

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 14 December 2023 at 7.30 pm

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)
Ruth Clark
Matthew Bedford
Andrea Fraser
Philip Hearn
Stephen King

Steve Drury (Vice-Chair)
David Raw
Chris Lloyd
Debbie Morris
Khalid Hussain

*Joanne Wagstaffe, Chief Executive
Wednesday, 6 December 2023*

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 are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

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

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

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.

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 7 - 22)
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.
5. **23/1128/FUL: CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE** (Pages 23 - 50)

Demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking.

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA
6. **23/1560/FUL: BATCHWORTH DEPOT, HAREFIELD ROAD, RICKMANSWORTH, WD3 1LU.** (Pages 51 - 64)

Construction of new building for vehicle repair.

Recommendation: That Planning Permission be Granted.
7. **23/1662/FUL: MANOR HOUSE COTTAGE, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SQ** (Pages 65 - 78)

Construction of single-storey side infill extension and single-storey rear extension.

Recommendation: That Planning Permission be granted
8. **23/1665/FUL: WILLOWS, 62 CLEMENTS ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5JT** (Pages 79 - 94)

Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space, served by front/rear rooflights; provision of rear terrace balcony and associated works.

Recommendation: That Planning Permission be granted.

9. **23/1694/FUL: SANTOSH HOUSE, 6 PEMBROKE ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2HR** (Pages 95 - 110)
- Demolition of existing conservatory and construction of single storey side and rear extensions, first floor side extension, loft extension including alterations to the roof, rear dormer window and rear rooflights, new entrance door, internal alterations and alterations to fenestration detail.
- Recommendation: That Planning Permission be granted.
10. **23/1707/FUL: BEECH HOUSE, CHESSE WAY, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5TA.** (Pages 111 - 124)
- Change of use from single dwellinghouse to childrens care home.
- Recommendation: That Planning Permission be refused.
11. **23/1767/FUL: PENN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3JY** (Pages 125 - 134)
- Replacement of doors and windows.
- Recommendation: That planning permission be granted.
12. **23/1798/FUL: LAND NORTH OF LITTLE GREEN LANE, KILLINGDOWN FARM, LITTLE GREEN LANE, CROXLEY GREEN, HERFORTHSHIRE** (Pages 135 - 152)
- Variation of Condition 11 (Off Site Highway Improvement) of planning permission 20/1881/FUL to allow phased delivery of the off site highways works.
- Recommendation: That condition 11 (Off Site Highway Improvement) be VARIED and that PLANNING PERMISSION IS GRANTED.
13. **OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE**

Exclusion of Public and Press

If the Committee wishes to consider any 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 in 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.)

Background Papers (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

THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 19 October 2023 from 7.30 - 9.25 pm

Present: Councillors Councillor Sara Bedford (Chair), Councillor Steve Drury (Vice-Chair), Ruth Clark, Matthew Bedford, Philip Hearn, Stephen King, Chris Lloyd, Debbie Morris and Khalid Hussain

Also in Attendance: Councillors Reena Ranger and Chris Whatley-Smith

Officers in Attendance:

Matthew Barnes, Solicitor

Lauren Edwards, Planning Officer

Adam Ralton, Development Management Team Leader

Kimberley Rowley, Head of Regulatory Services

Claire Westwood, Development Management Team Leader

PC1/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ian Morris and David Raw.

PC2/23 MINUTES

It was noted, that due to resource constraints, the minutes of the meeting of the Planning Committee held on 14th September 2023 had not yet been finalised and would be brought to the Committee's next meeting for approval.

RESOLVED that the minutes of the meeting of the Planning Committee held on 17th August be agreed as being a correct record and are signed by the Chair.

PC3/23 DECLARATIONS OF INTEREST

On behalf of the Committee's Liberal Democrat Councillors, the Chair made a group declaration in respect of Item 13, 23/1481/RSP 21 Bateson Drive as the agent for the application was a Liberal Democrat Councillor.

PC4/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC5/23 23/0698/FUL - 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LJ.

The application was for the construction of a single storey front extension and part single, part two storey side and rear extension, basement and front porch extension, and loft extension following demolition of the existing conservatory. The application had been called in by Batchworth Community Council who had cited concerns in respect of over development and the scale of the proposed extensions.

Representatives of Batchworth Community Council , Moor Park (1958) Ltd and Ward Councillor Reena Ranger spoke against the proposals. Concerns were expressed about the fact the proposed development was out of scale with the surrounding area and did not meet the guidelines set out in the Moor Park Conservation Area Appraisal. Furthermore, it was considered that allowing the application would be detrimental to the openness of the area's character and would result the slow erosion of conservation policies.

The Committee was informed that further comments had been received from Moor Park 1958 Ltd objecting to the development, specifically in relation to plot coverage. In addition, the proposed elevations had been corrected to accurately depict the ridgeline of the 2013 consented scheme and therefore conditions 2 and 4 had been updated to refer to plan reference 3K rather than the 3J stated in the report. Details of the paving materials to be used on the sunken garden were awaited however these would include a stone retaining wall that matched the house. Condition 5(Materials) could be updated to include specific reference if the Committee considered it appropriate.

It was confirmed that the proposed development would result in a frontage that was 80% of the plot width and 1.5m from the boundary and was compliant with limits set out in planning guidance. It was acknowledged that whilst the proposed development would exceed the 15% plot coverage set out in the conservation area appraisal the bulk of the extensions would be to the rear of the property and it was considered that substantial harm would not be caused to the spacious open nature of the conservation area.

It was agreed that Condition 5 would be updated to include details of the materials that would be used for the construction of the sunken garden.

The officer recommendation to approve the application, subject to the amendments set out above was proposed by Councillor Matthew Bedford, seconded by Councillor Steve Drury, put to the vote and carried.

The voting in respect of the recommendations was For 6, Against 2 and Abstaining 1.

RESOLVED that Planning Application 23/0698/FUL be approved.

NOTE – Amended Conditions 2, 4 and 5:

The development hereby permitted shall be carried out in accordance with the following approved plans: 5182/PL001/Rev I, 5182/PL002/REV N, 5182/PL003/REV K, 5182/PL/005 REV E and 5182/PL/LP REV B.

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).

Before the first use of the ground floor level patio hereby permitted, timber close-boarded screening (or a similar solid screen) to a height of 1.8 metres shall be installed along the depth of the patio as shown on approved plans 5182/PL001 Rev I and 5182/PL003 Rev K. Once erected, the screening shall be permanently maintained as such thereafter in terms of its siting, height and design.

Reason: To safeguard the amenities of the occupiers of No. 7 and No. 11 Russell Road 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).

Before any building operations above ground level hereby permitted are commenced, a schedule of samples and details of the proposed external materials (inclusive but not limited to the Mock Tudor detailing, roof tiles, windows and doors, bricks and render, sunken garden, retaining walls and paving) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

**PC6/23 23/0699/AOD – LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE,
SOUTH OXHEY, WATFORD, WD19 6YL**

The application was for the approval of details of appearance, landscaping, layout in respect of a Planning Application 19/2419/OUT a residential development of 53 dwellings, construction of parking spaces, associated landscaping, infrastructure works and ancillary work which had been granted outline planning permission in May 2020.

The Committee was informed that the range of amenity space shortfall referenced at paragraph 7.5.11 of the Officer's report should have been quoted as 0.8sqm to 29sqm and not the 0.8sqm to 22sqm range stated. An amended Soft Landscape Management Plan, referenced in Condition 13, had now been submitted.

A representative of Watford Community Housing, spoke in support of the application.

The Committee welcomed the proposed scheme. In response to concerns about the potential safety of the proposed pond, it was clarified that the pond would form part of the site's drainage solution, which had been approved as part of the Outline Planning Application, and would only hold water at times of very heavy rain. As such it was not intended to be a permanently wet feature and a 0.5m high timber fence was considered to be an appropriate boundary treatment in this instance. It was felt that a higher timber surround would detract from the openness of the site's design. It was confirmed that the play area would be surrounded by a 1.2m high railing fence.

It was confirmed that a Condition had been included in the Outline Planning Permission that the six parking spaces at the entrance of the development site would be provided and available for use before the work on the development proper commenced.

The Officer recommendation to approve the application, subject to the conditions set out in the Officers report, was proposed by Councillor Steve Drury, seconded by Councillor Stephen King, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/0699/AOD be approved, with an alteration to Condition 13 to reflect the revised Landscape Management Plan (Revision C).

**PC7/23 23/0701/FUL – LAND TO SOUTH OF FOXGROVE PATH/HEYSHAM DRIVE,
SOUTH OXHEY, WATFORD, WD19 6YL**

The application was for the variation of Condition 4 (Affordable Housing), Condition 5 (Specification of Access) and Condition 7 (Bus stop and crossing works) attached to Outline Planning Permission 19/2419/OUT which had been approved in May 2020.

It was confirmed that the application sought to amend the level of affordable housing provision on the development from 45% previously approved to 100%. Although this would not be fully compliant with policy, it was considered that the benefits that the scheme would bring in terms

of 100% affordable housing, the deliverability of the scheme and the fall-back position would outweigh the scheme's non-compliance. The Committee was also advised that the applicant had confirmed that Homes England funding for the development had been secured.

Clarification was sought that whilst technically non-compliant with policy it was understood that the scheme achieved an overall increase in shared ownership units. This understanding was confirmed as being correct.

The Officer recommendation to grant the application, subject to the conditions set out in the report, was proposed by Councillor Matthew Bedford, seconded by Councillor Steve Drury, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/0701/FUL be approved.

**PC8/23 23/1043/FUL - ARDEN HOUSE, 31 UPPER HIGHWAY, ABBOTS LANGLEY,
HERTFORDSHIRE, WD4 8PP**

The application was for the construction of a part single, part two storey rear extension (roof accommodation) and alterations and additions to fenestration and rooflights to create additional bedrooms and office space at an existing care home. Consideration of the application had been deferred by the Planning Committee at its meeting in September 2023 to enable a site visit to take place.

Councillor Whatley-Smith spoke in his capacity as Ward Councillor citing concerns about the lack of parking provision on the site.

The Committee considered that the picket fence proposed was out of keeping with the surrounding area. It was acknowledged that boundary treatments could be secured through conditions if necessary.

The Committee acknowledged that the current parking provision was insufficient for the needs of the business operating on site, with staff being forced to park in the surrounding streets, adding to local congestion and whilst it was proposed that an additional five parking spaces were provided as part of the application there would still be a shortfall of ten spaces on the number required for a facility of its size.

The Committee expressed the view that the original property had been subject to a number of extensions over the years and that, if granted, the additional extensions would result in a built form that dominated not only the site itself but also, due to the site's topography, neighbouring properties. The extensions would also enable the expansion of the occupier's business as a care home; something that would result in an intensification of the site's use and further exacerbate parking pressures in the vicinity of the site.

It was felt that all these factors combined would result in harm to the visual amenity of the character of the area and consequently it was considered that the application should be refused.

Councillor Sara Bedford, proposed a motion that the application should be refused on the grounds of over development of the plot, intensification of use, highways concerns, lack of onsite parking and the resultant cumulative impact on the visual amenity of the area. The motion was seconded by Councillor Matthew Bedford, put to the vote and carried unanimously. It was agreed that the final wording of the refusal notice would be circulated to the Committee for approval.

RESOLVED that Planning Application 23/1043/FUL be refused, contrary to the Officer's recommendation.

NOTE - Wording of Reason for Refusal

The proposed extension by virtue of its ad hoc nature, siting, proximity to rear boundary and elevated positioning relative to the neighbouring properties to the west would, together with the existing extent of built form, result in the overdevelopment and over intensive use of the site, to the detriment of the character of the area and amenity of neighbouring occupiers. The overdevelopment of the site is further exacerbated by the increased parking shortfall which would lead to parking on the adjacent highway, to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to 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).

**PC9/23 23/1139/FUL – RICKMANSWORTH AQUADROME, RIVERSIDE DRIVE,
RICKMANSWORTH**

The application was for the replacement of the existing pedestrian bridge over the River Colne with a new pedestrian and cycle bridge, including upgraded footpaths, fencing and seating areas. The application had been brought to the Committee for consideration as the District Council was the applicant.

It was noted that Condition 3 set out requirements in respect of the impact of construction traffic on the area. In order to ameliorate the concerns of residents it was agreed that an additional Condition requesting a construction management plan setting out access routes and times of work would be incorporated into the application.

It was acknowledged that the immediate vicinity of the site was used as nesting area and it was agreed that an Informative, requiring due care to be taken of bird nesting season and habitats, would be added to the application.

It was agreed that an additional Informative requiring the applicant to display appropriate diversion signs in the surrounding area including on noticeboards would be added to the application.

Concern about damage to trees was noted and officers confirmed that there would be some work to trees and mitigations would be secured through condition.

The Officer recommendation to approve the application, subject to the additional Condition and Informatives set out above, was proposed by Councillor Steve Drury, seconded by Councillor Debbie Morris, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/1139/FUL be approved.

NOTE - The additional condition and informatives were as follows:

No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

It is requested that the applicant ensures that appropriate diversion signage is in place, including on notice boards near the site, prior to the commencement of any works and that these are maintained for the duration of works and updated as required.

Construction activities should take account of bird nesting season (1 March - 31 August inclusive).

PC10/23 23/1328/FUL - SHAFTESBURY COURT, MALVERN WAY, CROXLEY GREEN, HERTFORDSHIRE

It was noted that Planning Application 23/1328/FUL had been withdrawn by the applicant.

PC11/23 23/1372/FUL – 32 OAK GREEN, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0PG.

The application was for the construction of a part single, part two storey front and side extensions. The application had been called in by three members of the Planning Committee due to concerns over the size of the extension and lack of parking.

It was confirmed that amenity space standards were 63sqm for a two bedroom property and 84square metres for a three bed roomed property. If approved there would be an approximate shortfall in amenity space of 19square metres. The Committee expressed concern that whilst the property would remain as a two bedroomed property the design could lend itself to conversion to a three bedroomed property. In addition, it was felt that the proposed development would lead to over-development of the plot and the design would leave the property looking out of character with the surrounding area, because it would be a prominent two storey building. It was noted that there was limited onsite parking in the vicinity of the property and there were parking problems in the area including turning heads due to demand and the development could place further pressures on parking provision.

Councillor Debbie Morris, proposed that the application be refused for reasons that it would lead to a cramped, over developed site that had a potential shortfall in amenity space and parking provision. The motion was seconded by Councillor Matthew Bedford, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/1372/FUL be refused, contrary to the officer's recommendation.

NOTE - Wording of Reason for Refusal

The proposed development by reason of its height, width, depth, proximity to the boundary and siting at the end of the cul-de-sac would appear as a cramped and overly prominent overdevelopment of the site, exacerbated by the potential shortfall in amenity space, to the detriment of the character and appearance of the area and 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).

The proposed development has the potential to result in an increased shortfall of parking provision to serve the dwelling which would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to 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).

**PC12/23 23/1425/FUL – BARFORD, HOMEFIELD ROAD, CHORLEYWOOD,
RICKMANSWORTH, HERTFORDSHIRE, WD3 5QJ.**

The application was for the conversion of a garage into habitable accommodation and alterations to fenestration. The application had been called in to enable consideration of the consistency of the application with Condition 10 of the original application for the dwelling planning Application reference 16/2753/FUL) which had been imposed in order to maintain an acceptable level of parking across the development.

A local resident spoke against the application, expressing concern that the application was in apparent breach of the original planning application and the owner spoke in support of the application.

It was clarified that the planning permission for the original development had stated that two parking spaces were to be provided, one on hardstanding outside the property, and a second in the integrated garage. In 2022, planning permission had been granted to expand the external parking area to enable a second parking space to be provided, taking the dwelling's total parking provision to three spaces. If the application was granted there would still be two parking spaces at the property taking provision back in-line with the original application.

The Committee acknowledged the frustrations of long standing residents however it was felt that there was little harm in the application. Concern about the side windows not making use of obscure glass were noted however officers did not consider obscure glass to be necessary considering the room's intended use as a utility room.

The Officer recommendation to approve the application was proposed by Councillors Chris Lloyd, seconded by Councillor Matthew Bedford, put to the vote and passed. The voting in respect of the motion was For: 7, Against 0, Abstaining 2.

RESOLVED that Planning Application 23/1425/FUL be approved.

**PC13/23 23/1481/RSP – 21 BATESON DRIVE, LEAVESDEN, WATFORD,
HERTFORDSHIRE, WD25 7ND**

The application was a part retrospective application for the construction of a rear conservatory and conversion of garage into habitable accommodation and driveway extension. The application had been referred to the Committee as the applicant was a District Councillor.

It was confirmed that updated plans showing the provision of parking had now been received, although these did not present a material change to the applications.

The Officer recommendation that part retrospective planning permission be granted was proposed by Councillor Matthew Bedford, seconded by Councillor Stephen King, put to the vote and carried. The vote in respect of the recommendation was For 8, Against 0 and Abstain 1.

RESOLVED that Planning Application 23/1481/RSP be approved.

CHAIRMAN

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THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 16 November 2023 from 7.30 - 9.35 pm

Present: Councillors Sara Bedford (Chair), Steve Drury (Vice-Chair), Ruth Clark, Matthew Bedford, Andrea Fraser, Philip Hearn, David Raw, Chris Lloyd, Debbie Morris and Khalid Hussain

Also in Attendance:

Councillors Oliver Cooper, Narinder Sian, Jon Tankard and Chris Whately-Smith

Officers in Attendance:

Matthew Barnes, Solicitor

Matthew Roberts, Development Management Team Leader

Kimberley Rowley, Head of Regulatory Services

Oliver Sowerby, Highways, Hertfordshire County Council

Claire Westwood, Development Management Team Leader

Claire Wilson, Principal Planning Officer

PC14/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stephen King.

PC15/23 MINUTES OF PREVIOUS MEETINGS

RESOLVED that:

- i. the minutes of the meetings of the Planning Committee held on 14th September 2023 be approved as being a correct record and signed by the Chairman.
- ii. approval of the minutes of the Planning Committee meeting held on 19th October 2023 would be deferred to ensure that they complied with the agreed Minute Writing Standards.

PC16/23 DECLARATIONS OF INTEREST

Councillor Philip Hearn declared a pecuniary interest in Item 5: Planning Application 22/1764/FUL World of Water, Hempstead Road, Watford and left the meeting during consideration of the item.

PC17/23 NOTICE OF OTHER BUSINESS

There were no items of other business.

PC18/23 22/1764/FUL: WORLD OF WATER, HEMPSTEAD ROAD, WATFORD, HERTFORDSHIRE, WD4 8QG

The application was for the erection of a retail food store (Class E(a)) with associated access, parking and amenities following the demolition of the existing building. The application had been called in by three members of the Committee due to concern over the impact that the development might have on traffic and highway safety.

The Committee was informed of the following updates. 4 further comments had been received since the publication of the report, 3 comments had been submitted by previous objectors, the fourth was an additional objection. Comments received were covered within the report with the exception of concerns over:

- Increased parking on the slip road
- Questions the accuracy of the average speed review in the amended transport report. (75m to the south of the access junction)

The proposed building would be set 750mm *lower* into the ground than the existing building and therefore the eaves would only be approximately 0.4m higher than the existing building, the report currently says 1.2m higher. In terms of the ridge height, the new building would be 1.2m lower, not 0.4m lower as stated in the report.

A contribution of £16.800 pounds had also been agreed by the applicant to assist in the delivery of the A411 Hempstead Road and Grand Union Canal Corridor Cycleway Improvements, as identified within the adopted SW Herts Growth and Transport Plan and to be consistent with the emerging Local Cycling and Walking Infrastructure Plan for TRDC. The amount was calculated using HCC toolkit £422 per job x 40).

As a result of the additional contribution, the officer recommendation had been amended to:

That subject to the recommendation of no objection / approval from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement in respect of a monitoring and evaluation fee of £6k covering a 5 year period relating to the travel plan and a contribution of £16.8k highway/cycleway/sustainable transport improvements, that permission be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to conditions and any additional conditions as requested by the LLFA.

Hertfordshire County Council (HCC) also provided an update.

The Applicant spoke in support of the proposals. Representatives of Abbots Langley Parish Council and District Councillors spoke against the application citing concerns about the weight of traffic that the site would generate in an area that was in close proximity to the M25, heavily used A Roads and a busy roundabout and the implications for the safety of the junction even once improvements were made. It was also felt that insufficient consideration had been given to the ability of pedestrians and cyclists to access the site safely, the impacts that the increased car park foot print would have on the adjacent River Gade and the safety of the proposed toucan crossing across a four lane road in close proximity to a major roundabout.

The Committee was informed that the proposed development had been reviewed by Hertfordshire County Council in its capacity of the Highways Authority with a view to ensuring that a safe and suitable access to the site was secured. As part of the development it was proposed that the access junction would be substantially reconfigured to secure a separate access route to the store and the right turn into the site would also be reconfigured. Improvements would also be made to the crossing points and cycle access and examination of visibility planes had concluded that appropriate visibility splays could be achieved. The proposed junction layout had been modelled and tested by traffic engineers who had concluded that the junction would be safe.

Whilst the development would include the provision of 98 parking spaces, a level that exceeded minimum parking standards, the Committee noted that the Highways Authority's modelling indicated an additional 140 movements into and out of the site at peak times. Concern was expressed about the impact of any overflow parking on the surrounding verges and it was questioned whether fencing might be conditioned to prevent unauthorised parking on the surrounding verges and grassed areas.

The proximity of the site to the River Gade was acknowledged and it was noted that conditions were proposed to improve the site's biodiversity and protect trees. The applicant would also be required to submit a drainage strategy for approval by the Lead Local Flood Authority before work could proceed.

Notwithstanding the assurances of the Highways Authority, the Committee expressed significant concerns over the safety of the proposed junction particularly in view of the fact that the site was located in close proximity to the M25 on the A41, a four lane road which was subject to heavy traffic flow in both directions and the impact that this would have on drivers attempting to turn right both into and out of the proposed development. It was considered that more work needed to be done to assess traffic movements into and out of the site in order to ameliorate concerns about highways safety before a decision could be made. It was agreed that an independent review would need to consider the right hand turning out of the site, potential alternative access to the site and involve a site visit. It was agreed that the terms of reference of any independent review would be agreed by the Committee.

The Committee considered that the Applicant should be given the opportunity to consider altering the proposed access route into the site before an independent review of the traffic flow was commissioned. It was agreed that the Applicant would be given two weeks to consider the suggestion before the review was commissioned.

It was agreed that a site visit with Officers and Councillors would be scheduled prior to the review being commissioned to ensure that the remit of the review was clear.

A recommendation to defer the decision to enable the applicant to review access arrangements and for an independent review of the traffic flow around the proposed development to be completed was proposed by Councillor Matthew Bedford, seconded by Councillor Chris Lloyd, put to the vote and carried unanimously

RESOLVED that consideration of planning application 22/1764/FUL be deferred to enable an independent review of highways safety to be completed.

NOTE 1

Councillor Philip Hearn declared a pecuniary interest in the application and withdrew from the meeting whilst the item was considered.

NOTE 2

Following the meeting the following actions were agreed with the Committee:

- A. Officers to speak with the agent/applicant to request whether they wish to review and make changes to the access arrangements (providing them with 2 weeks to consider).
 - i. If they agree to make changes, Officers to review the extent of changes and whether they can be caught within same application or require a re-submission.
 - ii. If the changes can be accepted, Officers to re-consult all relevant parties and bring the application back to a future Planning Committee.
 - iii. If they do not wish to make changes to the access arrangements then the following (B, C and D) occurs;
- B. Officers to instruct an independent highway review of the access arrangements, having specific regard to the right turn from Lidl, review of speed and volume of on-coming traffic from the roundabout, cycle safety and acceptability of crossing points.
- C. Officers to discuss with HCC Officers about considering the following points in more detail:
 - Possibility of erecting fencing or similar means of enclosures to stop unauthorised parking on the grass verges either side of the entrance
 - Further discussion on cycle safety, especially crossing the access
 - Further consideration/review into the right turn from Lidl and the speed and volume of on-coming traffic from the roundabout.
- D. Following further consideration into the above points (C), Officers to arrange site visit with members of the Planning Committee, Parish and ward Councillors as well as Highways Officer, Planning Officer, Planning Agent and transport consultant). Timings and numbers (to ensure the visit is manageable) to be agreed at a later date.
- E. Delivery times to be discussed with the Applicant and their Agent.

