

PLANNING COMMITTEE – 25 FEBRUARY 2021

PART I - DELEGATED

17. 20/2763/FUL - Demolition of outbuildings together with erection of covered parking area and creation of parking area with ancillary hard/soft landscaping, fencing and bin stores at Land adjacent to 31 HIGH STREET, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0AA

(DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 15.02.2021

Ward: Abbots Langley and Bedmond
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by the Parish Council for reasons outlined at 4.1.1

1 Relevant Planning History

No relevant planning history

1.1 20/2747/FUL - Two storey rear extension and alterations at No.31 HIGH STREET, ABBOTS LANGLEY

1.2 20/2755/LBC and 20/2754/FUL - Single storey rear extension and internal alterations at ground floor level together with new terrace and steps up to existing rear garden including new boundary fence at rear between Nos.23 and 25 at 23 HIGH STREET, ABBOTS LANGLEY

1.3 20/2757/LBC and 20/2756/FUL - Single storey rear extension and internal alterations together with new terrace area and steps up to existing rear garden. New Boundary fences between Nos.25 & 23/27 at Nos.25-27 HIGH STREET

1.4 20/2740/CLPD - Certificate of Lawfulness for a Proposed Development: Construction of internal dividing walls at ground and first floor levels, continuing into roof space, to incorporate part of the adjacent residential dwelling known as 27 High Street into 29 High Street together; alterations to fenestration at No.29 HIGH STREET

1.5 20/2758/FUL - Two storey rear extension, new terrace at garden level and new boundary fences at Nos.25-27 HIGH STREET

2 Description of Application Site

2.1 The application site includes an irregular shaped parcel of the land to the south of No.31 High Street. This parcel of land currently contains six outbuildings in a row along the south western boundary of the site and a garage to the south eastern side.

2.2 There is currently no boundary treatment within the site separating this parcel of land from the rear of No.31. The site is enclosed by a brick boundary wall to the south-west side and has a timber gate to the front.

2.3 To the south of the site is the 'Pin Wei' restaurant and associated parking area.

3 Description of Proposed Development

3.1 These applications seek planning permission for the demolition of outbuildings together with partial demolition of the existing garage building and extension of the existing garage

building, the creation of a parking area with associated hard/soft landscaping, fencing and bin stores.

- 3.2 The proposal includes the erection of closed boarded fencing adjacent to No.31 to more formally enclose a curtilage to serve this dwelling and separate this parcel of land from the main dwelling.
- 3.3 The existing outbuildings will be removed and part of the existing garage will also be demolished.
- 3.4 The extended garage will be set up to the south eastern boundary. It would have an overall width of 8.2m, depth of 5.5m and maximum height of 4.3m with a pitched roof. The building would be open fronted to provide three parking bays. It would be constructed of green oak timber with a slate roof.
- 3.5 A parking space would be provided in the location of the existing outbuildings with new hard surfacing laid in 'Tegula Priora' permeable paving. New planting would be provided along the south-western boundary.
- 3.6 Front gates are shown on the submitted proposed block plan however no elevation details have been provided and as such these do not form part of this application.
- 3.7 The plans submitted confirmed that the bin stores are just location only and don't include any physically housing.
- 3.8 During the course of the application further landscaping details have been provided relating to the species of plants.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [Call in requested]

Whilst the committee support the modernisation of local buildings it is important that they remain a contextual part of the village scene. The members would rather this application is taken to TRDC committee level as these buildings are a focal point of the village.

4.1.2 Hertfordshire Archaeology: [No objection]

This office provided pre-application advice on the proposed extension and redevelopment of Nos. 23-31 High Street. We advised that a programme of archaeological work would be required should a planning application be submitted.

This proposed development is likely to involve little below ground impact on undisturbed areas, however, and the potential for disturbing archaeological remains is consequently low. In this instance, therefore, I consider that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest, and I have no comment to make.

4.1.3 Conservation Officer: [No objection]

The Conservation Officer has advised that they had no objections to the proposed development given that there are existing buildings on site and the design of the proposed car port.

