

PLANNING COMMITTEE – Thursday 18 OCTOBER 2018

PART I - DELEGATED

5. **18/1381/FUL – Demolition of existing building and redevelopment to provide a total of 10 self-contained apartments within a three storey building including accommodation in roof space and basement car parking, a revised vehicular access, landscaping and associated development at 36 EASTBURY AVENUE, NORTHWOOD, HA6 3LN**
(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 12.10.2018

Ward: Moor Park & Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be granted subject to conditions.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called-in by three Members of the Planning Committee.

1. **Relevant Planning History**

- 1.1 8/461/85 – Erection of 10 detached house and construction of an access road – Refused August 1985.
- 1.2 18/0111/PREAPP - Pre-Application: Demolition of existing dwelling and construction of a four storey apartment block containing ten residential units with basement parking and associated landscaping and associated works – Written response provided February 2018 and the officer's summary stated the following:

'Whilst I have no objection in principle to the demolition of the existing dwelling and the construction of a flatted development, I have concerns that the scheme proposed is of a design and scale that would result in a cramped, contrived and unduly prominent form of development which would have a detrimental impact within the immediate vicinity of the pre-application site.

In addition to the harm to the character and appearance of the area I have strong concerns with regards to the impact of the proposed building towards surrounding neighbouring amenity particularly 34 Eastbury Avenue. The development would become a significantly overbearing form of development and cause unacceptable loss of light and overshadowing.'

2. **Description of Application Site**

- 2.1 The application site comprises a large detached dwellinghouse located on the south-west side of Eastbury Avenue. The surrounding area is characterised by suburban development in the form of flatted developments and detached dwellings which sit side by side on relatively large plots. Within the immediate context, the application dwelling is positioned between 34 and 38 Eastbury Avenue which are both detached dwellings on a relatively uniform front building line.
- 2.2 There are residential dwelling located to the rear of the site which are located on The Marlins, which is a gated private cul-de-sac that serves eight detached dwellings set within relatively sylvan grounds.
- 2.3 The application dwelling is of red-brick exterior set back approximately 20 metres from Eastbury Avenue. The dwelling has a pitched roof with a forward projecting two storey

hipped projection and an attached garage along the north-west flank. To the rear, the dwelling has not been previously extended but does have a canopy projection.

- 2.4 The land levels slope up gradually in a south-east to north-west direction and as a result 38 Eastbury Avenue is set on a higher land level than the application dwelling and 34 Eastbury Avenue is positioned at a lower level. Both neighbouring properties are two storey detached dwellings, built in close proximity to the flank boundaries of the application site.
- 2.5 The frontage of the application site comprises of a large gravel driveway providing off-street parking for at least four vehicles and an area laid to lawn. The frontage of the site is enclosed by evergreen hedging of varying height.
- 2.6 To the rear the garden is of a modest size measuring approximately 750sq. metres; and is well enclosed by dense vegetation in the form of evergreen hedging and mature trees which screen views of neighbouring amenity. All trees within the site are protected by virtue of Tree Preservation Order 217.

3. Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of the existing dwelling and the erection of a three-storey block with accommodation within the roofspace served by dormer windows to create 10 x 2-bed self-contained flats with the associated parking within basement level and associated landscaping.
- 3.2 The proposed residential block would be sited approximately 12–13 metres back from Eastbury Avenue; set in 2.5 metres from the boundary shared with 34 Eastbury Avenue and 2.4 metres from the shared boundary with 38 Eastbury Avenue. The building would have a three storey appearance with accommodation contained within the roofspace served by dormers within the front and rear roofslopes and rooflights to the flanks. The building would measure a maximum depth of 26 metres and width of 21 metres.
- 3.3 The building would have a flat roof with a total height of approximately 12.2 metres sloping down to an eaves height of 8.8 metres. To the front the building would have an Edwardian-style façade featuring brick pilasters, sash windows, with contrasting brick detailing below and rubbed brick arches above and rendered ground floor and stone detailing.
- 3.4 The flatted development would be served by a relocated access point from Eastbury Avenue positioned just off centre. The frontage would accommodate three parking spaces (1 visitor space) and a double width driveway leading to the undercroft basement parking which would be accessed under the eastern side of flatted development. The basement parking would provide a further 18 spaces (6 disabled) resulting in a total of 21 spaces. The remaining areas of the frontage would be soft landscaped with a communal bin storage area located in the north-eastern corner of the site. The frontage of the site would be enclosed by hedging and trees.
- 3.5 To the rear there would be a large communal private amenity area enclosed by hedging and trees.
- 3.6 Amended plans were received during the course of the planning application making the following changes:
 - A reduction in the width of the building by pulling each of the side 'wing' elements away from the boundary by 500mm.
 - Reduction in width of the parapet on the front elevation to reduce the impression of bulk.

- Replacing the rearmost balcony of flat 5 with a Juliet balcony.
- Removal of three flank elevation windows per side.
- Minor alterations to flats 1, 3, 4 and 6 involving switching the kitchen and study.
- Car parking dimensions are included on the basement plan

4. Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: No response.

