

PLANNING COMMITTEE - 27 JUNE 2019

PART I - DELEGATED

5. **19/0568/FUL - Demolition of existing building and construction of three storey building comprising one retail unit (Class A1) at ground floor and the provision of eight residential flats (at first and second level and within one separate block to the rear) with associated parking at 16 - 18 LOWER ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTS, WD3 5LH (DCES)**

Parish: Chorleywood

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 04.06.2019

Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called into the Planning Committee by Chorleywood Parish Council and three Members of the Planning Committee.

Update:

This application was originally considered at the Planning Committee on the 29 May 2019. It was deferred to allow Members to visit the site and for the agent to make further amendments to address some of the concerns raised by the Committee.

Amended plans and information has been received and the amendments are outlined in the development description below. All relevant sections of the Committee report have been updated.

1 Relevant Planning History

- 1.1 15/1803/FUL: Demolition of existing building and construction of three storey building comprising of one retail unit (Use Class A1) at ground floor and nine residential units within two blocks with associated parking. Application withdrawn.
- 1.2 18/1510/FUL: Demolition of existing building and construction of three storey building comprising of one retail unit (Use Class A1) at ground floor and nine residential units within two blocks with associated parking. Application withdrawn.

2 Description of Application Site

- 2.1 The application site consists of an existing single storey commercial building fronting Lower Road, Chorleywood. This building is currently used as a retail unit (Class A1). The streetscene of Lower Road is characterised by a mix of commercial uses and residential developments. There is significant variation in the scale and architectural design of built form in the vicinity.
- 2.2 Due to the topography of this area of Chorleywood, the land levels slope up to the rear of the site. At the rear the roof form of the existing Co-Op building is screened by close boarded timber fencing of approximately 2m in height. Located in front of the fencing is existing car parking provision which is currently used by employees of the Co-Op. The parking area is accessed via an existing access track which runs between South Road and Berks Hill.
- 2.3 Adjacent to the application site and fronting the access road are existing residential flats. To the other side of the access track are the existing residential dwellings and rear gardens which front Berks Hill and Lower Road.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the demolition of the existing building and construction of a three storey building comprising one retail unit at ground floor level and the provision of eight residential flats (at first and second floor level) and within one separate block to the rear with associated parking.
- 3.2 The proposed retail unit would be located immediately adjacent to the boundary with no.14 Lower Road. The ground floor commercial unit would have a width of approximately 22.2m to the front, widening to 28.1m at the widest point of the site to include the plant room, staff room and toilets. It would have a maximum depth of 34.6m to the rear staircase. The rear wall of the commercial unit would be set back from the boundary with the access road by approximately 4.6m.
- 3.3 Above the retail unit fronting Lower Road, a first and second floor development is proposed which would accommodate 6 flats. The built form would have a width of approximately 22.2m extending up to the boundary with no.14A. The building would have a stepped building line to the rear with a minimum depth of approximately 9.4m adjacent to no.14A Lower Road and a maximum depth of approximately 9.8m. The building (including the ground floor retail unit) would have a height of approximately 11.4m from ground floor level and would have a mansard roof form.
- 3.4 To the rear of the site, a detached two storey building is proposed, although from Lower Road this would appear to be sited at first and second floor levels due to the difference in land levels. The building would have a width of 13.6m and a depth of 6.8m. It would be 113.3m (maximum) from the access road. The building would have a hipped roof form with a height of approximately 8.5m when taken from the rear elevation (fronting the access road).
- 3.5 Both buildings would be accessed via the existing access track from Berks Hill and South Road. Car parking for the development would be sited between the buildings at first floor level (from Lower Road). A total of 18 car parking spaces would be provided, 3 of which would be disabled spaces. Cycle storage for 8 bikes is also proposed at this level. Delivery vehicles servicing the Co op would access a proposed delivery bay adjacent to the unit from Lower Road.
- 3.6 Following concerns raised by members at the May Planning Committee, amended plans and information have been received. In summary, the amendments are as follows:
- The windows within the rear elevation of the block fronting Lower Road, at first and second floor levels are to have clear glazing, with the exception of the second floor rear facing window nearest to 20 Lower Road. This window would serve a hallway.
 - The second floor window serving the kitchen in the front elevation of the block to the rear (fronting the access road) is to be obscure glazed up to 1.7m from internal finished floor level.
 - The first and second floor windows in the rear elevation of the rear block (facing into the carpark) are to be recessed. The windows would be clear glazed except windows serving bathrooms.
 - An amended Parking Management Plan has also been received, re-allocating the car parking spaces. This specifies that 15 parking spaces would be for use by residents, with 3 being allocated for the commercial use.
- 3.7 Residents have been re-consulted on the amended plans.
- 3.8 The acceptability of the amendments are considered in the analysis below.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [No objection]

Chorleywood Parish Council had no planning objections to this application, but request this application is explored further at Committee, due to the number of residents letters of objections received.

4.1.2 Conservation Officer: [No objection]

This application is for the demolition of existing building and construction of three storey building comprising of one retail unit (Use Class A1) at ground floor and the provision of eight residential units (at first and second floor level and within one separate block to the rear) with associated parking.

16-18 Lower Road is located outside of, but adjacent to, the Chorleywood Station Conservation Area boundary. Therefore, any development of the site must be sensitive to the setting of the conservation area, which is characterised by its suburban 'Metroland' appearance, featuring large detached houses set in their own distinct plots. Additionally, the site is opposite the locally listed Mayston Cottages, a terrace of four, one and half storey cottages dating from the early twentieth century

At present, the single storey, flat roof of 16-18 Lower Road leaves an unsympathetic break in the building line along the road. The building is a twentieth century infill, which detracts from the appearance of this part of the street and particularly the late 19th/early 20th century commercial properties immediately to the north. These properties are considered to make a positive contribution to the setting of the conservation area. Therefore, a positive redevelopment of the site will likely enhance the appearance of the surrounding properties and the road overall.

As proposed, the replacement building fronting Lower Road will reference the height and form of the surrounding properties and is proportionate to the other buildings on Lower Road. In terms of design, the proposed building imitates the tri-part first floor window and double dormers of the neighbouring building. This results in an uncomfortable appearance between the late 19th century building with traditional detailing, materials and craftsmanship and a pared-back, modern imitation of it. It also results in a new building with an awkward three and a half bays at first floor level, rather than a regular bay division. It would be considered beneficial for the proposed building to have its own defined architectural composition to its front elevation which is sympathetic to the area, rather than mimicking the neighbouring building.

The building to the rear of the site, along the conservation area boundary, is considered to be uncontentious in scale and design. Due to the topography of the land and the existence of other built form, the proposed building will not appear incongruous in views from within or towards the conservation area (rear gardens of properties along South Road and Berks Hill in this case).

Whilst improvements could be made to the elevation fronting Lower Road, the proposed scheme, in principle, is not considered to be harmful to the setting or significance of the nearby conservation area or the settings of the locally listed buildings opposite. The existing site makes little contribution to the setting of the conservation area and the proposed scheme will not introduce any built form that would detract from the character or appearance of the area.

