

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I - DELEGATED

- 12. 20/2594/FUL - Demolition of the existing dwelling and erection of replacement two storey dwelling with loft and basement level accommodation and associated hard and soft landscaping works including land level alterations at YOGI BHUVAN, CHORLEYWOOD ROAD, RICKMANSWORTH, HERTS, WD3 4ER (DCES)**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 04.02.2021

Ward: Chorleywood North and Sarratt
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by the Parish Council unless Officers are minded to recommend refusal for the reasons set out in full at 4.1.1 below.

1 Relevant Planning History

- 1.1 8/842/89 – Conversion of existing garage, construction of a new garage and a single storey rear extension- Permitted

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the south western side of Chorleywood Road. The application dwelling is a two storey detached dwelling built of a brown brick with a hipped roof. There is an existing first floor terrace to the rear above an existing single storey rear projection and a front porch.
- 2.2 Land levels slope upwards slightly from the road towards the application dwelling. To the frontage is a block paved driveway in addition to areas of soft landscaping.
- 2.3 The neighbour to the east (Godavari) is a two storey detached dwelling finished in a white painted render. This neighbour also has existing single storey rear projections and a terrace at first floor level.
- 2.4 The neighbour to the west (Panama) is a detached bungalow with accommodation in the roof space.
- 2.5 The wider streetscene of the Chorleywood Road is characterised by large detached dwellings with examples of single dwellings having been replaced by two. Properties are varied in terms of their style, scale and design. Whilst the majority of dwellings include traditional design features including hipped roofs and gables there is variation including at 'High Corner'.
- 2.6 The application site is not located within a Conservation Area however is opposite the Outer Loudwater Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and erection of replacement two storey dwelling with loft and basement level accommodation and associated hard and soft landscaping works including land level alterations.
- 3.2 The proposed new dwelling would have an irregular shaped footprint with an overall maximum depth of 17.5m and a maximum width of 21m. The proposed dwelling would have a maximum height of 9.3m above the existing land level. However the proposal includes

excavations to facilitate a lower ground floor level and as such would have an overall height of 11m.

- 3.3 The proposed dwelling would be of a contemporary design and is broadly comprised of a central cylindrical feature with two mono pitched side elements forming the main portions of the building. A single storey front projection is also proposed and to the rear is a two storey flat roofed projection which extends across ground and lower ground floor levels.
- 3.4 A single storey open sided cover is also proposed at lower ground floor level which has a height of 1.8m above the existing ground level.
- 3.5 The proposed dwelling would be constructed in light bricks, with a grey zinc roof and black framed windows.
- 3.6 The proposal also includes the construction of a ramp to the frontage which allows access to the lower ground floor level. Additional soft landscaping is proposed to the frontage and additional hedging proposed to the sides. The rear garden would retain the majority of the existing lawn.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The Committee raised Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application. Should the plans change or our Concerns have been addressed, please advise the Parish Council so our Objections and comments reflect the amended proposal.

- *The proposed dwellinghouse is out of keeping with the street scene contrary to Policy DM3.*
- *Concerns relating to the extent of the excavation and the impact of the proposal on biodiversity and trees.*
- *The proposal is considered to be dominant and would result in an overbearing and visually prominent impact on the street scene.*
- *The development is opposite Loudwater Lane which is located in the Loudwater Conservation Area, the proposal would therefore have an impact on the setting of the Loudwater Conservation Area contrary to Policy 2.1 of the Chorleywood Neighbourhood Plan.*
- *The development would be contrary to Policies CP1 and CP12 of the Core Strategy*

4.1.2 National Grid: No comments received

4.1.3 Landscape Officer: [No objection subject to conditions]

Recommend: Approval, subject to conditions

The plans submitted are sufficient to establish that protected trees will not be removed or harmed as a result of the proposed development. However, a detailed tree protection method statement (to BS5837 standard) should be required as condition of development, and prior to construction beginning on site.

A remedial landscaping plan, including new tree and shrub planting, should be required, prior to occupation of the new dwelling.

4.1.4 Thames Water: [No objection subject to conditions]

Waste Comments

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade_effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

"No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement."