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]

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. Access Design

The development shall not commence until full details of the proposed access arrangements onto the existing highway network have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted should identify the following elements:

- A proposed access layout with radius kerbing and tactile paving to indicate the need for caution to pedestrians
- Vegetation clearance works adjacent to the highway boundaries to deliver safe vehicular and pedestrian movements between the site and the main road network
- The kerbing and footway works required to return the existing access to footway

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

2. Visibility Splays

The development shall not commence until details of the proposed visibility splays measuring 2.4m x 43m (in accordance with the Roads in Hertfordshire design guide) have been submitted to and approved in writing by the Local Planning Authority. Land within the visibility splays shall thereafter be maintained at all times free of any obstruction between 0.6m and 2m above the level of the adjacent highway carriageway.

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

3. Construction Management Plan

The development shall not begin until full details of all proposed vehicle access, movements, parking arrangements and wheel washing facilities proposed during the construction period have been submitted to and approved in writing by the Local Planning Authority. Details should be submitted in the form of a Construction Management Plan.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

I recommend inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.
Highway Informative:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1. 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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Comments/Analysis:

This application proposes the demolition of the existing buildings and the construction of 10 two bedroom apartments with basement parking and a revised access arrangement on Eastbury Avenue. The details submitted for consideration a Transport Statement letter providing information on the following aspects of the development:

Vehicle Access & Parking:

Vehicular access for the development is shown in indicative form on Drawing No. 18 FEAN SP1C. Access is proposed via a new junction on the adjacent section of Eastbury Avenue. This road is classified as a Local Access Road within Hertfordshire's road hierarchy.

The development proposal includes a total of 22 on-site car parking spaces and 10 cycle parking points. The Local Planning Authority will give consideration to the proposed car and cycle parking provision in relation to its current parking standards. However, the proposed on-site car parking provision is not expected to result in a migration of parking to the surrounding highway links.

The Transport Statement presents trip generation rates from the TRICS database relating to the proposed use of the site. This concludes that the increase in car based trips generated by the proposed residential development will not be significant. The trip rates identified in the Transport Statement are considered appropriate for the location of the site and the conclusions reported in terms of the increased vehicle trips are not disputed by the Highway Authority.

Existing Sustainable Travel Modes:

The site is located approximately 1.5km of Northwood rail station providing access to London. Travel to Watford (to the north) and Northwood (to the south) is possible by bus. Existing bus stops are available on Watford Road. The National Planning Policy Framework requires that decisions on development proposals should consider whether opportunities for sustainable transport modes have been taken up and also that safe and suitable access to the site can be achieved for all people.

Summary:

The Highway Authority requests that further details of the construction proposals are submitted to ensure that the proposed access arrangements can facilitate safe vehicle movements and are suitable to be adopted as part of the highway network.

Formal consideration of all construction vehicle movements is also required to ensure that any inconvenience to users of the adjacent highway is kept to a minimum. The Highway Authority therefore does not raise any objection to the application subject to confirmation of the suggested planning conditions and advisory note identified above.

4.1.3 Herts and Middlesex Wildlife Trust: [No response received]

4.1.4 Herts Ecology: [No objection]

The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which includes a detached two storey dwelling with detached garage and associated hardstanding driveway, front and rear gardens with introduced planting and rear lawn. The property is in an area of low density housing, with plenty of mature trees. There are records of roosting bats in buildings in the area.

Bats

Bats are European Protected Species (EPS) and are protected under European and national legislation. In general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often in gaps/cracks or underneath loose tiles or weatherboarding) and trees if suitable features and conditions are available.

I am pleased to see a bat report has been submitted in support of this application – Bat Survey Report (CSa Environmental, June 2018). A daytime inspection was undertaken on 20 March 2018 and no bats or evidence of bats were seen; however, both house and garage had potential bat roosting features and consequently the property was assessed to have moderate potential to support roosting bats. Following best practice, 2 further dusk emergence / dawn re-entry surveys were recommended to determine the use of the buildings by bats, and to provide appropriate mitigation to safeguard bats if present and affected.

The two nocturnal surveys were undertaken on 3 May and 13 June 2018 and no bats were observed emerging from or re-entering either building. Overall, there was limited bat flight activity across the site.

As no bats were recorded roosting in the property, no mitigation is required. Notwithstanding, as bats were recorded in the area (albeit in low numbers), if external lighting is proposed, it should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Biodiversity Enhancements

The planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements that could be incorporated into the development proposal include: bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree, shrub and hedgerow planting, orchard and fruit tree planting, wildflower area, wildlife pond, green roofs and walls, communal open spaces, etc. Any biodiversity enhancements should be considered at an early stage to avoid potential conflict with any external lighting plans.

4.1.5 Landscape Officer: [Initial objection]

There are a number of large and visually important trees located both on and adjacent to site, which are likely to be impacted by the proposed development.

The tree information submitted to date is of a preliminary nature, and intended to aid design, it is not suitable to support a full planning application. I feel unable to fully assess the likely impact of the development on trees, from the information that has been submitted. As a minimum I would require, and expect to accompany a full planning application of this sort; an Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and a preliminary arboricultural method statement (Prelim AMS), all in accordance with BS 5837.

