

13. **18/1508/FUL – Erection of a detached two storey building with rooms in the roof served by dormers and rooflights to provide Bed and Breakfast accommodation (Use Class C1) including eight rooms with associated parking and landscaping at ROSE AND CROWN PUBLIC HOUSE, OLD COMMON ROAD, CHORLEYWOOD, HERTS, WD3 5LW (DCES)**

Parish: Chorleywood

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 26 September 2018

Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called in by Chorleywood Parish Council if officers are minded to approve the application.

1 Relevant Planning History

- 1.1 8/288/93 - Internal and external alterations – Permitted - 14.06.1993
- 1.2 94/817/8 - Formation of additional car park. – Permitted - 16.02.1995
- 1.3 99/0093 - Erection of timber outbuildings – Permitted - 04.04.1999
- 1.4 99/01407/FUL - Creation of 6 additional car parking spaces - Permitted - 22.07.1999
- 1.5 17/0820/FUL - Erection of a pair of semi-detached houses with accommodation within the roofspace with associated parking and landscaping – Refused - 06.07.2017

Refused for the following reasons:

- R1 The proposed development would result in loss of and harm to trees and would represent backland development that would fail to respect the established character of the area and would impact on views from Chorleywood Common and Common Road and would detract from the architectural merits of the Locally Important Building and neighbouring buildings. The proposed development would represent a contrived and incongruous form of development that would result in significant demonstrable harm to the visual amenities and character and appearance of Chorleywood Common Conservation Area. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed development would fail to provide adequate parking to serve the proposed development and existing public house. The lack of parking would impact on highway safety and viability of the public house and would be contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- R3 The proposed development, by virtue of the siting and scale of the dwellings and elevated position would result in a dominant and oppressive relationship on the existing residential properties to the rear to the detriment of their visual amenities. The proposed development due to its siting and elevated position would result in unacceptable overlooking into the neighbouring properties. The proposed development would therefore be contrary Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

The application was allowed on appeal; the Planning Inspectors justification for allowing the proposal will be expanded on within the analysis section of the report.

2 Description of Application Site

- 2.1 The application site contains the Rose and Crown Public House and the associated car park. The Public House is a two storey end of terrace, part rendered and part brick building that fronts Common Road and The Common and is located within Chorleywood Common Conservation Area. The building is sited close to the front boundary of the site with a few tables sited on the footway to the front of the building. The building is constructed along the southern boundary of the site and is set in from the northern boundary. The narrow vehicular access is sited to the north of the building and provides access to the car park to the rear. The Public House is listed as a Locally Important Building.
- 2.2 To the rear of the building is a single storey flat roof projection and outbuildings sited along the southern boundary. A detached flat roof garage is sited along the northern boundary. The land to the rear consists of tarmac and gravel hardstanding and is used as a car park. The car park is enclosed by close boarded fencing and a high dense vegetation screen to the rear. A number of substantial trees are sited along the flank boundaries. The land levels of the site drop from the front to the rear.
- 2.3 The neighbouring property to the north (Old Berkeley Cottage) is sited adjacent to the vehicular access and is set forward of the rear elevation of the public house. The neighbouring property to the south is a two storey terraced property that adjoins the application building. The neighbouring properties to the rear of the site are set on significantly lower ground.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission of the construction of a detached two storey building with rooms in the roof served by dormers and rooflights to provide Bed and Breakfast accommodation (Use Class C1) including eight rooms with associated parking and landscaping.
- 3.2 The proposed building would be sited within the existing car park to the rear of the public house. The proposed building would be set back 41.4m from Common Road and set in a minimum of 1.6m from both the north and south boundaries. The proposed building would be sited a minimum of 8m from the rear boundary of the site.
- 3.3 The proposed building would have a width of 18.6m at ground floor level, including the storage units to the sides and 12.7m at first floor level. The building would have a depth of 8.6m including the front bay windows. The building would have a pitched roof with two, two storey front gable projections and gabled flank elevations. The building would have a height of 8.5m when measured from the front elevation. The single storey storage units which would be sited along both flank elevations of the building and would be set back from the front elevations and would have a ridge height of 4m.
- 3.4 Fenestration would be inserted within the front and rear elevations of the building. The building would also include loft accommodation served by dormers and rooflights sited within the rear elevation. The two dormers would have a width of 2.1m, height of 2.4m and depth of 1.8m with a hipped roof form.
- 3.5 The proposed building would consist of Bed and Breakfast accommodation with eight rooms. It would be served by the existing access and eight parking spaces would be provided to serve the Bed and Breakfast accommodation with three parking spaces retained to serve the public house. Open space would be provided to the rear of the building.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objects]

