

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, WD3 1RL on Thursday 23 September 2021 at 7.30pm

Members of the Planning Committee:-

Councillors:

Steve Drury (Chair)
Alex Hayward
Chris Lloyd
Sara Bedford
Stephen King
Keith Martin

Raj Khiroya (Vice-Chair)
Debbie Morris
David Raw
Alison Scarth
Ruth Clark

*Joanne Wagstaffe, Chief Executive
14 September 2021*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public will be entitled to register and identify which application(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak should notify the Committee team by e-mail (CommitteeTeam@threerivers.gov.uk) 48 hours before the meeting if possible. The first 2 people to register on any application (one for and one against) will be sent details for attending the meeting. Registering 48 hours before the meeting allows the Committee Team time to prepare the speaker sheet in advance of the meeting.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

The Council have a limited on the number of people who can attend the meetings in person. To request one of the places as an observer, please contact the Committee Team by email at CommitteeTeam@threerivers.gov.uk 48 hours in advance of the meeting taking place if possible. Places will be allocated on a first come first served basis.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The Planning Committee meeting will not be broadcast/livestreamed but a recording of the meeting will be available after the meeting.

1. APOLOGIES FOR ABSENCE

2. MINUTES

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

Planning Applications

The following applications (agenda items 6 to 10) are submitted for the Committee's decision and, unless otherwise stated, staffing, financial and legal implications are not applicable. Environmental implications are dealt with in the individual reports.

- | | | |
|------------|--|-----------------|
| 5. | Consideration of objections and confirmation of Tree Preservation Order 923 (MANOR HOUSE, ABBOTS LANGLEY) 2020. | (Pages 5 - 10) |
| 6. | 21/1059/FUL - Internal alterations, the installation of a flue from a gas pizza oven on the side elevation and alterations to frontage to include new signage at SHOP 4 WALPOLE BUILDING, CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BU | (Pages 11 - 20) |
| 7. | 21/1337/FUL - Variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue at LAND AT THE REAR OF THE LIMES, 9 EASTBURY AVENUE, NORTHWOOD, HERTFORDSHIRE | (Pages 21 - 36) |
| 8. | 21/1563/FUL - Single-storey front and side extensions at HOLLY HEDGES FARM OLLEBERRIE LANE, BELSIZE, WD3 4NU | (Pages 37 - 46) |
| 9. | 21/1586/FUL - Demolition of the existing dwelling and construction of a replacement dwelling with associated hard and soft landscaping at 29 BEDFORD ROAD, MOOR PARK, HA6 2AY | (Pages 47 - 60) |
| 10. | 21/1669/FUL - Installation of 'catch-ball' net fencing to eastern boundary | (Pages |

11. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph 1 to 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

12. OTHER BUSINESS - if approved under item 3 above

Background Information *(used when compiling the above reports but they do not form part of the agenda)*

Application file(s) referenced above

- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance
- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

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PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

5. **Consideration of objections and confirmation of Tree Preservation Order 923 (MANOR HOUSE, ABBOTS LANGLEY) 2020.**

1. **Summary**

1.1 The purpose of this report is to consider objections to the confirmation of TPO 923 (Manor House, Abbots Langley) served on the 17 June 2021 and consider whether the TPO should be confirmed (made permanent).

1.2 The officer recommendation is that the Order should be confirmed.

1.3 If the Order is not confirmed, the TPO will lapse on the 17 November 2021, and the trees will cease to be protected by TPO.

2. **Details**

2.1 Three Rivers District Council (TRDC) made TPO 923 on the 17 June 2021. The order was served on a provisional basis to protect trees T1 (Sycamore) and T2 (Sycamore), see Appendix 1.

2.2 The TPO was served in response to concerns raised by the trees owners, Abbots Langley Parish Council. The Parish Council have become aware that residential properties on Standfield may be able to extend their boundaries, so that they are directly bordering the Manor House Grounds.

2.3 Two Sycamore trees within the Grounds would then be directly on the boundary line. As a result the neighbouring properties would have the Common Law right to prune back any overhanging branches to the new boundary (Appendix 2).

2.4 A visual inspection of the trees was made by a TRDC Tree officer on the 16 June 2021. The two trees, mature Sycamores, have good form and appear to be in good health and condition albeit with a small amount of minor deadwood within the crowns, but which is not unusual for trees of this size and age.

2.5 It was concluded that extending the garden boundaries would create the right for neighbours to severely cut back the lateral limbs of the trees, to the main stem. This could be damaging to the visual amenity value of the trees.

2.6 In addition, it could create large open wounds on the main stems, which the trees would find difficult to occlude (close up). Such wounds would serve as an entry point for decay and fungi into the main stems, and could lead to the premature decline in the health and condition of the trees.

2.7 As a result, the decision was taken to serve a provisional TPO to protect the trees. In response, a total of five objections to the serving of the TPO, have been received.

3. **Officer Summary of Objections**

3.1 The nature of the objections received relate to:

- the safety of the trees;
- protection being unnecessary as the trees are owned by the Parish Council;
- the protection resulting in additional cost to neighbouring residents;
- a lack of consultation prior to the serving of the TPO;
- uncertainty over liability and maintenance of the trees; and
- the trees lack of public amenity value.

4. Officer Response to Objections

- 4.1 The trees were visually inspected by a TRDC Tree officer and appeared to be in good health and condition, with no significant defects or decay observed. The Parish Council has also had the trees inspected for safety by an independent arboricultural consultant.
- 4.2 Due to the garden boundary extensions, a Common Law right would be created that would enable potentially damaging pruning works to be carried out to the trees, without requiring the tree owner's permission.
- 4.3 Applications to carry out works to protected trees are free of charge. The financing of any tree works would need to be agreed between the tree owner and neighbours regardless of whether or not the trees are protected by TPO. An application to remove minor deadwood from one of the trees, overhanging the rear garden of a property on Standfield has already been received and approved (Ref: 21/1768/TPO).
- 4.4 To avoid the risk of pre-emptive felling or pruning works, the Council would not normally provide prior warning of its intention to serve a TPO. TPO's are served on a provisional basis to allow an opportunity for objections, prior to being made permanent.
- 4.5 The owner of the trees, Abbots Langley Parish Council, are responsible for their maintenance, and may be liable if the trees caused damage to neighbouring property.
- 4.6 The trees are a prominent backdrop to the landscape of Standfield, and form part of the publically accessible woodland of Manor House Grounds.

5. Options/Reasons for Recommendation

- 5.1 There are 2 options available to the Committee:
- Option 1 - To confirm the Order and make the TPO permanent.
- Option 2 - Not to confirm the Order, and allow the TPO to lapse.

6. Policy/Budget Reference and Implications

- 6.1 The recommendations in this report are within the Council's agreed policy and budgets.

7. Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 7.1 None specific.

8. Recommendation

- 8.1 The Officer recommendation is that the Order should be confirmed, and TPO923 made permanent

Report prepared by: Alex Laurie (Principal Tree and Landscape Officer)

Background Papers TPO923

Appendix 1 - Photos

Appendix 2 – TPO Plan

Appendix 1. Photos

Photo 1. T1 Sycamore

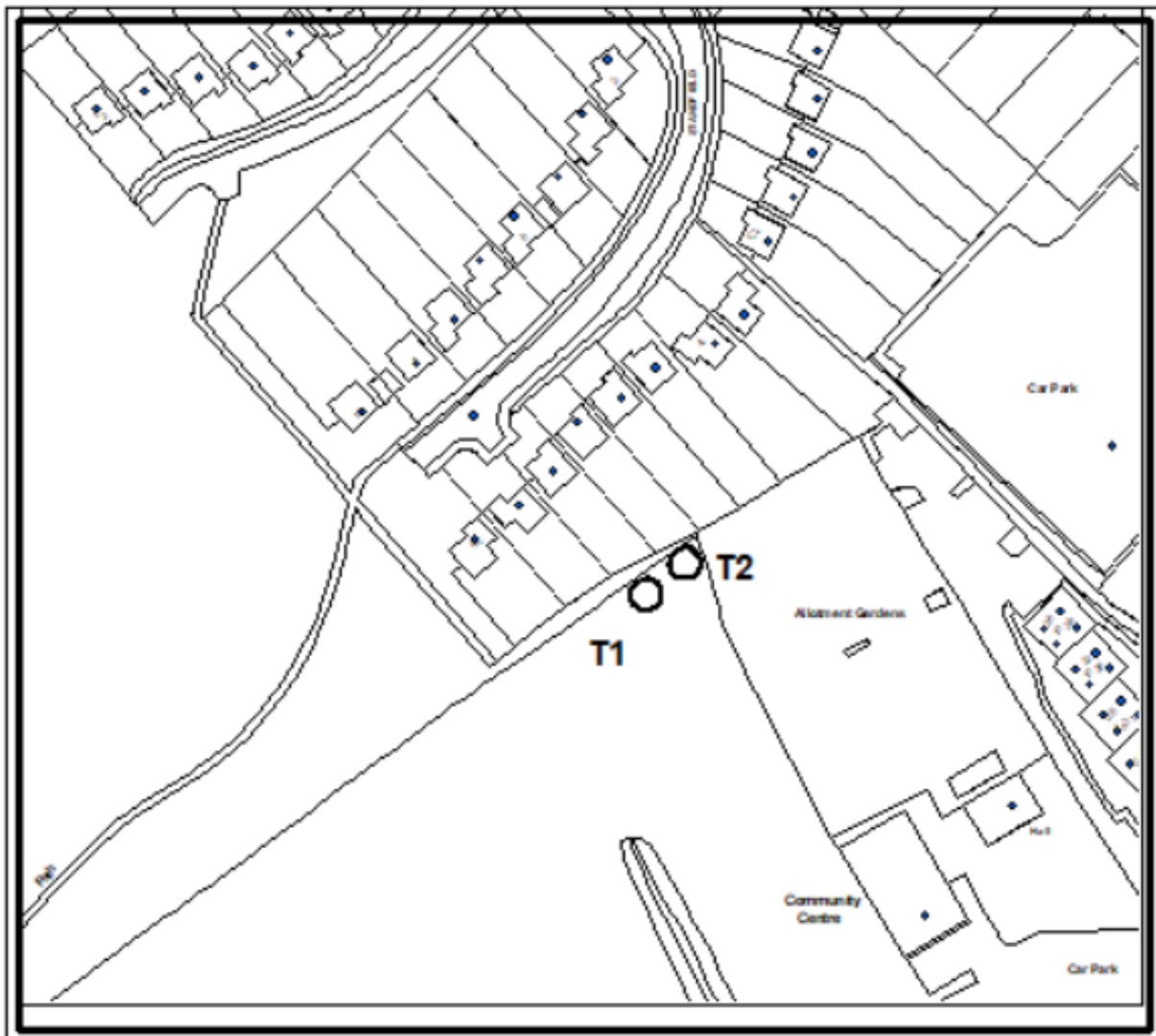


Photo 2. T2 Sycamore



Photo 3. View from Standfield (Google Street View)