At the current time, and in respect to the information available, I would wish to raise objections to the application, due to the likely impacts to trees, particularly to off-site trees, and impact upon amenity to the surrounding area. Should the required information become available before a planning decision is made, I would be happy to reassess this position.

Further Consultation:

In receipt of the above comments the applicant provided further information to address the objections raised. The Landscape Officer was re-consulted on the additional information and further comments have yet to be received.

4.1.6 Affinity Water: [No objection]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Poorsfield 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 sites 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".

4.1.7 Thames Water: [No objection]

Waste Comments

The proposed development is located within 15m of a strategic sewer. Thames Water have contacted the developer in an attempt to agree a piling methodology, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the

programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further

information please refer to our website.
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

4.1.8 Hertfordshire County Council – Flood Risk Team: [Initial objection overcome]

Thank you for consulting us on the above application for the Demolition of existing buildings and redevelopment to provide a total of 10 self-contained apartments within a three storey building including accommodation in roof space and basement car parking, a revised vehicular access, landscaping and associated development.

We have reviewed the SuDS Statement, Job. 1687, Draft 2, dated June 2018, prepared by EAS submitted in support to the present full planning application. We object to the present planning application and recommend refusal of planning permission until a satisfactory surface water drainage assessment is provided. The information included in the surface water drainage assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for us to advise the Local Planning Authority on the suitability of this proposal, 3 main issues should be addressed or clarified in relation to this site, these being:

1. Confirmation of a feasible discharge mechanism.
2. Updated detailed post development calculation/modelling in relations to surface water are to be carried out for all rainfall events up to and including the 1 in 100 year + 40% for climate change allowance considering the whole site area.
3. Full detailed drainage plan including location of the SuDS measures, pipe runs, and discharge points. Provision of detailed engineering drawings of the proposed SuDS elements.

In order for the applicant to satisfactorily address these 3 points the following clarification is provided along with details of what we expect the applicant to achieve in order that our objection can be removed.

1. The proposed drainage strategy proposed is based on attenuation and discharge into Thames Water surface water sewer network at greenfield rate of 0.9 l/s.

In order to confirm that the applicant is proposing a viable discharge mechanism, we expect that the applicant provides confirmation from Thames Water that they agree with the proposed connection and discharge rates and volumes.

We noted that there is a significant distance between the development site and the closest surface water sewer connection point. The applicant should therefore clarify how this connection will be undertaken and obtain permission from the relevant landowners to cross the distance to Thames Water manhole.

2. The applicant proposes to attenuate the surface water by installing a sub-base permeable pavement and an underground tank to attenuate the run off generated by the roofs and by the car parking area. We are pleased that the attenuation volumes

were calculated considering a return period of 1 in 100 years + 40% for climate change allowance, taking into account the impermeable area. Calculation/modelling should be updated taking into account the whole site area. Clarification should also be provided with regards to the calculation/modelling for the attenuation volumes.

3. The applicant has provided a drawing No. SK02 – SuDS Proposed layout. We expect the applicant to provide a clearer detailed drainage plan as it is not clear how the drainage scheme will work. This updated drawing should include location of the SuDS measures, pipe runs, and discharge points and detailed engineering drawings of the proposed SuDS features including their size, volume, depth and inlet and outlet features including any connecting pipe.

It is mentioned in the drawing that the final discharge rate is 2,0l/s. However the drainage strategy mentions a final discharge rate of 0,9l/s. The applicant should clarify this situation.

For further advice on what we expect to be contained within the surface water drainage assessment to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx#>

Informative to the LPA:

The applicant has included a Maintenance and Development Drainage section which includes a maintenance schedule, the required actions and the frequency of the actions to be carried out in relation to the proposed SuDS features. It considers that the responsibility for maintenance will be the owner/manager of the site, which will remain private.

The applicant will need to satisfy the LPA that the proposed drainage scheme can be adopted and maintained for its lifetime by providing a maintenance plan, detailing key operations and management.

The applicant can overcome our objection by undertaking a surface water drainage assessment demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the surface water drainage assessment. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate surface water drainage assessment has been submitted.

Further Consultation:

In receipt of the above comments the applicant provided further information to address the objections raised. The LLFA were re-consulted on the additional information and provided the following comments:

Thank you for re consulting us on the above application for the Demolition of existing buildings and redevelopment to provide a total of 10 self-contained apartments within a three storey building including accommodation in roof space and basement car parking, a revised vehicular access, landscaping and associated development.

Having reviewed the additional information provided by AES in their letter dated 19 September 2018, which included the following:

- Clarification of the objection points raised in LFFA's letter dated 28 June 2018
- Correspondence with Thames Water and their agreement in principle with the connection to discharge surface water run-off from the site to a reduced discharge rate
- Updated calculations and modelling for the site
- Drawing No. SK02 Rev-A – SuDS proposed layout
- Drawing No. SK11 – Drainage Standard construction details

We can confirm that we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.

The drainage strategy is based on attenuation and discharge the run off into Thames Water surface water sewer via a proposed new connection located to the west of Eastbury Avenue. The discharge rate is proposed to be controlled via hydro brake to 0.9 l/s and Thames Water have confirmed that they have capacity to receive the proposed discharge rate.