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

- Backland development.
- The property is an established character of the area and would impact on views from Chorleywood Common and would detract from the architectural merits of the Locally Important Building and Neighbouring buildings located in the Chorleywood Common Conservation Area.
- Loss and harm to trees – DM6.
- Parking would be a major issue for both the pub and the proposed dwelling. Lack of parking would impact on highway safety and viability of the public house and would be contrary to Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.
- The impact on the road outside the pub.
- A commercial business being run from the premises.
- Change of use.
- The property is located within the Conservation Area.
- Inappropriate development for the site.
- The impact on the neighbouring properties.

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

Decision

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

HIGHWAY INFORMATIVE:

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:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

COMMENTS / ANALYSIS:

The proposal comprises of the erection of a two storey building to accommodate eight bed and breakfast rooms to the rear of the existing property as the Rose & Crown pub, Old Common Road, Chorleywood. The site fronts onto the junction of Common Road and Old Common Road. Common Road is designated as a classified 'C' local distributor road, subject to a speed limit of 30mph and highway maintainable at public expense. The proposed building is approximately 50m from the highway on Common Road.

VEHICLE ACCESS & PARKING:

There is no new or altered access and vehicles will use the existing access to the car park at the rear of the pub. The proposal includes the provision of 3 on site car parking spaces to the rear of the pub for staff parking in addition to eight parking spaces to be used for the B&B.

The proposals will result in the loss of parking for customers using the pub and the lack of parking is therefore not in accordance with car parking standards as outlined in Appendix 5 of Development Management Policies: Local Development Document . However given the existing parking restrictions and public car park that exists approximately 100m from the site, it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.

The included parking bays should adhere to the standard dimensions of 2.4m wide and a 4.8m long as outlined in *Manual for Streets (MfS) Sec. 8.3.48*. There would need to be sufficient space for vehicles to turn around and egress to the highway in forward gear. The applicant should consider erecting a sign at the access entrance to inform members of the public that parking is for B&B customers and not for pub customer parking.

ACCESSIBILITY & SUSTAINABILITY:

The site lies next to Chorleywood Common and there is potential for good pedestrian and cycling accessibility. The property is approximately 1km from the town centre amenities and bus stops on Lower Road, which provide bus services to surrounding towns / villages. Chorleywood railway station is approximately 500m from the proposed site and within easy walking and cycling distance. The proposal is considered to be well located in terms of options for sustainable travel and therefore in accordance with the National Planning Policy Framework.

CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway with no direct impact. The development is unlikely to result in a significant increase in traffic generation as the use complements the existing pub use. HCC has no objections on highway grounds to the application, subject to the inclusion of the above highway informatives.

4.1.3 Conservation Officer: [No objection]

This revised application has been submitted following refusal of 17/0820/FUL and subsequent appeal which was allowed.

This new proposal looks very similar and although the proposed use now forms bed and breakfast accommodation, I would raise no conservation objection as the new proposal looks very similar and was allowed on appeal.

4.1.4 Herts Ecology: No comments received.

4.1.5 Herts and Middlesex Wildlife Trust: No comments received.

- 4.1.6 Affinity Water: No comments received.
- 4.1.7 National Grid: No comments received.
- 4.1.8 Thames Water: No comments received.
- 4.1.9 Environmental Health: No comments received.
- 4.1.10 Environmental Protection: No comments received.