TPO 923

**Three Rivers (Manor House, Abbots Langley)
Tree Preservation Order 2021**

Date: 17th June 2021 Scale: 1:1250
Ray Figg, Head of Community Services, Three Rivers District
Council, Three Rivers House, Northway, Rickmansworth, WD3 1RL



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PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

6. 21/1059/FUL – Internal alterations, the installation of a flue from a gas pizza oven on the side elevation and alterations to frontage to include new signage at SHOP 4 WALPOLE BUILDING, CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BU

Parish: Batchworth Community Council. Ward: Rickmansworth Town

Expiry of Statutory Period: 30.07.2021 (EOT 30.09.2021) Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor is a neighbour of the application site.

1 Relevant Planning History

- 1.1 8/13A/80 – Internally illuminated projecting sign at Café Suisse – Permitted 14.07.1980.
- 1.2 00/00718/ADV – Erection of new illuminated sign – Permitted 24.07.2000.
- 1.3 00/0719/FUL – New shop front and extraction flue – Permitted 21.08.2000.
- 1.4 20/0865/FUL - Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations – Withdrawn 11.08.2020.
- 1.5 20/1461/FUL - Change of Use from a Restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) with internal and external alterations including installation of new extractor system and external flue and intake grill to rear, removal of existing extraction flue, and associated parking for motorcycles to rear – Refused 17.11.2020. Refused for the following reasons:

R1 The proposed development, by reason of the increased activity from people and delivery vehicles to the rear of the site, and the extended hours of activity would result in an intensification of the use to the rear and additional noise and disturbance to occupants of neighbouring residential properties which would be harmful to the amenities of the occupants of these properties. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Local Plan Core Strategy (2011), and Policy DM9 of the Development Management Policies LDD (2013).

R2 The proposed use, by reason of its location within a primary shopping frontage and its use as a takeaway with an estimated average of 60-70% of orders being for home delivery, would not provide a use complementary to the primary shopping frontage and would not sustain the vitality and viability of Rickmansworth Town Centre. On this basis the proposed development would be contrary to Policies PSP1, CP1 and CP7 of the Local Plan Core Strategy (2011), and Policy SA4 of the Site Allocations LDD (2014).

R3 The proposed development, by reason of its use as a Hot Food Takeaway with public collection at the Church Street entrance, and the lack of dedicated car parking, would result in increased injudicious parking along Church Street, to the detriment of highway and pedestrian safety and the free flow of traffic on this busy local distributor road. The proposal would therefore be contrary to Policy CP10 of the Local Plan Core

Strategy (2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (2013).

R4 Insufficient and inadequate space is proposed for delivery vehicles to access the rear of the site, park outside, turn and leave the site and the limited space provided is not demonstrably useable. The insufficient space would result in injudicious parking, turning and delivery movements and an inability to safely and adequately access the application site, and would be detrimental to highway safety and the free flow of traffic in the area. The proposal would be contrary to Policy CP10 of the Local Plan Core Strategy (2011).

1.6 20/2390/ADV - Advertisement Consent: Installation of fascia and projecting sign with internally illuminated text and logos and illuminated window display – Withdrawn 16.11.2020.

1.7 21/1060/ADV - Advertisement Consent: Installation of new fascia sign and projecting sign – Permitted 16.07.2021.

2 Description of Application Site

2.1 This application relates to the ground floor commercial unit within a three storey mid terrace building located on the eastern side of Church Street, Rickmansworth, close to the junction with the High Street. The site is located within the Primary Shopping frontage and within the Rickmansworth Town Centre Conservation Area.

2.2 The existing unit has been in use as a restaurant (Use Class A3) for a number of years. The unit is currently vacant and has been for over 12 months.

2.3 The first floor accommodation is accessed via the steps to the rear of the host building and is in residential use.

3 Description of Proposed Development

3.1 This application seeks full planning permission for internal alterations, the installation of a flue from a gas pizza oven on the side elevation and alterations to the frontage to include new signage.

3.2 The proposal would include minor alterations to the bar area internally, the installation of an additional flue to the side of the building, adjacent to the existing flue, and the redecoration of the existing shopfront. The proposed flue would be painted red to match the existing brickwork. The proposed signage has been previously approved under application reference 21/1060/ADV.

3.3 Amended plans were sought and received to remove the originally proposed seating area to the front of the building on the pavement, and amend the signage such that it accords with the previously approved advertisement consent application reference 21/1060/ADV.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No Objection]

Batchworth Community Council has no comment to make on this application.

4.1.2 Conservation Officer: [No Objection, subject to conditions]

The property is located in the Rickmansworth Conservation Area and adjacent to no. 7-9 Church Street which is a Grade II listed (list entry no. 1100873). Church Street forms part of the historic core of Rickmansworth.

There would be no objection to the internal alterations. Nor would there be an objection to the installation of a flue to the side elevation. Heritage advice pertaining to a previous similar scheme (ref: 20/1461/FUL) recommended that the flue should be painted to closely match the brickwork behind. This is also proposed within the scheme, which is considered to be a sympathetic approach.

The appearance of the shop front is to be retained as existing which is appropriate. However, there are some concerns regarding the proposed signage. Advice pertaining to a separate advertisement consent stated (ref: 21/1060/ADV):

'Further clarification is required regarding the materiality and colour of the proposed signage. There is always a preference for a traditional appearance to signage and shop fronts in a Conservation Area. Modern materials such as vinyl should be avoided, high quality and traditional materials such as timber hand painted signage would be of an enhancement. A like-for-like replacement of existing materials would be acceptable as this at least preserves the character and appearance of the Conservation Area. I would be unable to support the internally illuminated sign. There is a preference for an externally illuminated traditional hanging sign as this would better uphold the traditional character and appearance of the Conservation Area.

If further information and amended plans are provided which adhere to the above, it is unlikely that the application would raise an objection. Additional details of the lighting should also be provided.'

This advice remains relevant.

If the application is approved, it is recommended that the following condition (or similar) is applied:

- Details of the paint colour for the flue, including clear photographs of the existing brickwork, shall be submitted to and approved in writing by the local planning authority prior to its repainting.*

Following receipt of the Conservation Officer's comments, amended plans were sought and received detailing the materials of the signage. These details were found to be acceptable under the approved advertisement consent application reference 21/1060/ADV and the Conservation Officer has raised no objections to the amended plans.

4.1.3 National Grid: No response received.

4.1.4 Herts Archaeology: No response received.

4.1.5 Environmental Health: [No objection, subject to conditions]

It appears that the intention is to use part of the existing extract system, some of which is contained in the first floor flat. It is therefore recommended that a noise impact assessment is undertaken, following the principles of BS:4142 which considers the potential impact on the residential property. In addition, the applicant should consider how the extract system would be accessed if it passes through the first floor flat, and details as to what access is permitted should also be submitted and approved by the LPA.

These details could be conditioned, and all details should be submitted to, and approved by the LPA prior to the first use. It is important that the impact on the flat is mitigated

sufficiently as the extract should not result in an unreasonable interference with the use/enjoyment of the residential flat above.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 29

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired: 08.07.2021. Press Notice: Expired: 09.07.2021.

5 Reason for Delay

5.1 Amended plans required and Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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 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 PSP1, CP1, CP6, CP7, 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 DM3, DM6, DM9, DM10, DM13 and Appendices 4 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA4 is relevant.

6.3 Other

The Rickmansworth Town Conservation Area Appraisal and Character Assessment (adopted August 1993).

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 The current application is not seeking to change the use of the existing unit, and the unit would remain a restaurant (Use Class E), with a small amount of ancillary takeaway use (Sui Generis). As the use of the unit would remain the same, this has not been considered as part of the current application.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy seeks to support buildings of a high enduring design quality that respect local distinctiveness and 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 DM3 of the Development Management Policies LDD stipulates that within Conservation Areas development will only be permitted if the proposal retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention.

7.2.3 The proposed internal alterations would not be visible from the streetscene of Church Street, thus would not appear prominent or result in harm to the character and appearance of the Conservation Area. The proposed redecoration of the shopfront would be visible from the streetscene and Conservation Area, as would the proposed additional flue. The shopfront would remain the same in appearance, and a condition would require details of the proposed paint to be used to redecorate the shopfront to be submitted to and approved by the LPA prior to the works taking place. As such, it is not considered that the proposed redecoration of the shopfront would appear prominent or result in any harm in terms of character. The applicant has outlined within the Design, Access and Heritage Statement, that the proposed flue would be painted red to match the existing flue and adjacent brickwork. The Conservation Officer has raised no objection to the proposal, subject to a condition to require details of the paint to be used for the flue, to be submitted to and approved by the LPA prior to the commencement of the installation of the flue.

7.2.4 In summary, it is not considered that the proposed development would result in harm to the Conservation Area, and the proposal is therefore considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM3 of the Development Management Policies document and the Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

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'. Paragraph (a) of Policy DM9 of the DMP LDD sets out that the Council will refuse planning permission for development which would give rise

to disturbance, noise, light, smell, fumes and vibrations unless appropriate mitigation measures are in place. Paragraph (d) in regards to noise pollution sets out that planning permission will not be granted where development has an unacceptable impact on the indoor or outdoor acoustic environment of existing or planned development.