The application was for the Change of Use of the existing building from a care home (Class C) to a nursery (Class E) including partial demolition of the existing single storey rear extension and construction of a two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to the boundary wall with associated parking and landscaping works as well as widening of the existing access track, internal alterations and alterations to fenestrations. The application had been called in by three members of the Planning Committee due to concern about the site access across the Green.

The Officer provided an update and advised that the number of letters received in support of the application should be updated from 106 to 121. In addition a further condition should be added requiring full details of the car park to be submitted. The condition was suggested as follows:

Prior to the construction of the car parking areas, full details of the surfacing material, the marking of bays and the boundaries to the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the rural character of the Green Belt, the setting of the Grade II Listed Building and to ensure appropriate drainage provision in accordance with Policies CP11 and CP12 of the Core Strategy and Policies DM2, DM3 and DM8 of the Development Management Policies LDD.

The Applicant spoke in support of the application. A representative of Croxley Green Parish Council expressed the view that whilst the Parish Council was supportive of the proposed change of use, which would bring a vacant historic building back into use thus enhancing the village, there was concern about the impact that the development would have on the access route across the Green and whether there was sufficient parking provision on site.

The Committee was informed that an additional condition had been added to the proposed application requiring full details of car parking provision, including details of surface materials, boundary treatments and marking of bays to be submitted before development commenced.

Concerns about the impact that the increase in traffic would have on the access road across the Green both during construction work and once the nursery was operational were noted. It was confirmed that a Construction Management Plan would have to be submitted by the applicant before work commenced and Condition 3 would require the access route to be widened before work commenced. An assessment of the safety of the junction of the access road and the main road by Hertfordshire County Council had concluded that visibility lines were acceptable and that no additional work to the junction was considered necessary.

It was questioned whether the development had sufficient parking provision to accommodate the number of parents that would be expected to use the proposed nursery and concern was expressed about the impact that this might have on the surrounding common land. The potential for parking on Little Green Lane was noted and it was agreed that this was something that could be conditioned as part of a Comprehensive Car Parking Management Plan. It was agreed that a condition would be added requiring the submission of a Car Parking Management Plan before development commenced.

The proximity of Killingdown Farm and the informal track running past the development site was noted. It was confirmed that no works were proposed outside the site at this location and any pedestrian access would be gated.

The Committee noted that residents had raised some concerns regarding the impact on the sewerage network and whilst they noted this was not a planning concern, they requested that an informative be included.

The Committee noted the Conservation Officer's objections to the proposals.

It was clarified that as a Listed Building the property would not benefit from school exemption provisions and thus there were no Permitted Development Rights attached to the building.

It was agreed that the following additions would be incorporated into any planning permission:

- i. That a Car Parking Management Plan be submitted.
- ii. Condition 5 the Construction Management Plan to include the tracking of vehicles and large lorries across the Green during construction.
- iii. An additional condition requiring the use of car park surfacing materials to be in keeping with the historic setting, appropriate to the Green Belt and softened in appearance.
- iv. An informative concerning the appropriate treatment of sewage outflow to be added.

The Officer recommendation that, subject to receipt of approval or no objections from the Lead Local Floor Authority and the completion of a S106 Agreement (securing a monitoring fee), that the application be delegated to the Head of Regulatory Services to grant planning permission subject to the conditions set out in the Officer's report as amended by the Committee and any conditions requested by the Lead Local Flood Authority was proposed by Councillor Chris Lloyd, seconded by Councillor Steve Drury, put to the vote and carried

The voting in favour of the recommendations was: For 9, Against 0, Abstain 1.

RESOLVED that approval, or otherwise, of Planning Application 23/0483/FUL be delegated to the Head of Regulatory Services.

PC20/23 23/0484/LBC: CROXLEY HOUSE, CROXLEY GREEN, RICKMANSWORTH, HERFORDSHIRE, WD3 3JB.

The application was for Listed Building Consent for the change of use of the existing building from a care home (Class C) to a nursery (Class E) including partial demolition of the existing single storey rear extension and construction of a two storey front extension; provision of spiral stairs, ramp access, green roof, rooflights and vents; repairs to the boundary wall with associated parking and landscaping works as well as widening of the existing access track, internal alterations and alterations to fenestrations.

The Officer recommendation to grant Listed Building Consent, subject to the conditions set out in the report, was proposed by Councillor Chris Lloyd, seconded by Councillor Steve Drury, put to the vote and carried unanimously.

RESOLVED that Planning Application 23/0484/LBC be granted subject to the conditions in the report.

PC21/23 23/1182/RSP: 17 WINCHESTER WAY, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3QE

The application was for retrospective approval of a loft conversion including hip to gable roof extension with rear dormer window and front roof lights. The application had been called in by Croxley Green Parish Council who had cited concerns about the overbearing and adverse visual effect that the extension had on the character area.

The Applicant spoke in support of the application and a representative from the Parish Council spoke against the application.

The Committee was informed that planning permission would not ordinarily be required for a loft conversion and extension of this type with work taking place under Permitted Development Rights. However, the finish of the extension and the materiality of the rear dormer windows, did not match the materials used in the original roof and thus a breach of development order had occurred and retrospective planning permission was required.

It was confirmed that if planning permission was not granted then the only enforceable action that could be taken in the circumstances was to require the retiling of the dormer window and replacement of the cladding.

The Officer recommendation to grant retrospective planning permission, subject to the conditions set out in the report, was proposed by Councillor Chris Lloyd, seconded by Councillor Debbie Morris, put to the vote and carried.

The voting in respect of the recommendations was For 9, Against 0, Abstain 1.

RESOLVED that planning application 23/1182/RSP be granted, subject to the conditions set out in the report.

PC22/23 23/1221/RSP: BATCHWORTH HEATH FARM HOUSE, BATCHWORTH HEATH, RICKMANSWORTH, HERTFORDSHIRE, WD3 1QB

The application was for part retrospective planning application for change of use of land as an amendment to the residential curtilage, associated landscaping changes including formal garden areas, hard standing for vehicular access and parking and installation of entrance gates and pillars. The application had been called in by three members of the Planning Committee due to concerns relating to the urbanising impact on the Green Belt and the wider rural character of the area.

The Committee was informed that Condition 6 (Removal of certain permitted development rights) had been updated to take effect immediately following the granting of planning permission.

The Applicant's agent spoke in support of the application and a representative from the Parish council spoke against the application.

It was noted that at 2.1metres high the brick pillars on the gates were only 0.1metres higher than what would otherwise be granted under Permitted Development rights.

The Officer recommendation to grant the planning application, subject to the conditions set out in the report, was proposed by Councillor Debbie Morris, seconded by Councillor Chris Lloyd, put to the vote and carried.

The voting in respect of the recommendation was: For 9, Against 1, Abstain 0.

RESOLVED that Planning Application 23/1221//RSP be approved subject to the conditions set out in the report with amendments to Condition 6 to now read as follows:

From the date of this planning permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development in Class E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 to that Order shall be carried out on the site without the prior written consent of the Local Planning Authority.

PC23/23 23/1569/FUL: GARAGES ADJACENT TO 13 TO 23, POLLARDS, MAPLE CROSS, HERTFORDSHIRE

The application was for the demolition of the existing garages and erection of a 3 storey (plus roof accommodation) block comprising of eight 2 bed apartments with associated bin and bike storage, parking and landscaping works. The application had been referred to the Committee because the applicant was a joint venture company with Three Rivers District Council and the application was on Three Rivers District Council owned land.

It was confirmed that consultation letters had been sent to all neighbouring properties setting out details of the proposed development and site notices were displayed in accordance with standard planning regulations. It was clarified that if the development was to proceed then the site would be removed from the Local Plan's Preferred Options but the number of dwellings built would be included in the District's overall housing allocation number.

The Officer recommendation to grant the planning application, subject to the conditions in the report was proposed by Councillor Matthew Bedford, seconded by Councillor Philip Hearne, put to the vote and carried.

The voting in respect of the recommendation was as follows: For 9, Against 0, Abstain 1.

RESOLVED that Planning Application 23/1569/FUL be granted subject to the conditions set out in the report.

PC24/23 23/1570/FUL: GARAGES REAR OF 22 TO 32, POLLARDS, MAPLE CROSS, HERTFORDSHIRE

The application was for the erection of two 4bed houses with associated bin and bike storage, parking and landscaping works following demolition of the existing garages. The application had been referred to the Committee because the applicant was a joint venture company with Three Rivers District Council and the application was on Three Rivers District Council owned land.

The Officer recommendation to grant the application, subject to the conditions in the report, was proposed by Councillor Debbie Morris, seconded by Councillor Ruth Clark, put to the vote and carried.

The voting in respect of the recommendation was: For 9, Against 0, Abstain 1.

RESOLVED that planning application 23/1570/FUL be approved subject to the conditions in the report.

PC25/23 23/1619/FUL: GARAGES BETWEEN 83 AND 89 THE QUEENS DRIVE

The application was for the construction of a two storey block comprising of six 2bed 4 person flats with associated bin and bike storage, access, parking and landscaping works following the demolition of the existing garages. The application had been referred to the Committee because the applicant was a joint venture company with Three Rivers District Council and the application was on Three Rivers District Council owned land.

The Committee was informed that National Highways had confirmed that they had no objections to the proposed development and required no additional conditions to be imposed on the development.

Concern about the impact that the bin storage area might have on neighbouring properties was noted. It was clarified that the plans had been reviewed by Environmental Protection to ensure that the bin store was situated appropriately for ease of waste collection and that

conditions had been incorporated into the planning application to ensure that the storage area was enclosed and maintained.

It was felt that the design of the building would be sufficient to ameliorate concerns about potential overlooking of neighbouring properties.

The Officer recommendation to approve the application, subject to the conditions in the report, was proposed by Councillor Ruth Clark, seconded by Councillor Matthew Bedford, put to the vote and carried.

The vote in respect of the recommendation was as follows: For 8, Against 0, Abstain 2.

RESOLVED that Planning Application 23/1619/FUL be approved subject to the conditions in the report.

CHAIRMAN

PLANNING COMMITTEE – 14 December 2023

23/1128/FUL - Demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation; new building to provide a laundry and maintenance store; and conversion of an existing garage to serve as a maintenance store and associated parking at CEDARS VILLAGE, DOG KENNEL LANE, CHORLEYWOOD, HERTFORDSHIRE

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 19.10.2023
(Extension agreed to 21.12.2023)

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to GRANT PLANNING PERMISSION subject to the conditions set out below, and any conditions requested by the LLFA:

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse on the multiple grounds listed within their comments at 4.1.1 of this report.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RXD0X4QFGAG00>

1 Relevant Planning History

1.1 22/1323/FUL - Demolition of existing garages and construction of 7no. new dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking - 26.01.2023 – Refused for the following reasons:

R1 In the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011), and the NPPF (2021).

R2 The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R3 The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

R4 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

- 1.2 22/1329/FUL - Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 1.3 22/1311/LBC - Listed Building Consent: Demolition of existing garage building and construction of activity hub building, alterations to communal accommodation including alterations to existing conservatory and internal alterations and associated landscaping - 30.03.2023 – Permitted.
- 1.4 10/2237/FUL - Erection of 2 elderly persons dwellings and associated site works - 12.01.2011 – Withdrawn.
- 1.5 09/1828/FUL - Site 1 - Erection of two elderly persons dwellings and associated site works - 07.06.2010 – Permitted (not implemented)
- 1.6 09/1843/FUL - Site 2 - Erection of three elderly persons dwellings and associated site works - 26.02.2010 - Refused, Appeal allowed (implemented)
- 1.7 06/1284/FUL - Internal alterations to allow conversion of 2 flats into a single residential unit - 20.10.2006 – Permitted.
- 1.8 98/0095 - Erection of 3 bungalows - 10.03.1998 – Withdrawn.
- 1.9 94/135/8LB - Retirement development - comprising residential units alterations to Listed Building and ancillary work - 04.07.1994 – Permitted.
- 1.10 8/557/90 - Health Care Development comprising 124 residential units with alterations and renovations to the listed building alongside ancillary work and staff accommodation.
- 1.11 8/498/90LB - Demolition of part and conversion to 13 No. elderly persons apartments and communal facilities - 24.06.1991 – Permitted.
- 1.12 8/600/74 - 3 Staff Flats - 05.01.1975 – Withdrawn.
- 1.13 8/105/74 - Six staff flats to be formed in a new two storey building - 23.04.1974 – Withdrawn.

2 Description of Application Site

- 2.1 Cedars Village is located within Chorleywood, off Dog Kennel Lane, near the M25 motorway. The site is located to the west of Chorleywood Common which consists of an expanse of common land with grass and wooded areas.
- 2.2 The site is situated within the Chorleywood Common Conservation Area and within the grounds of a Grade II Listed Mansion House known as The Cedars, formerly Chorleywood College, constructed in 1865 for J.S. Gilliat (list entry no. 1100860). The application site is a gated residential complex, which is approximately 22 acres in area, and comprises residential uses including apartments and detached bungalows set within the grounds.
- 2.3 This application involves development works at three smaller sites within the retirement village complex, which are referred to hereafter as the Marriott Terrace site, the Badgers Walk site and the Lodge site. The Marriott Terrace site is positioned to the north of the Grade II Listed Mansion House and contains detached garage buildings and an area of

lawn and trees. The Badgers Walk site is in the southern part of the village complex, away from the Mansion House. This site contains a detached garage building and an area of lawn and trees. The Lodge site is located at the main entrance directly adjoining the site of the gate lodge. This site is predominantly laid as hardstanding and contains a double garage and timber carport.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of existing garages and construction of 7 no dwellings (use Class C3) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.
- 3.2 At the Marriott Terrace site, two detached garage blocks, which accommodate four and five garage spaces respectively, would be demolished and five bungalows would be constructed in place. The bungalows would consist of two pairs of semi-detached dwellings and one detached dwelling. The detached dwelling and one pair of the semi-detached dwellings would be orientated to face in a western direction. The other pair of semi-detached dwellings would face to the north. The dwellings would each have a width of 7.6m and a depth of 12.1m. The dwellings would have a gabled roof form with an eaves height of 2.3m and a ridge height of 6.2m. The dwellings would contain a dormer window within their rear roofslope which would have a depth of 4.1m, a width of 3.8m and a height of 2.3m. There would be three rooflights to the front roofslopes of each dwelling. The dwellings would have a brick exterior finish and tiled roofs. Each dwelling would be afforded a private rear patio area of 12sqm and beyond would be communal amenity garden, similar to the amenity garden arrangement to the wider village.
- 3.3 At the Badgers Walk site, a detached garage block would be demolished, and two bungalows would be constructed in place. The bungalows would consist of a pair of semi-detached dwellings. The dwellings would be of the same scale and design as set out above.
- 3.4 At the Lodge site, an existing garage would be converted into a maintenance building which would not involve any exterior alterations. A new building would be constructed to serve partly as a maintenance facility (containing office, W/C, breakout area and kitchenette), and partly as a laundry building. The building would have a width of 7.7m and a depth of 8.5m. The building would have a hipped roof form with an eaves height of 2.5m and an overall height of 4.9m. The building would have a brick exterior finish and tiled roof. The building would contain a set of doors within its front elevation and doors and windows within its western and northern flanks.
- 3.5 This application follows a previously refused application (22/1323/FUL) of largely identical character and description. The key difference between this current proposal and the previous proposal is the re-siting of two dwellings within the Marriott Terrace site, 3.0m further to the east from their previous position. A large, mature Horse Chestnut tree (T61) and its surrounding area of landscaping have been retained as a result. This application is also accompanied by updated parking, drainage, and landscape information, in addition to agreement to make an affordable housing commuted sum payment contribution, to address the full set of reasons why the previous application was refused.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: Objection

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

- *The proposals, owing to the siting and scale of the proposed laundry and maintenance store and the siting and position of the 7 retirement village units would adversely impact the setting of the lodge and the main building.*
- *The proposal would adversely impact Chorleywood Common Conservation Area owing to the siting and design of the laundry and maintenance buildings.*
- *The proposal fails to provide sufficient car parking, whilst the Applicant argues this is a C2 offering, the residents of this development are independent and choose to move into Cedars Village because they seek to maintain their independence.*
- *The proposal would fail to provide adequate car parking to meet the needs of the residents of Cedars Village, resulting in unacceptable parking arrangement, resulting in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2012).*
- *The proposal fails to provide adequate vehicular access particularly for the proposed retirement village units - elderly residents are more vulnerable to falls and as a result of the proposal.*
- *The proposed development is contrived and ill thought out, the proposed retirement units do not have adequate outdoor space, they have been crammed into an area and detract from the setting of the listed building.*
- *The proposed units, owing to their layout would result in the loss of privacy for existing residents.*
- *The proposed laundry and maintenance unit would result in noise impacts that would harm the amenities of neighbouring residents both at Cedars Village any beyond, this is especially a concern owing to the limited depth of gardens. The proposed heat pumps are especially a concern.*
- *There are significant concerns relating to the loss of mature trees to make way for a very contrived development which is simply cramming in units rather than thoughtfully considering the setting of the designated heritage assets, the density of the proposal is inappropriate within the site's context.*
- *The proposed development would have a detrimental impact on protected trees and trees of Visual importance on the site and the proposed mitigation measures do not serve to outweigh the Proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF*
- *There are concerns relating to the impact on ecology.*
- *Should the laundry and maintenance building be considered acceptable, it must ONLY be used for this site and should not be used for any other process.*

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

- 4.1.2 Conservation Officer: The proposals were discussed verbally with this consultee, and they confirmed that their written comments made in respect of 22/1323/FUL remain applicable to the proposed development.

Comments of 23/09/2022 on 22/1323/FUL

"The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.

This application follows pre-application advice (ref: 22/0422/PREAPP) for a largely similar scheme.

The proposed laundry and maintenance facility and residential units at Badgers Walk would not raise an objection. The laundry and maintenance facility would follow the same form and appearance as the existing modern double garage and would not detract from the setting of the Entrance Lodge or the principal listed building. Badgers Walk would not result in harm to the setting of the listed building due to the scale and extent of intervening development.

With regard to the proposed development at Marriot Terrace; it was advised within pre-application advice that there would be concerns about the visual impact due to the proximity to the listed building. It was recommended to provide further information (visualisations or streetscene) to show the new dwellings in the context of the listed building to understand the full impact. Such information has not been presented in the full application and therefore, previous concerns have not been addressed. As previously noted, the existing garages are small scale ancillary buildings and there would likely be an impact arising from the proposal due to the change in character and increase in built form. Due to the lack of sufficient information, concerns regarding the development at Marriot Terrace remain applicable.

Furthermore, concerns were also raised regarding the scale of the dormers and quantity of rooflights which have not been addressed. It should also be noted that the loss of existing trees raises a concern as this could exacerbate the visual impact of the development through the loss of screening.

I have no in concerns upon the principle however the acceptability of the scheme is dependent upon the detail. Therefore, I request additional information, such as an indicative street scene to show the new development in the context of the listed building.

Comments of 01/12/2022 on 22/1323/FUL

“This application is for the demolition of existing garages and construction of 7no. new Extra Care units (use class C2) in the form of bungalows with roof accommodation in addition to a new building to provide a laundry and maintenance store and conversion of an existing garage to serve as a maintenance store and associated parking.

The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). Cedars Village also forms part of the Chorleywood Conservation Area.

This is the second consultation within this application. Initial advice stated that there were concerns regarding the visual impact arising from the Marriot Terrace development and requested a proposed street scene to fully understand the impact of the proposal.

No additional information has been submitted. As noted previously the existing development comprises of small-scale ancillary buildings. There is potential for the development to be more visually intrusive than the existing development due to the increase in built form as well as the proximity to the listed building and positioning of the dwellings set at 45-degree angle. However, taking into consideration the extent of existing development within the setting of the listed building, the proposed dwellings would unlikely result in any additional harm.

Notwithstanding this, there is a missed opportunity to reduce the impact of this development. Were the dwellings re-positioned to sit behind the front building line of the listed building the visual impact would be mitigated. I recommend that the front rooflights are omitted to reduce the visual impact of the new dwellings.”

4.1.3 Landscape Officer:

Further to previous comments on this application, it appears amendments have been made, which will allow the retention of tree T61 (Horse Chestnut). Other than this the impact on trees appears to be substantially the same as the previous application. As with the previous

application, this proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence, the setting of the main house.

The retention of T61 is welcomed, however remedial landscaping plans should include details of how the rooting environment of this retained tree will be improved. This should include the removal of the existing geotextile membrane and the application of composted bark mulch layer, or similar. Details should be required as part of a discharge of conditions.

The loss of trees to the rear of the main house, including T34 is regrettable, however their visual amenity value is limited, and substantial replacement tree and shrub planting should mitigate these impacts. Some indication of replacement tree planting has been provided, but further details of new planting should be required, particularly in the vicinity of the proposed dwellings.

If the application is approved, a more detailed landscaping scheme should be required by condition.

Comments on 22/1329/FUL

The application site (a retirement village) is within the Chorleywood Common Conservation Area and the Green Belt. The land is recognised as a wildlife site within which is a Grade II listed building. An area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site. There are a number of mature, prominent trees across the site that are visually appealing and important within the local landscape. It is noted that a large specimen tree has been removed to the front of 17-19 Cedars Walk and the large Silver Lime to the front of the main building has recently lost a substantial limb.

The proposed development involving the construction of new dwellings and landscaping will impact directly and indirectly on trees; several mature trees are proposed for removal and a number of poorer specimens would be removed and/or pruned. The applicant has provided a tree survey and impact assessment, tree protection plan, constraints plan and a tree planting plan. Of particular note is the proposal to remove a mature Horse Chestnut tree (T61) located in a small car parking area in Marriott Terrace, to the north of the main building.

The tree is a mature specimen but appears to be showing signs of decline within part of its crown but the remaining canopy is showing good vigour. The submitted tree report suggests that the tree is likely to have safe useful life expectancy of less than 20 years. However, no indication of what might be causing the decline has been offered and no climbing inspection or internal decay testing has been carried out. A site visit has revealed that the rooting conditions of the tree are less than ideal, with the root zone of the tree covered with landscaping fabric tight up to the base of the main stem.

The application seeks to take a pragmatic view that removal of the tree and redevelopment of the area provides an opportunity to establish a replacement specimen to maintain tree cover over the long term. However, the information provided does not make a compelling case that the tree is in terminal decline and it seems possible that some remedial tree works and improvements to the rooting environment could allow the tree to be retained for at least another 20 years.

In addition, the layout of the proposed landscaping would not make a central feature of the replacement tree, unlike the existing Horse Chestnut and its close proximity and position to the southwest of the proposed development is likely to lead to heavy shading and nuisance issues for future residents.

It is also proposed to remove an early mature Norway Maple (T34) to the rear of Marriott Terrace with the tree report describing it of having poor vigour. Whilst not currently visually prominent a site visit has confirmed that the Maple appears to be in good health and condition and has good form. No signs of low or poor vigour were observed, although a row of poor-quality Lawson's Cypress are currently suppressing the Maple's growth to the north and west. The proposed removal of the Cypress could greatly benefit the Maple, which could have a safe useful life expectancy of over 40 years.

Other works in this area are mainly to low value category C trees including the felling of a group of Lawson cypress and the pruning of some Yew and Sycamore. Across the other side of the site, to the south-east at Badgers Walk, three category C trees are proposed for removal, a Holly, Norway Maple and Lawson cypress. Towards the front entrance of the site, a new laundry building is proposed where a number of smaller sized holly will be removed.