The applicant proposes to attenuate the surface water run off by installing lined permeable pavement and a cellular storage tank. Attenuation volume requirements have been calculated considering the proposed impermeable area and the 1 in 100 years + 40% for climate change event and micro drainage modelling of the scheme has been provided. The drainage scheme includes a pumping station to be installed in the underground car park, to pump at a rate of 4.0 l/s.

The proposed scheme provides a significant betterment and significant reduction in run off rates, we therefore recommend the following conditions to the LPA should planning permission be granted.

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved SuDS Statement carried out by EAS, Job No. 1687, Revision Draft 2, dated 28/06/2018 and the additional information provided in a letter prepared by EAS dated 19 September 2018, and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event.
2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer including SuDS features as indicated on drawing no SK02 Rev.2 – SuDS Proposed Layout.
3. Limiting surface water discharge off the site at an maximum allowable rate of 0.9 l/s for the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall include;

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
3. Final detailed maintenance and management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To prevent the increased risk of flooding, both on and off site.

Informative to the LPA

The LPA will need to satisfy itself that the proposed underground surface water attenuation features can be maintained for its lifetime and we recommend the LPA obtains a maintenance and adoption plan from the applicant.

Please note if the LPA decide to grant planning permission we wished to be notified for our records.

4.1.9 National Grid: [No response received]

4.1.10 Herts Growth and Infrastructure Unit: [No objection]

Herts Growth and Infrastructure Unit do not have any comments to make in relation to financial contributions required by the Toolkit, as this development is situated within Three Rivers' CIL Area and does not fall within any of the CIL Reg123 exclusions. Notwithstanding this, we reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

I trust the above is of assistance if you require any further information please contact Growth@hertfordshire.gov.uk.

4.1.11 Environmental Protection: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 16 No responses received: 2 (1 supporting comment)

4.2.2 Site Notice: Posted 14.06.2018 Expired: 05.07.2018

4.2.3 Summary of Responses:

- Scale and bulk of dwelling is overbearing
- No. of units is excessive
- Rear projects deeper than neighbouring property
- Overlooking
- Concerns with impact on trees
- Party Wall concerns particularly with regards to construction of basement level

5. Reason for Delay

5.1 Committee cycle

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 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 2018 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 PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

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

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 National Planning Policy Framework (The Framework) encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

- 7.1.2 The proposal would result in a net gain of 9 residential units on the application site. The site is not identified as a housing site within the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.
- 7.1.3 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:
- i. The location of the proposed development, taking into account the Spatial Strategy
 - ii. The sustainability of the development and its contribution to meeting local housing needs
 - iii. Infrastructure requirements and the impact on the delivery of allocated housing sites
 - iv. Monitoring information relating to housing supply and the Three Rivers housing targets.
- 7.1.4 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.
- 7.1.5 The application site is located within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development within Secondary Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP3 advises that the Secondary Centres are expected to contribute 24% of housing supply over the plan period.
- 7.1.6 The proposal would predominantly be sited on the existing footprint of the original dwellinghouse and partly on garden land within a built up area. Whilst the part of the site occupied by the footprint of existing building is previously developed land, the remainder of the site would not be classified as previously developed land.
- 7.1.7 Given the location of the site within a Secondary Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2 of the Core Strategy, however this is subject to consideration against other material considerations as discussed below.

7.2 Housing Mix

- 7.2.1 Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market and affordable sectors' dwelling size within the Three Rivers District as follows:
- 1 bedroom 7.7% of dwellings
 - 2 bedrooms 27.8% of dwellings
 - 3 bedrooms 41.5% of dwellings
 - 4+ bedrooms 23.0% of dwellings
- 7.2.2 The proposal would result in ten 2-bedroom flats. The development would therefore provide 100% 2 bedroom units. Whilst the proposed mix would not accord with the figures set out in the SHMA, it is acknowledged that current market conditions need to be taken

into consideration and two-bedroomed accommodation is of high demand. As such, whilst the housing mix would not strictly accord with Policy CP3, 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 Impact on Character and Street Scene

7.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

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

7.3.3 In addition to the above, the Design Criteria as set out within Appendix 2 of the Development Management Policies document states that applications for new development will be assessed on their own merits and new development must not be excessively prominent in relation to adjacent properties or to the general street scene and respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors, and materials.

7.3.4 The Design Criteria at Appendix 2 state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level and above should be set in a minimum of 1.2 metres from the flank boundary although this distance must be increased in low density areas.

7.3.5 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.

7.3.6 The application site is located within a residential area which is characterised by a variety of built form ranging from detached houses to two and three storey flatted developments, the latter of which dominate the southern side of Eastbury Avenue. The local character of Eastbury Avenue has significantly altered over recent years with the introduction of flatted development of varying design and size. The flatted developments in close proximity to the application site are predominantly three storeys in height however some contain accommodation within the roofspace served by dormer windows, undercroft parking or

basements such as Latimer Place located further east. They also generally have flat roof forms which reduce their overall height. In terms of architectural design, the local area is extremely mixed with Art Deco inspired development sited adjacent to more traditional dark bricked buildings with lighter buildings immediately opposite.