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 20 No of responses received: 5
- 4.2.2 Site Notice: Expired 28 August 2018 Press notice: 31 August 2018
- 4.2.3 Summary of Responses:

- Would oppose any proposal that would reduce the hedging forming the boundary treatment that would affect privacy of neighbouring property;
- Lack of parking for public house and the public car park cannot be relied upon to provide parking. The public car park is frequently full and cars are required to park along Common Road which makes it dangerous; The Rose and Crown is a popular restaurant that draws in customers from a wide area; The public car park is a valuable community asset and should not be exploited by a private business to the detriment of others in the community; Use of the public car park by the patrons of the pub will affect use of Memorial Hall, golf club and the Common; The additional pressures on the public car park would affect local residents who will have to leave cars on adjacent streets; If allowed parking restrictions should be placed on surrounding roads for residents parking only; Common Road is very busy and is a bus route the proposal will result in additional pressures to park along Common Road creating a hazard; The car parking is extremely busy at many times throughout the day;
- Support a local enterprise and value the contribution that the existing pub and restaurant makes to the local community however sufficient parking should be provided on site;
- Loss of established trees which would result in the loss of greenery from the historic view of Gate Cottages and invade privacy of the residents;
- Adding more pedestrians that would have to cross over the road and walk to the car park would cause further problems and disturbance to residents;
- Dormer would overlook neighbouring bedroom and result in loss of privacy;
- Intrusive relationship and building would be too high for the site;
- Adverse effect on trees;
- Adversely affects Conservation Area;
- Appearance of Conservation Area should be preserved;
- The 'public car park' is a permissive parking area for users of the common – it is not for users of the pub;
- Three Rivers District Council is the parking authority for the district and should ultimately be satisfied with the parking provision.

5 Reason for Delay

- 5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

- 6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

6.2 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP2, CP1, CP6, 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 DM3, DM4, DM6, DM8, DM10, DM12 and DM13 and Appendices 4 and 5.

6.3 Other

The Chorleywood Common Conservation Area Appraisal (adopted February 2010) is also relevant to this application.

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

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

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

7 **Planning Analysis**

7.1 Impact on Character, Appearance and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 As the site is located within Chorleywood Common Conservation Area Policy DM3 of the DMP LDD is also relevant which states:

'Within Conservation Areas development will only be permitted if the proposal:

- i) Is of a design and scale that preserves or enhances the character or appearance of the area

- ii) Uses building materials, finished, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context
- iii) retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including open gardens, roadside banks and verges
- v) Does not harm important views into, out of or within the Conservation Area
- vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area.'

7.1.3 Chorleywood Common Conservation Area is characterised by the open and rural qualities of The Common. The application site is located within Character Zone D. The Conservation Area Appraisal describes Character Zone D as:

'Character Zone D forms the western part of the Conservation Area, extending down to the south west corner of the Conservation Area covering built and natural features along Station Approach and Common Road. Station Approach is located along the Conservation Area boundary. The properties along Station Approach vary greatly in architectural design and back land development has resulted in significant increase in the built form within this section of the Conservation Area. Common Road splinters off from Station Approach at the lower end of the Common. It runs north-south along the edge of the Common and has a variety of buildings along its borders.'

7.1.4 The Appraisal further comments on the development of the Character Zone stating:

'however, there has been a large degree of re-development including backland development of modern housing. The level of development has had a detrimental impact on the appearance of the Conservation Area.'

7.1.5 The Appraisal makes specific reference to the application site:

'Further to the north up Common Road, there is a row of two-up and two-down, rendered houses, painted in pastel shades of blue, white, pink and yellow. At the end of this group of houses is The Rose and Crown Public House. This is a Locally Listed gabled and canopied late 19th century building, which is well maintained, occupying a corner plot once again providing a focal point to the surrounding vista.'