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets'

to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

4.1.5 Hertfordshire Ecology: No objection

Herts Ecology have advised that they agree with the findings of the report and no further surveys are required however a precautionary standard informative is requested.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: 12 (9 supporting comments and 3 objection)

4.2.3 Site Notice: Not required Press notice: Not required

4.2.4 Summary of objections:

- Not in keeping
- Size and mass will have a visual impact on neighbour
- Ridge height too high
- Building too dominating
- No screening due to felling of conifers
- Lack of all year foliage impacts streetscene
- Overlooking concerns
- Concerns relating to foundation of the land and effect on surrounding properties

4.2.5 Summary of supporting comments:

- Design will add character and diversity to area
- Impressive eco-credentials
- Clever design
- Home for future generations
- Inspiring design
- Welcome addition
- Not overpowering given set back nature
- Sufficient space to support needs

5 Reason for Delay

5.1 Committee cycle

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, 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, DM3, DM4, DM6 and DM13 and Appendices 2 and 5.

At a meeting of Full Council on Tuesday 20 October 2020, the Council agreed that the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) should proceed to referendum on 6 May 2021 (as required by Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020). A Decision Statement was subsequently published on 21 October. In accordance with Planning Practice Guidance relating to Neighbourhood Planning, the Chorleywood Neighbourhood Development Plan can now be given significant weight in decision making, so far as the plan is material to the application. Policies 1 and 2 are relevant.

6.3 Other

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

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

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

7 **Planning Analysis**

Whilst a site visit has not been conducted for this application due to the on-going Coronavirus pandemic, previous site visits have been made to the application site. Other platforms such as Google Maps and Google Street View was also used to aid the Officer's assessment. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application

7.1 Principle of Development

7.1.1 The application site is not located within a Conservation Area nor is the existing dwelling of special architectural merit. As such there is no in principle objection to the demolition of the existing dwelling subject to the other material considerations outlined below.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (DMLDD) 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 be only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development;
- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
- iii. The generation of excessive levels of traffic;

- iv. Loss of residential amenity;
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

7.2.3 The proposed dwelling would replace the existing dwelling and would have a frontage to the Chorleywood Road. It would not therefore constitute tandem development. In relation to point's ii, iii and iv, these are discussed in the relevant sections below. This section of the analysis will consider matters in relation to layout such as building footprint, frontage width, height and gaps between buildings.

7.2.4 The Chorleywood Neighbourhood Plan is now relevant. Policy 1 requires that development outside of but near to a Conservation Area, does not affect its setting or views into or out of. Policy 2 of the Chorleywood Neighbourhood Plan states:

'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'

7.2.5 Paragraph 130 of the NPPF outlines that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Paragraph 131 further outlines that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.2.6 To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance must be increased in low density areas or where the development would have an adverse effect on an adjoining property.

7.2.7 When considering the requirements of DM1 and Appendix 2 in relation to the form of the proposed replacement dwelling it is considered that the new dwelling would be compliant with these design standards for the reasons discussed below.

7.2.8 The proposed dwelling would be set in 2.2m from the boundary with Panama and 1.9m from the boundary with Godavari and as such the proposal would exceed both the 1.2m spacing requirement in Appendix 2 and the 1.5m spacing expected in some lower density areas. The proposed plot coverage, in terms of built form, would be increased (approx. increase of 34%) particularly to the frontage however would still not appear at odds within the context existing plot and wider streetscene. The proposed dwelling would remain set back from the streetscene with the retention of soft landscaping to both the front and rear with some additional soft landscaping to the frontage. As noted above, appropriate spacing would be retained to the flanks and the building would follow a comparable building line to the existing building, the forward projection being at ground floor level only with the first floor element set back behind the existing first floor such that the footprint would sit comfortably within the plot when viewed in the context of the immediate neighbours and wider street.

7.2.9 Appendix 2 of the DMP LDD outlines that increase in ridge heights will be assessed on their own individual merits however are unlikely to be supported in street scenes where there is a unified style or height.

7.2.10 Chorleywood Road is varied in terms of ridge heights and design. The proposal includes an increase in ridge height of 0.8m however it is only the central cylindrical feature which is higher than the existing roof. The main side wings are in line with the main ridge at their

highest point. As such the proposed overall ridge height would be respectful of the surrounding area which is illustrated on the indicative street scene drawings provided. These also demonstrate the level of spacing that would be retained to the flanks and between buildings.