- 7.3.7 The existing dwellinghouse is of a traditional design with a two storey hipped front projection. The host dwelling is not listed, locally listed nor is it located within a Conservation Area, therefore its loss is not considered to be unacceptable or detrimental to the character and appearance of the area which is extremely varied in terms of design.
- 7.3.8 The proposed development would not result in tandem development. The proposed residential block would comprise three stories however the accommodation proposed within the roofspace would be served by dormers to the front. In relation to the scale of the new building, it would be relatively comparable to the width and depth of other flatted developments within the locality.
- 7.3.9 With regards to spacing, amended plans were received which increase the distance between the flank elevations of the two storey wing elements of the residential block so that they would be set in between 2.4-2.5 metres which would accord with Appendix 2 of the Development Management Policies LDD and thus appropriate spacing is maintained. Furthermore, the main three storey element of the block would be set in 5 metres from either flank.
- 7.3.10 The main ridge of the building would measure 12.2 metres in height and the indicative street scene plan 18 FEAN SS01 REV-F details that the ridge of the proposed development would be approximately 2.5 metres higher than that of 34 Eastbury Avenue reflecting the land level changes in this part of Eastbury Avenue. With regard to 38 Eastbury Avenue the same plan details the outline of the flatted development approved under application 18/0207/FUL however this planning permission has not been implemented. On assessment of the current site circumstances the proposed residential block would have a ridge height approximately 3 metres higher than this neighbouring property. Whilst the ridge height of the residential block would be higher than both neighbouring properties, the roof form would be hipped away from the boundaries and the highest part of the block would be set in approximately 8 metres from both flank boundaries. Amended plans were received during the application process to reduce the width of the parapet on the front elevation, thus reducing the impression of bulk. In addition, given the varied street scene in the area which includes flatted blocks adjacent to detached dwellings with varied heights, it is not considered that the proposed flatted development compared to 34 Eastbury Avenue would result in it appearing unduly prominent or have an adverse impact on the character or appearance of the street scene of Eastbury Avenue. Furthermore the main building would be set back from the highway by approximately 14 metres and while it cannot be relied upon as a result of the possibility of storm damage and disease, screening from existing vegetation and trees which would be retained to the frontage of the application site would help soften the appearance of the building within the site.
- 7.3.11 To the front the building would have an Edwardian-style façade featuring brick pilasters, sash windows, with contrasting brick detailing below and rubbed brick arches above and rendered ground floor and stone detailing. The street scene of Eastbury Avenue is mixed with a variety of architectural styles and materials and there is no objection to the proposed design of the block or to the external finish which would not adversely affect the character or appearance of the area. However a condition on any consent would require the submission of further samples and details of materials to ensure that these would be appropriate to the area.
- 7.3.12 The proposed bin storage would be sited forward of the main building, however they would be set back approximately 1 metres from the highway and would have a flat roof

form with a modest height of 2.5 metres. It would have a bricked exterior. Furthermore, as previously stated, whilst it cannot be relied upon there is existing screening as a result of the trees and hedging along the front boundary would prevent the building being readily apparent within the streetscene. As such, it is not considered that the proposed bin storage would become a prominent feature within street scene and would not have an adverse impact on the character or appearance of the area.

- 7.3.13 Two dormers are proposed centrally within the front roofslope of the main dwelling. They would be set down from the main ridge and are of small scale and are considered to be subordinate features within the roof in accordance with the Design Criteria at Appendix 2 of the Development Management Policies LDD. In addition, the recessed dormer features located within the rear roofslope are even in size and scale and given that they are located to the rear, they would not be readily visible from the street scene. They would also be set down from the main ridge and set in from the outer flanks of the roof. As such, these dormers are also considered to be in accordance with Appendix 2 and are acceptable.
- 7.3.14 The proposed basement level parking would not be readily visible from the public realm. Other basement parking is evident within Eastbury Avenue including Latimer Place and Eastbury Heights and as such this aspect of the proposal would not result in any significant harm to the character and appearance of the area.
- 7.3.15 The proposed development includes sliding entrance gates and pillars and railings along the front boundary which would have a maximum height of 1.8 metres. There are a number of other gated developments located along Eastbury Avenue so it is not considered that the proposed design and size of the gates, pillars and railings would be unacceptable.
- 7.3.16 In summary, subject to conditions it is not considered that the development would appear out of character with the area in the vicinity of the application site. It would not appear unduly prominent in the street scenes of Eastbury Avenue or The Marlins or result in adverse impacts on the character or appearance of the area. The proposal would therefore be acceptable in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.4.3 With regards to privacy, Appendix 2 states that to prevent overlooking, 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 or in circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.