7.1.6 The proposed building would be sited to the rear of the existing public house within the existing parking area. The Local Planning Authority originally refused a previous application (17/0820/FUL) for a pair of semi-detached dwellings; the reasons for refusal included the adverse impact the development would have on the character of the area. However, as previously identified the previous application was allowed at appeal. In relation to the impact on the development would have on the character of the area, Conservation Area and street scene the Planning Inspector stated:

'The site lies within Chorleywood Common Conservation Area (CA), which encompasses Chorleywood Conservation Common to the east of the site and properties facing it along Common Road and Old Common Road. The Chorleywood Common Conservation Area Appraisal states that the Common makes a significant contribution to the rural character of the CA. In addition, properties along Common Road are typically located on the back edge of the highway, creating a strong frontage. A drop in ground levels to the rear of these properties and then up towards the surrounding hills creates an interesting landscape which makes a positive contribution to the character and appearance of the CA.

'The proposal would involve the erection of a pair of semi-detached two storey dwellings at the western end of the appeal site. The site, which includes the PH, widens out considerably towards the rear to approximately double the width of the site frontage. As

such, it is markedly different in size and shape to the neighbouring residential gardens on either side. Although the plot size of the resulting dwellings would be smaller than their immediate neighbours, there are houses with plots of a similar size in the locality, for example Nos 14 and 16 Gate Cottages.

'In respect of the layout, the aforementioned cottages are set back from the main frontage. The appellant has also pointed to other developments such as Gillants Green, opposite Chorleywood Common where dwellings have been built behind the main frontage. I saw that those dwellings are visible from Common Road but are not prominent in the street scene due to the lower ground level, and views are maintained of the wider landscape beyond. That would also be the case with the appeal site. Given the existence of a number of other dwellings in the locality that do not reflect typical plot sizes or site layout, the proposal would not be incongruous with the pattern of the development in the surrounding area.

'The gap between the public house and neighbouring Old Berkeley Cottage is narrow and views of the dwellings from the street would therefore be limited. Long range views of the landscape beyond would still be possible beyond the dwellings however, due to the substantial set back from the road and lower ground level towards the rear of the site. The semi-detached dwellings would have a traditional appearance, with matching front gables, ground floor bay windows and porch canopy, and details of external materials can be secured by condition. For these reasons the dwellings would also not compete visually with the PH, a building identified by the Council as a Locally Important Building.'

'For those reasons I conclude that the proposal would preserve the character and appearance of the Chorleywood Common Conservation Area. It would accord with Policies CP1 and CP12 of the Core Strategy, and Policies DM1, DM3 and DM6 of the Development Management Policies Local Development Document. These seek to secure a high quality of development that would preserve and enhance the character and appearance of the conservation area.'

- 7.1.7 The proposed development would result in the addition of a single building to be used as bed and breakfast accommodation and not a pair of semi-detached dwellings as previously approved at appeal. However, the height, width, depth and siting of the building would be identical to that of the approved scheme. With the exception of the inclusion of one front door instead of two front doors, the removal of the garage doors to the single storey side projections and the replacement of two windows within the central aspect with one window, the principle design of the building would be identical to that of the approved scheme. In relation to the impact of the current development on the street scene and Conservation Area the Planning Inspector's assessment of harm is a material consideration that holds significant weight in the assessment of subsequent applications.
- 7.1.8 Thus, in terms of its siting, scale and design the proposed development would not have an adverse impact on the character and appearance of the Chorleywood Common Conservation Area, would not affect the setting of the Locally Important Building and would not appear unduly prominent within the street scene.
- 7.1.9 It is however also prudent to assess whether the use of the building would have an adverse impact on the character of the area. The proposed development would be sited within the car park of the existing public house and the principle of built form within this location has been deemed acceptable. Taking into consideration that the site currently has a commercial use and Common Road also contains buildings of different uses the provision of bed and breakfast facilities would not introduce an incongruous use within the area. The agent has confirmed that the occupants would be reliant on the public house to provide the breakfast facilities thus it is considered that bed and breakfast accommodation would complement the existing public house facilities.