- 7.2.11 As such when considering bulk, footprint and scale alone the proposed dwelling would comply with the guidance of Appendix 2 and would not appear out of context within the area.
- 7.2.12 The proposed overall massing of the building and its design features further reduce the bulk of the building and result in its appearance respecting the spacious and verdant character of the area. The central cylindrical feature is viewed as the main feature of the building with the set down mono-pitched side wings resulting in the greater perception of spacing and emphasise this main central design feature. Whilst the proposed dwelling would be of a contemporary design it is still respectful of some of the prevailing traditional forms with its mono pitched side sections. Whilst the proposed new dwelling would be of different appearance to its neighbours due to its contemporary design, this in itself does not automatically equate to harm. A condition will be added to require the submission of a detailed material schedule to ensure an appropriate quality of materials to safeguard the design principles of the proposal. The proposed fenestration is of a low key simple rectangular form which also aids in reducing the prominence of the building which could have been exacerbated to its detriment had more contrived or complex detailing been included.
- 7.2.13 The NPPF outlines that innovative design should not be stifled where there is no clear deviation from guidance set out in planning policy. The proposed dwelling would comply with the guidelines of Policy DM1 and Appendix 2 in respect of its form, bulk and spacing and the proposed contemporary design is considered to be appropriate in this location.
- 7.2.14 The proposal does result in the loss of some existing rear lawn with the construction of the lower ground level patio however additional soft landscaping is proposed to the front which would reduce the urbanising impact of the proposed ramps. Additional landscaping detailing will be reserved by condition to ensure further details of species and layout are provided. It is also considered appropriate in this instance to remove Permitted Development Rights to prevent any overdevelopment of the plot and to also ensure that future extensions do not dilute or detract from the quality design of the proposed dwelling which in this case makes it contemporary design acceptable.
- 7.2.15 The application site is not located within a Conservation Area however is directly opposite the Outer Loudwater Conservation Area. Notwithstanding this owing to the setback nature of the proposed dwelling from the road and separation from the Conservation Area by the main road it is not considered that the proposed development would result in an interruption of the views into or out of the Conservation Area or adversely affect the setting of the Conservation Area.
- 7.2.16 As such, subject to conditions, it is not considered that the proposed replacement dwelling would appear unduly prominent in the street scene of the Chorleywood Road. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the DMPLDD and Policies 1 and 2 of the Chorleywood Neighbourhood Plan (August 2020).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light

to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

- 7.3.2 The Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development to the rear of properties should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings. Windows of habitable rooms at first floor level should not generally be located in flank elevations, and flank windows of other rooms should be non-opening below 1.7m from internal floor level and obscure glazed.
- 7.3.3 The proposed new dwelling would not intrude a 45 degree splay line when taken from the point on the boundary level with the rear elevation of either neighbour. The proposed new dwelling would be set off the boundary with Godavari by 1.9m, with this neighbour itself set approximately 10m off the boundary. The proposed new dwelling would have an eaves height 0.8m higher than the existing dwelling to this side and whilst it would have also have a greater overall height the highest point of the roof would be centrally located within the dwelling (approx. 12m from the boundary). The elements of the proposed dwelling closest to this neighbour would also be less deep than the existing dwelling with the deeper sections set off the boundary and largely contained to the front. As such it is not considered that the proposed dwelling would have an overbearing impact or result in loss of light to this neighbour.
- 7.3.4 There would not be any flank windows at first or second floor level facing Godavari. The ground floor windows would be sited below the existing fence line. The glazing within the rear elevation is also limited within the elements closest to this neighbour and is not considered to result in any adverse overlooking compared with the existing situation.
- 7.3.5 The proposed dwelling is set in 2.1m from the neighbour at Panama. It is acknowledged that this neighbour is a single storey chalet bungalow and the proposed dwelling would be closer to the boundary than that existing. However given that the proposed dwelling would be set off the boundary by 2.1m, that the new dwelling would not project beyond the rear of this neighbour at the rear and would have a mono pitched roof form reducing the impact of the increased height to this side it is not considered that the proposed dwelling would result in an overbearing impact or unacceptable loss of light to this neighbour. As noted above, the development would not intrude a 45 degree line in relation to this neighbour.
- 7.3.6 There are no first floor flank windows facing Panama and the flank rooflight would be conditioned to have a cill height of 1.7m above floor level. A glazing panel is also proposed towards the front however owing to its limited depth, siting to the front and that it would be set off the boundary by approximately 8m it is not considered that this window would need to be obscure glazed. It is not considered that the proposed rear fenestration would result in unacceptable overlooking.
- 7.3.7 Appendix 2 of the DMP LDD outlines that a back to back distance of 28m should be maintained between first floor windows with spacing increasing to upper floors. Where garden length alone is relied upon for screening a minimum of 14m should be achieved. Approximately 17m of rear garden would be retained with approximately 48m to the neighbouring dwelling to the rear. As such it is not considered that the proposed dwelling would result in unacceptable levels of overlooking to the neighbours at the rear. Due to the set back from the road and separation distance, there would also be no adverse impact to neighbours opposite.
- 7.3.8 The development therefore does not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would, subject to conditions, be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMPLDD.

