**7. 17/0895/FUL – Demolition of existing dwelling and erection of a three-storey apartment block comprising 9 x two-bedroom residential apartments with associated parking, landscaping and alterations to access at 11 EASTBURY AVENUE, NORTHWOOD, HA6 3LB for Troy Homes Ltd**

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| Parish: Batchworth | Ward: Moor Park and Eastbury |
| Expiry Statutory Period: 17 July 2017 | Officer: Matthew Roberts |
|  |  |
| Recommendation: That planning permission is granted | |
|  | |
| Reason for consideration by the Committee: The application has been called-in by three members of the Planning Committee. | |

**1.** **Relevant Planning History:**

1.1 W/2302/72 - 2 Houses at rear (now 1 and 2 Eastglade) - Permitted on 27.06.1972 (implemented)

1.2 8/804/88 - Garage and extension to lounge - Withdrawn on 24.08.1988

1.3 8/870/88 - 6 Flats - Refused on 29.06.1989 for the following reasons:

R1: *The proposed development would result in over-development of the site having regard to the amount of building and the number of residential units and car parking spaces proposed in relation to the restricted size and narrowness of the site. The development would have an excessively cramped appearance and as a result would adversely affect the visual and residential amenities of the area.*

R2: *The proposed development, by reason of the number of residential units created in relation to the restricted size of the site together with its narrowness, would result in a deficiency of usable amenity space for the occupiers of the proposed flats.*

1.4 17/0196/PREAPP - Pre-Application: Demolition of existing dwelling and erection of a three-storey apartment block comprising 9 residential apartments with associated parking, landscaping and alterations to access. Response sent 16.03.2017.

**2.** **Detailed Description of Application Site:**

2.1 The application site comprises a large detached dwellinghouse located on the corner of Eastbury Avenue and Eastglade, a cul-de-sac in Eastbury in Northwood.

2.2 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 has been built on a stepped building line with those houses towards the south west.

2.3 The application site is clustered with residential dwellings immediately to either side and to the rear, the latter of which were introduced in the early 1970’s and form part of Eastglade, a cul-de-sac which is dictated by post war housing with ample off street parking set within relatively sylvan grounds.

2.4 The application dwelling of red brick exterior is set well back from the Eastbury Avenue frontage and comprises a pitched roof with forward projecting gable, cat-slide roof and an integral garage which is built up to the neighbouring boundary (9A Eastbury Avenue) to the south west. To the side and rear the host dwelling has previously extended with single storey additions. The neighbouring property to the south west is a detached dwelling which is of similar design to those houses within Eastglade.

2.5 The frontage is gated and comprises a carriage driveway which has access points onto Eastbury Avenue and Eastglade. A brick wall with piers encloses the frontage which extends around to the Eastglade frontage where it alters to close boarded fencing.

2.6 The rear garden is modest in size and well enclosed by dense vegetation in the form of hedging to the western and northern boundaries. The garden drops in land level significantly towards the rear.

**3.** **Detailed Description of Proposed Development:**

3.1 This application seeks planning permission for the demolition of the existing dwelling and the erection of a three-storey apartment block comprising 9 x two-bedroom residential apartments with associated parking, landscaping and alterations to access.

3.2 The proposed building would have a staggered footprint comprising three flats within each of the three floors. The building would be positioned within 5.4m of the front boundary with Eastbury Avenue and would be approximately 2m further forward than 9A Eastbury Avenue to the west, set in by 2m from the shared boundary. The eastern elevations of the building would also be staggered with a minimum distance to the adjacent boundary of 1.2m, extending to 2.7m.

3.3 The building would have a flat roof with a total height of approximately 9.2m (at the front) with the second floor set in from the bricked elevation by 1m either side. The building would be constructed out of red brick, dark grey metal cladding and timber boarding.

3.4 The flatted development would be served by two access points, a re-located access with Eastbury Avenue and a new access onto Eastglade, positioned close to the north eastern corner. The current access onto Eastglade would be blocked up.

3.5 The frontage would accommodate two parking spaces (including a disabled space) and soft landscaping (retention and enhancement planting) enclosed by the existing boundary wall to the front and side.

3.6 At the rear of the building there would be private amenity areas with a central communal path stepping down onto a levelled parking area which would accommodate 12 spaces supported by retaining walls. A bike and bin store would be built within the north eastern corner.