4.1.3 Development Plans: [No objection]

The proposal site forms part of the primary shopping frontage of the Chorleywood District Centre, a retail allocation in the Site Allocations LDD (adopted 2014) (site ref: R(d)). Policy

SA4 of the Site Allocations LDD states that within identified primary frontages, the loss of class A1 retail uses will generally be resisted. Similarly, Policy CP6 of the Core Strategy (adopted 2011) states that the hierarchy of retail centres and their established character and diversity will be maintained by protecting and enhancing the vitality and viability of the retail cores of the town and district centres by generally resisting the loss of Class A1 retail uses particularly within their Primary Frontages. The site is currently within A1 use as a supermarket, which is proposed for demolition. The application proposes to replace the supermarket, with a minor loss of 10sqm of retail floorspace. As the application would not result in the loss of an A1 use and the loss of any floorspace is minor, it is considered to comply with Policy SA4 and Policy CP6.

The application proposes the development of eight dwellings. The site has not been allocated as a housing site by the Site Allocations LDD and as such is not currently identified as part of the District's housing supply. The site should therefore be considered as a windfall site.

Applications for windfall sites are 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.

Chorleywood is identified as a Key Centre in the Three Rivers Settlement Hierarchy. The Three Rivers Spatial Strategy and Policy PSP2 of the Core Strategy (2011) state that development in Chorleywood should be focused predominantly on sites within the urban area, on previously developed land. The proposal site is situated on previously developed land and therefore complies with Policy PSP2 and the Three Rivers Spatial Strategy in this regard. The Spatial Strategy states that development in Key Centres, Chorleywood included, should provide approximately 60% of the District's housing requirements over the Plan period; the proposal would contribute to meeting this 60% provision.

The National Planning Policy Framework (2019) states that planning decisions should support opportunities to use the airspace above existing commercial premises for new homes. The application proposes residential use within the upper floors of the redeveloped commercial site; in line with the NPPF, this is viewed as an effective use of land in a sustainable location. The NPPF goes on to state that upward extensions should be supported where development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. Policy CP3 of the Core Strategy similarly states that development should make the most efficient use of land, without compromising the quality of the environment and existing residential areas. In making efficient use of land, development should respect the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials, as set out in Policy CP12 of the Core Strategy.

The NPPF states that when supporting development that makes efficient use of land, the availability and capacity of infrastructure and services should be taken into account. The Three Rivers Spatial Strategy identifies that amongst the Principal Town and other Key Centres, Chorleywood is one of the most sustainable locations in the District. This particular site is located in close proximity to public transport, services and facilities.

The Application Form indicates that the eight dwellings which would result from the development are proposed only as market tenure. Policy CP4(a) of the Core Strategy requires that all new development resulting in a net gain of one or more dwellings

contributes to affordable housing provision; the application does not comply with this. It is required that the application contributes to affordable housing provision. Policy CP4(e) goes on to state that for small sites delivering between one and nine dwellings, the Council considers the use of commuted payments towards affordable housing provision off site. Such payments will be broadly equivalent in value to on-site provision but may vary depending on site circumstances and viability.

4.1.4 Herts Highways: [No objection]

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - Confirmation of the access permissions for the site from both South Road and Berks Hill to ensure that there is entry and exit for vehicles to the private access road from either end at all times.
 - Confirmation of the waste collection arrangements for the proposed dwellings.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Prior to the first occupation and use of the development hereby permitted the proposed access, on-site car parking, turning area and delivery loading bay shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

3. Prior to the occupation and use of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready domestic charging point.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

4. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a) Construction vehicle numbers, types, routing;
- b) Access arrangements to the site;
- c) Traffic management requirements
- d) Construction and storage compounds (including areas designated for car parking, loading and turning areas)
- e) Siting and details of wheel washing facilities;
- f) Cleaning of site entrances, site tracks and the adjacent public highway
- g) Timing of construction activities including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h) Post construction restoration/reinstatement of the working areas;

- i) Where works cannot be wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

COMMENTS / ANALYSIS:

The application is for the reconstruction of a convenience food store and erection of eight residential units (5 one-bed and 3 two-bed). Lower Road is designated as an unclassified local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The residential units would be accessed via a private access road from Berks Hill or South Road, which is also used to access other properties and the existing parking area for the co-op store. Berks Hill and South Road are designated as unclassified local access roads, subject to a speed limit of 30mph and highway maintainable at public expense.

VEHICLE ACCESS:

The private road is accessed via two existing vehicle crossovers (one each at Berks Hill and South Road) both of which are approximately 3m wide. The available visibility levels (as shown on submitted drawing no. 18133/002 A) are acceptable when taking into consideration that they are existing accesses emerging onto unclassified local access roads. It is acknowledged that the private access road is of a single width, which would normally be recommended to provide access to a maximum of three dwellings (Roads in Hertfordshire: Highway Design Guide, Sec 2, 8.5). Nevertheless following consideration that there are two access points (one onto South Road and one onto Berks Hill), it is an existing access road and Policy 1 (Transport User Hierarchy) and Policy 2 (Influencing Land Use Planning) of Hertfordshire's Local Transport Plan, the proposed vehicle access arrangements to the parking area are sufficient and would not provide significant enough a reason to recommend refusal from a highways perspective.

There is an access and extended dropped kerb from Lower Road for a delivery / loading bay for the supermarket, which is to remain and is acceptable when taking into consideration its existing use. This delivery bay is also proposed to be used for delivery and service lorries for the apartments to avoid the use of the service road to the rear. It is acknowledged that there would be an increase in use of the loading/delivery bay than its current use but any increase would not be significant when taking in consideration the nature of Lower Road with lots of commercial movements on a shopping street.

Although not specifically included as part of the submitted proposals, any alterations required to any highway land on Lower Road or at the entrances on Berks Hill or South Road then the applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority. Please see the following highway informative:

AN) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

PARKING: The proposals include the provision of 18 car parking spaces (all of which would be accessed via the private rear access road), the layout of which is shown on submitted plan no. 240-P001K. The layout is considered to be acceptable and the swept path analysis (drawing no. 18133 / TK02B) has been included as part of the submitted Transport Statement, which is acceptable to demonstrate that parked vehicles would be able to turn around on site and egress to the private access road in forward gear. The level of parking is less than what is recommended in the car parking standards as outlined in Appendix 5 of Three Rivers District Council's (TRDC) Development Management Policies: Local Development Document. However any effects from the level of parking would not be significant enough to recommend refusal from a highway perspective, particularly when taking into consideration the town centre location, the lack of customer car parking for the existing store and the potential to encourage customers to walk and/or cycle to the store, which is in accordance with Hertfordshire's Local Transport Plan (2018). TRDC is the parking authority for the district and therefore should ultimately be satisfied with the level of parking.

REFUSE / WASTE COLLECTION: Provision has been made for an on-site refuse store within 30m of the proposed residential building, which is acceptable. The provisions and collection method would have to be confirmed as acceptable by TRDC waste management. The waste collection for the existing neighbouring residential is carried out via the private access road and therefore this would presumably remain as existing.

EMERGENCY VEHICLE ACCESS: Following consideration of the size of the proposals with eight apartments and the proposed access route being less than the recommended minimum emergency vehicle access of 3.7m in some places HCC as Highway Authority have identified emergency access issues which may benefit from input from Herts Fire and Rescue. Therefore, details of the proposal have been passed to them for attention.