7.1.10 It is noted that the Planning Inspector's comments have assessed the provision of dwellings in context with the layout of the surrounding built form and the current application now proposes a single building containing 8 bedroom bed and breakfast accommodation. The use of the building would therefore be materially different to that of the approved scheme, however as highlighted above the size, scale, design and siting of the building would not affect the character and appearance of the Conservation Area, street scene or setting of the Locally Listed Building and the use is considered to be compatible with the existing use of the public house.

7.1.11 As such, the proposal would not have an adverse impact on the character and appearance of the Chorleywood Common Conservation Area and street scene and would accord with Policies CP1, CP6 and CP12 of the Core Strategy and Policies DM3 and DM6 of the Development Management Policies Local Development Document.

7.2 Impact on amenity of neighbours

7.2.1 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,

7.2.2 The proposed building would be sited to the rear of the existing public house and would be set on lower ground to the public house and neighbouring properties to the north and south. Due to the siting of the building it is not considered that they would result in any unacceptable loss of light or demonstrable harm to the visual amenities of the existing building or neighbouring properties to the north and south. Single storey side projections would be sited between the two storey aspect of the dwelling and flank boundaries. The highest point of the building would therefore be set in from the flank boundaries. The proposed development would therefore not result in a dominant or oppressive feature on the gardens of the neighbouring properties to the north and south. The proposed fenestration to be inserted within the front elevation would not result in unacceptable overlooking of the neighbouring properties to the north and south.

7.2.3 Application 17/0820/FUL was refused by the LPA based on impact on the neighbouring properties to the rear as it was considered that due to the land levels changes between the sites the development would have resulted in a dominant and oppressive feature on the neighbouring properties to the rear. It was also considered that due to the land level changes and siting of the building from the rear boundary the habitable room windows at first and second floor level within the rear elevation would have resulted in significant overlooking of the neighbouring gardens. This view was not however supported by the Planning Inspector who stated:

'Southgait and Austlery, the dwellings adjacent to the rear of the site are set at a lower ground level to the PH car park, but neither property is sited directly opposite the two new dwellings, so there would not be direct views from the windows of the new dwellings towards windows in the rear of the nearest properties. Furthermore, there would be a separation of approximately 20 metres, and the appeal site is well screened by a row of conifers approximately 3 metres in height along the entire rear site boundary. This substantial boundary screening would be retained and this could be secured by condition.'

7.2.4 The extent of glazing to be sited within the rear elevation of the building would be identical to that approved at appeal under planning permission 17/0820/FUL. The level of habitable room windows to be inserted within the rear elevation would also match that of the approved scheme. Although the building would be used for Bed and Breakfast purposes rather than two dwellings as the first and second floor rooms would continue to serve bedrooms, in accordance with the approved scheme, it is not considered that the Bed and Breakfast accommodation would result in any greater overlooking into the neighbouring properties to the rear than that of the approved scheme.

- 7.2.5 The proposed development would therefore not result in any loss of light, harm to the visual amenities or unacceptable overlooking of the surrounding neighbouring properties.
- 7.2.6 The building would contain six double bedrooms and two family sized rooms at ground floor level. The agent has advised that the bed and breakfast would be run and managed as an extension to the Public House and breakfast would be served in the Public House. The agent has confirmed that there will be no separate facilities for the Bed and Breakfast rooms apart from tea and coffee making facilities. No comments have been received from Environmental Health however, it is not considered that the proposed use or scale of the proposed use would result in any unacceptable noise and disturbance to the surrounding neighbouring properties in relation to the existing use of the site or approved use for two dwellings. The proposed development would therefore be in accordance with Policy DM9 and Appendix 4 of the DMP LDD.

7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the DMP LDD. A biodiversity checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. Herts Ecology also confirmed under application 17/0820/FUL that the proposed development is unlikely to have an impact on any protected species.