- 7.3.2 The application site is located adjacent to residential properties. The first floor accommodation above the unit is also currently in residential use. The commercial unit would remain the same use as previous, and the layout in terms of capacity of the unit would not be altered as part of the proposed development. Given that no change of use is proposed, it would not be reasonable to attach a condition to restrict opening hours, however previous restrictions would still apply to the unit.
- 7.3.3 The proposal would include the installation of a new extractor system, and the Environmental Health Officer has been consulted on the current application and has confirmed that additional information in the form of a noise impact assessment would be required to be undertaken, submitted and approved by the LPA prior to the first use of the extractor/flue hereby permitted to ensure that the proposal would not result in any harm to neighbouring amenity by virtue of resultant noise or disturbance.
- 7.3.4 In summary, subject to conditions it is not considered that the proposed development would result in significant harm to neighbouring amenity so as to justify the refusal of planning permission. The proposal would therefore accord with Policy CP12 of the Core Strategy and Policy DM9 of the Development Management Policies LDD in this regard.

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. The application relates to internal alterations and the installation of a flue and alterations to the shopfront. Given the scale and nature of the application, it is not considered that protected species would be affected.

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 There are no trees within the application site or neighbouring properties that would be harmed by the proposed development.

7.6 Highways, Access and Parking

- 7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.6.2 The proposal would not result in a change in use, and would not alter the available floor area to serve the unit. Therefore, the proposal would not alter the existing parking requirements to serve the unit. There is an existing public car park to the rear of the building, and given the location of the application site within Rickmansworth Town Centre, it is considered that the proposal would therefore be acceptable in this regard.

7.7 Refuse and Recycling

7.7.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals.

7.7.2 The application site is an existing commercial premises and the scale and use of the premises would not be altered. Therefore it is considered that there would be adequate provision for the storage and recycling of waste, as this would not be altered from existing.

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 001 (Location Plan), 073/AP_01 Rev A, 073/AP_02 Rev A, 073/AP_03 Rev A, 073/AP_04 Rev B, 073/AP_05, 073/S_01, 073/S_02, 073/S_03, 073/S_04 and 073/S_05.

Reason: For the avoidance of doubt, in the proper interests of planning, to safeguard the character and appearance of the Conservation Area, streetscene and wider area, to protect the residential amenities of the neighbouring properties and in accordance with Policies PSP1, CP1, CP6, CP7, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM6, DM9, DM10, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013), Policy SA4 of the Site Allocations LDD (adopted November 2014) and the Rickmansworth Town Conservation Area Appraisal (adopted August 1993).

C3 Prior to the installation of the extractor/flue hereby permitted, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include the noise attenuation measures to be incorporated with all extractors as shown on drawing number 073/AP_03 REV A. The approved details shall be implemented in its entirety prior to the extractors being brought into use with the noise attenuation measures retained thereafter at all times.

Reason: To ensure that neighbouring residential units are not adversely impacted from unacceptable noise levels and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the installation of the external flues, or any redecoration work, hereby permitted, details of the proposed paint colour for the flues, including clear photographs of the existing brickwork, and details of the proposed paint for the shopfront, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the flue and shopfront being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C5 The proposed unit shall be set up, used and operated only in accordance with the layout shown on approved plan number 073/AP_03 REV A.

Reason: To ensure that neighbouring residential units are not adversely impacted from unacceptable noise levels and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.

- I2 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.

- I3 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- I4 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

7. **21/1337/FUL - Variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue at LAND AT THE REAR OF THE LIMES, 9 EASTBURY AVENUE, NORTHWOOD, HERTFORDSHIRE**

Parish: Batchworth Community Council
Expiry of Statutory Period: 19.07.2021
Extension of time: 30.09.2021

Ward: Moor Park And Eastbury
Case Officer: David Heighton

Recommendation: That Condition 16 to be varied and Planning Permission be GRANTED

Reason for consideration by the Committee: This application was called in by three Members of the Planning Committee on the grounds that the alteration to the route of construction traffic would adversely impact on the amenity of residents in Holbein Gate and Eastglade.

1 Relevant Planning History

Planning history of The Limes and Application Site:

- 1.1 14/0952/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated landscape and service arrangements - Withdrawn 04.08.14.
- 1.2 14/1647/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Withdrawn 17.11.14.
- 1.3 14/2269/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Refused 21.01.15 for the following reasons:

R1 *The proposed development by reason of the siting, height, bulk, mass, scale and design of the detached dwellings would result in an overbearing, overdominant and unneighbourly form of development to the neighbours at 1 and 2 Holbein Gate to the detriment of the residential amenities of the occupiers of these dwellings. The development would therefore be contrary to 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).*

R2 *The proposed development by reason of the design, footprint, bulk and massing of the detached dwellings and the size and depth of the plots serving these dwellings, the additional storey proposed to The Limes and the limited back to back separation distance provided between the detached dwellings and The Limes would result in a cramped form of development which would appear*

uncharacteristic and which would be detrimental to the visual amenities of the area. The development would therefore be contrary to Policies PSP3, 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).

Appeal dismissed in relation to impact on the neighbour at 1 Holbein Gate through the siting, scale and massing of the proposed dwelling to be erected on Plot 1, but no harm was found to the character or appearance of the street scene.

- 1.4 16/1368/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements - Refused 24.08.16 for the following reason:

R1 *The proposed development by reason of the siting, bulk, mass, scale and design of the detached dwelling on Plot 1 together with the separation distance would result in an overbearing, overdominant and unneighbourly form of development to the neighbour at 1 Holbein Gate causing an increased sense of enclosure to the detriment of the residential amenities of the occupiers of this dwelling. The development would therefore be contrary to 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).*

- 1.5 17/0047/FUL - Demolition of garages and erection of 2 detached houses, addition of 2 flats to the top floor of the existing flat block and refurbishment of the existing flat block with associated works to landscape, access, parking and service arrangements – Permitted 23.03.2017

Planning history solely at Application Site:

- 1.6 19/0455/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Permitted 24.06.2019
- 1.7 19/1661/FUL: Demolition of existing disused garages and erection of a building to contain 7 apartments together with associated car parking, access and landscape works – Withdrawn 30.10.2019
- 1.8 20/1119/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Withdrawn 20.08.2020
- 1.9 20/2037/FUL: Demolition of garages and erection of two detached dwellings with associated parking and access – Withdrawn 04.01.2021
- 1.10 21/0705/FUL: Variation of Condition 2 (plan numbers) pursuant to planning permission 19/0455/FUL: (Demolition of garages and erection of two detached dwellings with associated parking and access) to include alterations to width, depth and design of the permitted dwellings including rear dormer window to Plot 1 – Permitted 02.07.2021
- 1.11 21/1851/DIS: Discharge of Condition 4 (Hard and Soft Landscaping), Condition 5 (Tree Protection Plan), Condition 6 (External Materials) and Condition 7 (Access) pursuant to planning permission 21/0705/FUL. Pending consideration, determination date 20 September 2021.

- 1.12 21/2043/FUL: Variation of Condition 3 (Construction Management Plan) of planning permission 21/0705/FUL to allow works to be carried out with the submitted Construction Management Plan. Pending consideration, determination date 14 October 2021.

2 Description of Application Site

- 2.1 The application site is located on the south side of Holbein Gate and backs onto The Limes (an existing flatted development) which is accessed via Eastbury Avenue in Northwood. Eastbury Avenue is a residential street with a mixed street scene of detached dwellings and flatted blocks of varying architectural designs, whereas Holbein Gate and Eastglade are characterised by detached dwellings of a similar style and design, although some extensions and alterations are evident.
- 2.2 The application site has an area of approximately 1,030sqm, is approximately 24m wide and 44m deep and incorporates an area of adopted highway (maintained by Herts County Council) to the immediate south of the road (Holbein Gate).
- 2.3 The application site backs onto The Limes which is set back approximately 12m from Eastbury Avenue and to the front of the block is a further area of soft landscaping with an area of lawn and planting.
- 2.4 Towards the north of the application site there are six flat roofed garages which, prior to the subdivision of the site were accessed by Eastbury Avenue via The Limes. This land has now been separately sold and is physically split by closed-boarded timber fencing from the land to the south. The garages adjoin (but are not accessed via) an area of highway land which forms the most northern part of the application site. This part of the site consists of hardstanding and is accessed from Holbein Gate which is used for unallocated visitor parking and which can accommodate four vehicles. There is also an area of soft landscaping which include mature trees on the corner of Eastglade and the access to 1 and 2 Holbein Gate to the west.
- 2.5 To the immediate east is 3 Eastglade which is a detached dwelling, set back in relation to other dwellings on this side of the road. To the north of the site are the cul-de-sacs of Holbein Gate, a residential development which adjoins Eastglade.
- 2.6 Land levels fall towards the north west so that the application site is at a lower level than 9a Eastbury Avenue at the southeast and is at a higher level than Abbotsford Lodge, 1 & 2 Holbein Gate to the south west and immediate west.
- 2.7 The boundary to the rear of the site with Eastbury Avenue is enclosed by new timber fencing approximately 1.8m high. The boundary to the west of the site is formed by hedging, close boarded fencing and the rear elevations of the garages within the application site and the neighbouring site of Abbotsford Lodge. The boundary to the north of the site is formed by a brick wall enclosed by vegetation and the boundary with 3 Eastglade and 9a Eastbury Avenue to the east of the site is formed by vegetation and close boarded fencing.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue.

- 3.2 Application 19/0455/FUL was granted planning permission subject to a number of pre-commencement conditions. This application seeks the variation of Condition 16 from:

The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of Construction Management Plan and this should confirm that the existing vehicular access from Eastbury Avenue will be utilised for the large majority of construction vehicle movements to and from the highway. The approved Construction Management Plan shall be adhered to throughout the construction period.