One for one replacement planting has been considered across the site to mitigate the loss of the larger tree specimens. Given the mature nature of some the trees proposed for removal, this would seem inadequate, and there are some concerns regarding the location, number and type of trees that have been proposed. Principally, new planting should not just replace but enhance the environment and landscape around it. Whilst the sourcing of extra heavy standard trees will provide immediate visual impact, it is felt that further consideration should be given to the future growth implications of the Dawn Redwood in Marriotts Terrace and the Maple at Badgers Walk. Given their close proximity to the proposed new dwellings it is likely future residents will experience the loss of light, branches touching buildings, and nuisance issues, such as leaf drop.

The Cedars Village comprises of a community of retirement dwellings, built within the former landscaped grounds of a grade II listed mansion house. Whilst much of the existing dwellings are within the wider grounds, this new proposal would locate new dwellings in very close proximity to the mansion house. This would lead to further loss and damage to the landscaped grounds and, as a consequence the setting of the main house.

In summary, refusal is recommended due to the removal of mature trees; inadequate proposals for replacement tree planting and the loss and damage to the landscaped grounds of a listed building. The proposals are contrary to Policy DM1, DM3 & DM6 of the Three Rivers Local Plan 2014. Should planning permission be granted additional proposals for replacement tree planting and remedial landscaping should be required.

4.1.4 HCC Flood Risk Management Team (LLFA): Objection

Thank you for your consultation on the above site, received on 25 July 2023. We have reviewed the application as submitted and wish to make the following comments.

The application is for the demolition of existing garages and construction of 7no. new dwellings (use class C3) in the form of bungalows with roof accommodation, in addition to a new building to provide a laundry and maintenance store, and conversion of an existing garage to serve as a maintenance store and associated parking.

Full drainage network calculations should be provided to ensure the scheme will work for all return periods up to and including the 1 in 100 year plus climate change. We would usually expect provision of calculations for a 1 in 1, 1 in 30, 1 in 30 plus climate change, 1 in 100, and 1 in 100 year plus appropriate climate change as a minimum to support this. We are also concerned the calculations provided have used FSR method rather than using the latest FEH2022 rainfall data. In addition, the applicant has not provided evidence to demonstrate the proposed surface water system has applied the four pillars of SuDS as there is no information provided for biodiversity, amenity, or water quality. Provided infiltration testing is not sufficient to support current proposals.

We object to this planning application in the absence of an acceptable Drainage Strategy / supporting information relating to:

- *Impacts from the development adversely effecting flood risk as runoff rates and volumes have not been provided.*
- *Insufficient supporting data to demonstrate viability of proposed drainage scheme.*
- *The development not complying with NPPF, PPG or local policies - Three Rivers Local Plan: Policy DM8 (Flood Risk and Water Resources)*

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

We will consider reviewing this objection if the issues highlighted on the accompanying Planning Application Technical Response document are adequately addressed.

4.1.5 Hertfordshire Ecology: [No response received]

4.1.6 Environmental Health: The proposed development was discussed verbally with this consultee who made the following comments:

- *There are not concerns with the siting of the laundry and maintenance facility subject to conditions limiting the hours of use (i.e. normal day time working hours and not on Sundays and bank holidays).*

4.1.7 HCC Footpath Section: [No response received]

4.1.8 Local Plans Section: [No response received]

4.1.9 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 199

4.2.2 Site Notice posted 28.07.2023, expired 18.08.2023.

4.2.3 Press notice published 04.08.2023, expired 25.08.2023.

4.2.4 Responses received: 18 (16 Objection, 1 Neutral, 1 Support)

4.2.5 Summary of responses

Objection

- Impact upon Conservation Area
- Impact upon Listed Building
- Loss of parking
- Loss of trees
- Overlooking concerns
- Loss of outlook
- Construction disruption including traffic, dust and noise
- General increase in noise
- Impact to wildlife
- Loss of value to existing property
- Noise from proposed laundry and maintenance facility

Support

- Improved facilities for residents from the proposed development

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1.3 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

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

6.1.5 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

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 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”.

6.2.2 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 unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

6.2.3 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.

6.2.4 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, CP6, CP9, CP10 and CP12.

6.2.5 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. Policies DM1, DM3, DM6, DM9, DM13, Appendix 2, Appendix 4 and Appendix 5.

6.2.6 Chorleywood Neighbourhood Development Plan (referendum version August 2020). Policies 1, 2, 3 and 4 are relevant.

6.3 Other

6.3.1 The Chorleywood Common Conservation Area Appraisal (adopted February 2010).

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

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The proposed development would result in a net gain of seven dwellings. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Paragraph 119 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. The application would therefore need to be assessed against all other material planning considerations.

7.1.3 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District's housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy
- ii. The sustainability of the development and its contribution to meeting local housing needs
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.4 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development in Key Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP2 advises that Secondary Centres are expected to contribute 60% of housing supply over the plan period. There is no objection in principle to residential development subject to compliance with other relevant policies.

7.2 Housing Mix

7.2.1 Policy CP3 sets out that the Council will require housing proposals to consider the range of housing needs as identified by the Strategic Housing Market Assessment (SHMA) and subsequent updates. The need set out in the Core Strategy is 30% one-bedroom units, 35% two-bedroom units, 34% three-bedroom units and 1% four bedroom and larger units. However, the most recent Local Housing Needs Assessment (LHNA) (2020) advises that the overall requirement is as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	23%	43%	30%
Affordable Home Ownership	21%	41%	28%	9%
Social/Affordable Rented Housing	40%	27%	31%	2%

7.2.2 The nature of the proposed development means that it would provide 100% 2-bedroom units and would not strictly accord with Policy CP3 of the Core Strategy, however it is considered that a development of this nature would not prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Affordable Housing

7.3.1 Appendix A of this report sets out the position of the Council and evidence relating to the application of the affordable housing threshold in Core Strategy Policy CP4: Affordable Housing.

7.3.2 As a net gain of seven dwellings, the proposed development would be liable for a commuted sum payment towards affordable housing. This site lies within the "Highest Value Three Rivers" market area where the figure is £1,250 per square metre. The Council have calculated the affordable housing payment requirement to be £656,250 (plus £387,835 indexation).

7.3.3 The terms of a Section 106 have been agreed between the applicant and the LPA to secure this amount as a contribution towards affordable housing. The Section 106 agreement at the time of writing this report has not been executed therefore any recommendation for approval would be subject to the completion of the Section 106. The completion of the Section 106 agreement to secure a commuted sum payment for affordable housing contribution would satisfactorily overcome the previous reason for refusal of 22/1323/FUL.

7.3.4 In summary, the proposed development, subject to the completed of the Section 106, is acceptable in accordance with Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

7.4 Impact on Conservation Area & Heritage Assets

7.4.1 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.

7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.4.3 For new residential development, Policy DM1 states that the Council will protect the character and residential amenity of existing areas of housing from forms of "backland", "infill" or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

- i. Tandem development

- ii. Servicing by an awkward access drive which cannot easily be used by service vehicles.
- iii. The generation of excessive levels of traffic
- iv. Loss of residential amenity
- v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

- 7.4.4 The application site is located within the Chorleywood Common Conservation Area and within the former grounds of The Cedars, formerly Chorleywood College now part of Cedars Village is a Grade II listed country house, constructed in 1865 for J.S. Gilliatt (list entry no. 1100860). In relation to development proposals in Conservation Areas, Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore it states that development should not harm important views into, out or within the Conservation Area.
- 7.4.5 The Chorleywood Neighbourhood Plan is also relevant. Policy 1 relates to 'Development within Conservation Areas' and requires that development proposals should preserve or enhance the character or appearance of the Conservation Area and use materials that area appropriate. Policy 2 relates to the characteristics of development and requires all developments to demonstrate how they are in keeping.
- 7.4.6 The Conservation Officer was consulted on the proposed development (under application 22/1323/FUL). As set out above, this scheme is largely identical in terms of its design with the exception of two of the dwellings at the Marriot Terrace site being sited some 3.0m further to the east. The Conservation Officer initially stated, with regard to the proposed development of five dwellings at Marriot Terrace, there would be concerns about the visual impact due to the proximity to the Grade II Listed Building. The Conservation Officer recommended at pre-application stage that information was provided at application stage, including either a ground level visualisation or street scene to show the new dwellings in the context of the Listed Building to understand the full impact. Such information has not been presented with this current application. The Conservation Officer raised concerns that there would be potential for the development to be more visually intrusive due to the change in character and increase in built form relative to the existing garage site. The Conservation Officer acknowledges, taking into consideration the extent of existing development within the setting of the listed building, that the proposed dwellings would unlikely result in any additional harm. Based on the submitted information in conjunction with visiting the site and observing the location of the development from key front and side views of the Grade II Listed Building, Officers consider that the proposed dwellings would not impact the setting of the building. Therefore, whilst street scene drawings were not submitted with this application, it is considered that a full assessment can be made, and the proposed development is acceptable in terms of its impact in this regard.
- 7.4.7 The Conservation Officer raised no objection to the two proposed dwellings at Badgers Walk. It is not considered that these would result in harm to the setting of the listed building due to the scale and extent of intervening development.
- 7.4.8 In terms of the design of the dwellings, these would be of comparable scale to those which currently existing within the village. It is considered that the proposed layout of the dwellings at both the Marriott Terrace and Badgers Walk sites would maintain the character of the area in terms of their scale and siting. It is noted that the Conservation Officer expresses some concern regarding the scale of the proposed rear dormer windows. When applying the Design Criteria at Appendix 2, which states that dormers must be subordinate to the host roof slope, set in from the flanks, set down from the ridge and set up from the eaves, it is considered that the dormers would meet this criteria and, on balance, are acceptable. In addition, whilst it is acknowledged that the Conservation Officer recommends the omission of the rooflights, it is not considered that these would result in harm which would

justify the refusal of permission. It is considered appropriate to include a condition on any permission granted for full details of materials including fenestration. It is also considered appropriate to include a condition restricting further extensions to the dwellings under the provisions of permitted development to allow the LPA adequate control in preventing overdevelopment of the site.

- 7.4.9 The Conservation Officer raised no objection to the proposed laundry and maintenance facility. It is considered that the laundry and maintenance facility would follow the same form and appearance as the existing modern double garage in this location and would not detract from the setting of the Entrance Lodge or the principal Listed Building. In response to comments regarding the setting of nearby Listed Buildings within The Paddocks, the Conservation Officer confirmed that the proposed development would not harm the setting of these buildings.
- 7.4.10 It is acknowledged that the Conservation Officer expresses concern regarding the loss of tree screening. While this is noted, the proposed trees to be removed are limited to the area to the rear of the Marriott Terrace site which have limited value in their contribution to the site. It is not considered that the trees proposed to be removed would detrimentally harm the character of the site, Conservation Area or setting of the Listed Building. As discussed within the Landscape section of this report, landscape mitigation is proposed.
- 7.4.11 The impact of the proposed development on this ground was deemed to be acceptable under application 22/1323/FUL. It is not considered that the proposed minor amendments, as discussed above, would alter this consideration.
- 7.4.12 In summary, the proposed development would not result in an adverse impact on the character or appearance of the Conservation Area or Heritage Assets and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version) (2020).

7.5 Impact on Neighbours

- 7.5.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.5.2 At the Marriot Terrace site, the proposed block plan indicates that the proposed dwellings would adhere to the 45-degree splay line and are not considered to result in harm to one another in terms of a loss of light or overbearing impact. Given the siting of the proposed dwellings it is not considered that they would result in harm to existing adjoining neighbours in terms of a loss of light or overbearing impact. It is acknowledged that the proposed dwellings in this location would be visible from some of the windows to the extended residential wing of the mansion house, located directly to the south. Whilst this is factored into consideration, it is not considered that such visibility in this instance equates to harm.
- 7.5.3 It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. There would be a separation distance of 20m from the rear elevations of the three dwellings in the northern portion of the Marriot Terrace site and the dwellings to the rear within Parkfield. It is not considered that the rear dormers would harmfully overlook these neighbours given the separation distance. The rear dormers to the southernmost pair of dwellings in this location would overlook an area of grass and woodland to the rear of the mansion.

- 7.5.4 At the Badgers Walk site, the dwellings would assume a staggered arrangement however it is not considered that these dwellings would be harmfully overbearing or lead to an unacceptable loss of light to the front and rear windows of one another. It is not considered that the fenestration proposed to the dwellings, including ground floor front and rear windows, front rooflights and rear dormers, would result in overlooking to one another or existing adjoining neighbours. It is acknowledged that the rear dormers would overlook part of the shared lawn amenity space to the rear of the row of dwellings along Badgers Walk to the west. It is not considered, given the general arrangement and inherent degree of overlooking within the wider site presently, that this would be an unacceptable arrangement.
- 7.5.5 It is not considered that the proposed new laundry building, given its scale and siting, would result in harm in terms of a loss of light or overbearing impact to adjoining neighbours within The Paddocks. It is also considered, given that the fenestration would be limited to ground floor level, that this building would overlook any neighbour.
- 7.5.6 It is acknowledged that comments were received during the application regarding concerns of noise generated by the proposed new laundry and maintenance facilities and the potential impact on adjoining neighbours. Whilst these concerns are noted, it is considered that this element of the development would be acceptable subject to appropriate conditions limiting the use of these facilities to reasonable working hours, such as those set out within the Control of Pollution Act 1974 which state 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays. The application was discussed with the Environmental Health Officer who raised no concerns subject to conditions regarding hours of use.
- 7.5.7 The proposed development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.6 Highways & Parking
- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:
- The proposed development would result in an unacceptable parking arrangement across the application site and would result in undue pressure to park informally within the site and on the adjacent local highway network to the detriment of highway safety. The proposed development is contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).*
- 7.6.3 The adopted parking standards, as per Appendix 5 of the DMP LDD, dictate that the development should provide 10.5 parking spaces. The proposed development would involve the demolition of 17 garage spaces and 4 car parking spaces. The development would therefore result in a deficit of up to 31.5 car parking spaces when factoring in the proposed loss and demand for parking. It is considered appropriate to use this as a starting point for the assessment of the parking aspect of the proposed development. The above consideration was applied to the previously refused scheme however it was not satisfactorily demonstrated previously that the proposed parking deficit would not result in harm by virtue of vehicles parking informally within the site and immediately outside the site on the public highway.

- 7.6.4 The application is accompanied by a Transport Statement (TA), prepared by Transport Planning Associates dated July 2023. The previous application was accompanied by a two-day parking survey carried out on a Friday and Saturday in November 2021. This current application includes a further 5-day survey carried out in May 2023. The two surveys recorded an average occupancy rate of 80% and 84% respectively, which the TS notes to be typical of similar sites ran by the same operator as Cedars Village, Retirement Villages Group. The data presented confirms that, following the proposed development, the peak demand for parking would not be more than the total number of formal parking spaces available at the site. Therefore, there would not be any need for residents, staff, or others to park on the local highway network. The TS notes that 10 formal parking bays would be available and a further 2 garage spaces.
- 7.6.5 While there would be a shortfall in parking provision, when assessed in accordance with the adopted parking standards, the LPA must attribute weight to the parking data supplied by the applicant. This data has been enhanced since the previously refused application with further surveys. Furthermore, the TS includes plans showing that the demand for parking could be accommodated within the wider site and not be displaced onto the local highway network. Furthermore, the updated information supplied with this application indicates availability of informal parking bays within the complex, which would not obstruct the flow of traffic within the site, where parking may be displaced to should formal bays not be available. Weight may therefore be given to the site circumstances in this instance. On balance therefore, the proposed parking arrangement is considered to be acceptable and would not justify the refusal of the application on this ground.
- 7.6.6 It is considered that the reason for refusing the previous application on this ground has been satisfactorily overcome through the submission of updated and more robust information. The proposed development is acceptable in accordance 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).

7.7 Trees & Landscape

- 7.7.1 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.
- 7.7.2 The application site is within the Chorleywood Common Conservation Area and an area Tree Preservation Order (TPO 013) covers the whole location. Three individual trees also make up TPO 591 on the north-eastern boundary of the site.
- 7.7.3 The application was accompanied by a Tree Survey & Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Tree Planting Mitigation Proposal.
- 7.7.4 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

The proposed development would have a detrimental impact on protected trees and trees of visual importance on the site and the proposed mitigation measures do not serve to outweigh the proposed tree removal. Furthermore, it has not been adequately demonstrated that T61 is in sufficiently poor health to accept its removal. The proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

- 7.7.5 It is firstly noted that this current application does not propose the removal of the large, mature Horse Chestnut tree (T61). This was a key component of the previous reason for refusal, as set out above. Two of the proposed dwellings within the Marriott Terrace site have been moved approximately 3.0m to the east of their previous siting, allowing the existing landscaped area and existing hardstanding to be retained. Furthermore, improvements to the rooting environment of this tree are proposed, as recommended by the Landscape Officer.
- 7.7.6 This current application proposes the removal of an early mature Norway Maple tree (T34) and other smaller scale Category B and C trees. T34 and the other trees are located to the rear of the Marriott Terrace site and to the side of the mansion, in a relatively discreet area of the site. T34 was proposed to be removed as part of application 22/1323/FUL. The Landscape Officer notes that the loss of trees, including this tree, to the rear of the main house however their visual amenity value is limited, and substantial replacement tree and shrub planting, as proposed in the Tree Planting Mitigation Proposal, would mitigate these impacts. The Tree Planting Mitigation Proposal includes a total of 12 new trees across the wider site and in more visually prominent locations. As set out within the proposals, these trees would be semi-mature specimens ranging from 2.5-4m in approximate height.
- 7.7.7 The Landscape Officer's comments in relation to the loss of landscaping resulting in an impact to the setting of the mansion is noted, however, as discussed in the above Character and Heritage section, the proposed development is acceptable in this regard. Notwithstanding, any recommendation for approval will be subject to the recommendation of the Landscape Officer for a condition requiring a detailed landscaping scheme.
- 7.7.8 The application is also accompanied by a Tree Protection Plan. Any recommendation for approval will be subject to a condition requiring the development to be carried out in accordance with this plan, including protection measures such as fencing, to be erected prior to the commencement of the development.
- 7.7.9 In summary, the proposed mitigation would adequately outweigh the proposed tree removal. It is considered that the reason for refusal of 22/1323/FUL has been satisfactorily overcome. The proposed development is therefore acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).
- 7.8 Drainage & Flooding
- 7.8.1 Policy CP1 of the Core Strategy (adopted October 2011) recognises that taking into account the need to (b) avoid development in areas at risk of flooding will contribute towards the sustainability of the District. Policy CP12 of the Core Strategy (adopted October 2011) also acknowledges that the Council will expect development proposals to build resilience into a site's design taking into account climate change, for example through flood resistant design.
- 7.8.2 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) advises that development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risks of flooding elsewhere and that the Council will support development where the quantity and quality of surface and groundwater are protected and where there is adequate and sustainable means of water supply. Policy DM8 also requires development to include Sustainable Drainage Systems (SuDs). A SuDS scheme for the management of surface water has been a requirement for all major developments since April 2015.
- 7.8.3 This application follows a previously refused application (22/1323/FUL), largely identical in character and description to the current proposal. This application was refused on this ground for the following reason:

In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental flooding and drainage impact. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development in this regard. The proposed development is therefore contrary to Policy CP1 of the Core Strategy (2011) and Policy DM8 of the Development Management Policies LDD (2013).

7.8.4 Flood Risk and Drainage information has been submitted with this current application to address the previous reason for refusal. The LLFA commented on this application and stated that the current information is insufficient to recommend the application for approval on this ground. Notwithstanding, the LLFA confirmed that they are agreeable to review amended information to address their outstanding concerns. The application provided amended information during the application which the LLFA are currently reviewing.

7.9 Rear Garden Amenity Space

7.9.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

7.9.2 The proposed dwellings would reflect the same amenity space arrangement as the existing dwellings within the village whereby each of the dwellings have a designated patio area however the amenity gardens are open to the wider village area. Each of the dwellings are afforded a similar amount of lawn area beyond their individual patio areas and the wider village complex contains large open areas of amenity lawn. It is considered that the proposed development is acceptable in this regard.

7.10 Refuse & Recycling

7.10.1 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.

7.10.2 The site is an existing residential area with existing communal refuse and recycling compound. It is considered acceptable for the proposed development to utilise the existing refuse and recycling arrangements.

7.10.3 The proposed development is acceptable in this regard in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.11 CIL

7.11.1 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.

7.12 Biodiversity

7.12.1 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.

- 7.12.2 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.
- 7.12.3 The application was accompanied by an Ecological Assessment, by Ecology Solutions dated June 2023. The report submitted with this application is an updated version of the same report submitted with application 22/1323/FUL, dated July 2022. The report includes Habitat Bat surveys. The report confirms that no adverse impacts on protected species or protected sites are therefore considered likely as a result of the development proposals. The report notes that all survey work is less than two years old and therefore, still within the typical period considered valid for the purpose of planning.
- 7.12.4 Hertfordshire Ecology were consulted on the application however have not submitted any formal consultee comments at the time of writing this report. As set out above, the information in this aspect remains the same as submitted under application 22/1323/FUL. For this previous application Hertfordshire Ecology confirmed that biodiversity would not be negatively impacted by the proposed development. Hertfordshire Ecology noted that locally there will be loss of some habitat features and trees to accommodate the proposals, but do not consider that the habitats affected are of sufficient value to represent a fundamental constraint. They further acknowledge that landscaping is proposed which will restore some habitat although this is likely to be of limited significance in overall impact.
- 7.12.5 Hertfordshire Ecology recommend the inclusion of conditions to secure ecological enhancement and mitigation features such as bat boxes, tiles, and bird boxes. A condition will therefore be included on any permission granted for the development to be carried out in accordance with the recommendations of the Ecological Assessment.
- 7.12.6 In summary, subject to conditions, the proposed development is acceptable in accordance with Policy CP9 of the Core Strategy (adopted 2011) and Policy DM6 of the Development Management Policies document (adopted 2013).

8 Recommendation

That subject to the recommendation of approval and/or no objection from the Lead Local Flood Authority (LLFA) and the completion of a Section 106 Agreement (securing an affordable housing monetary contribution), that the decision be delegated to the Head of Regulatory Services to **GRANT PLANNING PERMISSION** subject to the conditions set out below, and any conditions requested by the LLFA:

- 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:

CVR-HLM-00-00-DR-A-00000 P07, CVR-HLM-00-00-DR-A-00001 REV P03, CVR-HLM-00-00-DR-A-00601 P01, CVR-HLM-00-00-DR-A-00602 P02, CVR-HLM-00-00-DR-A-00604 REV P02, CVR-HLM-02-00-DR-A-00000 P05, CVR-HLM-02-00-DR-A-00001 REV P01, CVR-HLM-02-00-DR-A-00100 REV P04, CVR-HLM-02-00-DR-A-00600 P02, CVR-HLM-02-00-DR-A-00601 P01,

CVR-HLM-02-01-DR-A-00101 REV P04, CVR-HLM-02-RF-DR-A-00102 REV P04, CVR-HLM-02-XX-DR-A-00200 REV P04, CVR-HLM-02-XX-DR-A-00300 REV P04, CVR-HLM-03-00-DR-A-00100 REV P04, CVR-HLM-03-01-DR-A-00101 REV P04, CVR-HLM-03-RF-DR-A-00102 REV P04, CVR-HLM-03-XX-DR-A-00200 REV P03, CVR-HLM-03-XX-DR-A-00300 REV P03, CVR-HLM-04-00-DR-A-00000, CVR-HLM-04-00-DR-A-00001 REV P01, CVR-HLM-04-00-DR-A-00100 REV P03, CVR-HLM-04-00-DR-A-00600 P01, CVR-HLM-04-00-DR-A-00601 P01, CVR-HLM-04-01-DR-A-00101 REV P03, CVR-HLM-04-RF-DR-A-00102 REV P03, CVR-HLM-04-XX-DR-A-00200 REV P03, CVR-HLM-04-XX-DR-A-00300 REV P03, CVR-HLM-05-00-DR-A-00000 P05, CVR-HLM-05-00-DR-A-00001 REV P03, CVR-HLM-05-00-DR-A-00103 REV P03, CVR-HLM-05-00-DR-A-00104 REV P03, CVR-HLM-05-00-DR-A-00105 P03, CVR-HLM-05-00-DR-A-00110 REV P05, CVR-HLM-05-00-DR-A-00300 REV P01, CVR-HLM-05-00-DR-A-00600 P01, CVR-HLM-05-00-DR-A-25500 REV P02, CVR-HLM-05-XX-DR-A-00300 REV P05, CVR-HLM-05-XX-DR-A-00400 REV P02, RG-LD-01 REV B, RG-LD-02 REV B, RG-LD-03 REV C, RG-LD-04 REV E, SK01 REV C, SK03 REV B, 1783-KC-XX-YTREE-TPP02 REV 0

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, including Chorleywood Common Conservation Area and the setting of the Grade II Listed Mansion House, and the residential amenity of neighbouring occupiers, 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), the Chorleywood Common Conservation Area Appraisal (2010) and the Chorleywood Neighbourhood Development Plan (referendum version August 2020).