ACCESSIBILITY & SUSTAINABILITY: The property lies within the town centre of Chorleywood and the main shops / amenities and Chorleywood Railway Station are within easy walking and cycling distance. The proposals include a pedestrian access from Lower Road to the residential dwellings, which is acceptable and important to ensure that pedestrian accessibility and permeability is maximised. The proposals include the provision of eight secure cycle parking stands within a cycle store for the apartments and retaining the three sheffield style cycle stands at the front of the site for the supermarket, the level of which is considered to be acceptable by HCC as Highway Authority to encourage cycling as a sustainable form of travel. Overall the principle of development in a town centre location is acceptable and in accordance with Hertfordshire's Local Transport Plan 2018.

TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY: When taking into consideration the size of the proposals, the replacement of an existing food store and following assessment of the Proposed Trip Generation in the submitted Transport Statement, the traffic generation of vehicles and impact on the local highway network would be considered to not be significant.

CONSTRUCTION MANAGEMENT: The proposed private access track to the rear of the site is narrow and the site is in a town centre location and therefore a full construction management plan would need to be submitted to illustrate that the safety and function of the surrounding highway network would not be detrimentally affected by the proposals. The submitted Transport Assessment (Section 4.28 to 4.32) makes reference to the proposed construction management arrangements, the details of which are generally acceptable (albeit basic) and a full detailed construction management plan would need to be submitted, the details of which would need to be approved prior to the commencement of any works on site. The applicant would need to take into consideration the following highway informative:

AN) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

CONCLUSION: HCC as Highway Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informatives, particularly those in relation to construction management due to the busy town centre location.

Officer response: With regard to Condition 1, clarification was sought from the Highways Officer as their requirements did not appear to constitute a condition. They have advised that they wish to have clarification that both entrances to the access track on Berks Hill and South Road were in operation as when they visited one was blocked. In addition, they required clarification as to the arrangements for waste collection.

In response the following information was provided by the applicant:

Future households would be able to access the dedicated bin store for the residential aspect of the proposed development internally as demonstrated on the latest layout plans. There would no requirement for future households to access the dedicated bin store externally.

In any event, and as confirmed by the applicant, the current contractor (Biffa) services the site on-street via Lower Road, as opposed to using the dedicated loading bay. The residential bin store is within the maximum recommended carry distance (25-metres) for waste operatives.

I can confirm that all waste and recycling collections for both the commercial and residential aspects of the mixed-use development would occur via Lower Road. Only home deliveries (food / non-food) would occur via the private road situated to the rear of the site.

It is noted that since HCC's Highways Officer's site visit, construction work in association with a neighbouring property has now ceased. Therefore, access to and from the site via South Road and Berks Hill is unobstructed.

As stated above, future households would be able to access the dedicated refuse store for the residential units internally. No waste / recycling collections would take place via the rear private access road.

The Highways Officer has confirmed that the above details are acceptable.

In addition, whilst the Highways Officer has requested the provision of electric charging points as a condition, this is considered unreasonable given the scale of the development and the current lack of policy to require these. Furthermore, these can be installed as permitted development when required.

Finally, the applicant has confirmed that no extension is proposed to the existing access to Lower Road.

4.1.5 Herts Fire and Rescue Service: [No objection]

Further to an email received from Hertfordshire Highways dated 29th April 2019, enclosing a copy of the above planning application we, have examined the drawings and note that the access for fire appliances and provision of water supplies appears to be adequate. To further clarify this opinion we make the following comments:-

1. The rear service road which runs from Berks Hill to South Road is outside of the scope of the application, beyond the control of the applicant or end users and is an unmade track which is unsuitable for fire service pumping appliances.
2. It appears from the proposed ground floor plan that pedestrian access to all flats will be provided with an entrance door off Lower Road to the left of the front elevation of the Co-op building. The entrance hall contains a stairway which ascends to the first floor level and provides access to both front and rear blocks of flats.
3. It is assumed that this pedestrian entrance door to the first and second floor flats will be the addressable location and as such will be the initial attendance point for fire service vehicles.
4. From this access point there is a hydrant within 30m along Lower Road as such the available water supplies would be deemed adequate.
5. From this attendance point and from our estimations it appears possible to access the furthest point in the furthest flat of the block sited at the front elevation at second floor level within approximately 33 metres. From the same attendance point and from our estimations it appears possible to access the furthest point in the furthest flat of the block sited to the rear of the development at second floor level within approximately 45 metres. Consequently the access requirements appear to have been met. However this is an estimation based on the assumption that these drawings are to scale.

Further comments will be made when we receive details of the Building Regulations application.

4.1.6 Landscape Officer: [No objection]

I have no arboricultural objections or concerns to the proposal.

4.1.7 Affinity Water: [No objection]

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Mill End Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information, we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

4.1.8 National Grid: [No objection]

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works

do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 75 No of responses received: 69 (2 in support)

4.2.2 Site Notice: Expiry 12:05.2019 Press notice: Not applicable.

4.2.3 Summary of Responses:

Summary of objections:

Detrimental impact on the adjoining Conservation Area; it is adjacent to and faces buildings dating from 1890;

The site is too small for a development of this density;

Overdevelopment of the site and Lower Road making the area feel closed and crowded and impacting on the character of the village;

Houses are required for families not squashed in flats;

Low quality of design is inappropriate for the village centre, materials are unsympathetic;

The ridge height of the rear block is too high;

The second floor windows and roofline should be the same as the existing buildings in order to blend with Lower Road;

Raised ridge height is unnecessary - they should dig under the proposed build and create underground parking;

The roof line of the frontage building is out of character and should be no higher than no.14 Lower Road;

Lack of amenity space for future occupiers;

Creation of small compromised units which fail to provide future occupants with sufficient privacy or amenity;

Four flats will suffer from air noise and light pollution within 1m of the bedroom and kitchen windows;

Plan does not follow the guidance on bedroom numbers set out in the Core Strategy;

Increase in noise pollution;

Result in a loss of value to properties;

Result in overlooking to neighbours at Maystone Cottages, Lower Road and on Berks Hill and South Road;

Loss of light to neighbours opposite;

First floor kitchen window facing 3 South Road must be conditioned to be obscure glazed;

Block light generally due to the height of the building and put extra demands on local services;

Loss of light/overlooking to no.1 South Road, 14A Lower Road, 4 and 6 Berks Hill;

Distance to no.14A door is incorrectly indicated on the plans;

Loss of views;

The view from front facing window at 20 Lower Road would be total obscured;