- 7.4.4 In this case and with regard to 38 Eastbury Avenue, the proposed residential block would extend approximately 14 metres deeper than this neighbour and the two storey winged element of the proposed block adjacent to the boundary would intrude a 45 degree splay line by approximately 2.4 metres. The central part of the block would result in an intrusion of 14 metres. Whilst there is an intrusion, the two storey winged element of the proposed building would be set off the shared boundary with 38 Eastbury Avenue by approximately 2.5 metres and a total distance of 4 metres between the block and this neighbour. The main element of the building would be set in 5 metres from the common boundary and the roof would be hipped away from the boundary. Furthermore, this neighbour is located to the east and given the orientation of the sun it is not considered that the proposed building would result in detrimental impact towards the residential amenities of this neighbouring dwelling and while the development would be of increased scale in comparison to the existing dwelling on the application site, it is not considered that the proposal would result in a form of development that would result in significant loss of light or that it would appear overbearing to 38 Eastbury Avenue so as to justify refusal of the application by reason of demonstrable harm to the residential amenity of this neighbour.
- 7.4.5 With regards to the occupants of 34 Eastbury Avenue, the proposed two storey winged element of the block would intrude on a 45 degree splay line taken from a point on the joint boundary level with the rear elevation of the conservatory located adjacent to the common boundary by 1 metre. The main central element of the block would intrude by 13 metres. Whilst there is an intrusion, similarly to 38 Eastbury Avenue, the spacing between the proposed block and this neighbour measures a total of 4.5 metres and the main part of the residential block would be further set in. In addition, whilst it cannot not be relied upon there is an existing protected tree located on the boundary which would screen the two storey winged element that intrudes the splay line. As such, it is not considered that the 1 metre intrusion would result in any demonstrable harm to the residential amenities of 34 Eastbury Avenue. It is noted that this neighbour is sited at a lower land level than the application site, however the main element of the building would be set in 5 metres from the common boundary and the roof would be hipped away from the boundary. As such it is not considered that the proposed building would result in demonstrable harm to the residential amenities of this neighbour in regard to becoming and overbearing form of development.
- 4.5.6 The application site backs onto 1 The Marlins. However this neighbouring property to the rear is positioned within its plot more towards the rear of 34 Eastbury Avenue and as such its rear elevation does not directly face towards the application site and is directed to the north-east towards 2 The Marlins. The built footprint of the proposed development would be set a minimum of 16 metres from the rear site boundary; and there would be further reduction at third floor level. This distance is considered sufficient to prevent any harm towards this neighbour and it is not considered that the development would result in an unacceptable adverse impact on the residential amenity of this neighbour through causing loss of light or appearing overbearing so as to justify refusal of the application.
- 4.5.7 With regards to overlooking, the Design Criteria at Appendix 2 state that windows at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.

- 4.5.8 Fenestration is proposed at both ground, first and second floor levels within both flank elevations although amended plans were received to remove three windows from both flanks. The proposed flank windows would serve a mixture of habitable and non-habitable rooms. The submitted plans detail that the majority of the windows would be fitted with obscured glazing and would be non-opening except for two ground floor windows facing towards either adjacent boundary however there is existing screening provided by close boarded timber fencing and a brick wall which would prevent any direct overlooking. A condition is suggested requiring all windows at first floor level and above to be obscure glazed and non-opening below 1.7 metres to ensure no overlooking would occur.
- 4.5.9 Rooflights are proposed within both flank roof slopes which would serve a combination of habitable and non-habitable rooms. A condition is suggested requiring these windows to be positioned so that the cill heights would be 1.7 metre above internal floor level to prevent any overlooking.
- 4.5.10 The glazing proposed within the rear elevation, including the two dormers within the rear roofslope would primarily overlook the communal amenity space. As previously detailed at paragraph 4.5.6 there is a distance of approximately 16 metres between the flatted development the rear boundary which backs onto the private amenity space of 1 The Marlins to the rear which is considered sufficient distance to prevent any significant overlooking towards this neighbour. Furthermore, the existing line of mature trees which are currently sited along the rear boundary screen any views of 1 The Marlins from the application site preventing any direct overlooking towards this neighbour.
- 4.5.11 The submitted plans indicate that the unit contained within the roofspace would have access to an external terrace on the roof of the rear projection. The Design Criteria at Appendix 2 of the Development Management Policies LDD states that development should not include balconies which overlook neighbouring properties to any degree. Amended plans were requested during the course of the application to prevent external access onto the roof space however none were forthcoming as the applicant confirmed that the flat roof section would be sunken below the ridge and screening would be installed to prevent any direct overlooking. Whilst balconies are often discouraged, subject to a condition requiring a privacy screen to be installed to the flanks of the external balcony at a height of 1.8 metres above the floor level to prevent any overlooking to neighbour amenity, no objection is raised.

7.5 Amenity Space

- 7.5.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.
- 7.5.2 The proposal would result in the construction of ten 2-bedroom apartments although the proposed floor plans detail that flats 1, 3, 4 and 6 would each contain a study which could be converted into a third bedroom. As such, the indicative amenity space requirement is based on six 2-bed units and four 3-bed units. The amenity space requirement would therefore be 227sq. metres.
- 7.5.3 The submitted plans indicate that there would be an area of approximately 575sq.metres to the rear of the proposed building which is considered sufficient in size for communal amenity space and would exceed standards.

