

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [No objection]

"The Committee had no Objection to this application"

4.1.2 Conservation Officer: [No response received]

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 10

4.2.2 Responses received: 0

4.2.3 Site Notice posted 28.10.2021, expired 18.11.2021

4.2.4 Press Notice published 15.10.2021, expired 05.11.2021

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 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 The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework.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 CP1, CP9, CP10, CP11 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 DM2, DM3 DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.

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 the Metropolitan Green Belt

- 7.1.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.
- 7.1.2 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.1.3 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
- 7.1.4 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt.
- 7.1.5 Policy DM2 of the Development Management Policies DPD is silent on the exception criteria of Paragraph 149, set out in paragraph 7.1.3 of this report. The LPA acknowledge that the most relevant criteria of Policy DM2 to the application proposal is (b) Extensions to Buildings which states that *extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted*. The LPA consider that, whilst weight can be given to Policy DM2, Paragraph 149 of the NPPF has greater scope in terms of assessing the application proposal. Whilst the proposed extension would conflict with Policy DM2, it is considered to meet the criteria of the NPPF.
- 7.1.6 The proposed development is for the extension to an existing building which is currently used by park rangers. The proposal is to extend the building to contain a larger internal seating area and mess room and accommodate a disability compliant WC which would be for public use.

- 7.1.7 The supporting information submitted with the application states that the new WC will be disability compliant and would be open to the public during office hours for visitors to the cemetery to use. There are currently no such facilities and the supporting information states that often visitors to the cemetery will have travelled a long way and have to request to use the staff toilets. The supporting information states that the extended room is to allow staff room facilities for the outdoor staff as the existing mess room is not fit for purpose. The applicant states that there has been an increased number of park rangers and the current facilities fall short of requirements. The extension to the building will allow for a refreshment area, somewhere for staff to have lunch and to store personal belongings.
- 7.1.8 It is considered that the supporting information satisfactorily demonstrates a need for the proposed development and it is considered to constitute 'an appropriate facility' and thus complies with the first part of paragraph 149 section (b) of the NPPF. In terms of the impact of the Green Belt, the proposed extension would be relatively low profile in scale with a flat roof form, which aligns with the low eaves height of the building, and would be read against the backdrop of the building itself. It is considered that the proposed design serves to ensure that the extension preserves the openness of the Green Belt. Additionally, no conflict with purposes of the Green Belt are to occur. The development would therefore accord with paragraph 149(b) of the NPPF and would constitute appropriate development. The proposed development would be appropriate development in the Green Belt and considered acceptable in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies DPD and the NPPF.
- 7.2 Impact on the character and appearance of the street scene, Conservation Area and the Chilterns AONB
- 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. Policy CP12 of the Core Strategy 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.'
- 7.2.2 Policy CP1 of the Core Strategy also sets out that the Council will take into account the need to protect and enhance existing community, leisure and cultural facilities and provide new facilities.
- 7.2.3 The application site is located within the Chorleywood Common Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out or within the Conservation Area.
- 7.2.4 Policy DM7 states that, in considering proposals for development within or near the Chilterns Area of Outstanding Natural Beauty, the Council will support development unless the proposal would, amongst other things, fail to conserve and/or enhance the special landscape character and distinctiveness of the AONB by reason of the siting, design or external appearance of, or the type or form of, development.
- 7.2.5 Policy 2 of the Chorleywood Neighbourhood Plan sets out that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood
- 7.2.6 The proposed single-storey extension would have a similar footprint however it would not exceed the size of the existing building. The extension would have a flat roof design with a relatively low overall height. It is considered that the design, whilst of a contrasting roof form to the host building, would provide some legibility between the original and the extension and it would appear as a clearly modern and proportionate addition given its scale. It is not

considered to result in any harmful impact upon the appearance of the street scene or Conservation Area and as such is considered to be acceptable.

7.2.7 It is not considered that the proposed development, given its scale and design, would fail to conserve and/or enhance the special landscape character and distinctiveness of the Chilterns Area of Outstanding Natural Beauty.

7.2.8 In summary, it is not considered that the development would adversely affect the character and appearance of the Chorleywood Common Conservation Area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM3 of the Development Management Policies DPD (2013).

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM9 of the Development Management Policies LDD also states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

7.3.2 The proposed development would be in a location that would not result in any harm to the residential amenities of any surrounding neighbouring properties. The scale and use of the building would not result in any noise and disturbance of the closest neighbouring properties.

7.4 Highways, Access & Car Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking.

7.4.2 The existing access to the existing car park would not change as a result of the development. It is therefore considered that the proposed development is acceptable in this regard. It is noted that the purpose of the proposed extension is due to the fact that the building is not large enough to accommodate current staffing levels. There is a public car parking available within the cemetery and approximately three private parking spaces adjacent to the building. It is not considered that there would be an intensification of the existing use is that would require additional parking.

7.5 Trees & Landscape

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 proposed development would extend over an area of existing hardstanding and lawn and would not require the removal or result in any harm to trees.

7.6 Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

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: TRDC-01 (Location Plan), TRDC-02 (Block Plan), 101 Rev B, 102 Rev B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Chorleywood Common Conservation Area, the residential amenity of neighbouring occupiers and the openness of the Metropolitan Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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 DM3 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives

- I1 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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.