Overdevelopment will have a negative impact on our courtyard which is used by all of the current residents (20C Lower Road);
Increase in local traffic which would not be supportable by the quality of the access road;
The service road would be unsuitable for construction vehicles';
Service vehicles such as ambulances and fire engines would be unable access the development;
Herts Highways have previously recommended refusal for similar developments including 03/1701/FUL;
Delivery vehicles would have difficulty accessing the development and would block access to residents from South Road and Berks Hill trying to access their garages;
The scheme will represent a safety hazard to pedestrians and other motorists, it will result in accidents;
Damage to properties during construction;
Deeds state that residents should have the right to uninterrupted access over this land (the access track);
Sightlines up Berks Hill and South Road are obscured by high walls and fences;
Risk to pedestrians is exacerbated by the fact that both roads are steep hills where the speed of traffic is often increased above 20mph assumed by consultants;
The plan in the Transport Report does not show access from nearer entry point of South Road but only from Berks Hill.
Concern regarding visibility from the car park onto the access track due to the proposed rear block;
Increased use of the track will result in increased noise and air pollution. All new dwellings will suffer the same issues;
Plan for the Lower Road entrance to be the location for all home deliveries, removals etc is unrealistic and would result in car parking issues;
Insufficient car parking provision would exacerbate existing parking problems;
Delivery bay is too small - planners should examine how the proposer will ensure all deliveries will take place in smaller vehicles. If large trucks are used, these would then use spaces outside of the Co-op;
Doubt that the loading bay is wide enough for the Co-op delivery lorry to reverse into. If the lorry has to turn around, it will cause disruption;
Loss of permit holder parking during the construction period; will exacerbate parking issues
During two year construction period what restrictions will be in place to alleviate the impact on the village;
Loss of supermarket during construction. Although some sort of shop will be kept open this will be a poor substitute;
Concern regarding the reduction in the size of the store;
Concern that the loss of the shop will impact on the rest of the shopping parade;
If the development is approved then controlled hours of operation should be enforced;
How many bins would be required?
A brake should be applied until the Chorleywood Neighbourhood Development Plan has been completed and the referendum held.

Summary of supporting comments:

A sympathetic building on the frontage, would be an improvement;
Need for more small scale accommodation within the village to cater for elderly residents and young people who are less likely to be car owners;
Proposed development height does not appear out of scale;
Parking is not an issue as time restrictions and transience will prevent long term parking issues;
You cannot live in a busy centre and not expect to be affected by delivery vehicles and general noise;
Restrictions should be applied to restrict associated vehicles to minimum and keep strong control over the accumulation of rubbish.

Officer response: Loss of value is not a material planning consideration;
Damage to property during construction would be a civil matter and not a material planning consideration;
Unreasonable to delay the determination of planning applications to enable the Chorleywood Neighbourhood Development Plan to be completed and the referendum held;
Deeds and Covenants are not a material planning consideration;
The material issues raised will be addressed in the analysis below.

Neighbours have been re-consulted post May committee following the receipt of amended plans as set out at 3.6 above. No additional comments have been received to date, the Committee will be updated verbally.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP7, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 is relevant.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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 a net gain of eight residential dwellings. The site is not identified as a housing site in the Site Allocations Document and therefore would be considered as a windfall site. 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 the relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy 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, and
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is located in Chorleywood which is identified as a Key Centre in the Three Rivers Settlement Hierarchy. Policy PSP2 states that development in key centres such as Chorleywood will be expected to provide approximately 60% of the District's housing supply over the plan period. Given that the development is within a key centre and on previously developed land, there is no in principle objection to residential development in relation to the requirements of Policy CP2 of the Core Strategy. Furthermore, the National Planning Policy Framework (2019) states that planning decisions should support opportunities to use the airspace above existing commercial premises for new homes. In this case, the proposed units would be located above a commercial unit. Therefore, the application represents an effective and efficient use of land in a sustainable location and there is no objection in principle subject to compliance with other relevant policies and material planning considerations.

7.2 Housing Mix

7.2.1 Policy CP3 relates to density; and states that in order to meet future housing needs in Three Rivers, the overall housing requirement will need to be provided as a range of housing types and sizes. The Strategic Housing Market Assessment advised that the need in the District to 2021 is for:

- 1 bedroom units: 30%
- 2 bedroom units: 35%
- 3 bedroom units: 34%

4 bedroom units: 1%

7.2.2 The proposed development fails to accord with the above and concerns have been raised by residents with regard to this. In response, whilst it is acknowledged that the development would not be in accordance, the development would provide some mix in sizes, with 5 x 1 bedroom units and 3 x 2 bedroom units. Given the town centre location, the size of the units proposed are considered acceptable and it is not considered that a development of this form would 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 Loss of Retail

7.3.1 The application site is located in a Primary Shopping Frontage and significant concern has been raised due to the loss of the retail use during construction. These concerns are acknowledged, however, it would be unreasonable to object to the development on these grounds given that this would be a temporary loss and it is also noted that the applicant intends to relocate the Co-Op elsewhere within Chorleywood while the development is completed.

7.3.2 The applicant has advised the following.

The Co-op refuses to not have a store open in Chorleywood while we redevelop, as they would lose out significantly. Also, we cannot afford to pay the Co-op for losses incurred due to there being no store open for business while we redevelop. Therefore, the temporary relocation of the Co-op store to the Treatz site is the most suitable solution.

7.3.3 The cost of relocating the Co-op store has been taken into account in the submitted Viability Statement. The applicant has advised that they have control of the Treatz store making the relocation possible.

7.3.4 A condition shall be attached to any grant of consent, requiring the permitted ground floor retail use to be retained as Class A1. This is to ensure that that appropriate retail uses remain in Lower Road given the nature of the area as a Primary Shopping Frontage.

7.4 Affordable Housing

7.4.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document

7.4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the adopted development plan subject to material considerations otherwise. The Courts are clear that:

- (a) the weight to be given to such considerations is a matter for the decision maker.
- (b) policy (however absolutely it is stated) cannot displace that - the decision must always be taken with regard: "As a matter of law the new national policy is only one of the matters which has to be considered under sec 70(2) and sec 38(6) when determining planning applications... in the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the threshold

stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy".

- (c) The Framework "is no more than 'guidance' and as such a 'material consideration'" for these purposes. "It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan".

7.4.3 Officers consider that the correct approach is to:

- (1) Consider the starting point under the development plan policies
- (2) Give significant weight to the Framework policies
- (3) Have regard to current evidence of local housing need as a material consideration in deciding whether Framework policy should outweigh the breach of the adopted development plan policy.
- (4) Consider whether there is evidence of viability justification for failing to provide affordable housing, which would satisfy Policy CP4.

Policies should not be applied rigidly or exclusively when material considerations may indicate that it would not be in the interests of good planning to do so.

7.4.4 Following the issue of a WMS in Nov 2014 which stated that financial contributions towards affordable housing should no longer be sought on sites of 10 units or less and the amendment of the PPG in May 2016 to reflect this, the Council undertook an analysis of up to date evidence of housing needs in the Council's area (The Needs Analysis). The Council considers that the local evidence of housing need in the Needs Analysis:

- (a) confirms that housing stress has increased since the Core Strategy was adopted;
- (b) underlines the continuing relevance and importance of Policy CP4 (and the weight to be given to such local housing need for the purposes of Section 38(6)).

7.4.5 The Council resolved on 1st September 2017 to treat the Needs Analysis as a consideration of significant weight when considering the relationship between Policy CP4 and the WMS and PPG for the purposes of Section 70(2) Town and Country Planning Act 1990 and Section 38(6) Planning and Compulsory Purchase Act 2004 in respect of development proposals of 10 dwellings or less.

7.4.6 Following the publication of the 2018 NPPF the Council undertook a further Needs Analysis in July 2018 titled: "Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing." This document concluded that whilst the Framework is a material consideration, breaches of Policy CP4 should not, in light of ongoing evidence of housing need be treated as outweighed by the Framework. This conclusion was reached having had regard to the following relevant factors:

- o General House Price Affordability in Three Rivers
- o Affordable Housing Supply Requirements in Three Rivers
- o Affordable Housing Provision in Three Rivers
- o Extent of residential development schemes proposed which are for sites delivering net gain of less than 10 dwellings
- o The contribution towards the provision of affordable housing Policy CP4(e) has historically made in respect of small sites
- o Relevant Appeal Decisions
- o The fact that the adopted plan policy does not impose burdens where they would render schemes unviable.