7.4 Highways, Parking and Access

- 7.4.1 Policy CP10 of the Core Strategy sets out that development will need to demonstrate that it provides a safe and adequate means of access and requires development to make adequate provision for all users, including car parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians.
- 7.4.2 The proposed development would be served by the existing access onto Common Road which serves the existing public house. The Highways Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway with no direct impact. The Highways Authority has confirmed that the development is unlikely to result in a significant increase in traffic generation as the use complements the existing pub use.
- 7.4.3 Eight parking spaces would be provided to serve the Bed and Breakfast accommodation. The use of the building would fall under Use Class C1 which states that 1 space should be provided per bedroom (including staff accommodation) plus 1 space per manager plus 2 spaces per 3 staff. One parking space would be provided per bedroom. The agent has confirmed that the bed and breakfast accommodation would be run and managed as an extension to the public house. Due to the scale of the proposal it is reasonable to assume therefore that the staff currently working at the public house would also include the management and running of the proposed Bed and Breakfast accommodation. There would therefore be no requirement to provide manager or staff parking spaces. As such, the provision of eight parking spaces would be sufficient to serve the bed and breakfast accommodation.
- 7.4.4 The proposed development would also result in the loss of parking provision serving the existing public house, which is a material planning consideration in the assessment of this application. The existing site plan indicates that the car park currently provides

approximately 14 parking spaces including the existing garage which would be demolished. However, the plans do not indicate the parking available to the rear of the site which has been laid as gravel.

- 7.4.5 Following the implementation of the proposed development only three parking spaces would be provided to serve the public house which the plans indicate would serve as staff parking. Planning application 17/0820/FUL was originally refused due to the loss of parking serving the public house. However, in relation to parking the Planning Inspector for the allowed scheme stated:

‘The car park currently provides approximately 14 car parking spaces for customer and staff use, although these are not formally marked out. The development would result in three parking spaces retained for use by PH staff, but there would be no parking available for patrons. The Council has not objected to the proposed parking provision for the two dwellings, but considers there is a requirement for 21 car parking spaces for the PH, not including staff, based on the floorspace of the building, as set out in DMP Policy DM13 and Appendix 5 of the DMP.

However, the PH has been operating with a parking provision well below the Council’s parking standards. It is also well located for public transport, with Chorleywood Station situated about 5 minutes’ walk from the site. There are also bus stops nearby on Common Road and Green Street, and as the public house is located within an established residential area there would be a local catchment able to reach it on foot. There is also a large public car park with free parking at Chorleywood Common, approximately 100 metres away. Although this would be used during the day by visitors to the Common and possibly by commuters, this is unlikely to be the case during the evenings particularly after dark, and therefore some spaces would be available for patrons of the PH. I also note that the Highway Authority consider the development would not have an unreasonable impact on highway safety in the vicinity of the site. I see no reason to disagree.

Although there have been concerns about the impact of the loss of customer parking on the future viability of the PH, given the lack of compelling evidence before me to support this assertion and the accessibility of the premises by non-car modes, there is no justification for dismissal of the appeal on this basis.’

- 7.4.6 The Planning Inspector’s comments are a material consideration in the assessment of the proposed development and planning permission 17/0820/FUL is still extant and can be implemented. The previous permission reduced the car park serving the public house down to three spaces which is also proposed under the current application. The level of parking proposed to serve the public house has been deemed as acceptable and it is not considered that the proposed development would add additional parking pressures on the public house in terms of staffing levels. As the proposed Bed and Breakfast accommodation would be served by sufficient parking spaces and three spaces would be retained to serve the public house, in accordance with the approved scheme, no objections are raised to the parking provision in relation to the requirements of Policy CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the DMP LDD.

- 7.4.7 Neighbours have raised concerns that the displacement of the parking serving the public house would lead to more noise and disturbance and greater risk to pedestrians crossing the highway. As previously identified the level of parking serving the public house is the same as that approved under extant planning permission 17/0820/FUL and the levels of noise and disturbance or impact on highway safety would be the same as that as the approved scheme. Thus, a reason for refusal would not be justified in relation to impact on noise or disturbance or displacement of cars on adjacent road networks. Any planning permission would include a condition requiring details of a parking management plan to be submitted to ensure there is no conflict within the site.

