the District. Thus, would provide social benefits. The construction phase would provide limited short term economic benefits. The benefits of the proposal as described above therefore would outweigh any adverse impacts. Thus, it is considered that the development complies with paragraph 11 of the NPPF; however, for the reasons previously outlined within the sections above the development is considered to be acceptable in its own right and therefore the application of Paragraph 11 is not relied upon to justify its acceptability.

8 **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED, subject to the following conditions and subject to the completion of a Section 106 Agreement:

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:

PB-19/1WOOD/01J, PB-19/1WOOD/02J, PB-19/1WOOD/03J, PB-19/1WOOD/04J, PB-19/1WOOD/05H, PB-19/1WOOD/10J, PB-19/1WOOD/11J, PB-19/1WOOD/12H, PB-19/1WOOD/13H, PB-19/1WOOD/14H, PB-19/1WOOD/15H.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character of the area in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10, and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the

construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Construction and storage compounds (including areas designated for vehicle parking, loading / unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to commencement of the development hereby permitted, an Energy Statement demonstrating energy saving measures for the development to achieve 5% less carbon dioxide emissions than Building Regulations Part L requirements 2013 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition in order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C5 Prior to the commencement of the development hereby permitted a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises to serve the flats and No.1). 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).

- C6 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the existing and proposed site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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).

- C7 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).

- C8 Prior to works to the drop kerb and parking area hereby permitted details of the disposal of surface water from the drive and parking area shall be submitted to and approved in writing by the Local Planning Authority. The works for the disposal of surface water shall be carried out in accordance with the approved details prior to occupation of the development.

Reason: In the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C9 Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan(s) and retained thereafter available for that specific use.

Reason: In the interests of highway safety and convenience and to provide the parking provision in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C10 Prior to occupation of the development hereby permitted, details of provision for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided prior to occupation of the building(s), in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To ensure that secure bicycle storage facilities are provided to encourage use of sustainable modes of travel in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C11 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site, including the subdividing boundary line, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to 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 and the character of the locality 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 A parking management plan, including details of the allocation of vehicle parking spaces within the development; management and allocation of disabled parking

spaces; and long term management responsibilities and maintenance schedules for all communal parking areas and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details.

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

- C13 Before the first occupation of the building/extension hereby permitted the first floor window(s) in west flank elevation shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(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).

- C14 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 flank elevations or roof slopes of the extension/development 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).

- C15 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 in relation to the dwellinghouse (No.1 Woodhall Lane).

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

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 neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with 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:

- 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 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 development 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 the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- 15 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 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.
- 16 It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047