3.7 During the course of the application process the initial plans have been amended and include the following changes:

* Reduction in height, width and design of the top floor
* Removal of certain rear first floor balconies
* Addition of privacy screens to flats 5 and 8
* Reduction in size of cycle store
* Introduction of two further parking spaces

3.8 This application is accompanied by the following documents:

* Planning Statement (April 2017)
* Design & Access Statement Addendum (July 2017)
* Phase 1 Ecological Survey (March 2016)
* Bat Survey
* Local Biodiversity Checklist
* Energy Statement (April 2017)
* Transport Statement (April 2017)
* CIL Requirement Form

**4.** **Consultation:**

4.1 Highway Authority: No objection, subject to conditions and an informative.

*“The proposals include two vehicular accesses - one from Eastbury Avenue and one from Eastglade. Both roads are designated as unclassified local access, subject to a speed limit of 30mph and highway maintainable at public expense.*

*The existing dwelling has two vehicular accesses / dropped kerbs in differing locations to those proposed. The visibility for vehicles entering and exiting the proposed accesses is considered to be acceptable and appropriate for the level of use and speed of traffic. A Transport Assessment has been submitted as part of the application and states that visibility of at least 2.4m by 43m in both directions is achievable at both accesses, which is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: A Design Guide. The creation of the access from Eastglade would require the removal of an existing tree in the highway verge. For this to be acceptable, HCC as Highway Authority would require a replacement tree to be provided, details of which need to be provided (please see condition 1).*

*The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the proposed alterations to the existing highway including reinstating the kerb to a full height at the existing accesses from Eastbury Avenue and Eastglade and the creation of the new accesses / vehicle crossovers (please refer to the above Highway Informative and Condition 1).*

*Parking & maneuverability:*

*The proposed layout and design of the parking arrangements and the width of the access way into the main car park at the rear (as shown on the submitted drawing PL\_001) is acceptable for the size of the proposals and in accordance with design guidance in MfS Sec. 8.3.48 and Roads in Hertfordshire. However the gradient of 1:8.5 for the proposed access ramp into the car park is considered not to be satisfactory and the Highway Authority would require details demonstrating that a gradient of 1:10 can be achieved (please refer the condition 2).*

*The provision of 12 on site / off street car parking spaces (11 spaces to the rear accessed via Eastglade and one disable space to the front accessed via Eastbury Avenue) is less than the recommended levels for car parking as outlined in Appendix 5 of Three Rivers District Council’s (TRDC) Development Management Policies: Local Development Document. However HCC as Highway Authority has considered that it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective.*

*Refuse / waste collection:*

*A bin/refuse store is proposed in the north-east corner of the site, adjacent to the highway on Eastglade, with refuse collection from Eastglade. HCC as Highway Authority considers that the proposals are acceptable and in accordance with guidance as recommended in MfS and Roads in Hertfordshire. The collection method must be confirmed as acceptable by TRDC waste management.*

*Emergency vehicle access:*

*The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This adheres to guidelines as recommended in MfS and Roads in Hertfordshire.*

*Traffic generation & impact on the adjacent highway:*

*Traffic Impact and Trip Generation has been considered as part of the submitted Transport Assessment. The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.*

*Accessibility & sustainability:*

*The property lies within Northwood, approximately 80m from the County boundary. Shops / amenities and Northwood underground station are within 800m of the site and therefore within reasonable walking and cycling distance. Pedestrian footways exist providing good pedestrian accessibility to the town centre. The proposals include the provision of an on-site cycle store with 16 spaces next to the car park. The applicant acknowledges that this is an over-provision with those levels as outlined in Appendix 5 of Development Management Policies: Local Development Document although HCC as Highway Authority considers this to be acceptable due to the relative sustainability of the location and good cycling accessibility.”*

*Conclusion:*

*HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway on Eastbury Avenue and Eastglade. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.*

*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 subject to the following conditions:*

1. *Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following:*

* *Surface water drainage. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*
* *Full details of the removal of the existing accesses and any associated works on Eastglade and Eastbury Avenue (i.e. reinstating the kerbs to a full height).*
* *Details of the proposed replacement tree within the vicinity of the highway access from Eastglade.*

*Reason: In the interest of highway safety and traffic movement. This is to be in accordance with Hertfordshire County Council’s (HCC) construction specification and to the Local Planning Authority’s satisfaction.*

1. *Access – Gradient. The gradient of the vehicular access shall not exceed 1:10 for the access ramp into the site.*

*Reason: In the interests of the safety of persons using the access and users of the highway.*

1. *Construction Management*

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

*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).”*

Officer Comment: Following the receipt of amended plans, the gradient of the access ramp into the site is now shown at 1:10. A condition relating to the gradient is therefore no longer required.