To:

*The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. **Details should be submitted in the form of Construction Management Plan and this should confirm that vehicular access from Eastglade will be utilised for construction vehicle movements to and from the highway.** The approved Construction Management Plan shall be adhered to throughout the construction period.'*

- 3.3 The consequence of the change would ensure that all construction traffic would be via Eastglade, rather than via Eastglade and Eastbury Avenue. A Construction Management Plan (CMP) was submitted as part of the application and subsequently revised during the application process to adjust the following:
- Working hours all in line with Three Rivers District Council construction hours (as controlled by the Control of Pollution Act 1974)
 - Inclusion of a map to show that there would be no contractor/construction parking on Eastglade or on Holbein Gate.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council objects to this application. The clause relating to demolition of the garages and construction of two dwellings was in place and for all parties to see during the legal process of the separation of these two ownerships. Therefore the current owner of The Limes clearly understood the responsibilities and agreements that were in place and the splitting of these ownerships does not change any of the aforementioned. We would urge the District Council's Planners to refuse this Variation and take necessary legal advice to ensure it is enforced.

4.1.2 National Grid: [No comments received, any comments received will be verbally updated]

4.1.3 Highways Officer: [No Objection]

4.1.3.1 Initial Comments:

The proposal is for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue. The application wants the wording to be changed so that the 'majority' part is removed to utilise Eastglade for some construction movements. Having, investigated the surrounding area, the size of the construction site and the mitigating factors mentioned within the cover letter, HCC Highways would accept a variation of condition 16 to;

"The Development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of a construction management plan and this should confirm that vehicular access from Eastglade and Eastbury Avenue will be utilised for construction vehicle movements to and from the highway. The approved construction management plan shall be adhered to throughout the construction period".

However, having said this, all details of the construction management plan will be investigated when provided to HCC Highways. Although, Eastglade is now deemed semi- appropriate for construction vehicle movements, HCC Highway will not allow vehicles to obstruct the highway in anyway, nor stop for large amounts of time on Eastglade. Eastbury Avenue is still the preferred route for construction vehicles to access the site.

4.1.3.2 Revised Comments:

Decision

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.

Comments

The proposal is for the variation of Condition 16 (Construction Management Plan) of planning permission 19/0455/FUL (Demolition of garages and erection of two detached dwellings with associated parking and access) to remove wording requiring majority of construction traffic to use Eastbury Avenue. The application wants the wording to be changed so that the 'majority' part is removed to utilise Eastglade for some construction movements. Having investigated the surrounding area, the size of the construction site and the mitigating factors mentioned within the cover letter, HCC Highways would accept a variation of condition 16 to;

"The Development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority.

Details should be submitted in the form of a construction management plan and this should confirm that vehicular access from Eastglade and Eastbury Avenue will be utilised for construction vehicle movements to and from the highway. The approved construction management plan shall be adhered to throughout the construction period".

However, having said this, all details of the construction management plan will be investigated when provided to HCC Highways. Although, Eastglade is now deemed

semi- appropriate for construction vehicle movements, HCC Highway will not allow vehicles to obstruct the highway in anyway, nor stop for large amounts of time on Eastglade. Eastbury Avenue is still the preferred route for construction vehicles to access the site.

Subsequently, a construction management plan (CMP) will need to be produced to ensure that construction works do not disrupt the adjacent highway network. If the CMP is not considered to meet the proposed requirements, then it will be refused until Eastglade is disrupted as little as possible.

4.1.3.3 Revised comments following submission of Construction Management Plan:

This proposal is regarding the production of a Construction Management Plan (CMP) for Land at The Rear of The Limes, 9 Eastbury Avenue, Northwood. HCC Highways has previously commented on this site many times with the most recent time allowing the change of wording from primary access through Eastbury Avenue owing to a change in ownership of land and the restriction of movement. This prompted HCC Highways to ask for a CMP to ensure that construction vehicles using Eastglade will not disrupt the surrounding area. I have been in contact with a few members of the public and their concerns have been taken into consideration when making this recommendation.

HCC Highways would not normally require a CMP for a small development of 2 dwellings, however, owing to concerns raised by stakeholders a CMP was requested to ensure that all construction movements are suitable for the highway network. Eastglade and Holbein Gate are both part of the adopted highway network and therefore are open to all movements and the restriction of such would be hard to enforce. The CMP goes into depth regarding the timings, numbers and location of work movements and the vehicles associated with such. The document has addressed many concerns raised such as construction vehicles impact on vulnerable Highway users within the area, and how construction vehicles such as vans will access the site. The CMP does state that there will be no on-site parking (as is the way with many small developments) but measures are in place to ensure sustainable travel to the site and on street parking further away is available. HCC Highways does not expect any construction vehicles to block the road or obstruct any residents' drives. If this is the case, then the enforcement team at HCC Highways will be informed and the relevant action will be taken for the site. Eastglade currently caters for a refuge vehicle which would imply that vehicles of this stature can access the route to the site.

I have spoken to many colleagues within HCC Highways and none have raised concerns with the CMP or the access to the site. I have taken every measure to ensure that construction is sustainable has little impact on the surrounding environment. If the CMP is kept to then the development should have as little impact on the surrounding area as possible.

Overall, HCC Highways is content that the CMP mitigates the impacts construction has on the surrounding area and as such HCC Highways would not wish to restrict a grant of permission for condition 16.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 22 No of responses received: 10

4.2.2 Site Notice: Not applicable

Press Notice: Not applicable

4.2.3 Summary of Responses: 6 – (Objections), 4 (Supports)

Objection

- Pedestrian safety concern, no public footpath
- Access issues for emergency vehicles
- Blocking of road
- Construction work should via Eastbury Avenue as previously agreed
- The condition associated with the original approval were public knowledge and the change of ownership should not affect the construction of the development

Support

- No access for construction traffic would be allowed through the Limes from a legal, practical and safety perspective
- No right of way
- Unworkable planning condition

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

6.1.1 In July 2021 the revised 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 2021 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”.

6.1.2 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.

6.1.3 Planning Practice Guidance (PPG)

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 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 DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

6.3 Other

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.

Affordable Housing Supplementary Planning Document - Approved June 2011.

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

7 Planning Analysis

7.1 Principle of development and reasonableness of condition 16

7.1.1 This application seeks the variation of a pre-commencement condition attached to planning permission 19/0455/FUL relating to the submission of a construction management plan which includes controls over construction traffic. Condition 2 (Plan Numbers) of the said permission would remain unaltered by the proposed variation as such, the size, scale, siting, design and detailing of the dwellings approved under application 16/2763/FUL would be unchanged.

7.1.2 The requirement of Condition 16 originated in 2017 following the grant of planning permission under reference 17/0047/FUL and was re-imposed on a later application which was solely for two dwellings (19/0455/FUL). The 2017 planning permission included the erection of two detached houses (similar to this application) and also the addition of two flats above the existing block on The Limes.

7.1.3 The requirement that the large majority of construction vehicle movements were made via Eastbury Avenue was from the Highway Authority.

7.1.4 It should be noted that this application is solely for two new dwellings which, when completed, would be solely accessed via Holbein Gate/Eastglade.

7.1.5 Due to the nature of the application, it is possible to decide that planning permission should be granted subject to the conditions differing from those subject to which the previous permission was granted, or, decide that planning permission should be granted subject to the same conditions. If the latter, the application should be refused.

- 7.1.6 Paragraph 56 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they are necessary; relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.1.7 It is considered that Condition 16 is no longer necessary or enforceable as the applicant has no control over land outside of the application site (as confirmed by the letter sent by the owners of The Limes). This application only relates to development within the application site rather than incorporating land within The Limes. Consequently, the applicant no longer has access to The Limes, which is physically separated from the application site. On the basis that the applicant has no control, the requirement that construction traffic comes via The Limes is no longer reasonable having regard to the development proposed and its continued imposition would prevent development from being delivered.
- 7.1.8 Notwithstanding the above, it should be recognised that the development would still be controlled by the submitted Construction Management Plan, which, as the Highway Authority has commented, is not normally requested for development of this size. The following sections therefore consider the acceptability of the revised Construction Management Plan.
- 7.2 Highways, Access and Parking
- 7.2.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.
- 7.2.2 The revised proposed construction access to the site will be via Eastglade and Holbein Gate. By virtue of its size and nature, it is acknowledged that Eastglade and Holbein Gate are clearly not designed for heavy construction related vehicles, however, they are wide enough to accommodate emergency and refuse vehicles. The Highways Officer was consulted on the variation to the proposed construction access and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway, provided the Construction Management Plan (CMP) is adhered to. The Highway's Officer is satisfied that the proposed construction access arrangements can facilitate safe vehicle movements and the use of Eastglade/Holbein Gate is considered suitable.
- 7.2.3 The CMP further states that construction vehicles would be directly received into the site on arrival and that contractors/construction workers would not park on Eastglade/Holbein Gate given the concerns over the size of the roads. This would require on-site management (shown on the CMP) to ensure construction vehicles and staff are not blocking the road and that access for an emergency or refuse vehicle would not be obstructed by construction vehicles or vehicles associated with the application site. In order to minimise disruption on the highway the amended Construction Management Plan states that a banksman will be positioned at the site entrance to ensure there is no conflict between vehicles and pedestrians. In addition, all construction traffic will not be required to wait or block the road and must enter the site with all materials so unloading can take place within the site boundary.
- 7.2.4 It is noted that four visitor parking spaces would be suspended, given the proposed location of the access into the site. However, it is noted that there are no parking restrictions on Eastglade or Holbein Gate and that the suspension of the visitor parking bays would be temporary. It is also considered that there would be space for visitors to park on the parts of the road without restricting the movement of larger vehicles. Further, the suspension of the bays would ensure that deliveries and larger vehicles do not block Eastglade or Holbein Gate. The revised CMP also contains a

map confirming that no contractors are to park in Eastglade or Holbein Gate, which will limit the impact on visitor parking.

7.2.5 The submitted CMP also states that the site will be enclosed by hoarding and shows the location of storage and a delivery set down point. Due to the scale of the development it is considered that the details are acceptable.