- C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

- C4 The tree protection measures, including protective fencing in accordance with BS5837 2012, as shown on drawing number 1783-KC-XX-YTREE-TPP02 REV 0 shall be installed in full accordance with the approved drawing before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is required to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

- C5 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. The scheme shall include details of

size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials, and method of drainage.

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

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

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

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

- C6 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed Tree Planting Mitigation Proposals shall be carried out in accordance with the submitted report.

If any trees become severely damaged or diseased within five years of the completion of development, they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance and landscape character of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 Prior to the commencement of works above ground level, details of ecological enhancement measures, such as bat tiles, bat boxes and bird boxes, recommended by the Ecological Assessment, including quantity, scale and location, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

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.

- C8 Prior to the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner, the proposed improvements to the rooting environment of T61 shall be carried out in accordance with the details as shown on drawing number RG-LD-04 REV E.

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.

- C9 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

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers 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).

- C10 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement, prepared by Hoare Lea dated 22 June 2022, prior to the first use of the development and shall be 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.

- C11 The laundry and maintenance facilities hereby permitted, shall not operate other than between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C12 The proposed new parking spaces shall be provided in accordance with drawing number SK03 REV B prior to the first occupation the development hereby permitted. The parking spaces shall thereafter be kept permanently available for the use of occupiers or visitors to the site.

Reason: To ensure that adequate off-street parking 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).

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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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.

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PLANNING COMMITTEE – 14 December 2023

23/1560/FUL: District Council Application: Construction of new building for vehicle repair at BATCHWORTH DEPOT, HAREFIELD ROAD, RICKMANSWORTH, WD3 1LU.

Parish: Batchworth Community Council Ward: Rickmansworth Town
Expiry of Statutory Period: 15 November 2023 Case Officer: Adam Ralton
Extension agreed to 22 December 2023

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is Three Rivers District Council.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S0X6J7QFH1L00>

1 Relevant Planning History

- 1.1 19/1557/FUL: District Council Application: Demolition of existing two storey office building, two storey stacked portable cabins, and existing single storey sheds and stores, and the construction of a replacement two storey office building to east of site. Alterations to car and lorry parking. Approved by Planning Committee in October 2019.
- 1.2 20/1748/FUL: District Council Application: Demolition of existing two storey office building, two storey stacked portable cabins, and existing single storey sheds and stores, and the construction of a replacement single storey office building with meeting space and ancillary facilities to east of site. Alterations to car and lorry parking. Approved by Planning Committee in October 2020.
- 1.3 21/1170/FUL: Variation of Condition 2 (Approved Plans) of planning permission 20/1748/FUL: (District Council Application: Demolition of existing two storey office building, two storey stacked portable cabins, and existing single storey sheds and stores, and the construction of a replacement single storey office building with meeting space and ancillary facilities to east of site. Alterations to car and lorry parking). Variation to increase height of building. Approved by Planning Committee in June 2021.
- 1.4 21/1289/NMA: Non material amendment to planning permission 20/1748/FUL: Amendment to wording of Condition 13 and Condition 14 to allow the phased implementation of the development and submission of details pursuant to these conditions, and amendment to wording of Condition 7 to enable phased implementation of tree protection measures. Approved June 2021.
- 1.5 22/0705/NMA: Non-material amendment to planning permission 21/1170/FUL to move entrance gate on Harefield Road to the east and retain more of existing fencing, and to vary conditions 13A, 15 and 18 to allow details to be submitted within 3 months of occupation. Approved June 2022.
- 1.6 23/1562/NMA: Non material amendment to planning permission 21/1170/FUL: Alterations to approved lorry parking layout. Approved October 2023.

2 Description of Application Site

- 2.1 The wider site (as edged in blue on the site location plan) is located between part of the car park serving a Tesco store to the west, and a row of terraced dwellings to the east. The northern boundary of the wider site is marked by the Grand Union Canal, with a number of canal boat moorings present adjacent to this northern boundary. The southern boundary is

Harefield Road and is marked by fencing and a row of mature trees (primarily Hornbeam, Birch, Horse Chestnut and Lime). The site is served by two points of vehicular access from Harefield Road. The application site, as edged in red on the submitted location plan, includes the site access and the location of the building subject of this application.

- 2.2 The site has recently been redeveloped following the grant of planning permission 21/1170/FUL. The site contains a number of buildings. To the front on the eastern side is a new single storey office building, clad in timber. To the north and east of that building is hardstanding for car parking. To the immediate west of the building is a parcel of land owned and operated by Thames Water, containing a single building and a number of trees.
- 2.3 The western part of the site is currently a large expanse of hardstanding used for parking refuse and other operational vehicles. There are also a number of small sheds and stores to the perimeter of the site.
- 2.4 To the south west of the office building is a large metal clad workshop building, used for vehicle repair and maintenance. At the time of the previous applications, porta-cabins were in situ. These have since been removed from the site.
- 2.5 The north and western part of the site is within Flood Zone 2 and 3. The site is opposite a pair of Grade II Listed Buildings (21 and 25 Harefield Road).

3 Description of Proposed Development

- 3.1 This application proposes the construction of an additional building within the site, to be used for vehicle repair. The building would be constructed to the western side of the site, on an area of hardstanding and close to the position of the pre-existing two storey office building. The building would measure 10m in width, 15m in depth and have a pitched roof 8m high to the ridge and 6.2m to eaves.
- 3.2 The proposed building would be clad in single skin steel cladding and would have an insulated translucent inflated plastic coated membrane roof. It would contain roller shutters in the front elevation. The proposed building would be fixed to the ground by steel anchors into the existing ground.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [No comment]

BCC has no objection to this application.

4.1.2 Canal and River Trust:

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issue relevant to the Trust as statutory consultee on this application is contamination. Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address this matter. Our advice and comments follow:

The site is set back from the Grand Union canal though it is in close proximity to the River Colne which is hydrologically linked to the canal. The Contaminated Land Solutions Phase II Environmental Investigation Report, submitted in relation to conditions imposed on the previously approved application for the redevelopment of the wider site (LPA ref:20/01748/FUL) identified concerns with Bore Hole 6 Diesel Pump(BH6), and recommended that in order to protect ground/surface water further investigation would be necessary to determine if remedial works are required.

The Trust requested that, once that investigation had been completed, this should be shared with the Trust so that we can be satisfied that the works will not cause pollution to the canal as a result of contamination finding a pathway to the water. We are not aware of that detail being submitted and the vehicle repair building now proposed would seem to be in close proximity to BH6. The findings of the further investigation and details of any remedial works required should therefore be submitted for consideration. This matter could be addressed by condition and the Trust wish to be consulted on this detail when available.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

[OFFICER NOTE: The remediation of any pollution within the site is being dealt with on site and is controlled by planning conditions attached to planning permission 21/1170/FUL. On that basis and having regard to the comments by the Environment Agency, it is not considered reasonable or necessary to attach the requested condition to the current application.

4.1.3 Environment Agency (First response): [Object]

We object to the planning application as submitted because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraphs 183 and 184 of the National Planning Policy Framework.

Reasons

Our approach to groundwater protection is set out in the 'Environment Agency's approach to groundwater protection' (Feb 2018 V1.2). In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater, especially where the risks of pollution are high and the groundwater asset is of high value. In this case position statement A5-Supply of adequate information applies.

Groundwater is particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 1
- is located upon a Secondary Aquifer A within the Alluvial deposits, which are underlain by a Principal Aquifer within the Chalk bedrock

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- while it's noted that the proposed development includes minimal intrusive works, it is within the vicinity of a known plume of hydrocarbon contamination, located within the site boundary
- works to assess the risk posed by this plume, along with any remedial works are detailed in reports submitted under planning ref 23/0896/DIS. In response to a consultation on

this application, the Environment Agency has been unable to agree that sufficient investigation and assessment has been completed.

Until it can be demonstrated that location of the proposed structure will not prevent any further investigation and remedial works which may be required to address risks to controlled waters, the Environment Agency will maintain its objection.

Overcoming our objection

In accordance with the 'Environment Agency's approach to groundwater protection', we will maintain our objection until we receive a satisfactory information to demonstrate that proposed development will not prevent the management of hydrocarbon contamination present on the site, in order to mitigate risks to controlled waters.

4.1.3.1 Environment Agency (Second response): [No objections]

Thank you for re-consulting us on the above application on 17th November 2023, following the submission of:

- 'Proposed Scope of Works for a site at Batchworth Depot Rickmansworth for Three Rivers District Council' (prepared by, Go Contaminated Land Solutions, ref:1652-P2E-2-Scope, Rev: Draft, Oct 2023).
- 'Remediation Strategy and Verification Plan of a site at Batchworth Depot, Rickmansworth for Three Rivers District Council' (prepared by, Go Contaminated Land Solutions, ref:1652-P3E-2, 3 Nov 2023).

Environment Agency position

We have reviewed the additional information provided in the 'Propose Scope of Works' and 'Remediation Strategy and Verification Plan' (referenced above) and consider that it satisfactorily addresses our earlier concerns. The submitted information provides confidence that the construction works will not prevent further investigation works being undertaken.

Subject to the condition below, we therefore withdraw our previous objection, dated 10th October 2023 (ref: NE/2023/136225/01).

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed condition meets the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance (<https://www.gov.uk/guidance/use-of-planning-conditions>). Please notify us immediately if you are unable to apply our suggested condition, to allow further consideration and advice.

Condition - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s)

- To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
- To prevent deterioration of controlled waters.

4.1.4 Thames Water: [No objection]

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect

the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

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

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

4.1.5 TRDC Environmental Health

No comments to make with regards to air quality or land contamination.

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 41

4.2.2 No of responses received: None received.

5 **Reason for Delay**

5.1 To allow for further discussions between the applicant and the Environment Agency with a view to resolving objections.

6 **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

In September 2023 the National Planning Policy Framework was updated. 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, 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, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5.

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Principle of Development

- 7.1.1 The application site is an existing operational Council Depot. The development subject of this application does not change the use of the site, but proposes the construction of an additional building to be used for vehicle repair. At the current time, repairs and maintenance of council vehicles takes place in the open, adjacent to the green workshop to the west of the main office building. The proposed building would be used to provide additional covered space for these works to take place, improving working conditions, but would still remain in use only for the repair and maintenance of vehicles associated with the council rather than on any independent commercial purpose, and a condition would be attached to any grant of planning permission to ensure the building is not used for the establishment of any

separate business activities. Subject to this, there would be no change of use and no material impact on the level of activities that take place within the application site.

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'.
- 7.2.1 The proposed building would be of a functional industrial design and appearance. This would reflect other buildings which already exist on the site, would reflect the use of the site, and would broadly reflect the appearance of the office building which was present on the site in a similar location prior to the site's wider redevelopment. The building would be adjacent to the common boundary with a supermarket car park. This part of the street already has a character which is separate from the surrounding residential development.
- 7.2.2 It is acknowledged that the site is opposite a pair of Grade II listed buildings. The proposed building would be approximately 42 metres away from the listed buildings, and separated by the solid boundary fence and car parking area serving the site. Given the site's existing character and appearance, and the separation distance, it is not considered that the proposal would result in any adverse impact on the setting of the Grade II listed buildings.
- 7.2.3 The proposed building would have space around it such that it would not appear cramped. It would not be excessively high and given its immediate context would not appear as a discordant addition. Overall, the proposed building would appear appropriate for its use and in the context of the site and would have no adverse impact on the character or appearance of the street scene or the wider locality.

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 DM9 states that the council will refuse planning permission for development which would or could give rise to pollution emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other unless appropriate mitigation measures can be put in place and permanently maintained.
- 7.3.2 The nearest neighbouring properties are the listed buildings to the south of the site at 42m away. The row of terraces to the east of the site are 70 metres from the proposed building. Given the separation distances and that the proposed building is to be used to contain repair and maintenance works which already occur within the site in a location closer to the neighbouring residential buildings than the proposed building, it is not considered that the proposal would result in demonstrable harm to the amenities of the occupants of any neighbouring dwelling.

7.4 Pollution, Contamination and Flood Risk

- 7.4.1 Policy CP1 requires all development in Three Rivers to contribute to the sustainability of the District, by minimising flood risk through the use of Sustainable Drainage Systems. Policy DM8 refers to Flood Risk and Water Resources, and states that development will only be

permitted where it would not be subject to unacceptable risk of flooding. It also states that Development in all areas should include Sustainable Drainage Systems to reduce surface water runoff.

7.4.2 The application site is within Flood Risk Zones 2 and 3a. The application proposes a non-major 'less vulnerable' building. In such a circumstance, the Environment Agency's standing advice requires floor levels to be no lower than existing or 300mm above the estimated flood level. In this instance, no alterations are proposed to the floor level or the use of the site. In the absence of this building, the site would have vehicles parked on it, and the proposal just means those vehicles would be under cover. There is no objection raised in respect of any flood risk matters.

7.4.3 In respect of pollution and contamination, the Environment Agency initially raised an objection as a result of historic pollution issues which are in the process of being remediated. The objection resulted from the EA being concerned that the siting of the proposed building may prevent any further investigation or remediation works taking place which are required by conditions attached to the planning application for the redevelopment of the site. Further information has since been provided to the EA to demonstrate that the building would not prevent further works from being undertaken. On that basis, no objections are raised in respect of pollution or contamination matters.

7.5 Vehicle Parking

7.5.1 The proposed building would occupy a space which was formerly allocated to provide parking for two refuse vehicles as part of the previous redevelopment planning permission. A non-material amendment application has recently been approved relating to that planning permission, removing parking spaces from this location and relocating them within the site, to ensure no loss of parking occurs.

7.5.2 As a result, the proposed development would not result in any increase in demand for vehicle parking and would not result in a loss of parking spaces on the site. No objections are raised in respect of DM13 and Appendix 5 of the Development Management Policies LDD.

7.6 Wildlife and Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.6.2 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.

7.6.3 The application has been submitted with a Biodiversity Checklist which does not identify any biodiversity impacts. The building would be constructed on a parking area which has no biodiversity interest and on that basis the development is not considered to result in any biodiversity impacts.

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: 2001 Rev A, 2010, 2050, 2100, 2200.
- Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies PSP1, CP1, CP6, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- C3 The development hereby permitted shall be constructed only using the fittings set out on the following submitted documents:
- 334 Corner Base Plate
 - 334 Gable upright base plate
 - 334 Side base plate
 - Chemical Anchor Studs
- Reason: This condition is required to ensure that the development does not contribute to unacceptable levels of water pollution in line with paragraph 170 of the NPPF and Policy DM9 of the Development Management Policies LDD (July 2013).
- C4 The building hereby permitted shall not be occupied or used at any time other than for purposes incidental to the use of, and ancillary to, the use of the site as a depot and for maintenance and repair of council vehicles and it shall not be used for independent business purposes at any time.
- Reason: The creation and use of a separate and independent unit would have the potential to introduce additional amenity impacts, and impact the highways and parking considerations for the site which would require consideration alongside 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).
- C5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an investigation and risk assessment has been undertaken, and where remediation is necessary a remediation scheme detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall thereafter be implemented as approved.
- Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution or risk to future site users or ecological systems from previously unidentified contamination sources at the development site and to prevent deterioration of controlled waters. This is in line with paragraph 170 of the NPPF and Policy DM9 of the Development Management Policies LDD (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 £145 per request (or £43 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 01438 879990 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 (cil@threerivers.gov.uk). 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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 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.
- I4 The applicant is advised that there are public sewers crossing or close to your development. Thames Water require that if you are planning significant work near their sewers, it is important that you minimize the risk of damage. Thames Water would need to check that your development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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Batchworth Depot

Site prior to redevelopment works



Site now





PLANNING COMMITTEE – 14 December 2023

23/1662/FUL – Construction of single-storey side infill extension and single-storey rear extension at MANOR HOUSE COTTAGE, RICKMANSWORTH ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5SQ

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 29.11.2023
(Extension of time agreed until 21.12.2023)

Ward: Chorleywood North & Sarratt
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the planning committee regardless of Officer recommendation to discuss the impact on the Conservation Area

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1VZG7QFH8S00>

1 Relevant Planning History

1.1 23/0951/FUL - Construction of single storey side and rear extensions; loft conversion including roof extensions with front and rear dormer windows and side rooflight; and alterations to fenestration - 29.08.2023 – **Refused**

R1 The proposed extensions would result in disproportionate additions over and above the size of the original building and would increase the perceptible scale and prominence of the building. The proposal therefore would represent an inappropriate form of development and would result in actual harm to the openness of the Green Belt. It is considered that very special circumstances do not exist to outweigh the harm of the development to the Green Belt by virtue of its inappropriateness and actual harm. As such the proposal 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 (2021).

R2 The proposed extensions, by virtue of their scale, including significant increase in ridge width and roof mass and dormer windows, would be unsympathetic to the host dwelling, thereby eroding its existing contribution to the Chorleywood Common Conservation Area. As a result, the proposed development would fail to preserve or enhance the character and appearance of the Chorleywood Common Conservation Area. The proposed development would cause less than substantial harm under paragraph 202 of the NPPF and the identified harm is not outweighed by any public benefits. The development is therefore contrary to 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), the Chorleywood Common Conservation Area Appraisal (2010), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and NPPF (2021).

1.2 99/02318/FUL - Rebuild of existing wall and creation of new crossover - 19.06.2002 – Permitted.

1.3 99/02041/FUL - Single storey side and rear extension and new roof to create loft conversion with dormer windows to front and rear - 24.11.1999 – Permitted (Not Implemented)

1.4 8/1164/89 - Change of use from residential to tea rooms - 26.04.1990.

1.5 8/45/87 - Garage, kitchen, dining room - 07.08.1987 – Permitted (Not Implemented)

2 Description of Application Site

- 2.1 The application site contains a detached bungalow, located on Rickmansworth Road, Chorleywood.
- 2.2 The application dwelling is a bungalow which has a red brick exterior and a hipped roof form with a clay tile finish and grey framed leaded windows. The dwelling has a strong historic character including its external materials, brick detailing and two large chimney stacks.
- 2.3 The dwelling appears to have been extended to either the side at single-storey level and to the rear. These extensions contain flat roof forms that align with the eaves of the host dwelling. It is noted that there is no planning history for the existing extensions to the dwelling.
- 2.4 Forward of the dwelling is a gravel driveway, large enough to accommodate three car parking spaces. To the rear of the dwelling is an amenity garden which measures some 200sqm in area.
- 2.5 The application site is located within the Chorleywood Common Conservation Area. The application site is also within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the construction of a single-storey side infill extension and single-storey rear extension.
- 3.2 It is proposed that a side infill extension is built to the front of the dwelling. This would have a width of 2.8m, a depth of 2.8m and would have a flat roof with an overall height of 3.0m. A window would be inserted within the front elevation to match the existing windows to the dwelling.
- 3.3 It is proposed that a single-storey extension is built to the rear of the property. This would have a depth of 2.8m from the existing rear wall and would have a width of 6.9m. The extension would have a flat roof with an overall height of 3.0m. As part of the works to the rear extension, the roof height to the existing extensions would be increased to a consistent 3.0m height to match that of the rear extension.
- 3.4 The proposed extensions would be finished in materials to match the host dwelling.
- 3.5 Amended plans were received during the application. Design amendments were made to the proposed front infill extension to set it back from the principal front elevation of the dwelling by 0.3m. The window lintel detailing was also added to the front elevation.
- 3.6 This application follows application 23/0951/FUL which was for the construction of single-storey side and rear extensions; loft conversion including roof extensions with front and rear dormer windows and side rooflight; and alterations to fenestration. The difference between this application and the previous application is that this application does not propose any roof extension.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council:

The Committee had Concerns with this application on the following grounds:

Concerns regarding proposed roof and that it was not as characterful as the current roof and could affect the setting of a listed building, namely Christ Church

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.2 Conservation Officer: This consultee made the following verbal comments.

- *No in principle objection to proposed infill extension or rear extension.*
- *There would be a preference to set the front infill extension back from the front elevation.*
- *The proposed parapet roof is an acceptable design which does not interrupt the character and form of the main roof.*
- *There is also a preference to set the proposed roof lantern in to reduce visibility from the front.*
- *There are not concerns regarding the impact of the proposal on the Grade II Listed Building opposite the site (Christ Church)*

4.1.3 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5

4.2.2 Responses received: 0

4.2.3 Site notice posted 13.10.2023, expired 03.11.2023.

4.2.4 Press notice published 20.10.2023, expired 10.11.2023.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

6.1.4 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.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 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”.

- 6.2.2 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 unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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, DM3, DM6, DM13 and Appendices 2 and 5.
- 6.2.6 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Relevant policies include Policy 1 and Policy 2.

6.3 Other

- 6.3.1 Chorleywood Common Conservation Area Appraisal (2010).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Impact upon the Metropolitan Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) 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 Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 The NPPF identifies the five purposes of including land in Green Belts as:
- 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 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.1.4 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.1.5 Paragraph 149 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) 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;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.1.6 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.
- 7.1.7 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 considered.
- 7.1.8 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 considered for householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document.
- 7.1.9 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. The SPG further advises that increases in ridge height and apparent bulk of a roof will normally be considered to adversely affect the openness of the Green Belt.
- 7.1.10 As set out within the site description section of this report, visually, the dwelling appears to have been extended since its original construction. The original cottage portion of the dwelling remains legible from the extended parts of the dwelling. It is noted that there is no available planning history for these extensions and the judgement that they are extensions is based on their visual distinction from the host dwelling. On the basis that the dwelling has been previously extended, the proposed development when considered cumulatively with the existing extensions would amount to an approximate floorspace increase of 169% over and above the size of the original building. If these extended parts of the dwelling were to

be considered original, the proposed development would amount to an approximate floorspace increase of 59% over and above the size of the original building. These would each significantly exceed the 40% guidance in terms of floorspace generally considered proportionate, as set out in the SPG. It therefore cannot be justified that the proposal is proportionate based on the floorspace calculation.

- 7.1.11 The overall impact to the openness of the Metropolitan Green Belt and actual harm to openness is also a material consideration and any assessment does not rely solely upon mathematical indicators therefore it is appropriate to also make a visual assessment.
- 7.1.12 In respect of the proposed front infill extension, paragraph 11 (d) of the Extensions to Dwellings in the Green Belt SPG states that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable, with the exception of (iii) 'infill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building. It is considered that the front infill extension would meet this exception criteria as it would infill against two existing walls and would not extend any wider or deeper than the existing walls. The low-profile flat roof would not increase the visual prominence or bulk of the building. It is therefore considered to be acceptable on this basis.
- 7.1.13 In respect of the proposed rear extension, taking the Design Criteria at Appendix 2 of the Development Management Policies document as a starting point, which states that 4.0m is the depth generally considered acceptable for single-storey extensions to detached dwelling, the proposed single-storey rear extension, at 2.7m in depth would comply in this regard. It is noted that there are existing extensions at the rear however cumulatively, these would extend to no greater than 4.0m from what is considered to be the original rear wall. It would also not extend for the full width of the dwelling. It is therefore considered to be acceptable on this basis as notwithstanding existing extensions, it would not be a disproportionate addition to the host dwelling. The increase in height to the existing side and rear extensions to a consistent 3.0m height to match the proposed extensions is not considered to result in harm by virtue of increasing the visual prominence or bulk of the dwelling.
- 7.1.14 It is acknowledged that application 23/0951/FUL was refused on Green Belt grounds however the previous proposal involved extensions to the main roof form of the dwelling which were considered to result in disproportionate additions over and above the size of the original building and would increase the perceptible scale and prominence of the building. The extensions proposed under this current application are considered acceptable in this regard for the reasons discussed above and have satisfactorily overcome the reason for refusing the previous application.
- 7.1.15 In summary, it is considered that the proposed development is acceptable in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies DPD and the NPPF.