7.4.7 General House Price Affordability in Three Rivers: As set out in more detail in the Council's document: Evidence for Re-Instating the Affordable Housing Threshold in Core Strategy Policy CP4: Affordable Housing, data published by the Office for National Statistics (ONS) demonstrated that in 2016 Three Rivers was the seventh most expensive local authority area in England and Wales (excluding London) out of a total of three hundred and fifty local

authority areas. The lowest quartile house price in Three Rivers was £325,000.00. This represents a worsening of the position since 2011. The general house price affordability position has grown worse since 2016. According to ONS data for the third quarter of 2017, the lowest quartile house price in Three Rivers as of September 2017 was £355,000, making it now the sixth most expensive local authority area in England and Wales (excluding London).

7.4.8 Affordable Housing Requirements in Three Rivers: The Council's Strategic Housing Market Assessment (2010) which assessed current and future housing markets and needs found that:

(1) requirement for affordable housing in and around the Three Rivers area remained exceptionally high. This is largely as a result of very high house prices and rents, a constricted supply of suitable sites for all housing types and losses from the existing affordable stock through 'Right To Buy' sales,

(2) all future housing supply in the district to 2021 would need to be affordable to satisfy affordable housing requirements. This represented the highest requirement amongst the six authorities within the London Commuter Belt.

(3) The South West Hertfordshire Strategic Housing Market Assessment (January 2016) SHMA looked into newly-arising (projected future) need within the District, which was accepted as arising from newly forming households and existing households falling into this need. In South West Herts, the SHMA estimated a need totalling 2,760 new households per annum from 2013-2036. 15% of this need falls within Three Rivers, which equates to an estimated level of affordable housing need in the District from newly forming households of 419 per annum. With these figures in mind, the SHMA calculated the net affordable housing need within Three Rivers as being 617 units per annum or 14,191 units over the same 23 year period.

7.4.9 Affordable Housing Provision in Three Rivers: Core Strategy CP4 requires around 45% of all new housing in the District to be affordable. As stated previously, prior to the WMS, all new developments that had a net gain of one or more dwellings would, subject to viability, be expected to contribute towards this. Since the start of the plan period from 1 April 2001 to 31st March 2017 (the latest date where the most recent completion figures are available), 3,736 gross dwellings were completed. From this, 843 were secured as affordable housing, a total of 22.6%. This percentage is significantly below the Core Strategy target of 45% which means there was a shortfall of 836 affordable housing units or 22.4% in order to fulfil the 45% affordable housing requirement up to 31 March 2017. This existing shortfall only exacerbates the already pressing need for small sites to contribute towards the provision of affordable housing and as such there is a high importance that small sites deliver to affordable housing contributions.

7.4.10 Extent of residential development schemes proposed which are for sites delivering a net gain of less than 10 dwellings: Between 1st May 2016 and 12th April 2017, seventy nine planning applications for residential development involving a net gain of dwellings were determined by the Council. Of those, forty seven applications (60%) were for schemes which proposed a net gain of 1-9 units. This demonstrates the importance of small sites to the overall delivery of housing in the district. Having a large number of small sites is an inevitable consequence of the District being contained within the Metropolitan Green Belt.

7.4.11 During the latest 2016/2017 monitoring period, there were a total of 164 gross dwelling completions within the District, of which 0% were affordable. All of those completions related to planning permissions granted for 10 or less dwellings with a combined floorspace of less than 1000 sq metres. The above data emphasises the importance of small sites to the delivery of housing within Three Rivers.

- 7.4.12 Contributions towards the provision of affordable housing Policy CP4(e) has made in respect of small site: Since the adoption of its Core Strategy in 2011, Three Rivers has received small site affordable housing contributions amounting to over £2.1million. Utilising those monies, development is currently underway which will deliver 21 units of affordable housing, with the remaining monies to be utilised as a contribution towards the delivery of a further 17 affordable dwellings. It is clear that, its policy has delivered a significant contribution towards the delivery of much needed affordable housing in the district, without disrupting supply.
- 7.4.13 Relevant Appeal Decisions: On any view of the local housing need position, there is a serious planning issue. The Council's position is that it deserves significant weight, consistent with the decisions in similar situations where the 'exception' is a function of weight. Whilst some decisions pre-date the NPPF, paragraph 63 of the NPPF is fundamentally the same as the WMS and PPG. It is also noted that there have been more recent appeal decisions that post-date the NPPF which also support the Council's approach. These include recent appeals at 9 Lapwing Way, Abbots Langley (APP/P1940/W/18/3213370) and 4 Scots Hill, Croxley Green (APP/P1940/W/19/3219890) where the Inspectors supported the Council's approach to seeking affordable housing on small sites.
- 7.4.14 The fact that the adopted plan policy does not impose burdens where they would render schemes unviable: Policy CP4 states "in assessing affordable housing requirements including the amount, type and tenure mix, the Council will treat each case on its merits, taking into account site circumstances and financial viability." It is clear that the operation of CP4 does not act as any form of brake on small scale development
- 7.4.15 The proposed development would result in a requirement for a commuted sum of £391.625 towards affordable housing based on a habitable floorspace of 313.3metres multiplied by £1250 per sq. metres which is the required amount in 'Highest Value Three Rivers' market area. The calculations are based on internal floorspace of habitable accommodation.
- 7.4.16 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability. In this case a Viability Statement has been submitted and concludes that an affordable housing contribution would not be viable. This information has been assessed by an independent viability consultant. Their appraisal which includes the benchmark land value of £2,200,000 shows a deficit of £887,956. As such, the scheme would not be able to support an affordable housing contribution and remain viable. The proposed development is therefore considered acceptable and in accordance with Policy CP4 of the Core Strategy (adopted October 2011).

7.5 Impact on Character and Street Scene

- 7.5.1 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'.
- 7.5.2 In terms of new residential development, Policy DM1 of the DMLDD advises 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.)

7.5.3 The application site is also located in close proximity to the boundary with the Chorleywood Station Conservation Area and as such Policy DM3 of the Development Management Policies LDD is relevant. This states that 'permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance of or views into or out of that Conservation Area'.

7.5.4 At ground floor level, a commercial use would continue to be provided and therefore would be in keeping with the nature of this section of Lower Road as providing a commercial use at ground floor level. As such, an active frontage would be retained. At first and second floor level fronting Lower Road, six residential flats would be provided, therefore effectively in filling the gap which currently exists between no.14A Lower Road and no.20. At present, this gap appears unsightly and makes little contribution to the visual amenities of the streetscene. Furthermore the Conservation Officer has noted that the single storey flat roof of the current commercial building leaves an unsympathetic break in the building line of the road. The existing building is a twentieth century infill development which detracts from the appearance of this part of the street. As such, the Conservation Officer considers the redevelopment of the site would be likely to enhance the appearance of the surrounding properties and the road overall.