7.2.6 It is therefore considered that the submitted CMP would provide a safe and adequate means of access and that the safety and operation of the highway network would not be adversely affected. A condition has therefore be imposed requiring construction works to adhere to the CMP throughout the construction phase.

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 of disposition of privacy, prospect, amenity and garden space.

7.3.2 During the application process the CMP was revised to amend the hours of working in line with the recommended district wide controls and to clearly indicate where contractors shall not park. It is recognised that with all construction work there will be an impact in the form of noise and disturbance, However, the CMP includes various details in relation to a works schedule, routes, movements and details how the construction process would minimise the impact on residents, including no contractor parking in Eastglade/Holbein Gate to avoid disturbance.

7.3.3 There has also been concerns raised with regard to the safety of pedestrians as a result of construction vehicles accessing the application site via Eastglade. The CMP states at paragraph 8.3 that a banksman will be in attendance at all times so deliveries will be managed.

7.3.4 When considering the presence of a banksman, that no parking will take place within Holbein Gate and Eastglade and ensuring construction hours will accord with district wide controls, any impact on residential amenity as a result of the construction works would not be unacceptable.

7.4 Summary

7.5 For reasons expressed above it is considered acceptable to vary the wording of Condition 16 removing the requirement to utilise access from Eastbury Avenue for the large majority of construction vehicle movements. Given the submission of a new CMP, a newly worded planning condition has been imposed.

7.5.1 It is considered necessary to repeat all other conditions attached to planning permission 19/0455/FUL.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:-

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: 4671/PL/LP A, 4671/PL/001 B, 4671/PL/002 B, 4671/PL/(EX) 100, 4671/PL/011 B and 4671/PL/012 B.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Before above ground building operations 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 ensure that the external appearance of the development 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).

- C4 Before the first occupation of the detached dwellings hereby permitted, the first floor windows in the flank elevations of the detached dwellings (Plots 1 & 2) shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed. The windows 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).

- C5 Before the first occupation of the detached dwellings hereby permitted, the rooflights in the flank roofslopes of the detached dwelling (Plot 2) shall have a cill height of at least 1.7m above the floor level of the rooms in which the rooflights are installed. The rooflights 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).

- C6 The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including the living wall to the west flank of Plot 1. The boundary treatment shall be erected prior to occupation and maintained in accordance with the approved details.

Reason: To safeguard the visual 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).

- C7 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 in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period for five years from the date of the approved scheme was completed.

Reason: This is a pre commencement condition in the interests of visual amenity 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).

- C8 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in 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 is a pre-commencement condition 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).

- C9 The development shall not be occupied until details including the siting, size and appearance of refuse and recycling facilities and collection location for Plots 1 & 2 have been submitted to and approved in writing. The development 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 LDD (adopted July 2013).

- C10 Prior to the first occupation of any part of the development hereby permitted, the parking and turning spaces shall be laid out and demarcated in accordance with the approved plans 4671/PL/001 B and 4671/PL/002 B and 4671/PL/011 B. The parking and turning spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

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).

- C11 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 C - alteration to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

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).

- C12 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) the garages of the detached dwellings hereby permitted shall be retained primarily for the garaging of private motor vehicles. No alterations shall be carried out to the garages such as to prevent their use for garaging private motor vehicles.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties and to ensure sufficient parking safeguarding the character and appearance of the area in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C13 The development shall not be occupied until the energy saving measures detailed within the Energy Statement 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.

- C14 The development shall not begin until details of the proposed accesses onto Holbein Gate (including the proposed highway boundary detail on Holbein Gate) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development and permanently maintained thereafter.

Reason: This is a pre-commencement condition in order 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).

- C15 The development shall not begin until details of the disposal of surface water from the proposed driveway area have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and completed prior to the first occupation of the development hereby permitted.

Reason: This is a pre-commencement condition in order 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 Policies DM8, DM9, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C16 The development shall be undertaken in full compliance with the Construction Management Plan (Version 2 dated 5 August 2021 prepared by South Downs Safety on behalf of Westfields Homes Ltd) and shall be adhered to throughout the construction period.

Reason: This condition is in order to minimise danger, obstruction and inconvenience to users of the highway and to minimise disturbance to local residents in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and DM9 of the Development Management Policies LDD (adopted July 2013)..

- C17 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

- 8.1 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of

the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephone on 0300 1234047.

- 15 The applicant is advised that storage of materials associated with the development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be obtained from the County Council Highways via either the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephone on 0300 1234047.

- 16 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.

- 17 The removal or severe pruning of trees & shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made at least 24 hours prior to any habitat clearance by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

- 18 Any new trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

8. 21/1563/FUL - Single-storey front and side extensions at HOLLY HEDGES FARM OLLEBERRIE LANE, BELSIZE, WD3 4NU

Parish: Sarratt Parish Council
Expiry of Statutory Period: 26.08.2021
(Extension of Time Agreed: 27.09.2021)

Ward: Chorleywood North And Sarratt
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 18/0596/CLPD - Certificate of Lawfulness for Proposed Development: Construction of three single storey rear extensions; single storey side extension and construction of a detached outbuilding – Permitted May 2018; not implemented.
- 1.2 19/1598/PDE - Prior Approval: Single storey rear extension (depth 7.9 metres, maximum height 4 metres, maximum eaves height 2.5 metres) – No objection raised September 2019; not implemented.
- 1.3 19/1945/CLPD - Certificate of Lawfulness for Proposed Development: Construction of three single storey rear extensions single storey side extension, construction of a detached outbuilding, and construction of a first floor rear dormer – Permitted December 2019; not implemented.
- 1.4 20/1743/FUL - Demolition of existing dwelling and construction of a replacement two storey dwelling including alterations to land levels – Refused October 2020 for the following reasons:

R1 The proposed replacement dwelling by reason of its excessive scale, height, bulk and massing and floor area would be materially larger than the existing dwelling it replaces and would constitute inappropriate development in the Green Belt, which, by definition, is harmful. There would also be harm to the openness of the Green Belt by reason of the scale of the proposed replacement dwelling. No very special circumstances have been provided which outweigh the inappropriateness of the development and other identified harm. As such, the development is contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).
- 1.5 20/2658/PDE - Prior Approval: Single storey rear extension (depth 7.9 metres, maximum height 4 metres, maximum eaves height 2.5 metres) – Prior Approval not required January 2021.
- 1.6 21/0301/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.2m in height) and raising of ridge to result in an overall height of 8.4m (Class AA) – Prior Approval Required and Refused April 2021 for the following reason:

The proposed enlargement of the dwellinghouse by construction of an additional storey, would extend a dwellinghouse which was constructed prior to 1st July 1948 and as such fails to satisfy the requirements of AA.1(c) of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- 1.7 21/0650/PDE - Prior Approval: Single storey rear extension (depth 6.6 metres, maximum height 4 metres, maximum eaves height 2.5 metres) – Prior Approval not required.
- 1.8 21/0652/CLPD - Certificate of Lawfulness Proposed Development: Construction of three single storey rear extensions, single storey side extension and construction of detached outbuilding to side of dwelling – Permitted May 2021; not implemented.
- 1.9 21/1562/CLPD - Certificate of Lawfulness Proposed Development: Construction of three single storey rear extensions, single storey side extension and construction of dormer window with hip to gable roof alterations – Permitted August 2021; not implemented.
- 1.10 21/1566/PDE - Prior Approval: Single storey rear extension (depth 7.9 metres, maximum height 4 metres, maximum eaves height 2.5 metres) – Prior Approval not required July 2021.
- 1.11 21/1567/PDE - Prior Approval: Single storey rear extension (depth 6.9 metres, maximum height 4 metres, maximum eaves height 2.5 metres) - Prior Approval not required July 2021.

2 Description of Application Site

- 2.1 The application site is located on the western side of Olleberrie Lane, Belsize.
- 2.2 Olleberrie Lane is located within a rural area of Belsize and contains a number of detached dwellings of varying size and appearance.
- 2.3 The application site is served by a vehicular access from Olleberrie Lane to the south east of the site but can also be accessed by a pedestrian gated entrance further north along Olleberrie Lane. The site contains a detached bungalow of timber construction with a slate roof. At the time of the site visit the dwelling was in a state of disrepair.
- 2.4 The site is located within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the construction of single-storey front and side extensions.
- 3.2 The first of the front single storey extensions would extend forward of the existing eastern gable projection by 1.2 metres. It would have a width of 6.3 metres. The extension would have a ridge height of 5.5 metres to match existing, sloping down to an eaves height of 3.7 metres.
- 3.3 A further front extension is proposed which would follow the remainder of the front building line, infilling the central recessed section and also extending forward of the western aspect by 1.7 metres. The extension would extend to a total width of 11.9 metres. The roof of the original dwelling would extend over the front extensions sloping down to an eaves height 3 metres above the main entrance and 2.2 metres along the western aspect.
- 3.4 The proposed single storey side extension would be constructed along the east flank elevation and extend the width of the dwelling by 2 metres. It would extend 9.5 metres in depth built in line with the front and rear building lines of the existing dwellinghouse. The extension would have a mono-pitched roof which would be a continuation of the roof of the original dwellinghouse sloping down to an eaves height of 2.3 metres.
- 3.5 The proposed extensions would be built using materials that would match the dwellinghouse including timber cladding.

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: [Initial Objection – CALL-IN]

The proposed plans are missing from this submission so it has not been possible to assess it. However if it is similar to other applications relating to this property, then we would object on the basis of over development. As such, SPC respectfully request that this is called into Committee if the planning officers are minded to approve.

Officer Comment: Following the receipt of the above comments, the clarification and further plans were provided to the Parish and asked for further comment.

Sarratt Parish Council: Further comments:

Thanks you for providing further clarification on this application, I think the information submitted by the agent was unclear.