4.2 Landscape Officer: No objection, subject to conditions.

*“I hold no objections to the proposal from an arboricultural point of view.*

*A tree report by agb Environmental, dated 26/06/2017 has been supplied. I concur with the findings, recommendations, classifications within the report and these can be adhered to as conditions.*

*I note T7 the Horse Chestnut tree to the rear is to be retained. This tree will require a non-dig solution, as highlighted in appendix 8 of the report, within its root protection area to allow the proposed parking spaces.*

*Replacement planting is mentioned to mitigate for loss of low grade trees, especially those on the boundary offering screening. We will require landscape plans.*

*The following additional conditions should be applied:*

*Landscaping Details:*

*No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.*

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

*Reason: 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).*

*Landscape management plan:*

*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 prior to the occupation of the development hereby approved. 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).”*

4.3 Herts & Middlesex Wildlife Trust: No objection.

*“The submitted bat survey states: 'Further surveys are recommended to identify if any bats are using the cavities identified. Dusk emergence and/or dawn re-entry survey to current bat survey guidelines (Collins 2016).'*

*These surveys should be completed before a decision can be made. ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.*

*Given that void dwelling species have been ruled out, an alternative approach may be to require worst case scenario mitigation measures including; further surveys, likely mitigation/compensation measures for cavity dwelling species, and answers to the 3 tests of a EPSML should one be required.”*

Officer Comment: On 13 June 2017 a further Bat Survey produced by *Robson Ecology* was submitted. The survey was sent to Herts & Middlesex Wildlife Trust who made the following comments:

*“Thank you for sending that through. We are happy to withdraw our objection to the application on the basis of the survey.”*

4.4 Hertfordshire Property Services: No objection.

*“I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.*

*Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. 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.*

*All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.*

*Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.*

*The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.*

*Section 106 planning obligation clauses can be provided on request.*

*Justification:*

*Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit*

*The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".*

*In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:*

*(i) Necessary to make the development acceptable in planning terms.*

*Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).*

*All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).*

*(ii) Directly related to the development;*

*Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.*

*(iii) Fairly and reasonable related in scale and kind to the development.*

*Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.*

*I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority if minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.”*

A condition has been recommended to require details of fire hydrants serving the development prior to commencement.

4.5 Environmental Protection: No objection.

*“This looks fine for us.”*

4.6 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 Northwood 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".*

4.7 Thames Water: No comments received. Any comments received will be verbally updated at Committee.

4.8 National Grid: No comments received. Any comments received will be verbally updated at Committee.

**5.** **Neighbour Consultation:**

5.1 No. consulted: 28

No. responses: 6

5.2 Site Notice: Expires on 14 July 2017 (further consultations).

5.2.1 Press Notice: Not applicable.

5.3 Summary of responses:

* Overdevelopment
* Noise pollution
* Impact on local traffic
* Dangerous access onto Eastglade
* Eastglade is already filled up with cars
* Loss of an attractive house
* Result in overshadowing
* Loss of privacy
* Disruption from building work
* Block sunlight to the west elevation of my property
* Right of light report should be commissioned / compensation given
* Application refused in 1988 due to overdevelopment
* Freehold deeds contain a covenant that only one house can be built
* Drainage issues
* Waste bins may encourage vermin unless properly housed
* Loss of house value

5.3.1 The material planning considerations listed above shall be discussed within the following analysis. Nevertheless, it should be noted that there will inevitably be a degree of disruption during the construction phase; however in order to minimise the impact a Construction Management condition has been recommended along with an informative to remind the developer of the restrictions on construction related activity.

**6.** **Reason for Delay:**

6.1 Committee cycle.

**7.** **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF):

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM9, DM10, DM13 and Appendices 2 and 5.

7.4 Policy SA1 of the Site Allocation Local Development Document (adopted November 2014) outlines allocated housing sites that will be safeguarded for housing development.