7.5 Trees and Landscaping

- 7.5.1 The application site is situated within the Chorleywood Common Conservation Area and contains a number of trees which are visible from the Common.
- 7.5.2 Policy DM6 of the DMP LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. In relation to the retention of protected trees Policy DM6 'Biodiversity, Trees, Woodlands, Watercourses and Landscaping' states:
- (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 criteria of the Hedgerow Regulations 1997.
- (iv) Development should be designed in such a way as to allow trees and hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- (v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees (including aged and veteran trees) and hedgerows unless conditions can be imposed to secure their protection.'
- 7.5.3 The NPPF details that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss.
- 7.5.4 The Landscape Officer was not consulted in relation to the proposed development however objected to the scheme proposed under application 17/0820/FUL confirming that a number of trees would be removed to accommodate the development and the development would impact significantly on the Root Protection Area of an established and healthy tree. The building would be sited in the same location as the previously approved dwellings and the parking layout would not be dissimilar to the existing parking layout. In relation to the impact of the development of trees the Planning Inspector stated:
- 'There would be an incursion into the root protection area of a mature Hornbeam tree located on the common boundary with Old Berkeley Cottage. The canopy of the tree can be seen from the road and makes a positive contribution to the character and appearance of the CA. Nevertheless, the appellant has demonstrated that the tree would be adequately protected during construction, subject to the imposition of a condition requiring appropriate mitigation measures such as protective fencing, hand digging for foundations and new permeable surfacing. Its future viability would thus not be adversely affected by the development. A number of other trees are proposed to be removed, but most of these are in poor condition, smaller than the Hornbeam and are not visible from the street. Consequently the effect of their removal on the character and appearance of the Conservation Area would be neutral.'
- 7.5.5 The same tree survey has been submitted in support of the current application, however the siting of the hardstanding differs from that of the previously approved scheme. Notwithstanding this, the hardstanding proposed would be of a similar layout as the existing parking and would not have an adverse impact on the trees to be retained. Any permission would include conditions requiring a revised method statement to be submitted and tree protection details. Details of the hard and soft landscaping, including materials, would also be required to be secured by condition. As such, subject to conditions the proposed development would not have an adverse impact on any trees that make a positive contribution to the visual amenities of the Conservation Area.
- 7.6 Sustainability

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 The submitted energy statement submitted in support of the application identifies that the proposal would result in a 10.7% reduction in carbon dioxide emissions. However the statement is for the construction of the previously approved semi-detached dwellings. The building is identical in scale as such the 10.7% reduction would be achievable in the construction of the proposed development. However, any planning permission would include a condition requiring a revised energy statement to be submitted so that it fully reflects the scheme as approved.

7.7 Refuse and Recycling

- 7.7.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
 - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
 - iii) There would be no obstruction of pedestrian, cyclists or driver site lines
- 7.7.2 The proposed development would create a commercial property where the waste management provisions would be shared with the public house and would not have an adverse impact on the character of the area.

8 **Recommendation**

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

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:

17/3093/1, 17/3093/2B, 17/3093/102, 17/3093/102, 17/3093/104, 17/3093/105, 17/3093/106, 17/3093/107.

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the character and appearance of the area and amenities of neighbouring occupiers; in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM3, DM4, DM6, DM8, DM9, DM10, DM12 and DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (adopted February 2010).

- C3 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

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 Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: This 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 Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained.

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 Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 No development shall take place before a method statement for construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: This condition is a pre commencement condition to ensure that no obstructions to the public highway occur during the construction period, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 Prior to the commencement of works a revised energy statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the energy saving and renewable energy measures detailed within the revised energy statement are incorporated into the approved development.

Reason: This is a pre-commencement condition to ensure that the development meets the requirements of Policies CP1 and CP12 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.

- C8 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 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C9 A parking management plan, including details of the allocation of vehicle parking spaces within the development and long term management responsibilities and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The parking management plan shall be carried out in accordance with the approved details.

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

- C10 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

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

8.2 Informatives:

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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 Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
- 15 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.