7.2 Impact on Character and Appearance

- 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 document set out that extensions should not have a significant impact on the visual amenities of an area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly regarding the roof form, positioning and style of windows and

doors, and materials. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for extensions to detached dwellings.

- 7.2.3 The application site is located within the Chorleywood Common Conservation Area. In relation to development proposals in Conservation Areas Policy DM3 of the Development Management Policies LDD stipulates that development will only be permitted if it preserves or enhances the character of the area. Furthermore, it states that development should not harm important views into, out or within the Conservation Area.
- 7.2.4 The Chorleywood Neighbourhood Plan (2020) is also relevant, specifically Policies 1 and 2. Policy 1 relates to 'Development within Conservation Areas...' and advises that development proposals within Conservation Areas should preserve or enhance the character or appearance of the Conservation Area. Policy 2 of the Chorleywood Neighbourhood Development Plan states that All developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.
- 7.2.5 The Conservation Officer stated that there was no in principle objection to proposed infill extension or rear extension however there would be a preference to set the front infill extension back from the front elevation. Notwithstanding, the proposed parapet roof is an acceptable design which does not interrupt the character and form of the main roof. The Conservation Officer also stated that there is a preference to set the proposed roof lantern in to reduce visibility from the front.
- 7.2.6 Amended plans were received during the application which set the proposed extension back 0.3m from the principal front elevation. While this is relatively minimal, it is considered that this would provide an important visual break within the front elevation between the original dwelling and proposed extension. The original dwelling would remain more legible following the works as a result. It is considered that the proposed flat roof form is acceptable on the basis that it does not interrupt the character and form of the main roof. It is also noted that the proposed flat roof to the extension replicates that of the existing extension to the right hand side of the dwelling.
- 7.2.7 The single-storey extension to the rear is proportionate in scale and design to the host dwelling and would not harm its character. The Conservations Officers comments regarding the rear roof lantern are noted, however given its position at the rear of the site and limited height, it is not considered that it would be harmfully visible from the frontage or more publicly available vantage points.
- 7.2.8 It is acknowledged that application 23/0951/FUL was refused on character grounds however the previous proposal involved extensions to the main roof form of the dwelling which were unsympathetic to the host dwelling, thereby eroding its contribution to the Conservation Area thus failing to preserve or enhance the character and appearance of the Conservation Area. The extensions proposed under this current application are considered acceptable in this regard for the reasons discussed above and have satisfactorily overcome the reason for refusing the previous application.
- 7.2.9 The proposed development is therefore acceptable in accordance with of Policies CP1 and CP12 of Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the DMP LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).
- 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. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for extensions to detached dwellings.

7.3.2 Given the location of the application dwelling and proposed extensions relative to other adjoining properties, including The Gate public house to the south-east, and a group of properties which are some 50m to the west, it is not considered that any impact upon the residential amenity of any dwelling would arise in terms of it causing overlooking, a loss of light or overbearing impact.

7.3.3 In summary, the proposed development would not result in an adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be 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 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4.2 The application dwelling would retain a driveway large enough to accommodate three parking spaces and would therefore be compliant 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 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The policy requirement for a three-bedroom dwelling is 84sqm.

7.5.2 The dwelling would retain a garden of approximately 200sqm in area which is policy compliant and therefore considered to be acceptable.

7.6 Trees & Landscape

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 There are no trees proposed to be removed or any TPO trees which would be impacted by the proposal.

7.7 Biodiversity

7.7.1 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.

7.7.2 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 because of the application.

8 Recommendation

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

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 101, 102 (Amended 22.11.2023), 201, 202, 203

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the character and appearance of the Conservation Area, openness of the Green Belt and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020), and the Chorleywood Common Conservation Area Appraisal (2010).

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: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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.







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PLANNING COMMITTEE – 14 December 2023

23/1665/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space, served by front/rear rooflights; provision of rear terrace balcony and associated works at WILLOWS, 62 CLEMENTS ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5JT

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 29.11.2023
(Extension of time agreed until 21.12.2023)

Ward: Chorleywood South & Maple Cross
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse as concerns have been raised relating to character and impact on street scene and the loss of a bungalow.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1VZLRQFH8Y00>

1 Relevant Planning History

- 1.1 21/2749/FUL - Demolition of existing dwelling and construction of two storey dwelling with roof accommodation served by rear recessed dormer/balcony, rooflights and first floor rear balcony - 22.03.2022 – Refused & Appeal Dismissed:

R1 The proposed replacement dwelling, by virtue of its ridge height, scale and mass, considered in conjunction with the more specific design elements such as the introduction of a steep roof profile, front gable feature and significantly tall fenestration, which collectively add to a substantially greater vertical emphasis to the dwelling, would result in harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (2020).

- 1.2 21/1510/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.5m in height) and raising of ridge to result in an overall height of 9.5m (Class AA) - 30.08.2021 – Permitted & Not Implemented.

- 1.3 21/0741/PDT - Prior Approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.5m in height) to result in an overall height of 9m (Class AA) - 08.06.2021 – Withdrawn.

- 1.4 20/1793/FUL - Loft conversion including hip to gable roof alteration, rear dormer and front rooflights, single storey front extension and alterations to fenestration - 09.11.2020 – Refused, for the following reason:

R1 The proposed rear dormer window, by virtue of its scale, bulk and disproportionality to the host roofslope and visibility from the public realm would result in harm to the character and appearance of the host dwelling and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) in this regard and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

- 1.5 20/1248/FUL - Loft conversion including hip to gable roof alteration, rear dormer and front rooflights, single storey front extension and alterations to fenestration - 31.08.2020 – Permitted & Not Implemented.
- 1.6 99/01782/FUL - Single storey side extension - 07.01.2002
- 1.7 W/2155/73 - Extend Garage, Toilet and Shed - 29.06.1973

2 Description of Application Site

- 2.1 The application site consists of a detached bungalow located at the western end of Clements Road, Chorleywood, on the northern side of the street.
- 2.2 The land levels on this part of Clements Road incline in a westerly direction, therefore, the application dwelling is positioned on a slightly higher land level than the adjoining neighbouring dwelling at no.60 which is also a bungalow.
- 2.3 Forward of the dwelling is a paved driveway and front garden. To the rear of the dwelling is an amenity garden of some 800sqm in area which is laid as lawn and positioned at a lower level to the application dwelling.
- 2.4 The wider context consists of an allotment garden to the west, the rear gardens of dwellings on Turneys Orchard to the north and a garage site off Windermere Close also to the north.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing dwelling (including chimneys) and construction of a two-storey detached dwelling with accommodation in the roof space, served by front/rear rooflights, provision of rear terrace balcony and associated works.
- 3.2 The proposed dwelling would assume the same ground floor footprint of the existing dwelling and would include an attached garage. The proposed dwelling would have a width of 15.6m and a depth of 10.2m. The proposed dwelling would be spaced 1.4m to the boundary with no.60 when viewed from the front, with this gap reduced to the rear by the proposed single storey side projection, and 1.0m to the opposite side boundary. The proposed dwelling would have a hipped roof form of the same design and profile to the existing dwelling with an eaves height of 6.1m and an overall ridge height of 9.55m. The dwelling would contain front and rear glazing at ground and first floor level. There would be one rooflight within the front roofslope and a total of four rooflights within the rear roof slopes. There would also be a balcony to the rear right-hand side of the dwelling at first floor level, enclosed by metal balustrades.
- 3.3 It is proposed that the dwelling is finished in materials to match the existing dwelling including light render.
- 3.4 This application proposes an identical form of development in terms of scale and massing as previously permitted application 21/1510/PDT. The key difference between this current application and the previous permission is that the dwelling would be demolished and rebuilt, and the fenestration design and position would be amended. This application also follows a previous refusal, which was dismissed on appeal. The appeal proposal consisted of a different design of dwelling including scale and roof profile. This was deemed to be unacceptable for the reason for refusal set out above.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

' The bulk and mass of the proposed dwelling is excessive, particularly when considering the elevation of the site above neighbouring properties.

' The proposed dwelling is not in keeping with existing street scene.

' As is recognised by the Chorleywood Neighbourhood Development Plan (NDP), Clements Road is an area characterised by bungalows. The proposed dwelling is out of keeping with this character.

' The proposed dwelling is in breach of Policy 4.1 of the Chorleywood NDP by replacing a bungalow with a multi-floor property not suitable for downsizing of older residents of the area or for disabled residents. With the increasing proportion of the local population requiring such single storey property, the demand for which is forecast to further increase over the next decade, this will adversely impact the supply of housing matching the needs of the population as required under Policy 4 of the Chorleywood NDP.

' Paragraph 152 of the NPPF requires the 'reuse of existing resources, including the conversion of existing buildings' so as to reduce carbon emissions and waste material. This proposal to demolish a serviceable existing property, which already has permission for an additional single storey under Permitted Development Rights, is directly opposed to this requirement of the NPPF. This requirement was recently reinforced by the Secretary of State for Levelling Up, Housing and Communities with regard to Marks and Spencer's, Oxford Street where the Secretary of State refused an application for demolition on the basis of Paragraph 152 of the NPPF.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

Officer comment: The decision in respect of Marks & Spencer, Oxford Street is noted. While it is noted that the demolition and sustainability aspect for that application was given weight in the decision, it is noted that the decision was also considered to conflict with policies on heritage and design. It is also acknowledged that there are further material differences between the scheme and this application, such as the context and overall scale, which would not directly set a precedent for determining applications in the district for which the starting point is the statutory development plan.

4.1.2 Hertfordshire Ecology: [No response received]

4.1.3 Landscape Officer: [No response received]

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 13

4.2.2 Site Notice posted 12.10.2023, expired 02.11.2023

4.2.3 Press notice not required

4.2.4 Responses received: 1 (Neutral)

4.2.5 Summary of responses:

- The proposed ecological enhancements are supported.

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

6.1.4 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.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 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”.

6.2.2 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 unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

6.2.3 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.

6.2.4 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, CP8, CP9, CP10 and CP12.

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

6.2.6 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). Relevant policies include Policies 2 and 4.

6.3 Other

6.3.1 Chorleywood Common Conservation Area Appraisal (2010).

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

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The application dwelling is not situated within a Conservation Area and is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling and the principle of demolition and construction of a replacement dwelling is acceptable, subject to other material considerations.

7.1.2 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan (part of the statutory development plan) relates to 'Housing to meet the needs of local people'. This policy states that "in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings".

7.1.3 The proposal would result in a loss of a bungalow and the creation of a 'multi-level dwelling' and would therefore not comply with Policy 4, mentioned above. It is not considered that the principle of constructing an additional storey to the bungalow to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. As referenced in Policy 4, various alterations can be made to properties without the need to apply for planning permission, via 'permitted development' and as such can transform a bungalow into a 'multi-level dwelling'. As set out in the planning history above, prior approval (21/1510/PDT) has been granted for the enlargement of the application dwellinghouse by the construction of one additional storey. It is acknowledged that this permission has not been implemented, however, it is a material planning consideration which can be afforded weight in the decision-making process.

7.1.4 It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the proposed dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people. The proposed dwelling is shown to have a ground floor bedroom and shower room meaning that there is accessible ground floor accommodation. Furthermore, it is noted that in its current form, set down from the road with steps, it may not be particularly accessible for older or disabled people in the first instance.

7.2 Impact on Character and Appearance

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. The proposed dwelling would allow a spacing of 1.4m to the

shared boundary with no.60 which would comply with the Design Criteria. There would be a spacing of 1.0m to the opposite side and, given that there is no neighbour in this location, concerns are not expressed that the development would cause a terracing effect.

- 7.2.3 The Design Criteria at Appendix 2 further states that 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. Policy 2 of the Chorleywood Neighbourhood Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale, and design.
- 7.2.4 Clements Road is comprised of predominantly of detached bungalows which, while largely traditional in architectural style, vary in their specific design with numerous examples of extensions and alterations including loft conversions.
- 7.2.5 This application follows the refusal of application 21/2749/FUL, which was subsequently dismissed at appeal, on grounds relating to design and character impact. Prior to this application, an application for Prior Approval was granted for the enlargement of the dwellinghouse by the construction of one additional storey. This application proposal has the same design in terms of scale and massing to that permitted under the Prior Approval (21/1510/PDT). The differences between this scheme and the Prior Approval, other than the proposed development constituting a complete demolition and rebuild of the dwelling, is that the proposal under this application proposes different fenestration. The LPA made the below assessment of the character impact in granting the Prior Approval. The LPA consider that the Prior Approval is a realistic fall-back position which would likely be implemented in any instance should the LPA refuse planning permission.

The proposed development would involve the construction of an additional storey to an existing detached bungalow to form a two-storey dwelling. The adjoining neighbour to the east at no.60 is a bungalow of similar design to the application dwelling and is positioned at a slightly lower land level. The wider context of Clements Road consists predominantly of bungalows, many of which have implemented roof extensions.

The proposed additional storey extension would follow similar design principles to the existing dwelling in terms of external materials, fenestration, and roof profile. The proposed development would give rise to a dwelling that appears somewhat larger in its overall scale and massing however the dwelling itself is not considered to be significantly wide or deep such that an additional storey would give rise to a dwelling of an overly dominant scale. It is considered that the proposed development would respect the heights relative to neighbours. The dwelling would remain higher than no.60 to the east and there is no adjoining neighbour to the west given that the dwelling is positioned at the end of the row. In light of these considerations, it is not considered that there would be such a stark contrast in the street scene between the proposed dwelling and the street scene that would amount to harm by virtue of its external appearance to justify the refusal of Prior Approval.

- 7.2.6 As set out above, the Design Criteria dictates that, 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. The considerations set out above in relation to the Prior Approval decision would apply for this application proposal. It is not considered that the proposed development would result in harm to the character and appearance of the street scene bearing in mind that Prior Approval (21/0022/PDT) has been granted for the same resultant form of development which could be implemented should planning permission be refused.
- 7.2.7 Relative to the prior approval scheme, the application proposal largely proposes changes to the fenestration of the proposed dwelling. In the appeal decision for 21/2749/FUL (APP/P1940/W/22/3302152), the Inspector referred to the proposed fenestration which was assessed to contribute to the harm. The Inspector concurred with the assessment of the LPA and stated that 'the design of the windows in the appeal scheme are purposely

designed to be taller than the windows in the existing dwelling. These windows are intended to provide greater levels of light to the rooms. However, the shape of the window has resulted in a vertical emphasis which is not apparent in the existing street scene.

- 7.2.8 The first-floor front windows of this current application scheme largely replicate those of the appeal scheme in terms of design, however, are confined to the scale of the openings of the approved Prior Approval scheme. The large feature window at first floor level within the front elevation appears better proportioned in this current scheme compared to the previous scheme. Additionally, the ground floor windows appear better proportioned compared with the appeal scheme. It is acknowledged that the combination of the reduction in roof profile relative to the appeal scheme improves the articulation and appearance of the dwelling and reduces its “vertical emphasis” which was previously deemed harmful. It is noted that the rear fenestration proposed consists of larger and taller openings within the rear elevation however acknowledge that this is more concealed from public viewpoints and would not harm the character of the area as a result.
- 7.2.9 The proposed development includes the provision of a rooflight within the front roofslope of the dwelling. While this would be visible from the street, it is noted that there are examples of rooflights throughout Clements Road therefore it is not considered that this would appear out of character. There would be a total of four rooflights to the rear roofslope of the dwelling however, as considered above, these would be more concealed from public viewpoints and would not harm the character of the area as a result.
- 7.2.10 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 area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policies 2 and 4 of the Chorleywood Neighbourhood Development Plan.

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 Relative to the existing situation, the application dwelling would largely extend upward within the confines of existing principal elevations of the dwelling. The built form of the proposed dwelling with an additional storey would not project any further in depth than the existing rear wall of the dwelling and would not result in an intrusion of the 45-degree splay line taken from a point level with the front and rear walls of the neighbour. It is therefore not considered that the proposed development would lead to a harmful loss of rear outlook to any neighbour and, given the relative position that the dwelling would maintain, would not result in an overbearing impact to any neighbour.
- 7.3.3 The proposed development would introduce glazing at first floor level facing rearwards and forwards. It is not considered that the front glazing would lead to any unacceptable overlooking. Given that the existing dwelling is a bungalow, it is acknowledged that by extending to an additional storey, the proposed development would introduce first floor and loft level glazing that did not exist previously. It is therefore acknowledged that the proposed development would lead to a low degree of overlooking to the adjoining neighbour. Given the linear arrangement of the dwellings, the first floor and loft glazing would predominantly provide views towards the end of the rear gardens of adjoining neighbours, and it is not considered that the development would cause harmful overlooking.

- 7.3.4 Given the location of the balcony, and the absence of adjoining neighbours to this side, it is not considered that overlooking would arise due to this feature. The balcony would have a solid wall adjacent to it, preventing any direct views towards no.60 and given that it would be set off the boundary by some 12m with this neighbour, it is not considered to result in overlooking.
- 7.3.5 Previous applications for similar proposals at the application site have not been refused, or dismissed at appeal, on grounds relating to neighbour impact therefore are not considered to be a contentious issue.
- 7.3.6 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 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and states that a dwelling of 4 or more bedrooms should provide three off-street parking spaces.
- 7.4.2 The application dwelling, as a result of the proposed development, would contain four bedrooms. The existing driveway is large enough to accommodate two spaces which represents a shortfall of one space.
- 7.4.3 While the shortfall is acknowledged, it is noted that Clements Road has a degree of on-street parking available. On balance, it is not considered that the shortfall of one space would justify the refusal of planning permission, and, in this instance, the parking provision is acceptable.
- 7.4.4 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- 7.5 Rear Garden Amenity Space
- 7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:
- 4 bed dwelling - 105 square metres
- 7.5.2 The dwelling would retain a garden of more than 800sqm which would exceed the adopted standards and therefore is acceptable in this regard.
- 7.6 Trees & Landscape
- 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 proposed development would not require the removal of any trees nor is considered to give rise to indirect harm to trees. It is acknowledged that there are some conifer trees within the frontage that are not considered to be of any significant amenity value. In any instance these are shown to be retained on the proposed drawings. The proposed development is therefore considered to be acceptable in this regard.

- 7.6.3 In summary, the proposed development is acceptable in accordance with Policy DM6 of the Development Management Policies LDD.
- 7.7 Sustainability
- 7.7.1 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.
- 7.7.2 The application is accompanied by an Energy Statement prepared by Vision Energy. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric 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.
- 7.8 CIL
- 7.8.1 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 (plus indexation) per sq. metre of residential development.
- 7.9 Refuse & Recycling
- 7.9.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.
- 7.9.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable. The site frontage would accommodate sufficient area for bin storage which is acceptable.
- 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.

- 7.10.3 This application is accompanied by a Preliminary Bat Roost Assessment, dated 17 August 2023, and a Dusk Emergence Bat Survey, dated 26 August 2023.
- 7.10.4 The PRA concluded that the building has “low potential value” to roosting bats however there are potential roosting features within the site. The PRA recommends, in order to be confident in the results, a single bat roost survey should be completed between May and August. The PRA also recommends enhancement measures including bird, bat and bee boxes within the scheme.
- 7.10.5 The Dusk Emergence Bat Survey was carried out on 26 August 2023 and concluded that it is reasonable to assume that no bats occupy a roost within the property. The report recommends that the development may proceed with no evidence to suggest that bats or their roosts would be harmed or destroyed however the works should proceed with caution. This report further recommends that bat boxes be installed within the build and rear amenity garden.
- 7.10.6 The proposed development is considered to be acceptable in this regard and a condition will be included on any permission granted that the development is carried out in accordance with the recommendations of the reports, including ecological enhancement measures.

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: 179 PP 002 3 REV P2, 179 PP 100 3 REV P1, 179 PP 101 3 REV P1, 179 PP 110 3 REV P2, 179 PP 111 3 REV P1, 179 PP 112 3 REV P3, 179 PP 113 3 REV P3, 179 PP 200 3 REV P1, 179 PP 201 3 REV P1, 179 PP 201 3 REV P2, 179 PP 204 3 REV P2, 179 PP 210 3 REV P4

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP3, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version 2020).

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application form and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The ecological enhancement measures shall be carried out in accordance with the details set out in Dusk Emergence Bat Survey, dated 26 August 2023, in full accordance with the relevant timescales included within the report, and shall be permanently maintained thereafter.

Reason: To prevent the development having an adverse effect on biodiversity in compliance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement prior to the first use of the development and shall be permanently maintained thereafter. No photovoltaics shall be installed unless details have first been submitted to and approved in writing by the LPA.

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.

- C6 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 Class of Schedule 2 of the Order shall take place.

Part 1

Class B - additions etc. to the roof

No development of the above class 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).

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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application

will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 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.







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PLANNING COMMITTEE – 14 December 2023

23/1694/FUL: Demolition of existing conservatory and construction of single storey side and rear extensions, first floor side extension, loft extension including alterations to the roof, rear dormer window and rear rooflights, new entrance door, internal alterations and alterations to fenestration detail at SANTOSH HOUSE, 6 PEMBROKE ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2HR

Parish: Moor Park and Eastbury
Expiry of Statutory Period: EOT: 19 December 2023

Ward: Batchworth Community Council
Case Officer: Claire Wilson

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee due to concerns regarding the possible impact on neighbour privacy and the Moor Park Conservation Area.

To view all documents forming part of these applications please click on the relevant link below:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S23EKXQFHAY00>

1 Relevant Planning History

- 1.1 W/1068/49: Change of use into Nursing Home. Application withdrawn.
- 1.2 8/526/82: Existing garage into sitting room, new double garage. Permitted and implemented.
- 1.3 99/1436/FUL: First floor rear balcony, car port, and side infill to create habitable room. Application withdrawn.
- 1.4 02/00365/FUL: Single storey side extension and escape hatch. Application permitted.
- 1.5 03/1146/FUL. Retrospective canopy. Application refused.
- 1.6 11/1223/RSP: Retrospective application. Retention of roof dormer. Application permitted.
- 1.7 12/2386/RSP: Retention of existing gazebo: Application permitted.
- 1.8 18/1263/CLPD: Certificate of Lawfulness Proposed Development. Erection of detached outbuilding. Application withdrawn.
- 1.9 23/0890/FUL: Demolition of existing conservatory and construction of single storey side and rear extensions, first floor side extension. Loft conversion including alterations to roof with rear dormer window and rear rooflights, front porch and new entrance door, internal alterations, alterations to fenestration and replacement front boundary treatment including brick wall/railings. Application withdrawn.

2 Description of Application Site

- 2.1 The application site consists of a two storey heavily extended detached dwelling located on the western side of Pembroke Road, Moor Park in close proximity to the junctions with both Wolsey Road and Sandy Lodge Road.