7.5.5 Appendix 2 of the Development Management Policies LDD advises that development at first floor level and above should retain a distance of 1.2m to prevent a terracing effect although this can be reduced in higher density areas. In this case, the proposed building would be constructed up to the boundary with no.14A Lower Road, thereby effectively extending the line of the existing terrace. Whilst this would not be in accordance with the above guidance, no objection is raised given the nature of the High Street location as containing higher density development with terraces part of the existing streetscene. The built form would be set off the boundary with no.20 Lower Road by approximately 3.7m.

7.5.6 The proposed ridge line would be higher than the adjacent buildings to the north west. However, given the varied nature of Lower Road, it is not considered that this would result in significant harm to the streetscene. The Conservation Officer has noted that the replacement building will reference the height and form of surrounding buildings and in this respect is considered proportionate to other forms of development on Lower Road. In terms of design, the proposed frontage building would contain dormer windows fronting Lower Road. In accordance with Appendix 2 of the Development Management Policies which requires dormers to be subordinate, they would be set down from the ridge, back from the plane of the wall and in from both sides. The Conservation Officer has raised some concern that the proposed building imitates the fenestration pattern of the adjoining terrace and should have its own architectural style. However, the Conservation Officer does emphasise that the scheme would not be harmful to the setting of the nearby Conservation Area and would not introduce built form that would detract from the character or appearance of the area. As such, the proposed development would not harm to the visual amenities of Lower Road. Furthermore, it would result in an improvement to this section of Lower Road by removing an unsympathetic break in the building line.

- 7.5.7 A further building would be sited to the rear of the site and would front an existing access road. Given that there are residential units adjacent to the site which already front this access track, it would not represent a tandem or backland form of development. Due to the narrow nature of Lower Road, this building would not be readily visible from this vantage point. Views of the building would be obtainable from both Berks Hill and South Road. The Conservation Officer has noted that the building would be uncontentious in its scale and design and due to the topography of the land and the existing built form, that the building would not appear incongruous.
- 7.5.8 In terms of its siting, the building would be located on the same building line as the existing flats fronting the access road. As such, it would not appear excessively prominent. The plans indicate that the building would be located approximately 0.3m from the existing residential flats and as such would not comply with the guidance on spacing set out in Appendix 2 of the Development Management Policies LDD. However, given the higher density nature of the development and the fact that this would be a flatted form of development, it is not considered that significant harm would occur to justify refusal.
- 7.5.9 The building would be of similar design to the adjacent flats. It would be of two storey appearance with a hipped roof form. Whilst the ridge would be higher than the adjacent building, it is not considered that this would result in significant harm to the visual amenities of the area, particularly given the hipped nature of the roof form.
- 7.5.10 A parking area would be located centrally between the built forms. There may be some views of this from Lower Road due to the siting of the car parking area. However, the views would be limited and given the urban nature of the locality it is not considered that this would result in significant harm.
- 7.5.11 Given the nature of the area as located adjacent to a Conservation Area, a condition will be added requiring the submission of materials to ensure that they would be appropriate.
- 7.5.12 In summary, given the mixed nature of the locality and existing development, it is not considered that the proposed development would result in significant harm to the character and appearance of Lower Road, South Road, Berks Hill or the adjacent Conservation Area. The development is considered to be acceptable and 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).
- 7.6 Impact on amenity of neighbours
- 7.6.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. 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'.
- 7.6.2 The existing commercial space fronting Lower Road would be demolished to accommodate the new development. At ground floor level, a new commercial unit would be provided. This in itself would not have a significant impact on the amenities of any neighbouring properties, given the siting of the existing commercial space as similar.
- 7.6.3 To the front of the site, at first and second floor levels, six residential flats are proposed. This would introduce additional fenestration facing towards the neighbours on the opposite side of Lower Road. However, given the separation by the highway and the fact that this would not be dissimilar to other existing relationships which exist on Lower Road, it is not considered that significant harm would occur as a result. The proposed building which would be sited to the rear of the development siting the access road would not have any significant impact on the neighbours on the opposite side of Lower Road.

- 7.6.4 In terms of siting, the built form of the frontage building would be constructed immediately adjoining the existing flat at no.14A Lower Road. This neighbour has raised concerns that the proposed development would result in the adjoining flat being located 150cm from their back door which will result in a loss of privacy. They have also noted that the siting of their door is not indicated on the submitted plans. It is acknowledged that the proposed built form would be in close proximity to their property. However, the nearest opening would be the entrance to one of the proposed flats which would not be in use continuously. As such, it is not considered that the proposed development would result in significant harm to justify refusal on this basis. With regard to the inaccuracy noted by the neighbour, there is no requirement for the openings of neighbouring properties to be indicated and a site visit is made by officers to fully appreciate the relationship between properties. In addition, whilst the built form would have a stepped building line, it would not result in the intrusion of the 45 degree line from this neighbouring property and it therefore would not appear unduly overbearing. With regard to the impact on the flats located to the south east of the site located at no.20 Lower Road, this built form is set in from the boundary and the proposed development would not project beyond the rear of this building. As such, the proposed development would not appear unduly overbearing to these neighbours.
- 7.6.5 The block to the rear would be located on a similar front building line to the existing flats at 20 Lower Road. The plans indicate that there would be an intrusion of the 45 degree line from the boundary of the site as a result of the development with the rear wall of the block projecting further to the rear. However, the elevation of this building only has one single casement window in the rear wall directly adjacent to the site which appears to serve non habitable accommodation. As such, it is not considered that the development would result in significant harm to justify refusal on this basis.
- 7.6.6 Neighbours at no.14A Lower Road and no.20 Lower Road have raised concern with regard to the impact of the proposed building to the rear of the site on their privacy and outlook. Appendix 2 of the Development Management Policies LDD states the following with regard to back to back distances:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other (see 3(a) below) or in other circumstances where privacy needs to be achieved.

- 7.6.7 Between the two proposed buildings, a minimum distance of approximately 16.8m would be achieved. The distance between the rear block of no. 20 Lower Road would be less, however, this is an oblique relationship and not directly back to back. In determining an appeal at 2A Berks Hill for flats to the rear, the following comments were made by the Inspector:

The proposal would be set immediately alongside a neighbouring block of flats but would be of reduced scale and height in comparison to it. The separation distances that would be achieved in the appeal scheme would be similar to those that are in place between the opposing buildings on this adjacent site. I accept that the position of the neighbouring block is such that Nos 2A, 2B and 2C do not directly face it. It is however prominent and readily visible adjacent to the appeal site. Importantly the proposed building would have a stepped design to its upper floor. In the context of its built up surroundings, I do not consider that the proposal would appear overbearing, and would not therefore have an unduly negative effect upon the outlook available to neighbouring occupiers at Nos 2A, 2B and 2C.....

Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) (the DMPLDD) sets out detailed design criteria for ensuring developments maintain privacy and avoid overlooking. It states that an indicative distance of 28 metres should be achieved between the faces of single or two storey buildings backing on to each other. However, it goes on to state that mitigating circumstances such as careful

layout and orientation, screening and window positions may allow a reduction of distances between elevations.

In this instance the separation distance is notably shorter than the indicative distance stated in Appendix 2. However, the proposed elevation that faces the existing flats incorporates angled window openings at ground and first floor levels. The orientation and design of these windows would prevent any direct and close-proximity overlooking between existing and proposed habitable rooms. The stepped design of the proposal, as discussed above, would also assist in ensuring that views from first floor level openings into the adjacent external amenity areas would be heavily restricted.