7.5 Other:

7.5.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

7.5.3 Online Planning Practice Guidance

7.5.4 Affordable Housing Supplementary Planning Document - Approved June 2011.

7.5.5 The South West Hertfordshire Strategic Housing Market Assessment (2016)

**8.** **Analysis:**

8.1 Principle of Residential Development:

8.1.1 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.

8.1.2 The proposal would result in a net gain of 8 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.

8.1.3 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:

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

8.1.4 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.

8.1.5 The proposal would be partly on garden land within a built up area and as such would not be considered to be development of previously developed land. Nevertheless, development of garden land is not prohibited, subject to consideration against national and local planning policies which is set out below.

8.1.6 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

8.1.7 The current proposal would result in nine 2 bedroom flats. The development would therefore provide 100% 2 bedroom units. While this would not reflect the detailed size mix required by Policy CP3, when considering the specific site factors, the proposed building would not be suitable for family accommodation nor would it be able to provide the necessary amenity space that such housing sizes require. It is however noted that 2 bedroom units are in high demand in Three Rivers. It should also be noted that current market conditions should be taken into account in the consideration of housing mix and given the relatively small scale of the development which results in 9 apartments, it would not prejudice the overall supply of a mix of house types and sizes in the District such that it would be reasonable to refuse permission on this basis.

8.1.8 In addition to the above, it is acknowledged that previous planning decisions made by the Local Planning Authority (LPA) are material considerations in any subsequent application. In 1988 under reference 8/870/88 the application site was subject to an application for flatted development comprising 6 flats. This application was refused by the LPA on two grounds as detailed at paragraph 1.3 above. That application included access solely via Eastglade and included a large two storey building with underground parking with 10 spaces at the rear. The reasons for refusal are noted; however, the LPA is also mindful that national and local planning policies have significantly evolved since 1988 and this application is considered against the current policy context in the following analysis.

8.1.9 Prior to the submission of this application a pre-application was submitted for a similar scheme currently proposed. The LPA in summarising the scheme advised that:

*“…based on the submitted plans the proposed building by virtue of its siting, size, elevational height and roof design would result in an oversized and unduly prominent form of development which would have an adverse impact on the visual appearance of the streetscene. Additionally, when considering the number of units proposed there would be lack of on-site parking which emphasises the overdeveloped nature of the proposal.”*

8.1.10 The applicant’s Planning Statement sets out that various points of concern highlighted within the pre-application have been addressed, especially in relation to impacts on neighbours, streetscene prominence, parking provision. Nevertheless, the following sections will assess the planning merits of the amended proposal.

8.2 Design and impact on character and streetscene:

8.2.1 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’.

8.2.2 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).

8.2.3 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 streetsene and respect the character of the streetscene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors, and materials.

8.2.4 The application site is located within a residential area which is characterised by the variety of built form development 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 predominately three stories in height but have flat roof forms which reduce their overall height and ensure they are relatively consistent with the height of nearby two storey buildings with traditional roof forms. 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 bricked buildings immediately opposite.

8.2.5 The existing dwellinghouse is of traditional design and incorporates a number of relatively attractive features including a cat-slide roof, chimneys and an interesting two storey front projecting gable. Nevertheless, the host dwelling is not listed, locally listed nor is it within a Conservation Area and 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.

8.2.6 The proposed building would comprise of three stories with the top floor incorporating a flat roofed form constructed out of dark grey metal cladding. The main body of the building would be bricked with elements of timber boarding and vertical glazing to add visual interest. It would also be positioned towards the front of the site in an attempt to establish a staggered building line which is evident to the south west.

8.2.7 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, especially those to the south east fronting Eastbury Avenue.

8.2.8 In terms of the proposed design approach, it is acknowledged that the LPA should not attempt to impose architectural styles or particular tastes but it is important to reinforce local distinctiveness. Consequently, there is no objection to the contemporary approach or the materials proposed which seeks to provide a visually pleasing form of development and enhance the appearance of the streetscene and further add to an already varied built environment. It is noted that the proposed materials when taken individually would be reflective of the local area. Notwithstanding the above, the *Design Criteria* state that oversized, unattractive and poorly sited development can detract from the character and appearance of the streetscene.

8.2.9 Owing to initial concerns relating to the height and elevational bulk of the building, the plans have been amended to show a flat roofed approach with the second floor now set in from both flank elevations to reduce its bulk and massing. The changes made to the building are considered more reflective of the locality and in keeping with the heights of adjacent buildings.