- 2.2 The dwelling is located within the Moor Park Conservation Area which is characterised by detached dwellings of varied architectural style and with generous spacing between dwellings. It appears that the original dwelling dates from pre-1958, with the original extent of the host dwelling being located centrally. It has a pitched roof form, with a two storey hipped projection to the front elevation. The dwelling is tile hung at first floor level with the roof form having a large eaves overhang.
- 2.3 The host dwelling has been historically extended, to the north with a two storey side extension. This has a part pitched/part crown roof form with flat elements at two storey level to the rear. In addition, the dwelling has been extended towards the boundary to the south with a single storey side extension with crown roof form. To the rear, the dwelling has been extended with a single storey rear extension, and projecting beyond this is a covered veranda supported by pillars. To the side of the dwelling is a single storey fully glazed outbuilding which contains a swimming pool. Beyond this, is the main rear garden which is mainly laid to lawn.
- 2.4 To the front of the dwelling is a paved carriage driveway with ample provision for parking along with an individually protected Oak tree (TPO 465). There is existing front boundary treatment which consists of a low-level white stone wall with stone railings. It is noted that there is a change in land levels within the road, which results in the host dwelling being set at a lower level to no.8. The other adjacent neighbour is set away from the boundary with the host dwelling.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the existing conservatory and construction of single storey side and rear extensions, first floor side extension, loft extension including alterations to roof, rear dormer window, and rear rooflights, new entrance door, internal alterations and alterations to fenestration detail.
- 3.2 The existing ground floor crown roofed side extension accommodating a double garage would be partly demolished and reduced in width by approximately 1m. In addition, a single storey rear extension is proposed to this, which would measure 2.4m in depth and would extend for the width of the altered garage. The double doors to the front of the garage would be replaced with a single door. The extension would have a crown roof form at a height of 3.4m sloping down to an eaves height of 2.5m (same as existing).
- 3.3 In addition to the above, a single storey side/rear extension is proposed which accommodate a new gym and would physically adjoin the proposed single storey side extension. This would have a maximum width of 2.7m from the flank wall of the existing dwelling and a maximum depth of approximately 6.8m. The rear wall of the extension would be flush with the main rear wall of the dwelling. It would have a crown roof form with a height of approximately 3.4m .
- 3.4 The existing rear extension located beneath the existing rear canopy would be demolished and replaced with a new single storey extension measuring 2.5m in depth and 5.1m in width. An existing projecting located on the rear elevation would also be demolished.
- 3.5 At present, the first floor element to the northern side of the dwelling has an irregular shaped footprint. The applicant is therefore proposing an infill extension at first floor level between the existing bedroom two and the ensuite bathroom to bedroom four. There would be no increase in depth as a result of the proposal. A new hipped roof form is proposed to the flat roof on the existing addition as well as incorporating the infill extension to the side of the dwelling, set down from the main ridge of the dwelling by approximately 0.5m.
- 3.6 At loft level, the existing flank dormer window facing no.8 would be removed. To the rear, a new pitched roof dormer window would be constructed within the extended roof form and two new rear rooflights are also proposed.

- 3.7 The existing chimneys are shown to be retained externally.
- 3.8 Amended plans have been received during the course of the application which have removed the green roof form.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Clarifications sought]

BCC seeks clarification of the following matters as the revised plans do not appear to address the following matters:

The Heritage Statement indicates that the existing north side chimney is to be repositioned to the proposed north side elevation. It is not clear whether the original chimneys are to be retained or replaced by dummy chimneys as the floor plans do not appear to show two fire places or chimney breasts.

It is not clear what purpose the green flat roof will serve. Any future use of a balcony should be prohibited as it would impact on the privacy of neighbours at no.4.

BCC requests that a construction management plan be put in place with effective monitoring plan of any demolition and to ensure the retention of the façade and flank walls of the host dwelling.

4.1.2 Moor Park 1958: [Clarifications sought]

Whilst certain aspects of the previous application which was withdrawn have been addressed, there still remains the issues of the chimneys and the flat roof.

With respect to the chimneys, the Heritage Statement refers to the fact that the existing north side chimney which has been impacted by the existing incongruous additions, is also to be repositioned to the north elevation to account for the new layout. This does not seem to be what is shown on the plans. The plans seem to indicate that the chimney is to be taken out at ground and first floor level, with the chimney stack above first floor level remaining as viewed from the front of the property but dwarfed by the new roof construction.

The chimneys on the south side of the property appear to remain as existing externally, but internally, the western of the two chimneys appears to be removed at first floor level and the easterly one being removed at ground floor level. Can this be confirmed?

With respect of the flat roof, the current application still proposes a balustrading around the flat roof and it would appear that access on to this is still available from the first floor bedroom, but the elevational detail does not match with the floor plan in relation to this detail. There is concern that if this flat roof referred to as a green roof is accessible, there will be substantial overlooking of the garden and swimming pool at no.4 Pembroke Road, and they will suffer from loss of privacy and amenity.

Can it be confirmed that the flat roof at the rear of the property will not be readily visible from either Bedroom 1, Dressing Room 1 or Bedroom 2 and will not be used as a balcony and that a condition on any permission to this effect will be imposed.

Officer comment: The following clarification has been received from the agent with regard to the chimneys:

I can confirm we are fully retaining the chimney to the left-hand side (western one) from ground floor to stack.

The chimney on the same side (eastern one) will have the fireplace removed at ground floor and will be supported at first floor level. The chimney stack is obviously retained.

The chimney at the front (between gables) will have the chimney breasts removed from both the ground and first floor and the stack will be supported at loft floor level.

4.1.3 Conservation Officer: [No objection]

This application is for the demolition of existing conservatory and construction of single storey side and rear extensions; first floor side extension; loft extension including alterations to roof, rear dormer windows and rear rooflights; new entrance door; internal alterations, alterations to fenestration.

The property is located in the Moor Park Conservation Area.

This application follows pre-application and a subsequent formal application (ref: 23/0890/FUL) that was then withdrawn.

Pre-application advice and advice pertaining to 23/0890/FUL raised concerns regarding the scale and form of the proposed extension as well as the loss of characterful features. The scheme has been revised omitting the large, two storey extension to the south elevation and amending the form and reducing the scale of the extension to the north elevation. The chimneys are now retained which is positive.

Whilst the extension to the north side is large, it does work refine some of the existing piecemeal additions and would result in a more unified appearance. However, there are outstanding concerns regarding the proposed balcony to the rear.

Were permission granted, I recommend that a condition is attached requiring samples of external materials.

4.1.4 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 1 objection.

4.2.3 Site Notice: Expiry 01.11.2023 Press notice: 10.11.2023

4.2.4 Summary of Responses:

- Concerns regarding loss of privacy from the balcony, this would overlook the pool and garden.
- Further loss of privacy from proposed new windows in the proposed new roof extension to the right-hand side of the property.
- Loss of value.

Officer comment: It should be noted that loss of the value of a property is not a material planning consideration. All other comments will be addressed within the analysis section of the report.

5 Reason for Delay

5.1 No delay. Extension of Time agreed.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990)

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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.

6.2 Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In 2023 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 2023 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.

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

6.3 Other

The Moor Park Conservation Area Appraisal (2006)

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

7 **Planning Analysis**

7.1 Impact on Character, Street Scene, and Conservation Area

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'. Policy DM1 and Appendix 2 of the Development Management Policies LDD relate to residential extensions and advise that development should not be unduly prominent within the streetscene.

7.1.2 The site is located within the Moor Park Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is also relevant. This advises that development will only be permitted where it is of a design and scale that preserves or enhances the character or appearance of the area. The Moor Park Conservation Area Appraisal is also relevant and sets out specific guidance in order to preserve the special character of the area.

7.1.3 The existing host dwelling whilst a pre-1958 dwelling has been subject to substantial extensions and additions historically, many of which are now considered to be unsympathetic and detract from the original appearance of the dwelling. However, some characterful features have been retained including the eaves overhang at roof level, mansard facades and large feature chimneys. At the time of the previously withdrawn application, the Conservation Officer noted that despite the unsympathetic nature of previous extensions, as it stands currently, these extensions still permit an appreciation of the original form and scale of the host dwelling.

7.1.4 The proposal includes the provision of a new roof form over the existing two storey side addition to the north of the dwelling. It is acknowledged that this would be a relatively large addition, however, the plans indicate that the roof form would be set down from the main ridge of the dwelling and would also be hipped, therefore minimising the overall bulk and massing of the dwelling whilst also ensuring that the original part of the dwelling remains the principle element of the front elevation. In addition, the proposed works would also remove the existing crown roof element and the existing flat roof form at two storey level to the rear. The Moor Park Conservation Area Appraisal discourages the provision of flat roof forms and as such, the reinstatement of a traditional pitched roof form would be viewed as an enhancement.

7.1.5 The Moor Park Conservation Area Appraisal provides specific guidance in order to retain the special character of the Conservation Area, stating the following:

'A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries....'

In cases where the width of existing buildings covers 80% or more of the plot width at the building line, further extension towards the boundaries (or upwards) will not be permitted.

- 7.1.6 In this case, the provision of the new roof form over the existing northern extension would result in an increase in the upper bulk and massing of the dwelling. As such, the above guidance is applicable. The existing built form has a plot frontage width of approximately 88%, thereby already exceeding the frontage width as set out in the Conservation Area Appraisal. The existing first floor element to the north sits a minimum of 0.75m from the boundary due to the roof overhang, however, the main flank wall appears to be set back by approximately 0.8m.
- 7.1.7 The applicant is proposing to reduce the plot frontage width, by reducing the width of the existing single storey garage by approximately 1m; resulting in a reduced plot width coverage of 84%. In addition, the new roof form to the north means that the first floor flank wall would be set back from the boundary by 1.8m relative to 0.75m. Whilst it is acknowledged that the proposal would remain contrary to the Appraisal as the plot frontage width would still exceed 80%, the Conservation Officer notes that the works would refine some of the existing piecemeal additions and would result in a more unified appearance. As such, it is considered that the proposed works would enhance the appearance of the dwelling whilst also further opening up space to the south. Consequently, it is not considered that significant harm would occur to justify refusal on this basis.
- 7.1.8 The proposals also include an extension to the rear of the garage to accommodate a boot room, a single storey side extension to the dwelling to create a gym and a further single storey rear extension located beneath the existing canopy (which would replace an existing single storey rear extension). These elements would be read against the footprint of the existing dwelling and as such would not appear disproportionate. It is not considered that these extensions would not significantly extend the depth of the dwelling and thus would not encroach into the open garden to the rear of the site, thus containing the built form. It is noted that the single storey elements would have a crown roof form/flat roof form. However, given these elements would not be readily visible from the frontage and the appearance of the existing single storey garage extension/rear flat roofed canopy that these elements would be read against, no objections are raised. Some original concern was received with regard to the creation of a green roof form to the rear over the existing canopy as this was not viewed to be a typical feature of the Conservation Area. In response, the green roof form and associated balustrading have been removed from the plans.
- 7.1.9 It is noted that the Moor Park Conservation Area notes the following with regard to plot coverage:
- Buildings, including all out buildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which over hang the ground floor or any built areas at basement level where these extend beyond the ground floor.*
- 7.1.10 In this case, the existing dwelling has a plot coverage of approximately 21% taking into account the existing covered swimming pool, and the gazebo to the rear. The proposed plot coverage equates to approximately 23%. Whilst it is acknowledged that this would still exceed the plot coverage guidance, given the siting of the extensions, and the existing plot coverage any impact would be negligible upon the character of the conservation area.. Furthermore, the development would also include a reduction in the width of the existing garage which would further open up space around the dwelling, a key characteristic of the conservation area, thereby enhancing its character and appearance.
- 7.1.11 With regard to the loft conversion, the plans include the removal of the existing pitched roof dormer window to the flank elevation. At present, it is considered that this dormer window does detract from the appearance of the dwelling, and its removal would result in a less cluttered roof form. To the rear, a new pitched roof dormer window is proposed. Appendix

2 of the Development Management Policies LDD provides guidance on dormer windows and sets out that they should be set down from the ridge, in from both sides and back from the plane of the existing wall. It is viewed that the pitched roof dormer window would comply with this guidance and would not have a significant impact on the appearance of the host dwelling. Two rear rooflights are also proposed and it is acknowledged that these would add some clutter. However, they are of modest size and would not appear unduly prominent or unsympathetic.

- 7.1.12 Alterations to fenestration detail are proposed. To the front elevation, the bay windows would remain unaltered which is welcomed given these are positive characterful features of the dwelling. The application form specifies that the new windows would be aluminium which is considered to be an appropriate material within the Conservation Area. The proportions of the replacement windows to the front elevation and the provision of a new garage door are considered to be appropriate. Whilst more modern bifold doors are proposed to the rear, given their siting, these would not detract from the appearance of the host dwelling. In order to ensure that the works are sympathetic to the existing host dwelling, a condition requiring digital details of all materials including fenestration detail shall be added to any consent.
- 7.1.13 Some concern has been expressed about the chimneys and internal works to these. In response, internal works do not require planning permission and therefore it would be unreasonable to object to the removal of fireplaces internally. The applicant has also advised that the applicant would be retaining the chimney stacks to the left hand side of the dwelling. The chimney to the front located between the gables will also be retained (the chimney breasts will be removed from both the ground and first floor and the stack will be supported at loft level).
- 7.1.14 With regards to demolition, Batchworth Community Council have suggested that a condition requiring a construction management plan to be submitted should be added to ensure the monitoring of demolition works and to ensure the retention of the façade and flank walls of the host dwelling. Given the nature of the works, a condition shall be added requiring a construction method statement to be submitted prior to the commencement of development.
- 7.1.15 In summary, it is considered that the proposed development would be acceptable. The proposals would help to refine the piecemeal nature of the existing dwelling and as such would enhance its appearance within the streetscene and the wider Conservation Area. The development is therefore acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3, and Appendix 2 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal (2006).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development proposals 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 LDD are also relevant. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene.
- 7.2.2 The applicant is seeking a new roof form over the existing two storey element located to the north of the dwelling. It is acknowledged that no.4 Pembroke Road is located at a lower land level to the application site. However, the roof form would be hipped, therefore minimising the bulk and massing on the boundary, and this neighbour is set away from the boundary. Consequently, it is not viewed that the development would be unduly overbearing or result in a significant loss of light to this neighbour.

- 7.2.3 It is noted that no.4 has raised objections to the development. Concerns were raised that the green roof form would create a balcony which would result in overlooking to this neighbour. In response the green roof form has been removed, and a condition shall be added preventing the flat roof form from being used as a terrace.
- 7.2.4 The neighbour has also raised concerns with regard to the new windows, and it is assumed that they are referring to the new rear dormer window and rooflights. Whilst it is acknowledged that the rear dormer window would have some outlook towards the rear garden, this would be directed down the garden rather to the private amenity space located closest to the dwelling. In addition, it is not considered that the rear dormer would have a significantly increased impact relative to existing first floor windows. The plans do include the provision of two first floor flank windows facing towards no.4. These are indicated to serve ensuite bathrooms and therefore can be conditioned to be obscure glazed and top vent opening only. A new window would also be added in the flank wall at ground floor level. Given the ground floor nature of the window and the existing level of screening to the boundary, no objections are raised.
- 7.2.5 The plans also include the reduction in width of the existing side extension adjacent to no.8 and no objections are raised in this regard. It is noted that a rear extension is proposed to the existing garage to accommodate a boot room, and in addition a side/rear extension is proposed to accommodate a gym at ground floor level. These proposals would have no impact on no.4 given that these would be screened by the existing dwelling. In addition, it is not considered that the proposed extensions would result in any harm to no.8 given this neighbour is set back relative to the host dwelling and given the single storey nature of the extensions, these would not appear overbearing.
- 7.2.6 The alterations to fenestration detail would have no impact on the residential amenities of neighbouring dwellings.
- 7.2.7 There are no residential neighbours to the rear of the site that would be adversely affected.
- 7.2.8 In summary, given the site circumstances, it is considered that the proposed development would not adversely affect the residential amenities of neighbouring dwellings. The development is considered acceptable and in accordance with Policy CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
- 7.3 Amenity Space Provision for future occupants
- 7.3.1 The host dwelling has a large rear garden and therefore there would be ample provision for present and future occupiers of the site.
- 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 which sets out that the proposed development would not have any impact on protected species or biodiversity interests. In this case, the proposed development would result in roof alterations and

therefore an informative is suggested reminding the applicant of what to do should bats be found to be present during the course of the application.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It states that 'development proposals on site which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.

7.5.2 All trees within the curtilage are also afforded protection due to the Conservation Area Status of the area. It is also noted that there is an existing large Oak Tree located on the frontage which is individually protected (TR (Pembroke Road, Northwood) 2005 and an individually protected tree (T3465 Oak) located at no.8 Pembroke Road . Whilst the works would not directly affect the trees, it is considered necessary to add a condition requiring a tree protection scheme to be submitted prior to the commencement of any development on site.

7.6 Highways, Access and Parking

7.6.1 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 requires a dwelling with four or more bedrooms to have three off street car parking spaces.

7.6.2 No alterations are proposed to the existing vehicular accesses to the site. With regard to off street car parking, the site has an existing carriage driveway which would provide provision for three off street car parking spaces in accordance with the requirements of Appendix 5.

8 **Recommendation**

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: ;

6045-PL-010, 6045-PL-011, 6045-PL-012, 6045-PL-013, 6045-PL-014, 6045-PL-020, 6045-PL-200 D, 6045-PL-101-B, 6045-PL-102 B, 6045-103 C, 6045-104 C,

Reason: For the avoidance of doubt, in the proper interests of planning and to maintain the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP21; of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

- C3 No demolition or works to the roof shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority.

This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on the approved drawings to be retained will be maintained throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Reason: This condition is to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C4 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) whatsoever 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 designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

- C5 Before any building operations above ground level hereby permitted are commenced, digital samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013)

- C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

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

- C7 Before the first occupation of the extension hereby permitted the window(s) in the first floor flank elevation facing no.4 Pembroke Road shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C8 The single storey flat roof area to the rear of the dwelling hereby approved shall not be used as an amenity or sitting out space of any kind whatsoever and shall not be used other than for essential maintenance or repair, or escape in case of emergency.

Reason: To ensure that the residential amenities of adjoining occupiers and of the area generally is protected and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.1 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 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 (cil@threerivers.gov.uk). 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions and made amendments during the course of the application which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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 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).

- 14 The applicant is reminded that any alterations to the boundary treatment would require planning permission.





PLANNING COMMITTEE – 14 December 2023

23/1707/FUL - Change of use from single dwellinghouse to childrens care home at BEECH HOUSE, CHESS WAY, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5TA.

Parish: Chorleywood Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 18.12.2023 (Extension of time agreed) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused.

Reason for consideration by the Committee: The application was called in by three members of the planning committee regardless of the officer recommendation, to consider the impact of the development on neighbouring amenity.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=S2ASQ9QFHBO00&activeTab=summary>

1 Relevant Planning History

- 1.1 18/0594/FUL - Roof extensions including increase in ridge height and rear gable projection and insertion of front dormer and flank rooflights; first floor front extension; front porch; two storey rear extension and lower ground floor extension, single storey side extension and creation of balconies to rear – Refused – appeal dismissed.
- 1.2 19/1517/FUL - Roof extensions including increase in ridge height; Construction of a three storey rear extension including extension to basement at lower ground floor; installation of a raised decking; Insertion of rooflights; Erection of a front porch and alterations to external materials – Permitted and implemented.
- 1.3 22/0316/FUL - Demolition of existing dwellinghouse and erection of a part two, part three storey detached dwellinghouse with roof accommodation – Refused.
- 1.4 23/0129/COMP - Enforcement enquiry regarding change of use - Closed, no breach.
- 1.5 23/0163/COMP - Enforcement enquiry regarding unauthorised works - Pending consideration.

2. Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the north eastern side of Chess Way, Chorleywood. The application site contains a detached dwelling which has been relatively recently extend in pursuance to 19/1571/FUL. The land levels slope to the rear of the site and as such the dwelling appears as a bungalow to the front with a front porch and dormer window but appears two storeys to the rear with a lower ground floor level and raised rear patio.
- 2.2 To the front of the site is a block paved driveway in a carriage layout and an area of soft landscaping.
- 2.3 To the rear beyond the raised patio the garden is mostly laid as lawn.
- 2.4 The neighbour to the south east 'Hillside' is a detached bungalow with characterful eyelit dormers to the front.

- 2.5 The neighbour to the north west is Magnolia Cottage which is a detached two storey dwelling.
- 2.6 During a site visit it was ascertained that the dwelling is currently unoccupied. Whilst rooms had been set up to facilitate the proposed development, the change of use had not occurred as there was no one residing within the building. The enforcement case pertaining to the use was subsequently closed. Notwithstanding this it was also ascertained that the building in situ had not been constructed in accordance with the approved plans approved via 19/1571/FUL. Whilst a planning enforcement case has been opened to investigate this the initially site observations noted deviations to the scale of the front porch and a raised rear terrace.

3. Description of Proposed Development

- 3.1 This application seeks full planning permission for the change of use from single dwellinghouse to children's care home. Use Class C3 to Use Class C2.
- 3.2 The proposed change of use would facilitate the provision of residential accommodation for 6 children aged between 5 and 18. The intended service provider has set out that their business plan is to provide a residential home for Children and Young people with Learning Disabilities. The facility would provide the Child or Young person's principal home as opposed to respite-style care.
- 3.3 The number of children to be accommodated as part of the use has been reduced during the course of the application from 8 to 6. Whilst Officers did request that this be further reduced to a maximum of 4 children, further amended details were not received and the application is assessed on the basis of the residential accommodation providing for 6 children.
- 3.4 The applicant has set out that there would be 2 staff to support the children (2 staff during the day and 2 staff on a waking night shift). They advise an a maximum of 3 staff in the day depending on the needs of the children. Bedrooms would be provided at ground and first floor. The lower ground floor would provide activity space and a staff office.
- 3.5 No external alterations are proposed to facilitate the change of use. The plans submitted include elements that do not benefit from planning permission including a rear patio. There also appear to be some elements deviating from the approved plans however these are not being considered as part of this application and are subject to a separate pending enforcement enquiry.

4. Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

Whilst the Committee wishes to support the creation of Childrens Homes in the district, it had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

The location of the proposed Childrens Home is not considered appropriate bearing in mind the issues that the children proposed to be accommodated here have:

- *The property is in close proximity to the M25 and the River Chess. The children to be accommodated in the property have issues that affect behaviour which, in some cases, have been linked to suicidal ideation. The property is within a three minute walk of a bridge over the M25 with very low parapets and not much further from the*

River Chess. This does not appear to have been considered or referred to in any way in the Risk Assessment provided.

- The applicant describes the property as being close to bus services and local facilities. The local bus service runs approximately once every two hours and, on some days, does not run at all. The property is at least a thirty minute walk from local shops and the railway station much longer if the person does not walk across the Common.*
- The street in which this property is sited and most of the surrounding roads do not have streetlights or pavements. With the property not being within a sensible walking distance from local facilities / station and a highly infrequent bus service, the applicants assertion that staff will be expected to use public transport is not considered to be credible to achieve. As such, the majority of staff will probably have to use cars to reach the site. The property will only provide 4 parking spaces but, whilst it is accepted that this is in line with Appendix 5 of the Development Management Policies, with 6 staff being present at handovers, this will not provide sufficient parking. Even outside of handover times, this will leave no space for visitors. The nature of Chess Way does not lend itself to street parking and any overflow of parking from the site is likely to cause hazards and congestion on the road. The layout of the house is not considered suitable for a Childrens Home with the shared space being too small for the proposed number of active children and young people to be housed there.*
- This is compounded by the fact that access to the garden is only possible by going through the office, a utility room and down a steep set of steps or through the lower ground floor bedrooms.*

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.2 National Grid: No response received.

4.1.3 Hertfordshire County Council – Highway Authority: [No objection]

Chess Way is a private route which is not highway maintainable at public expense. Therefore, HCC cannot implement policies or maintenance at the location of the site, meaning these comments are advisory. Chess Way is connected to the highway at Wyatts Road which is a local access route subject to a 30mph speed limit which is highway maintainable at public expense. Chess Way can only be accessed via Wyatts Road as it is blocked off for vehicles towards Solesbridge Lane; also for pedestrians, Wyatts Road is the only option owing to the lack of footway along the majority of Solesbridge Lane. Walking this route, the nearest bus stop to the site is approximately 625m away and the nearest shop, located within a petrol station, is approximately 685m from the site.

Chorleywood is the closest train station which is an approximate 2.4km walk, and served by Chiltern Railways and the Metropolitan line. These distances exceed the ideal walking distances for sustainable/active travel options outlined in CIHT guidance, but as the change of use does not alter the number of people residing at the site and does not propose any new dwellings, this is not a reason for objection.