4.1.4 Landscape Officer:

The Landscape Officer originally requested additional information however this has been provided and they have advised that this information is satisfactory.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 0

4.2.3 Site Notice expired: 08.02.2021

Press notice expired: 29.01.2021

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, 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, DM3, DM6, DM10, DM13 and Appendices 2 and 5.

Abbots Langley Conservation Area Appraisal 2014 is 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

7.1 Impact on Heritage Assets and Character and Street Scene

7.1.1 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'.

7.1.2 Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.1.3 The proposal would result in the loss of the existing outbuildings and whilst the existing garage would be enlarged the proposal would, overall, result in a reduction in built form on this part of the site. The proposal also includes the introduction of additional soft landscaping is also considered to be a positive feature which would reduce the urbanising impact of the existing land. The proposed garage would be open fronted and constructed of traditional materials and as such would be a sympathetic addition to the site and wider Conservation Area.

7.1.4 Whilst the proposal would result in this area of land being physically separated from the curtilages of No.31 and the other dwellings to the north, this would not appear at odds within the area and formalises the land which would be an overall benefit compared with the existing situation.

7.1.5 As such the proposal is considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy in addition to Policies DM1, DM3, Appendix 2 of the DMP LDD and the

7.2 Impact on amenity of neighbours

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

7.2.2 The removal of the existing outbuilding would be an improvement compared with the existing situation. Whilst the new garage would be larger than that existing it would be sited approx.17m from the rear of No.31 and 8m from No.29. As such would not result in an overbearing impact to neighbouring amenity.

7.2.3 Whilst it could be argued that formalising this land could result in additional comings and goings through increased ability to use the area, it would only be able to accommodate 4

cars and as such is not considered to result in undue disturbance to neighbours, particularly when compared with the existing use of the land.

7.3 Amenity Space

7.3.1 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.

7.3.2 As a result on the formalisation of this land and erection of fencing with No.31 this dwelling would only retain 30sqm of amenity space. Notwithstanding this the application site is within a 7 minute (0.3miles) walk of local playing fields and 15 minutes (0.8 miles) of Leavesden Country Park. The proposal would also result in the rear amenity area serving No.31 being more useable than the existing situation. Therefore the shortfall is considered acceptable in this case.

7.4 Wildlife and Biodiversity

7.4.1 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.

7.4.2 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.

7.4.3 The application has been submitted with a Biodiversity Checklist and this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment. A precautionary informative will be added.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.5.2 The site is located within a Conservation Area and as such all trees are protected. There is one small tree on the site proposed to be removed however the Landscape Officer raises no objections to this element. The proposed building is not located within the RPA of any onsite trees. During the course of the application additional landscaping details have been submitted and reviewed by the Landscape Officer who considers them to be appropriate. A condition will be added requiring the development to be carried out in accordance with these details.

7.6 Highways, Access and Parking

7.6.1 Policy DM13 and Appendix 5 of the DMLDD set out the car parking requirements for the District.

7.6.2 The proposal would result in the creation of four parking spaces which is considered to be an overall benefit of the scheme. It is considered reasonable to attach a condition requiring this parking area to solely be used by the occupants of No's 23, 25, 27, 29, 31 High Street.

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: 200601/SP/02 Rev K

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, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Abbots Langley Conservation Area Appraisal 2014.

C3 Prior to the first use of the parking area hereby permitted the landscaping details as shown in plan number 200601/SP/03 shall be carried out in accordance with these details.

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 (i.e. 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 Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013).

C4 The proposed covered parking area shall only be constructed in materials as more particularly outlined on plan number 200601/SP/02 Rev K.

Reason: To ensure that the external appearance of the building is satisfactory 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).

C5 The development hereby permitted shall only be used for the parking of private vehicles by the occupants and visitors of No's .23, 25, 27, 29 and 31 High Street. The parking area shall at no time be used for commercial parking.

Reason: For the avoidance of doubt, in the proper interests of planning and 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).

Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a

dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 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).