7.4 Amenity Space

- 7.4.1 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.
- 7.4.2 The proposed dwelling would have five bedrooms and as such would require 126sqm of amenity space as set out within Appendix 2 of the DMP LDD. The rear garden would provide 391.6sqm of amenity space and as such would exceed the standards of Appendix 2.

7.5 Wildlife and Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.5.3 The application has been submitted with a Biodiversity Checklist and an Ecology report prepared by Cherry Tree Ecology. Herts Ecology have reviewed the report and agree with the findings that no further surveys are required. A standard precautionary informative is suggest to any consent granted.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies document sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 There are a number of protected trees on site and as such plans have been submitted by the applicant which have been reviewed by the Landscape Officer. Whilst the Landscape Officer is satisfied that no trees will be removed or harmed by the proposed development a detailed tree protection method statement will be required by condition to safeguard the trees during construction. A hard and soft landscaping condition will also be attached to ensure details of planting are agreed and implemented.

7.7 Highways, Access and Parking

- 7.7.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document. Dwellings with 4 or more bedrooms would require 3 onsite parking spaces.
- 7.7.2 No alterations to the existing access are proposed. The existing front boundary wall would be retained and as such it is not considered that the proposal would result in any harm to the highway.
- 7.7.3 The proposal would retain two parking spaces within the frontage of the property and three further spaces at lower ground floor level. As such the proposal would exceed the standards set out within Appendix 5.

7.8 Sustainability

- 7.8.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.8.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.8.4 Three Rivers District Council declared a ‘Climate Emergency’ in 2019. The Climate Change Motion put forward by Members commits the council to use all practical means to reduce the impact of council services on the environment, use all planning regulations and the Local Plan to cut carbon emissions and reduce the impact on the environment. Whilst the declaration of the Climate Emergency is noted, it is the current adopted Policy DM4 against which any planning applications must be currently be assessed.
- 7.8.5 An Energy Statement prepared by RJ Energy Consultants Ltd has been submitted with the application which confirms that the new dwelling will result in a 27.46% reduction in carbon emission and a 68.6% reduction in energy demands. This would significantly exceed the current policy requirement and supports the Council’s commitment to the Climate Emergency. A condition on any grant of consent would require implementation of the amended Energy Statement prior to occupation.

8 Recommendation

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- ACD 0319 RK P2 1000 REV C
 - ACD 0319 RK P2 1001 REV A
 - ACD 0319 RK P2 1002 REV A
 - ACD 0319 RK P2 1003 REV A
 - ACD 0319 RK P2 1004 REV A
 - ACD 0319 RK P2 1007 REV C
 - ACD 0319 RK P2 1011 REV C
 - ACD 0319 RK P2 1012 REV C
 - ACD 0319 RK P2 1013 REV C
 - ACD 0319 RK P2 1014 REV C
 - ACD 0319 RK P2 1201 REV A

ACD 0319 RK P2 1210 REV B
ACD 0319 RK P2 1502 REV A
ACD 0319 RK P2 1503 A
ACD 0319 RK P2 1504 REV A
ACD 0319 RK P2 1511 REV C
ACD 0319 RK P2 1512 REV C
ACD 0319 RK P2 1513 REV C
ACD 0319 RK P2 1514 REV C

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies 1 and 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020).

- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings 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).

- C6 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard the underwater sewage infrastructure in accordance with Policy CP8 of the Core Strategy (adopted 2011) and Policy DM8 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 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C9 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

- C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class D - erection of a porch

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 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.1 **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 applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228
Natural England: 0300 060 3900
Herts & Middlesex Bat Group: www.hmbg.org.uk
or an appropriately qualified and experienced ecologist.

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