If I have understood correctly, the pink areas in the proposed plans pdf, are extensions to the existing property and are the total subject of application 21/1563/FUL

However, again if I have understood correctly, this latest application is in addition to previously approved significant permitted development extensions. We have to assume that these permitted extensions will be executed, thus 21/1563/FUL represents further extension to an already over developed site. So in that context our response and request to be brought to planning committee would still stand.

4.1.2 Landscape Officer: [No objection, suggested condition]

It is evident that there are trees present within the site, it is unknown whether the existing plans will impact any of the surrounding vegetation from the documents provided. No Arboricultural survey has yet been provided. The development has the potential to cause damage to the tree's through intrusion into the root protection area to facilitate construction, including access to the site. Damage to tree roots (either direct or indirect) have the potential to cause tree's to decline.

An Arboricultural impact assessment, method statement and tree protection plan, which must conform with BS 5837:2012 'Trees in relation to design demolition and construction' will be required prior to development works taking place and shall be submitted to and approved in writing by the Local Planning Authority. This will outline any impacts that the proposals have on existing vegetation, what mitigation will be required to minimise the impact, and protective measures to prevent damage caused to retained vegetation throughout the construction period.

Officer Comment: Following receipt of the above comments the applicant provided an Arboricultural Impact Assessment prepared by Trevor Heaps Arboricultural Consultancy Ltd. dated 27 July 2021 which includes details of tree protection measures. The Landscape Officer was verbally consulted on the submitted details and considered them acceptable and raised no objection to the proposed development subject to condition that the construction methods are undertaken in accordance with the submitted details.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

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

4.2.3 Site Notice: Posted: 02.07.2021 Expired 23.07.2021

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 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 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, 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 DM1, DM2, DM6, DM13 and Appendices 2 and 5.

Supplementary Planning Guidance No.3 ‘Extensions to Dwellings in the Green Belt’ (2003)

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 Green Belt

7.1.1 Green Belt calculations:

Original dwelling = 133sqm

Existing extensions = 0sqm

Proposed extensions = 37sqm

Proposed building = 170sqm

Percentage cumulative increase in floor space = 28%

7.1.2 The National Planning Policy Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework sets out that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.1.3 Paragraph 149 of the NPPF indicates that the construction of new buildings within the Green Belt should be regarded as inappropriate; inappropriate development in the Green Belt is, by definition, harmful. However, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, is listed as one of the exceptions to inappropriate development as set out within paragraph 149 of the NPPF.

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.

7.1.5 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out 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 building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

7.1.6 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provides further explanation of the interpretation of the Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.

7.1.7 The original dwelling has a floorspace of 133sqm. The original dwellinghouse has not been previously extended. It is noted that there a number of Prior Approval and Lawful Development Certificates for single storey rear extensions and loft conversions as detailed within the site history in Section 1 of this report but these have not yet been implemented and thus are not taken into account in the floorspace calculations of the original dwelling. As a result the proposed development would result in a 28% increase in floorspace above the original dwellinghouse.

- 7.1.8 Based on the calculations the proposed extensions to the dwelling would not exceed the 40% guidance. In terms of design, the proposed front extension would include an infill extension given the existing staggered front building line and this infill element would not increase the apparent bulk of the property. The remainder of the proposed front extension would project 1.7 metres forward of the original building line which is not considered to be significant increase in depth to the original dwelling. The proposed extensions would be single storey and the roof form would be a continuation of the original roof and would not result in significant increase in the bulk and mass of the building when viewed side on. In addition when viewed from the front the extension would be read against the existing built form of the original dwelling. The proposed side extension is considered to be modest addition, the extension would be single storey increasing the width of the dwelling by 2 metres and it would not extend forward or beyond the front and rear elevations of the original dwelling. As a result, based on the 28% increase in floorspace and the design of the extensions they are not considered to be disproportionate and therefore would fall within exception 149(c) as set out at paragraph 149 of the NPPF.
- 7.1.9 On the basis that the development is appropriate in a Green Belt context, there would be no harm to openness as a result.
- 7.1.10 The comments from the Parish are acknowledged in respect of the possibility that further extensions would be permissible via the General Permitted Development Order 2015 (as amended) and a number of Lawful Development Certificates have been granted for extensions to the house. Were the applicant to implement those extensions permitted under the recent Lawful Development Certificate applications, the floor space increase would amount to 181sq.metres equating to a 132% increase. Nevertheless, the extensions proposed under this application are relatively limited when compared with the original house and certain extensions may not be possible as a result of implementing this permission. Consequently, it should not be automatically assumed that further extensions at the house would be harmful to the Green Belt when considering the exception listed at paragraph 149 of the NPPF and those within the SPG (i.e. infill extensions and dormer windows). It is for this reason that the removal permitted development rights would not, in Officers opinion, meet the tests as set out within paragraph 56 of the NPPF in that they must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 7.1.11 As such the proposed extensions would not appear disproportionate to the host dwelling, thus the proposal is not considered to constitute inappropriate development within the Green Belt and would not harm openness as a result. The proposal would be in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies document (adopted July 2013) and the NPPF (2021).

7.2 Design & Impact on 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) states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality. Front extensions will be assessed on their own individual merits but should not be excessively prominent in the street scene. With regards to side extensions the proximity to the flank boundary will be individually assessed.

7.2.3 Olleberrie Lane is located within a rural area with few dwellings located along this road. Those dwellings on Olleberrie are large detached buildings of varying design and character spaced apart from one another with the closest neighbouring properties either north (Cherry Trees) or south (Olleberrie Farm) of the application site sited in excess of 100 metres away. Therefore, it is acknowledged that the application dwelling is in a relatively isolated location and would not sit within an existing street scene. The proposed extensions would be relatively modest additions which would be proportionate to the original dwelling. The extensions would not increase the prominence of the dwelling with the street scene and would be constructed using materials that would match the appearance of the original dwelling. Therefore it is not considered that the proposed development would result in demonstrable harm to the character and appearance of the street scene and the development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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

7.3.2 Given the relatively isolated location of the application site, it is not considered that the proposed development would have a detrimental impact on neighbouring properties outside of the site. Thus the development is acceptable and in accordance with Policy CP1 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

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. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The application dwelling benefits from a large private amenity space which is considered more than sufficient to accommodate the proposed development and continue to provide adequate level of amenity space to serve the dwelling.

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 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. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further survey. Notwithstanding this, given the

nature of the proposed works affecting the existing roof, an informative regarding bats would be added to any grant of consent.

7.6 Trees and Landscaping

7.6.1 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.

7.6.2 The application site was previously significantly overgrown however site clearance works have taken place prior to the submission of this application. The site does still contain a number of trees most of which are afforded protection by a tree preservation order. The Landscape Officer was consulted on the application and commented that it was not clear whether the proposed development would be impact on the trees on site. No Arboricultural survey has yet been provided and thus suggested a condition requiring such details in addition to a method statement and tree protection plan to be submitted and agreed in writing prior to commencement of development. Upon receipt of these comments an Arboricultural Impact Assessment prepared by Trevor Heaps Arboricultural Consultancy Ltd. dated 27 July 2021 which includes details of tree protection measures. The assessment indicates that two Category U trees will be removed and the remaining trees would be protected by fencing as detailed on the Tree Protection Plan referenced TH/A3/2532 B/TPP REV-A included within document. The Landscape Officer was verbally consulted and considered the submitted details acceptable and a condition is suggested to ensure that the development is implemented in accordance with the approved details.

7.6.3 Subject to conditions the proposed development would be acceptable in accordance with Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.7 Parking provision

7.7.1 Policy CP10 of the Core Strategy (adopted October 2011) requires development to provide adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) set out parking standards.

7.7.2 The extended dwelling would contain two bedrooms which the parking standards set out that two off-street parking spaces should be provided within the site. The site benefits from a large driveway which is sufficient in size to accommodate four parked vehicles and allow them to exit and enter the highway in forward gear and is acceptable in accordance with Policy CP10 of the Core Strategy (adopted 2011) and Policy DM13 of the Development Management Policies LDD (adopted July 2013).

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: P/01 REV-A, P/02 REEV-E, P/05 REV-A and P/08.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the

Development Management Policies LDD (adopted July 2013) and Policy CA2 of the Croxley Green Neighbourhood Plan (2018).

- 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 DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 The development shall be undertaken in full compliance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, prepared by Trevor Heaps Arboricultural Consultancy Ltd. dated 27th July 2021.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works as shown in Appendix 9 of the above mentioned report are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a

Commencement Notice is not required for residential extensions IF relief has been granted.

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 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).

- 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 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.
- 15 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.

PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

9. 21/1586/FUL – Demolition of the existing dwelling and construction of a replacement dwelling with associated hard and soft landscaping at 29 BEDFORD ROAD, MOOR PARK, HA6 2AY

Parish: Batchworth Community Council Ward: Moor Park & Eastbury
Expiry of Statutory Period: 31.08.2021 Case Officer: Tom Norris
(Extension of time agreed until 30.09.2021)

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: A Councillor resides within the neighbour consultation area

1 Relevant Planning History

- 1.1 18/1072/FUL - Demolition of the existing dwelling and construction of a replacement dwelling with associated hard and soft landscaping - 23.08.2018 – Permitted (not implemented, expires 17 September 2021)
- 1.2 18/0655/NMA – Non material amendment to planning permission 17/1836/FUL: Alterations to internal layout, fenestration and addition of bricked boundary wall with pillars and metal gates – 30.04.2018 – Refused
- 1.3 17/1836/FUL – First floor and two storey rear extensions, two storey front gable projection, extension to roof and alterations to front elevation and fenestration – 27.10.2017 – Permitted (not implemented)
- 1.4 17/0633/FUL – First floor and two storey rear extensions, two storey front gable projection, extension to roof and alterations to front elevation and fenestration – 11.07.2017 – Withdrawn
- 1.5 8/491/88 – Replacement House – 18.08.1988 – Permitted
- 1.6 W/1319/66 – House and Garage – 25.07.1966 – Permitted

2 Description of Application Site

- 2.1 The application site contains a large two storey detached dwelling located on the east side of Bedford Road within the Moor Park Conservation Area. The dwelling dates from c.1988, and was a replacement dwelling to the previous which dated from c.1966. The site is rectangular in shape, measuring 2,255sqm in area and the application dwelling is set back from Bedford Road by approximately 18m.
- 2.2 The application dwelling has an intersecting hipped roof form, white rendered exterior with black timber beams and tiled roof. The front elevation has a gable projection to the centre at two storey level, and the rear elevation has a two storey central gable projection with two balconies at first floor to the rear. The frontage consists of a carriage driveway which provides parking and is enclosed by vegetation along the side boundaries.
- 2.3 To the rear the dwelling has a single storey projection which measures 19.7m in depth, located closest to the boundary with 27 Bedford Road. The single storey element measures 8m in width and has a pitched roof with a maximum height of 5.4m before sloping down to an eaves height of 3.2m. This single storey element of the building contains a swimming pool, living room, sauna and WC.