Access and Parking

The application does not propose to alter the existing vehicular access into the site and the footprint of the existing dwelling is not to change, and therefore the visibility splays from the access will not be altered. There have not been any collisions close to the site within the last 5 years. The change of use is unlikely to create a significant increase in trips due to the

size of the site. The Design and Access Statement says there are to be three members of staff on site at a time and staff to be on site 24/7 in shift patterns, therefore the number of trips related to the site are minimal and are likely to avoid the peak times.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking provision at the site is not to be altered with the application and the four spaces mentioned in the Application Form and shown on drawing number BHO-CHA-DR-XX-A-0001 are not to be changed. Secure and covered cycle parking is to be introduced at the site in line with TRDC parking standards.

Refuse and Waste Collection

Manual for Streets Paragraph 6.8.9 states that waste collection vehicles must be able to get within 25m of the bin storage location and residents must not carry waste for more than 30m. Aside from the addition of the clinical waste, the waste collection method at the site is unlikely to change as no changes are proposed to the layout of the dwelling.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the footprint of the existing dwelling being within this 45m.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. It is again to be noted HCC does not have the ability to implement policies or maintenance in the location of the development, so these comments are written in an advisory capacity.

4.1.4 Herts Constabulary:

My comments are made from a crime prevention and security perspective only, I do have substantive concerns regarding this application. Experience has shown that dwellings of this size changed into children's homes (Class 2) for 2 to 3 children cause significant problems:

This is still a 5-bedroom property and normally we would ask for a higher level of security, such as implementing the police preferred security standard Secured by Design. however, as it will be classed as a 'C2 care home' this can be by passed.

CCTV would be necessary to record any visitors to the home and should also cover the immediate surroundings and in the communal areas to protect both the children and the staff, and to act as a deterrent to bad behaviour. It should record remotely to prevent unauthorised tampering with the recorder at a local level.

There are many discussions being held nationally within the police. Evidence suggests that these homes, unless carefully managed, are causing significant problems for the local population and a huge demand for the local safer neighbourhood police and social workers.

There is also evidence to suggest that the young occupants of these homes are being targeted for involvement in 'county lines' type activity around the supply of drugs.

I have reviewed the documents provided and unfortunately, I am unable to support this application.

4.1.5 Herts County Council Growth and Infrastructure team:

The five south west Hertfordshire authorities (Three Rivers, Dacorum, St Albans, Hertsmere and Watford) have recently commissioned a joint Local Housing Needs Assessment to help inform the evidence bases for emerging Local Plans. The LHNA will look to identify the need for Children's Homes in Hertfordshire as well as other more traditional types of housing. Officers from Hertfordshire County Council's Children's Services team have had input into the study and whilst the document has not yet been finalised and published, the latest draft has identified a need for additional children's homes. This need is to cover the current shortfall of in-county accommodation, which means that children often have to be housed out-of-county, as well as covering the additional demand expected from the continuation of falling foster parent numbers which will place additional demand on children's homes in the future."

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 20.

4.2.2 No of responses received: 58 objections.

4.2.3 Site Notice: Expired: Not required Press notice: Not required.

4.2.4 Summary of Responses:

- Housing those who need special help in residential area will cause aggravation to neighbours.
- Unsuitable location.
- Will increase pressure on overstretched resources.
- Do not want police regularly attending to address anti social behaviour.
- Concerns regarding drug misuse and noise pollution.
- High risk behaviour could pose threat to local community.
- Poorly lit street not ideal for children.
- Resident safety concerns.
- H&S threat of busy road.
- M25 bridge in close proximity is of concern.
- Impact on elderly residents.
- Alternative location should be considered with better accessibility and facilities.
- Applicant has commercial motives – house not big enough for this many children.
- Traffic/congestion impacts.
- Concerns regarding adequate waste management.
- Increased comings and goings.
- Nothing interesting for young people to do in the vicinity.
- Parking issues.
- Already had disruption from building works.
- Loss of privacy.

4.2.5 Officer comment: The comments received are noted however only material planning considerations can addressed. These are set out within the analysis section below.

5. Reason for Delay

5.1 No delay. Extension of Time agreed.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38

(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 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.

6.3 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, CP2, CP6, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM9, DM10, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Plan (Referendum Version 2020). Policies 3 and 13 are relevant.

6.4 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 Principle of development

- 7.1.1 The proposed development would result in the loss of a Use Class C3 residential dwelling but would result in the creation of a 6 bedroom children's care facility under Use Class C2. When applying the council's conversion ratio of 1.9 C2 to 1 C3 the proposal would provide the equivalent of three Use Class C3 dwellings (net gain of 2). The standard for the conversion ratio is drawn from the South West Hertfordshire Local Housing Needs Assessment (LHNA) (2020) which is an up to date evidence base, used by the five authorities. Paragraph 7.29 of the LHNA states the C2 ratio is based on the average number of adults in households and in Three Rivers this equates to 1.88 bed spaces per dwelling. Therefore the Housing Land Supply (2021) states the conversion ratio is 1.9:1 (1.9 bedrooms in C2 use 'frees up' 1 open market dwelling). As such whilst the loss of C3 dwellings is generally resisted, in this case when applying the Council's conversion ratio there would be no net loss and the principle of providing a 6 bed care home would be acceptable. During the course of the application Officers have engaged with colleagues at Hertfordshire County Council both within Children's Services and the Growth and Infrastructure team. In terms of the need the Growth and Infrastructure Officer advised:

"The five south west Hertfordshire authorities (Three Rivers, Dacorum, St Albans, Hertsmere and Watford) have recently commissioned a joint Local Housing Needs Assessment to help inform the evidence bases for emerging Local Plans. The LHNA will look to identify the need for Children's Homes in Hertfordshire as well as other more traditional types of housing. Officers from Hertfordshire County Council's Children's Services team have had input into the study and whilst the document has not yet been finalised and published, the latest draft has identified a need for additional children's homes. This need is to cover the current shortfall of in-county accommodation, which means that children often have to be housed out-of-county, as well as covering the additional demand expected from the continuation of falling foster parent numbers which will place additional demand on children's homes in the future."

- 7.1.2 The evidence base does not set out the exact requirements for children's care homes for those with Learning Disabilities however the Officer from Children's Services advised there was an acute need to provide such places within the County as currently many children are having to be placed out of the area.
- 7.1.3 Overall there is no in principle objection to the proposed development however this is subject to all other material considerations as set out below.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness, avoid inappropriate development in the built environment and make efficient use of land and Policy CP12 of the Core Strategy (adopted October 2011) seeks to ensure development has regard to local context and makes efficient use of land whilst responding the local distinctiveness. The NPPF at paragraph 130 of the NPPF outlines that decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 7.2.2 The proposed development would not result in any physical alterations to the external appearance of the existing building. However as set out above the NPPF sets out that development should not only visually add to the quality of the area but should also function well within it. The proposed change of use would not have many physical indications of its use in terms of increased built form or signage rather the use would be visible by virtue of the increased activities that would result, particularly, within the site frontage. It is acknowledged that a dwelling of the size of the existing could give rise to a number of comings and goings just by virtue of the number of bedrooms. However the day to day operations of a single family unit are not considered to be akin to that arising from the

proposed use. The number and type of activities within the site frontage together with the potential for the displacement of cars outside of the site would give rise to a function which would be incongruous within the locality. It is not the use per se that results in harm but the secondary impacts of activities that would occur.

7.2.3 Overall the proposed development, by virtue of its incongruous functions within the locality, would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Policy DM1 and Appendix 2 of the Development Management Properties LDD provides further guidance and states that residential development should not result in a loss of light or loss of privacy to neighbouring dwellings.

7.3.2 Policy DM9 of the DMP LDD outlines the development should not result in adverse impact on the indoor or outdoor acoustic environment of existing development.

7.3.3 The proposed development would not result in any physical interventions to the external appearance of the existing building. As such the proposed development would not give rise to any physical overbearing impact or loss of light to neighbouring amenity. The concerns regarding overlooking from the existing raised terrace are noted however the raised terrace in situ is being investigated separately via a planning enforcement case and the terrace does not form part of the development being considered as part of this application.

7.3.4 The key test in this case would be whether the proposed development results in an increase in activity over and above what could be reasonably expected from the existing dwelling in a C3 Use. Once this has been ascertained, it is then necessary to consider whether any increase results in demonstrable harm to neighbouring amenity.

7.3.5 The existing dwelling (as approved via 19/1517/FUL) has five bedrooms and therefore provides a relatively large family home. Given that the dwelling has 5 double rooms it could accommodate 10 people. However the number of occupants of a single dwelling is difficult to predict and it is unlikely that the dwelling would be at a capacity of 10. The proposed development would provide accommodation for 6 Children/Young people plus a minimum of 2 staff. However owing to the individual needs of each child which would be determined on a case by case basis, it could be that all 6 children require 1:1 care or greater. The information submitted indicates that following a referral it would be for the Home manager to ensure that the facility could provide a suitable place for the individual. Therefore as a minimum there would be 8 people on site but this could be greater with 1:1 care resulting in 12 people. Further it is not unreasonable to predict additional third parties would visit the site which could include family members, medical professionals or people providing educational based support. The information submitted by the applicant sets out that such meetings would form part of a daily schedule for the individuals as part of their daily plan. It is not considered that the movements associated with the proposed use would be directly comparable to the existing use as a single family dwelling. When considering on site staff, additional support services and the potential level of daily movements associated with the children's needs to travel for education it is concluded that even at a minimum level of 2 staff the comings and goings which would result would be more intensive than those generally expected from a five bedroom dwelling.

7.3.6 Having concluded that the proposed use would have more intensive comings and goings than the existing use it must now be established whether this would be harmful.

7.3.7 The majority of movement would be contained to within the building and within the site frontage. Whilst the children may play in the rear garden it is not considered that this would lead to such additional noise and disturbance than would arise from an active family unit

undertaking normal play or recreation based activities in their gardens. The activity within the building itself is also unlikely to give rise to undue audible noise or disturbance. However when considering the potential number of movements in, out and around the site frontage which could arise from the proposed use it is considered that this would lead to unacceptable levels of noise and disturbance over and above the usual activity of a single residential unit. In turn it is considered that the resultant disturbance would lead to unacceptable harm to neighbouring amenity. Namely, but not limited to, the two adjacent properties at Magnolia Cottage and Hillside. The proposal would overall be contrary to Policy CP12 of the Core Strategy and Policies DM1 and DM9 of the DMPLDD.

7.4 Quality of accommodation for future occupants

7.4.1 Appendix 2 of the DMP LDD sets out that residential care homes should provide 15sqm of amenity space per bed space. The proposed development would therefore require 90sqm of amenity space.

7.4.2 The application site has a rear garden providing over 700sqm of amenity space and as such the proposal would comply with Appendix 2 in this respect. The reduced number of beds from 8 to 6 has also allowed for the integration of additional indoor play/living space in addition to the main communal living/kitchen/dining area. In addition, all bedrooms are of good sizes with good levels of natural light.

7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.5.2 Appendix 5 of the DMP LDD sets out the parking standards. It outlines that institutions/homes with care staff on premises at all times (excluding nursing homes, hospitals, residential schools, colleges or training centres) require 1 space per 5 resident bed spaces plus 1 space per 2 staff non-resident (parking for resident staff to be based on general needs standard).

7.5.3 Two parking spaces would be required for the 6 bedrooms. The applicant submits that there would only be 2 staff on site to support the residents. However until such time that the individual needs of the children who would reside at Beech House are known it could be that a 1:1 staff ratio would be required if not higher. If a 1:1 ratio were assumed then 3 staff spaces would be required. Thus would have an overall requirement of 5 parking spaces. If only 2 staff were on site then 3 spaces would be the minimum requirement.

7.5.4 The block plan submitted does not accurately represent the existing site frontage. From the site visit conducted it was evident that 5 cars could be accommodated on the site frontage. These would not all be individually accessible with some tandem parking having to be made in the central part of the driveway. However as previously set out the exact movements are unknown as they are largely dependent on the individual needs and daily routine of the child. It could be the case that several additional third parties may be required to visit for example for home schooling, education purposes or medical professionals.

7.5.5 Chess Way is a private road and whilst there is some on street parking this is limited. Furthermore the application site is not considered to be a particularly sustainable location with public transport connections some distance away. Generally it would be anticipated that visitors would arrive by car.

7.5.6 Whilst technical compliance with the parking standard would be achieved, the number and type of vehicle movements would be different to those generally expected from a single residential unit of this size. Furthermore the exact daily movements are not known as the

needs of the individual child are not known. For example whether they would each travel off site for schooling or similar education centres or whether each would receive their requisite education at home. Whilst the information submitted by the applicant is noted in respect of staff numbers etc it cannot be assured at this time how many movements are likely and in any event even the minimum requirement for 6 children plus support staff is likely to lead to some displacement of parking within the locality even it is for temporary periods during staff shift change overs or when children are being collected/dropped off.

7.5.7 Overall whilst the technical standard for the number of parking spaces could be accommodated within the site frontage the number and type of vehicle movements could give rise to displacement of parking within the locality due to the elevated levels of comings and goings resulting from the development. Furthermore by virtue of the type of movements and the tandem arrangement of some parking spaces this would further increase the likelihood of impacts to the free flow of highway users due to the increase in comings and goings and parking displacement on street. As such the proposal would be contrary to Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the DMP LDD.

7.6 Refuse and Recycling

7.6.1 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. New developments will only be supported where:

- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
- ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
- iii) There would be no obstruction of pedestrian, cyclists or driver site lines

7.6.2 It is not considered that the waste/recycling which would be produced by the proposed use would be significantly more than that which could be generated by a large family living in the existing dwelling. As such it is not considered reasonable to require the submission of further details in this respect.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.7.2 Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 174 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.

7.7.3 The proposal would not result in any direct or indirect harm in this respect owing the nature of the development.

7.8 Wildlife and Biodiversity

7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMP LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.8.3 Owing to the nature of the proposed development it is not considered that any adverse impacts would result in this respect.
- 7.9 Planning balance
- 7.9.1 The acute need for the proposed development is noted. It is also acknowledged that some children are currently being placed out of the county as there are insufficient spaces available for Children and Young People with Learning disabilities to live. The proposal would provide 6 Children/Young people with a home in the county (it is understood that HCC will refer children to the service provider). Notwithstanding this, the resultant detrimental impact to the amenity of neighbouring properties together with the unacceptable potential for displacement of vehicles outside of the site would not be significantly and demonstrably outweighed by the benefits of the scheme in this case.

Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

- R1 The proposed change of use by virtue of the increased levels of activity within and around the site would result in detrimental harm to neighbouring amenity by way of undue levels of noise and disturbance. The resultant level of activity and vehicle movements also cannot be accommodated within the existing site frontage thus giving rise to the unacceptable displacement of parking in the locality which would give rise to conflicts with the freeflow of highways users Furthermore the proposed change of use would result in an incongruous function within the locality to the detriment of the character of the streetscene. Overall the proposal would be contrary to Policies CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9, DM13 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE - Thursday 14 December 2023

23/1767/FUL - Replacement of doors and windows at PENN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, RICKMANSWORTH, WD3 3JY

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 28.12.2023 (EOT)

Case Officer: Katy Brackenboro

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: A member of staff lives within the consultation area.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2PM2IQFHFE00>

1 Relevant Planning History

- 1.1 8/41/92 - Erection of eight dwelling houses - 12.01.93.
- 1.2 05/0374/FUL - Single and two storey rear extension. Permitted. 09.05.2005.
- 1.3 05/1291/FUL - Single and two storey rear extension. Permitted. 03.11.2005.

2 Description of Application Site

- 2.1 The application site contains a semi-detached dwelling within the Croxley Green Conservation Area and is located within Character Area 2 of the Croxley Green Neighbourhood Plan. It is situated in the south-eastern corner of the 'Kings Oak' development. This development was built in the 1990s and is accessed via Whitegates Close. The development consists of eight semi-detached dwellings of similar design built around a central courtyard which includes three Oak trees protected by Tree Preservation Order TPO518.
- 2.2 The dwelling is two storeys. It has been extended via a part single, part two storey rear extension.
- 2.3 To the rear of the dwelling is an irregular shaped garden of approximately 195sqm which includes a patio area and an area laid to lawn to the rear. The southern boundary of the site is close boarded fencing approximately 1.8m high.
- 2.4 There is a protected Elm tree to the south-eastern part of the application site. There is also a protected Oak tree to the south-eastern boundary of the site. There is a protected Ash tree, within the curtilage of Rowan Cottage, which is sited close to the shared western boundary.
- 2.5 Holly Cottage, the neighbour to the north-east of the application dwelling benefits from a single storey rear extension.
- 2.6 Rowan Cottage, the neighbour to the north-west, has been extended via a single storey front extension and loft conversion with rear dormer. There is an outbuilding and shed to its rear garden.
- 2.7 Parrotts, the neighbouring detached property to the south of the application site is a Grade II Listed Building.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for replacement windows and doors.
- 3.2 It is proposed to replace the existing white framed timber windows to the rear and south-eastern flanks at both ground and first floor level with new white framed upvc windows as per the specification provided by Harp Windows. The existing bi-folding doors and single door at ground floor level to the rear elevation would be replaced with slate grey framed bi-folding doors and a white upvc door as per the specification provided by Harp Windows.
- 3.3 The existing timber windows to the front elevation would not be altered.

4 Consultation

4.1 Statutory Consultation

4.2 Conservation Officer: [No objection]

This application is for the replacement of doors and windows. Penn Cottage is located in the Croxley Green Conservation Area. The dwelling forms part of small housing development that was constructed in the early twenty first century. The proposal is for a like-for-like replacement of the windows and doors to the rear elevation. The proposal would preserve the character and appearance of the conservation area. There would be no objection from a heritage perspective.

4.3 Croxley Green Parish Council: No response received.

4.4 Landscape Officer: [No objection]

The application from indicates that no trees or hedges will need to be felled or pruned to facilitate the development. No further comment

4.5 National Grid: [No comment received]

4.6 Public/Neighbour Consultation

4.7 Number consulted: 9

4.8 No of responses received: 0

4.9 Site Notice: Expires on 01/12/2023

4.10 Press notice: Expires on 01/12/2023

4.11 Summary of Responses: None received to date. A verbal update will be provided at Planning Committee.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 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”.

6.3 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

Croxley Green Conservation Area Appraisal (adopted 1996)

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA1 and Appendices B and C are relevant.

6.4 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 Design and Impact on Character and Conservation Area

- 7.1.1 Policy CP12 of the Core Strategy 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'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As the site is located within the Croxley Green Conservation Area, Policy DM3 of the Development Management Policies document 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 preserve or enhances the character and appearance of the area; uses building materials and finishes that are appropriate to the area and results, where relevant in the removal of unsympathetic features and the restoration or reinstatement of missing features.
- 7.1.4 The proposal would result in the replacement of the existing timber windows within the south-eastern and rear elevations at ground and first floor level, with new white upvc windows, and the replacement of the existing upvc door and patio doors to the rear elevation at ground floor level. The patio doors within the rear elevation at ground floor level which would be replaced with bi-folding doors in slate grey. The size of the windows and doors would reflect the existing and would be fitted within the existing openings, including glazing bars and detailing to match existing. Whilst the proposed replacements would be upvc rather than timber, they would reflect the appearance and proportions of the existing openings. It is also noted that there is a variety of colours and materials to the windows of properties within the close, for example, the adjacent neighbour at Holly Cottage has white upvc windows and there are brown casements to the neighbour Rowan Cottage. The Conservation Officer has raised no objection on heritage grounds and the timber windows to the front elevation would be retained.
- 7.1.5 In summary, it is considered that the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, streetscene or wider Conservation Area. The development 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 LDD (2013), and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018), the Croxley Green Conservation Area Appraisal (adopted 1996) and the NPPF (2023).
- 7.2 Impact on the setting of adjacent listed building
- 7.2.1 Policy DM3 of the Development Management Policies LDD sets out that development would only be supported where it would not adversely affect the setting of Listed Buildings.
- 7.2.2 The neighbouring property to the south of the application site, Parrotts, is a Grade II Listed Building. The proposal given its nature is not considered to have any adverse impact on the setting of Parrotts. The development would therefore accord with Policy DM3 of the Development Management Policies LDD.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy advise that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all development is expected to maintain acceptable standards of privacy for both new and existing residential buildings and should not result in a loss of light to the windows of neighbouring properties nor allow overlooking.

7.3.2 The proposed replacement windows and doors to the rear and south-eastern flanks would not result in any increase in bulk and massing of the host dwelling, with the replacement windows and doors having the same dimensions as the existing fenestration. The proposal would therefore not result in any adverse harm to the residential amenities of any neighbouring occupiers.

7.3.3 In summary, the proposed development would not result in any adverse impact on any neighbouring dwellings and the development would be 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 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 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.

7.4.3 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 surveying work being undertaken.

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 the proposal should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. There is a protected Elm tree to the south-eastern part of the application site, a protected Oak tree to the south-eastern boundary of the site and a protected Ash tree, within the curtilage of Rowan Cottage, which is sited close to the shared western boundary.

7.5.2 The Landscape Officer was consulted during the course of the application and states that the application form indicates that no trees or hedges will need to be felled or pruned to facilitate the development and states that there is no further comment. Given the nature of the proposal, it is not considered that any trees would be impacted by the proposal.

8 Recommendation

8.1 That subject to no new material considerations being raised **PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration date 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: Sheet 1, Sheet 2, TRDC001 (Partial floorplans), TRDC002 (Block Plan), TRDC003 (Location Plan), TRDC 004 (Windows and doors specifications)

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, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and the Croxley Green Conservation Area Appraisal (adopted 2016).

- C3 The windows and doors shall be installed in accordance with the details shown on drawing numbers Sheet 1, Sheet 2 and TRDC004 (Windows and doors specifications) and as set out in the Heritage Statement. 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and the Croxley Green Conservation Area Appraisal (adopted 2016).

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 01438 879990 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 (cil@threerivers.gov.uk). 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

(a) Making a Non-Material Amendment

(b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home> with the Council's Development Management Section prior to the commencement of work.

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

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PLANNING COMMITTEE – 14 December 2023

23/1798/FUL - Variation of Condition 11 (Off Site Highway Improvement) of planning permission 20/1881/FUL to allow phased delivery of the off site highways works at Land North Of Little Green Lane, Killingdown Farm, Little Green Lane, Croxley Green, Hertfordshire

Parish: Croxley Green
Expiry of Statutory Period: 23.01.2024

Ward: Dickinson
Case Officer: Claire Westwood

Recommendation: That condition 11 (Off Site Highway Improvement) be VARIED and that PLANNING PERMISSION IS GRANTED.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee due to the long history of the site and possible effect on highway safety, and by Croxley Green Parish Council for the reasons set out at 4.1.1 below.

To view all documents forming part of this application please click on the link below:

[23/1798/FUL | Variation of Condition 11 \(Off Site Highway Improvement\) of planning permission 20/1881/FUL to allow phased delivery | Killingdown Farm Little Green Lane Croxley Green Rickmansworth Hertfordshire WD3 3JJ \(threeivers.gov.uk\)](#)

1 Relevant Planning History

- 1.1 20/1881/FUL - Demolition of existing buildings for residential development comprising two-storey houses and three-storey blocks of flats (160 dwellings in total), together with car parking, landscaping, and other associated works. Allowed at appeal 3 March 2022, works commenced.
- 1.2 Various Discharge of Conditions applications have also been determined pursuant to the above.
- 1.3 22/1432/NMA - Non material amendment to planning permission 20/1881/FUL: Increase in size of the double garage serving Plot 2. Permitted 30.08.2022.
- 1.4 22/1917/NMA - Non material amendment to planning permission 20/1881/FUL: Plot 151 - Window added to ground floor WC; Plots 11-12, 13-14, 20-21, 22-23, 54-55, 74-75, 144-145, 146-147 and 148-149 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 70-72 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; Plots 4, 8, 49, 52, 53, 64, 73, 76, 82, 83, 86, 87 and 150 - Window added to ground floor WC; Plots 9-10, 16-17, 34-35, 45-46, 50-51, 65-66, 80-81 and 84-85 - External meter cupboard and porch removed from front elevation, window added to ground floor WC, canopy added; and Plot 152 - Window added to ground floor WC. Permitted 03.11.2022.
- 1.5 22/2072/NMA - Non-material amendment to planning permission 20/1881/FUL to allow removal of hedgerow to form temporary construction access, re-planting details for hedgerow replacement and removal of swales with soft landscaping features. Permitted 28.02.2023.
- 1.6 23/0114/ADV - Advertisement Consent: Installation of advertising hoardings. Permitted 17.03.2023.
- 1.7 23/0257/NMA - Non-material amendment to planning permission 20/1881/FUL: Amendment to the details/design of the attenuation pond and the deep borehole soakaways; removal of the pond liner; and installation of additional boreholes. Withdrawn.