8.2.10 The proposed building by virtue of its three storey height, corner plot location and forward positioning in relation to the existing house would be prominent within the streetscene. However, due to the design of the building including its stepped elevations, it would not appear unduly prominent to an extent that would have an adverse impact on the visual amenity of the streetscene. The use of different materials and the subordinate nature of the top floor help to reduce the visual impact with the design similar to other flatted developments within the vicinity (i.e. Emberton Court to the north east).

8.2.11 In respect of height, the *Design Criteria* state that any increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

8.2.12 Whilst acknowledging that buildings on the northern side of Eastbury Avenue immediately to the south west of the application site are currently only two stories in height; the flat roofed design of the building now ensures that its height is relatively consistent with those within the immediate adjacent. Nevertheless, when viewed within the local context, there are a number of three storey flatted developments all of which have their own unique design approach and permission has been given including the provision of a third floor with a flat roof to The Limes to the south west of 9A Eastbury Avenue. In relation to the existing dwelling, the new amended building would increase in height; however, any resultant height would be a marginal increase above the immediate adjacent neighbour, 9A Eastbury Avenue, and given the variation in design and heights of buildings in the vicinity the height would not be unduly prominent.

8.2.13 The *Design Criteria* also state that development at first floor level and above should be set in from flank boundaries by a minimum of 1.2m with this distance increased in low density areas. The proposed building would be set in from the western boundary by 2m which is in accordance with the guidelines and provides sufficient spacing with 9A Eastbury Avenue, which is in keeping with the area which is generally spacious in character. Due to the splayed nature of the boundary within the south eastern corner of the site, the building would be set in from the boundary point by 1.5m at its minimum. However, the majority of the eastern elevation would allow for a 2-3m circulation space around the building, and would not be unduly prominent in the streetscene of Eastglade.

8.2.14 At the rear of the plot a new parking area along with a cycle and bin enclosure would be introduced, served by a new access from Eastglade. This increase in development would alter the character of the plot; however, when viewed within the local context, the positioning of the parking area is consistent with other nearby developments and would not appear out of character. Whilst the cycle and bin enclosure would be built up to the highway boundary, it would have a flat roofed design which mitigates its overall prominence. A condition is recommended requiring details of the enclosures external appearance.

8.2.15 The proposed plans indicate that the front and side existing boundary walls and piers are to be retained where possible. The boundary treatment fronting Eastglade is currently in the form of close boarded fencing; however, a large section would be removed to facilitate the new access and bin store. Further details relating to proposed boundary treatments are requested by way of condition, although it is noted that new hedging would be planted along the Eastglade boundary.

8.2.16 As such, whilst the amended building would be visually more prominent than the existing dwelling, by virtue of its design, staggered footprint and height it would respond to the varied nature of the streetscene and sit comfortably within the existing built environment and thus would accord with Policies CP1, CP3 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the Development Management Policies LDD. A condition is recommended requiring further details/samples of the proposed materials.

8.3 Residential Amenity:

8.3.1 Policy CP12 of the Core Strategy states that development should *'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.'*

8.3.2 Policy DM1 and Appendix 2 of the DMP LDD 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. Two storey development to the rear of dwellings should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.

8.3.3 The proposed building would extend beyond the neighbouring rear building line at 9A Eastbury Avenue by 2.4m. Due to the separation distance between the building and the neighbouring dwelling, by approximately 3.2m, it would not intrude a splay line taken from the rear corner and thus would not result in any demonstrable harm or appear overbearing. Whilst the rear building line would be staggered, projecting further beyond the neighbouring dwelling, these particular aspects of the building would be set in significantly from the shared boundary, by at least 9m.

8.3.4 Due to the relationship between the proposed building and 9A Eastbury Avenue to the front, the new building would project approximately 2m further forward. Whilst the 45 degree splay line is used for two storey developments to the rear, in this instance its use to the front would be relevant to assess whether a loss of light would arise. Given the separation distance, the proposed building would not intrude the 45 degree splay line when taken from the corner of the neighbouring front building line. As a result, it is not considered that the proposal would result in a significant loss of light to the front facing windows at 9A Eastbury Avenue or appearing overbearing.

8.3.5 In relation to 13 Eastbury Avenue to the east of Eastglade, a distance of approximately 15m would exist between the buildings which would be acceptable to prevent any loss of light or significant overshadowing.