- 2.4 To the rear the site has an area of concrete paving slabs that winds around the south flank and rear elevation of the dwelling and follows the line down to the rear wall of the single storey element of the building before leading to a rear amenity space comprising an area laid to lawn and a small pond which is enclosed by high hedging.
- 2.5 27 Bedford Road to the north of the application site is a detached dwelling on a slightly lower land level to the application dwelling and has recently been demolished and re-built (11/1346/FUL). 31 Bedford Road is to the south of the application dwelling, is on a similar land level to the application dwelling and has recently been demolished and re-built (13/1963/FUL).

3 Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling with associated hard and soft landscaping. This planning application is a submission to renew a previously granted development permitted under application reference no.18/1072/FUL. This current application does not propose any further changes from that which has previously been granted permission.
- 3.2 The proposed replacement dwelling would be two-storey with loft accommodation and would have hipped roof forms with an overall height of 10.1m and an eaves height of 5.5m. The dwelling would have a principal width of 19.1m and a principal depth of 9.7m. There would be three, two-storey rear projections from the principal rear elevation which would have total depth of 8.4m and would be set in 1.0m from the principal flank elevations and set down from the main ridge of the dwelling. There would be a single storey rear projection which would be built in line with the northern flank elevation and would have a total depth of 15.1m and a width of 8.0m. The single storey rear projection would have a hipped roof form and would have an eaves height of 3.0m and an overall height of 4.5m. The proposed dwelling would include a two-storey front projection with an eaves height of 5.5m and an overall height of 7.5 which would include a pillared entrance. There would be two rooflights within the principal rear roofslope and within the roofslopes of the rear projections. There would be two external terraced areas at the rear at first floor level.
- 3.3 Alterations are proposed to the hardstanding to the front of the dwelling including the realignment of the carriage driveway and the installation of a low level circular pond feature surrounded by planting. In the rear garden an area of hard surfacing is proposed including a terrace with a depth of 3.6m with steps down to an upper lawn and the single storey rear projection would have a 1.8m wide path around it.
- 3.4 The dwelling would be finished in external materials including red facing brick with stone detailing, dark roof tiles and aluminium fenestration.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council:

"Batchworth Community Council has no comment to make on this application."

4.1.2 Conservation Officer: [Objection]

"This application is for demolition of the existing dwelling and construction of a replacement dwelling with associated hard and soft landscaping.

The property is located in the Moor Park Conservation Area. The Moor Park residential estate is constructed on the land of Moor Park Mansion. The area was laid out in the early to mid-twentieth century. The special interest of the area derives from the 1920s/1930s and 1950s properties, many of which retain their original features. Number 29 was constructed

in the 1980s, therefore does not form part of the area's original development. Nevertheless, number 29 presents a form, scale and appearance that is sympathetic to the character and appearance of the Moor Park Conservation Area. Number 29 is two-storeys, rendered with half timbering, leaded lights, prominent chimney with an asymmetrical form, all of which make reference to the key Arts and Crafts character of the Moor Park Conservation Area.

Notwithstanding this, it is understood that an extant permission (ref: 18/1072/FUL) for the demolition and replacement of the existing dwelling was approved in 2018 which forms the baseline of this assessment.

While the principle of demolition has been accepted, the proposed replacement dwelling would not be supported as it considered to be inappropriate development by virtue of its form and appearance. As per paragraph 197c of the NPPF, new development should make a positive contribution to local character and distinctiveness, which this proposal would not. The proposal would result in overly formal dwelling, with a symmetrical frontage, large central pediment supported by columns, stone balustrading to the first floor, crown roof extension to the rear, complex assemblage of rear projections, all of which make no architectural reference to the special interest of the Conservation Area.

Previous built heritage advice also raised objections to the previous proposal stating: I consider that the design is still inappropriate, and the scale and bulk of the proposed extension will have an adverse impact on the character and appearance of the host dwelling, street scene and views within the Conservation Area, and as such the proposal fails to meet the criteria set out in policy DM3.

The Moor Park Conservation Area is characterised by Arts and Crafts forms and generally less visually dominant houses. The overwhelmingly classical form of this design, with its formal and dominant front portico and doric columns, balustrading and large roof, is therefore inappropriate and out of place in this context.

Given there have been no amendments to the proposal, all previous advice remains relevant.

While the existing property does not form part of the original development it has design features which are sympathetic to the Conservation Area, preserving the areas significance. I recommend more thought and consideration is given to the significance of the Conservation Area as this would result in a more sympathetic scheme. Efforts should be made to promote good design and to enhance or better reveal the heritage asset's significance as per paragraph 206 of the NPPF.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199."

4.1.3 National Grid: [No objection]

"National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Overhead Electricity Line, Electricity Tower, Low Pressure Gas Mains, Medium Pressure Gas Mains, Local High Pressure Gas Mains, Above Ground Gas Installation."

4.1.4 Cadent Gas: [No objection]

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

Electricity Transmission overhead lines

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

Cadent Pipelines Team

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.

Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or

National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 -

'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken."

4.1.5 Moor Park (1958) Ltd: Made the following comments

"The Directors of Moor Park (1958) Limited would wish to raise the following comments on the application proposals.

As far as we can tell from the submitted drawings and application details, this current application is proposed as a straight renewal of the extant planning permission granted by the Council under ref 18/1072/FUL dated 17 September 2018.

As a result, in light of the fact that there have been:-

(i) no change in the circumstances of the site,

(ii) no changes in the nature of the application and

(iii) no changes to the planning policies governing the site/area, we recognise that there is little prospect, having regard to current planning procedures, other than for the Council to issue a renewal of the planning permission.

We do however note with concern that a new drawing (ref 5447 – V2 – PL015) has been submitted with this latest/current application that does not appear in the list of approved drawings in Condition 2 in the 2018 decision.

Consequently, we would formally request that the Council checks the details of this drawing very closely against the 2018 approved drawings to ensure there is no likelihood of any new aspects of the scheme being introduced by some means and/or that the drawings will not result in any anomalies or confusion/lack of clarity over the extent and nature of the approved scheme.

Furthermore, we consider it entirely appropriate that all previous planning conditions and informatives (as applied in 2018) should be re-applied to the current application.

That apart, we wish to make it clear that we still remain of the view that the scheme, even in its amended form from 2018, is still very far from acceptable from our point of view, having regard to the provisions set out in the MPCAA.

Consequently, for the record, we have decided to re-submit our representations to you; both in terms of our original 2018 objections (see attached Appendix A) and also the wording from our letter that was sent in response to the 2018 amended plans (see attached Appendix B).

We trust the above response is of assistance to you.”

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 8

4.2.2 Responses received: 0

4.2.3 Site Notice posted 23.07.2021, expired 13.08.2021

4.2.4 Press notice published 16.07.2021, expired 06.08.2021

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 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 of the adopted Core Strategy include CP1, 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 of the adopted Development Management Policies LDD include DM1, DM3, DM6, DM12, DM13 and Appendices 2 and 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.

The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

7 Planning Analysis

7.1 Principle of Development

7.1.1 Planning permission has been previously granted at the application site for an identical form of development (18/1072/FUL). This application is therefore to renew this approved permission. A similar proposal was also granted permission under application reference no. 17/1836/FUL.

7.1.2 Policy DM3 of the Development Management Policies Document states that, within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that the structure to be demolished makes no material contribution to the special character or appearance of the area.

7.1.3 The existing dwelling dates from 1988 and was a replacement dwelling to the previous which was dated from 1966. One of the overriding aims of the Moor Park Conservation Area Appraisal is the preservation of those dwellings which were constructed prior to 1958 and make a positive contribution to the Conservation Area. The existing dwelling is of later twentieth century construction and makes a neutral contribution to the Conservation Area. Given these considerations, it is considered that the proposed development satisfies the

criteria set out in Policy DM3 and the principle of demolishing the dwelling is considered acceptable subject to an acceptable replacement.

7.2 Impact on Character and Appearance of Conservation Area

- 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 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 DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.
- 7.2.3 The site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.2.4 It was considered in granting planning permission for 18/1072/FUL, that the proposed development would be acceptable in terms of its impact upon the character and appearance of the Moor Park Conservation Area. The Officer's report noted in this case that a near identical form of development for extensions to the existing dwelling had previously been granted under application reference 17/1836/FUL. During the course of the previously granted application for the demolition, which was determined at Planning Committee, amendments were made to the scheme. These amendments included a reduction in the area of hardstanding to the front so that, although it would be reconfigured, there was no net increase from the existing. The proposal to include an ornamental fountain feature within the front was also omitted from the previous proposal to be only a pond feature. This application submission includes the amended drawings and does not reintroduce any further elements that were deemed unacceptable previously. No material considerations have emerged since the previous approval that would alter this consideration.
- 7.2.5 It is acknowledged that the Conservation Officer has raised an objection to the proposed replacement dwelling. Whilst the representations of the Conservation Officer are noted, it is factored into consideration that planning permission was granted under the same development plan. It is considered that the LPA would not be justified in coming to a different view as part of this submission where the application is being assessed against the same policies including the Moor Park Appraisal as it was previously.
- 7.2.6 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or conservation area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document.

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. Two-storey development should not intrude the 45 degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.