7.6 Highways & Access

- 7.6.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.
- 7.6.2 As existing the application site benefits from an access located within the north-western corner of the site. The proposed development seeks to close off this access and create a new access located just off centre within the frontage of the site. The Highways Officer was consulted on the application and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. Although they raised no objection the Highways Officer requested that further details of the construction proposals are submitted to ensure that the proposed access arrangements can facilitate safe vehicle movements and are suitable to be adopted as part of the highway network.
- 7.6.3 Subject to conditions suggested by the Highways Officer requiring access design details; provision of visibility splays and submission of a construction management plan, it is considered that the proposal would provide a safe and adequate means of access and that the safety and operation of the highway network would not be adversely affected. The development would therefore be acceptable in this regard in accordance with Policy CP10 of the Core Strategy.
- 7.6.4 An informative on any consent would advise the applicant that works to be undertaken on the highway would require an agreement with the Highway Authority.
- 7.7 Parking
- 7.7.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:
- 1 bedroom dwellings – 1.75 spaces (1 assigned)
 - 2 bedroom dwellings – 2 spaces (1 assigned)
 - 3 bedroom dwellings – 2.25 spaces (2 assigned)
 - 4 or more bedroom dwellings – 3 spaces (3 assigned)
- 7.7.2 For the reasons previously explained at paragraph 7.5.2 the parking requirements for the development would be based on six 2-bed units and four 3-bed units. The development would require 21 spaces (14 assigned).
- 7.7.3 The proposal includes the provision of basement level parking providing 18 parking spaces (6 disabled) with an additional 3 spaces provided within the site frontage; totalling 21 spaces which would meet the parking standards. Swept path analysis details have been provided showing tracking for a car into the spaces. The spaces generally measure 2.4m x 4.8 metres with the disabled spaces measuring 2.5m x 4.8m which meet the general standards detailed within Policy DM13 of the Development Management Policies LDD.
- 7.7.4 A condition on any consent would require details of the allocation of parking within the development to be formally agreed and for these arrangements to be implemented and maintained. The proposed development would include six disabled parking spaces. These spaces can be secured by condition through the submission of a Parking Management Plan to be agreed by the Local Planning Authority.
- 7.7.5 Subject to conditions the development would make provision for parking in accordance with standards and the development would be acceptable in this regard in accordance

with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies document.

7.7.6 There are cycle storage areas within the basement which would accommodate storage for each of the ten new units which would exceed the requirements of Policy DM13 and Appendix 5 of the Development Management Policies document which require 1 space per 2 units in the case of flats.

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. A Biodiversity Checklist and a Bat Survey Report prepared by CSA Environmental were submitted with the application.

7.8.3 Both Herts Ecology & Herts & Middlesex Wildlife Trust were consulted on the application. Herts Ecology provided a response and noted that two nocturnal surveys were undertaken on 3 May and 13 June 2018 and no bats were observed emerging from or re-entering either building and overall, there was limited bat flight activity across the site. As no bats were recorded roosting in the property, no mitigation is required. Notwithstanding, as bats were recorded in the area (albeit in low numbers), if external lighting is proposed, it should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

7.9 Trees and Landscaping

7.9.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.9.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage.

Development likely to result in future requests for significant topping, lopping or felling will be refused.

- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.9.3 The application site contains a number of trees which are protected by Tree Preservation Order 217. The application was supported by a Tree Survey Report prepared by Patrick Stileman. The Landscape Officer was consulted on the application and initially raised an objection to the proposed development. Following the initial objection by the Landscape Officer, the applicant provided an Arboricultural Impact Plan numbered DS10101701.03 and the Landscape Officer was re-consulted. Whilst formal comments have not been received, it is anticipated that the additional information will have addressed concerns.

7.10 Sustainability

7.10.1 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.

7.10.2 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.

7.10.3 The application is supported by an Energy Statement dated June 2018 prepared by XCO2 which details that the dwelling would result in a 5.6% saving in CO2 emissions and meet the current Building Control requirements.

7.10.4 The proposed dwelling will also include renewable technology as part of the construction which will include photovoltaic solar panels; however no further details have been provided. As such a condition will be attached to any consent requiring further details of the energy saving measures to ensure that the development complies with Policy DM4 of the Development Management Policies LDD.

7.11 Refuse and Recycling

7.11.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the DMP LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.11.2 A refuse enclosure has been indicated on the plans within the north eastern corner of the site, set back approximately 0.8 metres from the highway. The proposed bin storage

would have a width of 3.7 metres, depth of 3.6 metres and would have a flat roof form measuring 2.5 metres in height and would have a bricked exterior.

7.11.3 The storage area would be of sufficient size to accommodate three 1100L bins, one 360L, one 240L and one 140L. The refuse/recycling provision proposed is considered acceptable in accordance with Policy CP1 of the Core Strategy and Policy DM10 of the Development Management Policies LDD.

7.12 Flood Risk

7.12.1 Policy DM8 (Flood Risk and Water Resources) of the Development Management Policies LDD (adopted July 2013) requires development to include Sustainable Drainage Systems (SuDs).

7.12.2 The application was supported by a SuDS Statement, Job. 1687, Draft 2, dated June 2018, prepared by EAS. The Local Lead Flood Authority (LLFA) were consulted on the application and initially raised an objection to the submitted details and the proposal. Following receipt of these comments the applicant has been in correspondence with the Local Planning Authority and LLFA and subsequently provided additional information by AES in a letter dated 19 September 2018. The LLFA were re-consulted and were satisfied with the updated information.