- 7.6.8 As such, whilst the shorter back to back distances are acknowledged, these would be comparable to the existing relationship between the existing flats at no.20 Lower Road and as such, it is not considered that the development would be unduly overbearing or prominent to neighbours. It is acknowledged that the ridge height of the block to the rear would be higher than that at the existing adjacent flats at no.20 Lower Road, however, given the hipped nature of the roof form and the fact that the relationship with no.20 and 14A would not be directly back to back it is considered acceptable. It is acknowledged that the nature of the courtyard would be altered by the provision of car parking adjacent; however, in this town centre location this would not result in significant harm to justify refusal of the application. It is noted that the plans indicate that screening would be added to ensure that the impact is minimised to neighbours. In order to ensure that the Local Planning Authority is satisfied as to its appearance, siting and height, a condition shall be added requiring details of the screen to be submitted prior to occupation of the development.
- 7.6.9 Concern was raised by members as to the design of the development as including obscure glazed windows in the second floor rear elevations up to 1.7m. This had been put in place to minimise overlooking between blocks and to neighbouring properties, however, members considered that this would result in poor quality accommodation for future occupiers. In response, amended plans have been submitted indicating that the windows in the first and second floor level of the block fronting Lower Road would have clear glazed windows. This would improve the outlook for future occupiers. It is not considered that the amendment would result in significant harm to the neighbour at no.14A Lower Road given that the nearest habitable windows would be set away from the boundary which would minimise any significant harm, With regard to no.20 Lower Road, the nearest openings serve non habitable accommodation, with the second floor level being indicated as obscure glazing up to 1.7m above internal floor level.
- 7.6.10 With regard to the rear block, the windows in the rear elevation are now indicated to be clear glazed (with the exception of the bathrooms) but would be recessed from the rear wall of the building. As such, any views to no.14A and No.20 would be obscured by the walls, minimising any significant harm.
- 7.6.11 Neighbours fronting Berks Hill and South Road have also raised concern regarding the impact of development on their properties with regard to the development being overbearing and resulting in a loss of privacy. In response, there is an existing block of flats fronting the access road and therefore the relationship in terms of built form would be comparable. Whilst the building would be of increased height relative to that existing, it is not considered that the height would be so increased that it would appear more overbearing than the neighbouring flats. With regard to overlooking, the windows in the second floor (first floor from the level of the access track) would all be obscure glazed preventing harm in terms of overlooking
- 7.6.12 Concern has also been raised with regard to noise pollution in relation to an increased number of vehicles using the access track. Whilst this concern is acknowledged, the intensification of the use of the access track would not be increased to such an amount that this would be harmful, particularly in taking into account the overall length of this track.

7.6.13 In summary, it is not considered that the proposed development would result in demonstrable harm to the residential amenities of any neighbouring occupiers.

7.7 Amenity Space Provision for future occupants

7.7.1 Appendix 2 of the Development Management Policies LDD sets out the requirements for amenity space and states that one bedroom flats should have 21 square metres of amenity space with 10square metres per additional bedroom. The space can be allocated specifically to each flat or communally. In this case, there would be five one bed flats and three two bed flats which would equate to a total requirement for 198square metres of amenity space.

7.7.2 The plans indicate that there would be no private amenity space and concerns have been raised by residents in relation to this. However, this is a high street location of higher density developments and it is commonplace for developments of this type not to benefit from outside amenity space. Furthermore, there are large public accessible areas of open space nearby. Therefore, based on the site circumstances, it is not considered that a lack of amenity space would result in significant harm to future occupiers to justify refusal on this basis.

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 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.

7.8.3 The application has been submitted with a Biodiversity Checklist and sets out that the development would have no impact on any protected species. Given the nature of the application site and its location within an urban area, it is not considered that the development would result in any significant harm in this regard.

7.9 Trees and Landscaping

7.9.1 The proposed development would not have any impact on any existing trees or areas of landscaping. As such, no objection is raised to the development on these grounds.

7.10 Highways, Access and Parking

7.10.1 Policy CP10 of the Core Strategy states that development will need to demonstrate that it 'provides a safe and adequate means of access'. Significant concern has been raised by residents regarding access to the site and impact on the safety of Berks Hill and South Road.

7.10.2 The Highways Officer has been consulted and has raised no objection to the development. It has been confirmed that the available visibility levels as indicated on the proposed plans are acceptable when taking into consideration that they are existing vehicular accesses emerging onto unclassified local access roads. Whilst it is acknowledged that the track is single width which would generally be recommended to serve a maximum of three dwellings, given there are two access points, that it is an existing access track and that the proposed access arrangements to the parking area are sufficient, there would not be significant reason to justify refusal based on vehicular access.

- 7.10.3 Significant concern has also been raised with regard to the reduction in size of the loading bay to the side of the Co-op as this would be reduced in size to accommodate the development. The Highways Officer has advised the following:

The existing delivery / loading bay on Lower Road is proposed to be reduced in width from approximately 6m to approximately 4m. A swept-path analysis has been included as part of the submitted Transport Assessment (plan no. 18133/TK03 B) to illustrate that a 7.5t panel van would be able to manoeuvre in and out of the amended delivery bay and a 4m width would be sufficient. The proposals are therefore considered to be acceptable by HCC as Highway Authority.

Furthermore a reduced width delivery bay would encourage delivery vehicles to reduce their speed when entering and egressing the loading bay area with the potential to therefore benefit pedestrian safety and accessibility on the adjacent highway footway.

- 7.10.4 Thereby in taking advice from the Highways Officer, no objection is raised to the reduced size delivery bay.

- 7.10.5 Concern has also been raised that the Co-op would continue to use larger delivery vehicles for deliveries which would obstruct Lower Road. In response, the Design and Access Statement specifies that smaller vehicles would be used. A condition requiring the submission of a servicing and delivery plan would be required prior to occupation to ensure this would be the case. It is acknowledged that the details also state that all home deliveries to residents would use the loading bay and residents have raised this as a concern. In response, the LPA would be unable to enforce that this is the case, however, this would be similar to the majority of residential locations (that delivery vehicles stop where they want and do not always use a dedicated loading bay).

- 7.10.6 With regard to access for emergency vehicles, Herts Fire and Rescue note that the rear service road which runs from Berks Hill to South Road is an unmade track which is unsuitable for fire service pumping appliances. However, they have advised that there are hydrants within 30m along Lower Road and as such the available water supplies would be deemed adequate. Based on the initial plans, Herts Fire and Rescue raise no objection to the development.

- 7.10.7 Residents have raised significant concern that lack of car parking would exacerbate parking problems that are already experienced within Lower Road. With regard to car parking, Appendix 5 of the Development Management Policies LDD sets out the following:

1 bedroom: 1.75 spaces (1 assigned)
2 bedroom: 2 spaces (1 assigned)

Class A1: Retail and small food shops up to 500sqm gross floor area: 1 space per 30sqm
Food store up to 2500sqm of retail floor space@ 1 space per 18sq m floor area.

- 7.10.8 There would be a total of 5, 1 bedroom flats and 3, 2 bedroom flats which would generate a requirement for residential development of 14.75 car parking spaces. Following comments made by members, an amended Parking Management Scheme has been submitted which indicates a total of 15 spaces would be for residents. As such, the scheme would provide policy compliant parking for the residential aspect of the development and therefore no objection is raised.