7.3.2 It was considered in granting planning permission for 18/1072/FUL, that the proposed development would be acceptable in terms of its impact upon the residential amenity of surrounding neighbours. It was considered as part of the previous approval that the proposed development would not lead to a detrimental loss of light or overbearing impact to any neighbour. It was also considered that the proposal would not result in overlooking to the detriment of any neighbour. No material considerations have emerged since the previous approval that would alter this consideration.

7.3.3 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

7.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD advises on off street car parking requirements. Appendix 5 sets out that a 4 or more bedroom dwelling should provide three parking spaces.

7.4.2 The application dwelling would retain a driveway large enough to accommodate at least three parking spaces which would meet the adopted standards. The proposal is therefore considered to be acceptable in terms of parking and would accord with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 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 Appendix 2 of the Development Management Policies Document states that 'amenity space must be provided within the curtilage of all new residential developments.'

7.5.2 The application site would have a rear amenity space of over 1100 sqm following the implementation of the proposed extensions. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

7.6 Trees & Landscape

7.6.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.6.2 It was considered in granting planning permission for 18/1072/FUL, that the proposed development would be acceptable in terms of its impact upon trees. Amended plans were received during the course of the previous application which have been submitted as part of this application. The same tree conditions will be included on the grant of any planning permission as were included on the grant of 18/1072/FUL. The proposed development is therefore considered to be acceptable in this regard.

7.7 Refuse & Recycling

- 7.7.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.7.2 The existing dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).
- 7.8 Sustainability
- 7.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.
- 7.8.2 The application is accompanied by an energy statement prepared by Clear Sky Sustainable Homes Ltd. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric in order to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.
- 7.9 CIL
- 7.9.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.
- 7.10 Biodiversity
- 7.10.1 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.
- 7.10.2 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.
- 7.10.3 Hertfordshire Ecology were consulted as part of the previous application (18/1072/FUL) and considered that the property is in very good condition with well-sealed roof and ridge tiles, soffits, mortar, brickwork, windows and doors and therefore sub-optimal conditions for bats

to use for roosting. As such they do not consider in this instance that ecological surveys are necessary. It is considered that the property remains in a similar condition since this application and has not fallen into any state of disrepair. As bats are known to be roosting in the area, an informative will be included on any permission advising a precautionary approach to works is taken.

7.11 Other Matters

7.11.1 The conditions attached to this permission reflect those that were attached and agreed following the grant of 18/1072/FUL at September 2018 Planning Committee.

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: TS16-450L/1, NL18.17 REV A, NL18.05 REV M, NL18.04 REV M, NL18.02 REV M, NL18.01 REV M, 5447-V2 PL010, 5447-V2 PL008, 5447-V2 PL007, 5447-V2 PL006, 5447-V2 PL005 REV A, 5447-V2 PL004 REV A, 5447-V2 PL003 REV A, 5447-V2 PL002, 5447-V2 PL001-SITE REV D, 5447-PL-LP

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 Before above ground building operations 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 ensure that the external appearance of the dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the dwelling hereby permitted the flank windows above ground level 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 windows are installed. The windows 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).

C5 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 of the dwelling 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).

- C6 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement. The approved details shall be implemented prior to the first use of the development and permanently maintained thereafter.

Reason: To ensure that the development meets 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.

- C7 Prior to the first occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of the rear balconies to be erected to the flanks of the rear balconies shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to first occupation in accordance with the approved details, and maintained as such 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).

- C8 Notwithstanding the submitted details, 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 in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity 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).

- C9 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in 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, without the written consent of the Local Planning Authority. 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: 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).

- 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 C - other alterations to the roof

Class D - porches

Class E - provision of any building or 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 Moor Park Conservation Area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

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) - 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.
- 15 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).

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PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

10. 21/1669/FUL – Installation of ‘catch-ball’ net fencing to eastern boundary of play area at ANN SHAW GARDENS PLAY AREA, SOUTH OXHEY, WATFORD, WD19 7AT.

Parish: Watford Rural Parish Council

Ward: South Oxhey

Expiry of Statutory Period: 15.09.2021 (EOT
30.09.2021)

Case Officer: Freya Clewley

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as the applicant is Three Rivers District Council.

1 Relevant Planning History

- 1.1 16/0005/FUL - Hybrid planning application for the phased comprehensive redevelopment of the land at South Oxhey (South Oxhey Central, Maylands Road, Hayling Road and Hallows Crescent) to include the demolition of existing buildings and provision of residential led mixed use development comprising Use Classes C3, A1/A2/A3/A4/A5 and D1/D2, with associated site preparation/enabling works, transport infrastructure works, landscaping works and provision of car parking. Permitted. Phases 1 and 2 complete and Phase 3 underway. The Ann Shaw Gardens Play Area formed part of Phase 1 of this development.

2 Description of Application Site

- 2.1 Ann Shaw Gardens Play Area is located on the eastern side of Gosforth Lane, and to the west of Henbury Way, adjacent to Henbury Way car park. The application site covers an area of approximately 1,300sqm and contains benches, swings, a climbing frame, a tyre swing and soft landscaping with mulch underneath the play equipment. A low level metal fence runs along the southern boundary of the site with a gated entrance. The remainder of the site is enclosed by closed boarded fencing with some hedging and vegetation.
- 2.2 There are residential properties adjoining the northern, eastern and western boundaries of the application site, with the neighbouring properties to the south, separated from the application site by the highway.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the installation of ‘catch-ball’ net fencing to the eastern boundary of the play area.
- 3.2 The proposal would include the erection of 8 x 5m high steel posts along the shared eastern boundary with number 16 Ferryhills Close. The posts would be finished in black gloss. Netting is proposed between the steel posts. The post closest to the footpath would be set in 1.4m from the footpath to the front of the application site. The existing timber close boarded fencing positioned on the eastern boundary, shared with No. 16 Ferryhills Close, would be retained.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Watford Rural Parish Council: No response received.

4.1.2 Herts Ecology: No response received.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 37

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired: 17.08.2021 Press notice: Not applicable

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 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 Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP9 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 DM6 and DM11.

6.3 Other

Open Space, Amenity and Children's Playspace Supplementary Planning Document (December 2007).

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 Strategic Objective 11 of the Core Strategy is to provide accessible and varied opportunities for leisure, arts, sport and recreational activities in order to promote healthy lifestyles and identifies that the provision of suitable open space, children's play space and sports facilities can increase opportunities to exercise as part of a healthy lifestyle.

7.1.2 Policy DM11 of the Development Management Policies document refers specifically to Open Space, Sport and Recreation Facilities and Children's Play Space and states that open spaces, sports and recreation facilities and children's play spaces perform important functions within communities and contribute significantly to quality of life. The Policy advises that proposals for new open space, sport and recreation facilities and Children's Play Space will be encouraged if located in the main urban areas subject to the protection of the character of the area and amenity.

7.1.3 The proposed 'catch-ball' net would allow for the open areas of the play area to be utilised more effectively and safely, and would prevent balls from entering the rear garden of number 16 Ferryhills Close, as requested by residents. The proposed development would not result in any change of use of the land. The proposed development would be contained within the existing designated play area.

7.1.4 The proposed net would improve and enhance an existing play and open space area. Impact on character and amenity are discussed in the relevant sections below but in principle, the proposed development would be in accordance with Core Strategy Strategic Objective 11 and Policy PSP2 of the Core Strategy (adopted Oct 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

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 The proposed posts and net would be 5m in height, thus would be visible from public vantage points around the play area. However, the steel posts would be of a slim profile and would have a diameter of 0.1m, and the netting would be largely transparent in nature. As such, whilst the height of the proposal is noted, given the permeability of the netting and the diameter of the posts, it is not considered that the proposal would appear unduly prominent nor result in harm to the character or appearance of the streetscene or wider area.

7.2.3 The proposal is therefore considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

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'.

7.3.2 The proposed netting and poles would be erected along the eastern boundary, shared with the neighbour at number 16 Ferryhills Close. The netting and posts would have a height of 5m, and whilst the height is noted, it is acknowledged that the netting would be largely permeable given the 50mm square mesh design and the posts would be of a limited diameter, measuring 0.1m. Furthermore, the proposed development would prevent balls from entering the garden at 16 Ferryhills Close. Therefore, given the nature of the netting and the diameter of the proposed poles, it is not considered that the proposal would result in loss of light or appear overbearing to this neighbour.

7.3.3 Given the siting of the proposed netting and posts to the eastern boundary of the site, and the separation distance between the proposed development and other neighbouring residential properties to the north, west and south of the application site, it is not considered that any harm would arise to surrounding neighbouring amenity. The proposal would therefore be acceptable in this regard in accordance with Policy CP12 of the Core Strategy.

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 an Ecological Statement which state that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD advises that proposals for new development proposals are expected to retain as many trees and hedgerows as possible, particularly those of local amenity and nature conservation value and that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.5.2 The proposal would not result in any harm to mature, protected, or significant trees and the proposal is therefore considered to be acceptable in accordance with Policy DM6 of the Development Management Policies document in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 The recreational ground is served by a visitors car park located to the east of the play area. The proposal would not result in any increase in the size of the play area, whilst there may be an increase in the number of visitors to the play area, the existing car park is considered sufficient to meet current and future demand.
- 7.7 Safety and Accessibility
- 7.7.1 Policy CP12 of the Core Strategy states that development should design out opportunities for crime and anti-social behaviour through the incorporation of appropriate measures to minimise the risk of crime and create safe and attractive places, and that it should be accessible to all potential users.
- 7.7.2 The current application has been submitted due to ongoing disturbance of the neighbouring property due to ball games within the play area. The proposed catch-net is designed to prevent these issues from occurring, and to allow the play area to be used by the local community.
- 7.7.3 No objection is therefore raised to the proposed development in terms of safety and accessibility and it is considered acceptable in accordance with Policy CP12 of the Core Strategy.

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 001 (Location Plan), TRDC 002 (Block Plan), and Drawing No. 1138-02.
- Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policies PSP2, CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM11 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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.