- 1.8 23/0319/FUL - Infilling of natural depression/re-profiling of field with soil from construction of attenuation pond, construction of a temporary access from north of development site onto Little Green Lane to facilitate access for attenuation pond construction and amendment to the details/design of the attenuation pond. Permitted 21.09.2023.

2 Description of Application Site

- 2.1 The site is located to the north of the village of Croxley Green. Development has commenced on site following the grant of planning permission at appeal relating to planning application 20/1881/FUL.
- 2.2 The western part of the site falls within the Croxley Green Conservation Area and Killingdown Farmhouse (outside but enclosed by the wider site) is Grade II Listed. The western boundary adjoins Little Green Lane, a public highway. To the west of Little Green Lane is 'The Green'. To the north west there is a small group of residential properties grouped around a pond. These include No's 1, 2 and 3 Little Green Lane, cottages that are Grade II Listed. Little Green Lane continues along the northern boundary of the main site as an unmade public highway, a narrow lane lined by hedgerows and trees. There is mesh fencing to the eastern boundary with a public right of way and fields beyond. To the south of the site are the residential dwellings which front Dugdales, Lovatts, and Grove Crescent.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the variation of condition 11 of planning permission 20/1881/FUL to allow phased delivery of the highways works.

- 3.2 Condition 11 currently reads:

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may requiring widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

- 3.3 The applicant initially proposed to vary the last sentence of condition 11 to enable occupation of up to 50 dwellings prior to the completion of the offsite highway improvement works, however, during the course of the application the applicant has requested that this be amended to enable occupation of up to 25 dwellings.
- 3.4 During the application a diagram indicating Temporary Traffic Control Measures (T18068 A) was submitted.

- 3.5 In addition, a site layout plan was provided which highlights the 48 plots to the northern portion of the site which are within the 'occupation pool' from which it is intended that up to (and including) 25 units could be occupied.

4 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC Objects to the application for a change in planning conditions. If the Officer is minded to approve, then CGPC requests to call in to the TRDC planning committee.

4.1.2 Hertfordshire County Council – Highway Authority (HCCHA): [No objection]

4.1.2.1 Initial comments 8.11.2023: [Further information requested]

Comments

The suggested reworded condition included as part of the above variation of condition application form is:

Notwithstanding the details indicated on the submitted drawings, no occupations should occur until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the fiftieth occupation of the development hereby permitted.

In order to make a full assessment of the acceptability of the suggested variation of condition, details would need to be provided as to how the first 49 dwellings would be accessed from the highway during this period, both vehicles and pedestrians. For example safe and suitable vehicular access into and out of the site would be necessary whilst presumably pedestrian access would be via the existing public footpath, although this would need to be confirmed.

4.1.2.2 Following the receipt of the above comments, the applicant provided a diagram indicating Temporary Traffic Control Measures (T18068) which was reviewed by HCCHA.

4.1.2.3 HCCHA confirmed (16.11.2023) that following consideration of the submitted details, including the level of access built at this stage, there would not be an objection to the variation of the wording of the condition to enable occupation of 50 dwellings prior to completion of the offsite highway works.

4.1.2.4 The applicant subsequently amended their request to refer to occupation of 25, not 50 and HCCHA were updated. The change did not affect their comments or view of the acceptability of the proposal.

4.1.2.5 Officers raised some concerns that the Temporary Traffic Control Measures (T18068) included existing hoardings along Little Green Lane that would affect visibility for vehicles coming out of the site and raised this with HCCHA who agreed that the hoarding should be set back. The applicant therefore provided an amended Temporary Traffic Control Measures (T18068 A) diagram. Highways considerations are discussed in full in the analysis below.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 32

4.2.2 No of responses received: 12 objections.

4.2.3 Site Notice: Expired 21.11.2023 Press Notice: Expired 24.11.2023

4.2.4 Summary of Responses:

- Should be refused on grounds that agreement made with highways and TRDC previously.
- Occupation prior to completion of S278 works is unacceptable.
- There have been near accidents already.
- Highways safety concerns.
- Poor visibility.
- Blind junction.
- Developer trying to get changes through the back door.
- Original application was flawed.
- No consideration for environment.
- Little Green Lane is not wide enough and should not be used to serve the development.
- Application undermines the reasons for the condition.
- What is the point of a condition if it can be changed.
- Impact on wildlife corridor.
- Object to proposal to widen the access.
- Green Belt is stealthily being removed.
- Local community has been clear that the access from The Green is unsuitable.

Officer comment: Whilst material planning considerations relevant to this application are discussed below, it is important that this application relates only to the variation of condition 11 in relation to phasing, it does not propose alterations to the site or road layout over that allowed at appeal pursuant to 20/1881/FUL.

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2023 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, CP2, CP3, CP4, CP6, CP8, 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, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 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 SA1.

The Croxley Green Neighbourhood Plan (December 2018).

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 Variation of Condition 11

- 7.1.1 Paragraph 111 of the NPPF states that; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.1.2 Planning permission 20/1881/FUL was granted subject to a number of planning conditions. Condition 11 of that consent relates to Off Site Highways Works and requires (1) the submission of details of the off site highways works to the Local Planning Authority (LPA) for agreement in consultation with the Highway Authority (HCCHA); and (2) the implementation of the approved works. The condition as existing requires both (1) and (2) to happen prior to the occupation of any of the 160 dwellings consented via 20/1881/FUL.
- 7.1.3 The requirement to provide details via condition 11 is separate to the requirement to obtain the necessary Section 278 consent from HCCHA directly, however, condition 11 cannot be discharged until such time that the details have been agreed with HCCHA through the S278 process.
- 7.1.4 A S278 Agreement is a section of the Highways Act 1980 which allows developers to enter into a legal agreement with the Council (Hertfordshire County Council as Highways Authority in this case), to make alterations and improvements to a public highway, as part of a planning application. It is common practice as on most development sites it will be necessary to alter the existing public highway layout. There are a number of stages to the process. In the case of the Killingdown Farm development, the Technical Approval has been granted and the final legal agreement is being prepared, however, the S78 Agreement has not been completed at this stage.
- 7.1.5 The applicant has submitted the current application to vary condition 11 to enable them to occupy up to (and including) 25 dwellings prior to the completion of the off site highways works. A site layout plan has been provided which identifies a pool of 48 dwellings to the northern portion of the site within which the 25 dwellings would be located.
- 7.1.6 The 25 dwellings would be accessed via the northern access point which is separate to the southern access which is being used for construction access. Construction traffic would not use the northern access and therefore vehicles would be separated. HCCHA raised initial concerns due to lack of information, however, the applicant provided a Temporary Traffic Control Diagram (T18068 A) which details temporary measures which have been put in place to ensure that vehicles using the northern access would be able to enter and exit safely. These include white line give way markings and a sleeping policeman traffic calming measure within the site. This diagram also shows that the frontage hoardings would be set back from Little Green Lane to enable appropriate levels of visibility.
- 7.1.7 HCCHA having reviewed the additional information provided have confirmed that they have no objection on highway safety grounds to the variation of condition 11 to enable occupation of up to and including 25 dwellings prior to the completion of the off site highways works. The off site highways works would still be completed and would need to be agreed and completed prior to the occupation of dwellings 26 – 160.

7.2 Other Matters

- 7.2.1 There are no other changes to the proposed development, and it is not considered that the proposed variation would adversely affect the character or appearance of the area or residential amenity.

7.3 Conclusion

- 7.3.1 A number of other conditions attached to the previous consent remain applicable and are included below. Where these conditions have been previously discharged, the wording of the conditions below is amended to require compliance, rather than submission of details.

- 7.3.2 As works have commenced and former condition 1 (Time Limit) is no longer required and is omitted. An additional condition is included at C10 below.
- 7.3.3 In summary, for the reasons set out above no objection is raised to the variation of condition 11 (Off Site Highway Improvement) of planning permission 20/1881/FUL. No other changes to the development are proposed.
- 7.3.4 For clarity, the proposed changes to condition 11 are shown as tracked changes to the original condition wording below:

Notwithstanding the details indicated on the submitted drawings, prior to the occupation of the 26th dwelling, no on-site works above slab level shall commence until a detailed scheme for the necessary offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G shall be has been submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the occupation of the 26th dwelling - first occupation of the development hereby permitted.

8 Recommendation

- 8.1 That condition 11 (Off Site Highway Improvement) be VARIED and that PLANNING PERMISSION IS GRANTED subject to the following conditions:

C1 Plans

108 PS 008 B; 108 PS 009 B; 108 PS 010 J; 108 PS 013 D; 108 PS 501 C; 108 PS 502 C; 108 PS 503 C; 108 PS 504 C; 108 PS 505 C; 108 PS 506 C; 108 PS 507 C; 108 PS 508 C; 108 PS 509 C; 108 PS 510 C; 108 PS 511 D; 108 PS 512 D; 108 PS 520 D; 108 PS 521 D; 108 PS 522 D; 108 PS 523 D; 108 PS 524 D; 108 PS 525 D; 108 PS 526 D; 108 PS 527 D; 108 PS 528 D; 108 PS 529 D; 108 PS 530 E; 108 PS 531 E; 108 PS 532 D; 108 PS 533 D; 108 PS 540 C; 108 PS 541 C; 108 PS 542 C; 108 PS 543 C; 108 PS 544 C; 108 PS 545 C; 108 PS 546 C; 108 PS 547 C; 108 PS 548 C; 108 PS 549 C; 108 PS 552 C; 108 PS 553 C; 108 PS 560 C; 108 PS 561 C; 108 PS 562 C; 108 PS 563 C; 108 PS 580 C; 108 PS 581 C; 108 PS 582 D; 108 PS 583 D; 108 PS 584 C; 108 PS 585 C; 108 PS 586 E; 108 PS 587 E; 108 PS 588 C; 108 PS 589 C; 108 PS 600 D; 108 PS 601 D; 108 PS 602 C; 108 PS 603 C; 108 PS 604 C; 108 PS 605 C; 108 PS 606 C; 108 PS 607 C; 108 PS 608 C; 108 PS 612 D; 108 PS 613 D; 108 PS 614 D; 108 PS 619 A; 108 PS 620 D; 108 PS 621 D; 108 PS 622 C; 108 PS 623 C; 108 PS 640 B; 108 PS 641 B; 108 PS 642 B; 108 PS 643 B; 108 PS 644 B; 108 PS 645 B; 108 PS 646 B; 108 PS 647 B; 108 PS 648 B; 108 PS 649 C; 108 PS 650 C; 108 PS 660 C; 108 PS 661 C; 108 PS 662 C; 108 PS 663 C; 108 PS 664 C; 108 PS 665 C; 108 PS 680 B; 108 PS 681 B; 108 PS 700 A; 108 PS

701 A; 108 PS 702 A; 108 PS 703 A; 108 PS 704 B; 108 PS 705 A; 108 PS 706 A; 108 PS 800 C; 108 PS 801 C; 108 PS 802 C; 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-006 Rev 7; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7 and 108-WD-DG(S)-200 (Temporary Sales Suite); 1945-GUA-DR-L-037 Rev P01, 1945-GUA-DR-L-023; 1945-GUA-DR-L-024 C03; 1945-GUA-DR-L-032 C01; 1945-GUA-DR-L-033 C01.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policy SA1 of the Site Allocations LDD (adopted November 2014), Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM2, DM3, DM4, DM6, DM8, DM9, DM10, DM11, DM13, Appendix 2 and Appendix 5 of the Development Management Policies LDD (adopted July 2013), Policies CA1, HO1, HO2, HO3 and PRO1 of the Croxley Green Neighbourhood Plan (Referendum Version December 2018) and the Croxley Green Conservation Area Appraisal (1996).

C2 Construction Management Plan (CMP)

The construction phase of the development shall be undertaken in accordance with the Construction Management Plan Version D (Dated 22 October 2022) and drawing number 7539-D-AIA throughout the construction period.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C3 Construction Environmental Management Plan (CEMP)

The CEMP approved pursuant to condition 4 of 20/1881/FUL, LPA ref. 22/1118/DIS dated 4 August 2022, shall be adhered to and implemented throughout the demolition and construction period in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 Site Waste Management Plan (SWMP)

The development shall be carried out in accordance with the SWMP approved pursuant to condition 5 of 20/1181/FUL, LPA ref. 22/1202/DIS dated 8 July 2022.

Reason: To promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C5 Flood Risk Assessment

The development shall be carried out in accordance with the amended submitted Flood Risk Assessment (PEP Civil & Structures Ltd, Ref: 481819-PEP-00-XX-RP-C-6200, Rev: P04, dated 28 January 2021) along with the following mitigation measures: (i) Implementing drainage strategy based on deep borehole soakaway as shown on drawing 481819-PEP-00-XX-SK-C-1830 Rev P06; (ii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event; (iii) Implementing appropriate Sustainable Drainage System (SuDS) measures to include dry pond, detention basin with reno mattress, filter drain and tanked porous paving. The measures shall be fully implemented prior to occupation of the dwellings or in accordance with a timetable agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C6 Deep Borehole Soakaways – Further infiltration testing

Upon installation of the deep borehole soakaways, further infiltration testing should be completed to confirm the infiltration rates and submitted to and approved writing by the Local Planning Authority in order to confirm installation is adequate and meets the design requirements for the drainage system being installed.

Reason: To reduce the risk of flooding and confirm the infiltration requirements for the drainage system and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C7 Surface Water Management Plan (Construction Phases)

The development shall be carried out in accordance with the Surface Water Management Plan approved pursuant to condition 8 of planning permission 20/1881/FUL, LPA ref. 22/1607/DIS dated 26 September 2022.

Reason: To prevent the increased risk of surface water flooding and to protect the sensitivity of the deep borehole soakaways to siltation during the construction phase and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C8 SuDS Management & Maintenance Plan

Upon completion of the drainage works for the site, a management and maintenance plan for the Sustainable Drainage Systems (SuDS) features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include: (i) Provision of a complete set of built drawings for site drainage; (ii) Maintenance provisions and operational requirements for the installed drainage system; (iii) Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime. The management and maintenance plan shall be adhered to throughout the lifetime of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site for the lifetime of the development and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Archaeology

The development shall be carried out in complete accordance with the WSI approved pursuant to condition 10 of planning permission 20/1181/FUL, LPA refs. 22/1198/DIS dated 3 August 2022 and 23/1817/DIS dated 21 November 2023.

Reason: To safeguard archaeological interest in accordance with NPPF guidance, Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

C10 Temporary Traffic Controls

Prior to the occupation of the first dwelling forming part of the development hereby permitted, the temporary traffic / highway arrangements shall be in place/operation serving the dwellings as indicated on drawing T18068 A – Temporary Traffic Control

and shall continue to operate until such time that the permanent off-site improvement works have been completed.

Reason: In the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C11 Off Site Highway Improvements

Notwithstanding the details indicated on the submitted drawings, prior to the occupation of the 26th dwelling, a detailed scheme for the necessary permanent offsite highway improvement works as indicated on Drawing No. 1908-012 PL06 G shall be submitted to and approved in writing by the Local Planning Authority. These works shall include: (i) A 2 metre wide footway (or the maximum achievable width) on the east side of the carriageway along Little Green Lane from the junction with The Green running north to the main site access junction; (ii) Any widening of the carriageway along Little Green Lane to increase the width of the carriageway to at least 4.8 metres; (iii) Details of any necessary street lighting along Little Green Lane; (iv) Details of works to create the main vehicular access into the site ('northern access') / alterations to the existing route along Little Green Lane, which would also include the dedication of additional land as highway (pursuant to a Section 38 highways agreement); (v) New bellmouth entrance to the 'southern access' to the proposed cul-de-sac including tactile paving and pedestrian dropped kerbs on either side; (vi) Any alterations required to the existing entrances into Killingdown Farm including tactile paving and pedestrian dropped kerbs; (vii) Any necessary highway works required at the junction of Little Green Lane and The Green including a new kerbed edge of carriageway line on the west side and tactile paving on both sides; the kerb line may require widening as there is evidence that vehicles oversail the highway verge at this location; (viii) Details of a pedestrian crossing point with pedestrian dropped kerbs and tactile paving from the proposed footway on the east side of Little Green Lane to the common land. The offsite highway improvement works above shall be completed in accordance with the approved details prior to the occupation of the 26th dwelling hereby permitted.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C12 Estate Roads

The streets shall be maintained in accordance with the management and maintenance details approved pursuant to condition 12 of planning permission 20/1181/FUL, LPA ref. 23/1755/DIS dated 20 November 2023 until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 and/or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C13 Provision of Internal Access Roads, Parking & Servicing Areas

The internal access roads, on-site car parking and turning areas shall be laid out, demarcated, surfaced and drained in accordance with the approved plan(s) and phasing details approved pursuant to condition 13 of planning permission 20/1881/FUL, LPA ref. 23/1644/DIS dated 7 November 2023 and shall be retained permanently thereafter for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October

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

C14 Parking Management Plan

The parking management plan approved pursuant to condition 14 of planning permission 20/1881/FUL, LPA ref. 23/1362/DIS dated 29 September 2023 shall be adhered to for the lifetime of the development.

Reason: To ensure that adequate off-street parking and maneuvering space is provided within the development so as to not 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).

C15 Retention of Garages

The garages (both those permitted as integral garages and detached garages) serving the residential dwellings hereby permitted, shall be permanently retained for the garaging of private vehicles. No alterations both externally or internally shall be carried out to the garages such as to prevent their use for garaging private vehicles.

Reason: To ensure adequate parking provision is maintained in accordance with the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C16 Visibility Splays

Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in accordance with the details indicated on the approved plan numbers 1908-012 VS02 and 1908-012 VS03 A (attached to Appellant's Response to Highways Comments 1908-012/DE/00 dated 22 October 2020). The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2 metres above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

C17 Electric Vehicle Charging Provision

Prior to the first occupation of each house with garage or driveway within the development hereby permitted, provision shall be made for that house to be provided with electric vehicle charging provision. This shall include charging cabling to a dedicated socket fixed to the house or garage, of sufficient capacity to enable as a minimum Mode 3 at 3.7 kW (16A). Flatted accommodation shall incorporate appropriate installation of groundwork ducting for future installation.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C18 Energy Saving Measures

Prior to the first occupation of each dwelling, the energy saving and renewable energy measures detailed within the approved amended Energy Statement (NRG Consulting PP1584/ES/KF/202007-EC Revision C, dated 4 January 2020), shall have been provided. The energy saving measures shall be permanently retained thereafter.

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.

C19 Materials

The development shall be carried in complete accordance with the details approved pursuant to condition 19 of planning permission 20/1881/FUL, LPA ref. 22/1392/DIS dated 8 September 2022.

Reason: To prevent the development being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C20 Boundary Treatments

The boundary treatments approved pursuant to condition 20 of planning permission 20/1881/FUL, LPA ref. 23/2319/DIS dated 5 September 2023 shall be permanently retained thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C21 Tree Protection

Before any equipment, machinery or materials are brought on to the site for the purposes of development, the protective measures, including fencing, shall be implemented in accordance with the approved Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan Rev A, dated 16 April 2021, and Plan 7539-D-AIA Rev A. The measures shall be maintained as approved during course of development works 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 metres of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

C22 Landscaping

Hard and soft landscaping shall be provided in accordance with the approved details set out on the following approved plans/schedules: 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-006 Rev 7; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7; 1945-GUA-DR-L-03 P01; 1945-GUA-DR-L-023; 1945-GUA-DR-L-024 C03; 1945-GUA-DR-L-032 C01, 1945-GUA-DR-L-033 C01 & 1945-GUA-DR-L-037 Rev P02.

Within 14 days of the closure of the temporary construction access (referred to as Gate 2 on drawing number 7539-D-AIA) the hedge replacement proposal as set out on approved drawing number 1945-GUA-DR-L-037 Rev P02 shall be carried out and maintained as per the Landscape Management Plan.

The phasing of all hard and soft landscaping and tree planting shall be implemented in accordance with the details approved pursuant to condition 22 of planning permission 20/1881/FUL, LPA ref. 23/1663/DIS dated 6 November 2023, and shall be permanently retained thereafter.

The approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P07 dated 17.11.22) shall be carried out as approved. Any trees or plants which within a period of five years after planting die, are removed or are seriously damaged or defective shall be replaced in the next planting season (November to March) with others of a similar size and species, unless the Local Planning Authority gives written approval to any variation.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C23 Ecological Impact Assessment Recommendations

The development hereby permitted shall be carried out in accordance with the recommendations in the approved Ecological Impact Assessments (Report Refs. C140/R5/v4 and C140/R6/v3 dated August 2020).

Reason: To enhance opportunities for wildlife in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C24 External Lighting Strategy

External lighting shall only be installed in accordance with the details approved pursuant to condition 24 of planning permission 20/1881/FUL, LPA ref. 23/1645/DIS dated 20 November 2023. No other external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C25 Obscure Glazing

Before the first occupation of the relevant dwellings hereby permitted, the windows listed below shall be fitted with obscured glazing and shall be top level opening only at 1.7 metres above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter: Dwelling 1 (Plot 1) – first floor northern flank window facing Nos 1-3 Little Green Lane; Dwelling 10 (Plot 10) – first floor northern flank window facing No. 5 Little Green lane; Apartment Block 2 – first floor south-eastern flank window facing Grove Crescent; Apartment Block 3 – first and second floor south-eastern flank windows facing Grove Crescent; Dwelling 3 (Plot 3) – first floor western flank window; Dwelling 5 (Plot 5) – first floor eastern flank window; Dwelling 8 (Plot 8) – first floor southern flank window; Dwelling 29 (Plot 29) – first floor southern flank window; Dwelling 49 (Plot 49) – first floor northern flank window; Dwelling 57 (Plot 57) – first floor northern flank window; Dwelling 66 (Plot 66) – first floor western flank window; Dwelling 88 (Plot 88) – First floor western flank window.

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).

C26 Play Space

The Play Areas shall be provided in accordance with the details on the approved plan numbers 1945-GUA-DR-L-004 Rev 5; 1945-GUA-DR-L-005 Rev 6; 1945-GUA-DR-L-007 Rev 6; 1945-GUA-DR-L-008 Rev 5; 1945-GUA-DR-L-009 Rev 6; 1945-GUA-DR-L-010 Rev 6; 1945-GUA-DR-L-011 Rev 7; 1945-GUA-DR-L-012 Rev 6; 1945-GUA-DR-L-013 Rev 5; 1945-GUA-DR-L-014 Rev 8; 1945-GUA-DR-L-015 Rev 7 so as to co-ordinate with the occupation of the residential development, and shall thereafter be retained, kept open, managed and maintained in accordance with the approved Landscape Management Plan (1945-GUA-DOC-L-002 Rev P06).

Reason: To ensure provision is made for children's play space in accordance with Policy PSP2 of the Core Strategy (adopted October 2011) and Policy DM11 of the Development Management Policies LDD (adopted July 2013).

C27 Fire Hydrants

Fire hydrants shall be implemented in accordance with the details approved pursuant to condition 27 of planning permission 20/1881/FUL, LPA ref. 22/1116/DIS dated 18 July 2022.

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).

C28 PD Removal

On implementation of this planning permission, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order 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 within the site: Part 1 Class A - enlargement, improvement or other alteration to the dwelling; Class B - enlargement consisting of an addition to the roof; Class C - alteration to the roof; Class D - erection of a porch; Class F - any hard surface.

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site

and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- I4 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.



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