- 7.10.9 With regard to the retail use, purely the retail area has been utilised to calculate the car parking requirements (and ancillary areas such as the plant room and storage have been excluded). This would equate to a floor space of approximately 432sqm, meaning there would be a requirement for 14.4 spaces for this element. The Parking Management Scheme allocates a total of three spaces for the retail use serving staff and therefore there would be a shortfall. Appendix 5 of the Development Management Policies LDD sets out that the

standards for car parking (except for Class C3) can be adjusted according to which zone the proposed development is in. The application site is located in Zone 2 where the requirement would be for 25% to 50% of the indicative demand based standard. Therefore, when applying the zonal reduction of 25-50% there would be a requirement for between 3.6 – 7.2 spaces for the commercial floorspace. The proposed level of car parking for the retail use would now fall marginally outside of the range given above. However, in this case, no objection is raised given that the site is in a High Street location serving the local community and currently the Co op provides no car parking for shoppers. Consequently, it is not considered that the limited shortfall in car parking in this location would result in significant harm to justify refusal on this basis.

- 7.10.10 The submitted Parking Management Scheme sets out how the spaces would be allocated and the type of signage which would be installed to ensure that people are aware of the parking restrictions within the car parking area. To ensure that sufficient car parking is available as set out above, a condition shall be attached requiring the development to be undertaken and occupied in accordance with the Parking Management Scheme.
- 7.10.11 In addition to the above condition, a number of other conditions are considered to be appropriate. Residents have raised significant concern regarding the impact on Lower Road and surrounding residential streets during construction. The applicant shall be required to submit a Construction Management Plan due to the constrained nature of the site. In addition, a condition shall be added requiring the parking area and loading bay to be laid out, surfaced and drained in accordance with the approved plan prior to occupation. With regard to the impact on parking within Lower Road, it is acknowledged that there may be some disruption during construction works, it is not considered that the temporary disruption can justify refusal. Concerns have also been raised with regard to the loss of permit parking. There would be no alteration to any of the existing access and therefore no loss of permit parking.
- 7.10.12 Whilst the concerns of residents regarding impact on the safety of the highway are acknowledged, the Highways Officer has confirmed that the development would not result in any significant impact. In addition, the level of car parking is considered sufficient given the nature of the development and its location. The proposed development is therefore acceptable and 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).

7.11 Sustainability

- 7.11.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 7.11.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.11.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development

should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.11.4 In this case, an Energy Statement has been submitted which states that energy efficient measures and photovoltaic installation will provide a reduction of 7.05%. As such, the proposed development would be in accordance with Policy DM4 of the Development Management Policies LDD. It is noted that the proposed elevations do not indicate where the photovoltaics would be located. It is unlikely that an objection would be raised to this in principle, however, a condition shall be added to any consent to ensure that the siting and design of the technologies are acceptable

7.12 Refuse and Recycling

7.12.1 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

7.12.2 Bin storage for the residential and commercial uses are proposed to be sited at ground floor level within the building. As such, the bin storage would not have an impact on residential or work space amenities. The applicant has provided a statement saying that the bins would be collected from Lower Road. At present, the existing contractor services the site via Lower Road as opposed to the dedicated loading bay. Three Rivers Environmental Protection have stated that no objection is raised to collecting the bins from Lower Road rather than the dedicated loading bay.

7.12.3 As a result, the proposed development is considered acceptable and in accordance with Policy DM10 of the Development Management Policies LDD.

7.13 CIL

7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contributions to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. The charging schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180 per sqm.

7.14 Tilted balance

7.14.1 The LPA cannot currently demonstrate a 5 year housing land supply, and therefore paragraph 11 of the NPPF (2019) is engaged. Paragraph 11 and footnote 7 clarifies that in the context of decision-taking "the policies which are most important for determining the application are out-of-date when the LPA cannot demonstrate a five year supply of deliverable housing sites". The most important policies for determining a housing application are considered to be Policies CP2 (Housing Supply) and Policy CP3 (Housing Mix and Density). Paragraph 11 continues, "Plans and decisions should apply a presumption in favour of sustainable development...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: a) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 7.14.2 The NPPF identifies that there are 3 dimensions to sustainable development: social, economic and environmental. The social benefits of the scheme would include a small contribution towards making up the shortfall in housing in the district therefore facilitating the Government's aim of boosting the supply of housing. The economic benefits of the scheme includes the ability for the future occupiers to support the local economy by using the amenities in Chorleywood. In terms of the environmental benefits, the principle of residential development is acceptable in this location and the site does not reside within an area of particular importance (i.e. Green Belt, AONB – see footnote 6 of the NPPF).
- 7.14.3 Notwithstanding the above, it is considered that development complies with paragraph 11 of the NPPF; however, if an alternative recommendation is reached, consideration will be required as to whether any identified adverse impacts would significantly and demonstrably outweigh the benefits of the development.

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 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:

240-E001B, 240-E002C, 240-E003, 240-E101, 240-E102, 240-P001N, 240-P002K, 240-P004H, 240-P005H

Reason: For the avoidance of doubt, in the proper interests of planning and residential amenity; in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the commencement of development hereby permitted, plans and details of the photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition 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 ensure that the development makes as full a contribution to sustainable development as possible.

- C5 Prior to commencement of the development hereby permitted details of the disposal of surface water from the drive and parking area shall be submitted to and approved in writing by the Local Planning Authority. The works for the disposal of surface water shall be carried out in accordance with the approved details prior to occupation of the development.

Reason: This condition is a pre commencement condition in the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

- C7 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including those for hardsurfacing) 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C8 The ground floor premises shall be used for Class A1 use and for no other purpose whatsoever without the grant of express planning consent from the Local Planning Authority.

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use in accordance with Policies CP1 and CP7 of the Core Strategy (adopted October 2011).

- C9 Prior to the occupation of the development, a Servicing and Delivery Management Plan detailing how the ground floor unit is to be serviced shall be submitted to and approved in writing by the Local Planning Authority. The approved Servicing and Delivery Management Plan shall be implemented prior to occupation of the ground floor unit and shall remain for as long as the development is occupied.

Reason: In order to protect highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C10 Prior to the first occupation and use of the development hereby permitted the proposed access, on-site car parking, turning area and delivery loading bay shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 240-P001K and retained thereafter available 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).

- C11 Before the first occupation of the building/extension hereby permitted the window(s) annotated on the proposed plans to be obscure glazed; 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).

- C12 The approved Parking Management Plan (June 2019) shall be implemented prior to the occupation of the development and shall remain as long as the development is occupied.

Reason: In order to protect highway safety in accordance with Policy CP10 of the Core Strategy (adopted October 2011).

- C13 Prior to the commencement of development, details of all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and measures to enclose these and/or attenuate noise arising from their operation shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation of the development and shall be permanently maintained in accordance with the approved details thereafter.

Reason: To ensure that the nearby noise sensitive uses and not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD.

- C14 Notwithstanding the details on the approved plans, prior to occupation of the development, details of the proposed screening adjacent to the car park including its height, design and external finish shall be submitted to and approved in writing by the Local Planning Authority, The approved measures shall be implemented in accordance with the approved details prior to first use of the car park and permanently retained 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).

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 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.
- 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 Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
- 15 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to

obtain their permission and requirements before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

- 16 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

- 14 All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588