7.12.3 The drainage strategy is based on attenuation and discharge the run off into Thames Water surface water sewer via a proposed new connection located to the west of Eastbury Avenue. The discharge rate is proposed to be controlled via hydro brake to 0.9 l/s and Thames Water have confirmed that they have capacity to receive the proposed discharge rate.

7.12.4 As such, the LLFA withdrew their objection and recommended approval subject to conditions.

7.12.5 In summary, subject to conditions, the proposed development would be acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

7.13 Affordable Housing

7.13.1 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.

7.13.2 The proposed development would result in a requirement for a commuted sum of £1,341,250 towards affordable housing based on a habitable floorspace of 1,073sq. metres multiplied by £1250 per sq. metres which is the required amount in the 'Highest Value Three Rivers' market area.

7.13.3 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.

- 7.13.4 The applicant has submitted information with the application indicating that it would not be possible for the development to contribute to the provision of affordable housing as a result of development viability.
- 7.13.5 The application has been reviewed by the Council's independent viability assessor who agrees that whilst the development would not be viable with a policy compliant commuted sum, they consider that there is a surplus of £175,444 which can be provided towards an off-site affordable housing contribution.
- 7.13.6 Subject to the completion of a S106 Agreement to secure £175,444 there are no objections, however, in the absence of a S106 Agreement to secure the relevant amount the development would fail to comply with Policy CP4.

7.14 Infrastructure Contributions

- 7.14.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq.m of residential development is £180.

8. Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received to GRANT PLANNING PERMISSION subject to the following conditions and subject to the completion of a Section 106 Agreement:

- 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: 398Q/2, 398Q/3, 398Q/4, 398Q/6, E1C, P1C, P2C, P3D, P4A, SL1A, SS01, SK10, SP1F and SP2E.

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

- C3 The development shall not commence until full details of the proposed access arrangements onto the existing highway network have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted should identify the following elements:

- A proposed access layout with radius kerbing and tactile paving to indicate the need for caution to pedestrians
- Vegetation clearance works adjacent to the highway boundaries to deliver safe vehicular and pedestrian movements between the site and the main road network
- The kerbing and footway works required to return the existing access to footway

The development shall thereafter be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C4 The development shall not commence until details of the proposed visibility splays measuring 2.4m x 43m (in accordance with the Roads in Hertfordshire design guide) have been submitted to and approved in writing by the Local Planning Authority. Land within the visibility splays shall thereafter be maintained at all times free of any obstruction between 0.6m and 2m above the level of the adjacent highway carriageway.

Reason: This is a pre-commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. parking of vehicles of site operatives and visitors
- ii. construction of access arrangements including the routing of vehicles
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. Details of any temporary refuse and recycling collection arrangements which ensure refuse and recycling collection access are available to all occupied properties at each stage of the works.

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

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

- C6 The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C7 The development permitted by this planning permission shall be carried out in accordance with the approved SuDS Statement carried out by EAS, Job No. 1687, Revision Draft 2, dated 28/06/2018 and the additional information provided in a letter prepared by EAS dated 19 September 2018, and the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% for climate change event.
2. Implementing appropriate drainage strategy based on attenuation and discharge into Thames Water surface water sewer including SuDS features as indicated on drawing no SK02 Rev.2 – SuDS Proposed Layout.
3. Limiting surface water discharge off the site at an maximum allowable rate of 0.9 l/s for the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C8 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall include;

1. Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Exceedance flow paths for surface water for events greater than the 1 in 100 year + climate change.
3. Final detailed maintenance and management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall thereafter be carried out in accordance with the approved scheme.

Reason: This is pre-commencement condition to prevent the increased risk of flooding, both on and off site in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C9 Prior to the commencement of above ground works, 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: 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.

C10 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved

in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C11 Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C12 Prior to the first occupation of the development hereby permitted, details (including the position, height, design and intensity) of all external lighting to be installed on the site or affixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before the occupation of the building.

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

- C13 Prior to the first occupation of the development hereby permitted the first floor and second floor window(s) in the east and west flank elevations facing 34 and 38 Eastbury Avenue; 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).

- C14 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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).

- C16 Prior to occupation of flats 7, 8, 9 and 10 details of screening to a height of 1.8m as measured from the surface of the rear balcony to be erected to the flanks of the rear balcony shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.

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

- C16 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

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

- C17 A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that satisfactory off-street parking is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the building hereby approved.

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

8.2 Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a

Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).

14 The 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.

15 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work

in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

16 The applicant is reminded that this planning permission is subject to either a unilateral undertaking or an agreement made under the provisions of Section 106 of the Town and Country Planning Act 1990.

8.3 That in the absence of a completed S106 Agreement, PLANNING PERMISSION BE REFUSED for the following reason:

R1 The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011) in that the scheme would not provide policy compliant affordable housing and it has not been demonstrated that it would not be viable to meet policy requirements for affordable provision; a S106 Agreement has not been agreed to secure provision.

8.4 Informatives

11 In line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.