8.3.6 Due to the significant distances of 31-35m between the dwellings of 1 and 2 Eastglade and the proposed building, there is not considered to be a significant loss of light.

8.3.7 With regard to privacy, Appendix 2 of the DMP LDD states that in the interests of privacy distances between buildings should be sufficient, 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 with distances greater between buildings in excess of two storeys with elevations which directly face one another. Windows of habitable rooms at first floor level should not generally be located in flank elevations. The guidance also states that development should not incorporate balconies, or first floor conservatories which overlook neighbouring properties to any degree.

8.3.8 The proposal has generated significant concern from adjacent neighbours in respect of overlooking, especially due to the elevational increase in the building to include three floors. In relation to distances, the new building would be positioned towards the front of the site, therefore set back significantly from the northern boundary in comparison with the existing two storey dwelling. The distance between the staggered rear building line and the northern boundary would therefore equate to 17.5m to 23m with back to back distances with 1 and 2 Eastglade of between 31-35m, a distance which exceeds the indicative figure of 28m for two storey developments. While the building would be three stories, this separation is considered sufficient to ensure no unacceptable overlooking and would exceed the back to back distances currently in existence between the flatted development at Emberton Court and dwellings on Eastglade. It should also be noted that the existing hedging along the northern boundary would be retained as it currently provides a valuable physically barrier between the application site and those properties within Eastglade.

8.3.9 Notwithstanding the above, due to the considerable height difference between the application site and those properties on Eastglade and the fact that 3 Eastglade to the north west is set further back in relation to its immediate neighbour 2 Eastglade, a number of changes have been made during the application to safeguard neighbouring privacy levels. The initial plans included a number of rear balconies at first and second floor levels which would have allowed for direct views into 9A Eastbury Avenue and increased the perception of overlooking to those adjacent neighbouring properties. As a result, external balconies now only serve flats 5 and 8, both of which are positioned to the east of the building and include privacy screens to restrict outlook to the flanks. The balconies would face towards the rear of 1 and 2 Eastglade, but due to acceptable separation distances of at least 31m, no unacceptable levels of overlooking would arise. In addition, the extent of glazing within the rear elevations at first and second floor levels is not excessive.

8.3.10 Due to the corner plot of the site, a large number of flank windows are proposed within the eastern elevations. However, the achievable views from these particular windows would be across Eastglade and into the frontage of 13 Eastbury Avenue, which is relatively well enclosed by vegetation and is not an area considered private. Most importantly, no views into the private amenity area of this said neighbour would arise from the development. No flank windows are proposed within the western elevation facing 9A Eastbury Avenue.

8.3.11 Within the front, a number of balconies are proposed which would have direct outlook across Eastbury Avenue. A distance of approximately 30m would exist between the building and those on the southern side of Eastbury Avenue which would be sufficient. In any event, any views from the balconies would be into public viewed areas.

8.3.12 When considering the positioning of the rear parking area and the erection of the cycle and refuse enclosure, there will inevitably be a degree of activity. Policy DM9 of the Development Management Policies LDD states that planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

8.3.13 Due to the suburban character of the area the location of the parking area at the rear is not a unique situation. Nevertheless, it is not considered that the levels of noise created would result in undue harm to the living conditions of neighbouring properties which would justify refusal of permission. It is noted that the parking area would be well enclosed by existing and enhanced hedging.

8.3.14 The proposed cycle and refuse enclosure would be sited in close proximity to the northern boundary; however given its limited height and scale it would not result in any harm to neighbouring amenity.

8.3.15 In order to safeguard residential amenity of neighbouring properties a number of conditions are recommended including a restriction on flank windows and the permanent installation of privacy screens to the rear balconies.

8.3.16 In light of the alterations made to the scheme, the development would accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4 Highways, Parking & Access:

8.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. The NPPF at paragraph 32 states that development should not be refused permission on transport grounds unless residual impacts are severe.

8.4.2 The development would involve the creation of a new access onto Eastglade and a re-positioned access with Eastbury Avenue. The submitted Transport Statements indicates that the new access onto Eastglade would accord with Herts Council County guidelines and that acceptable visibility will be achieved in both directions within Eastglade. To achieve acceptable visibility an existing tree within the highway would be required to be removed. The Highway Authority has requested that a replacement tree is planted within the vicinity and is secured by way of condition.

8.4.3 In terms of trip generation, it is accepted that there would be an increase due to the number of units proposed; however, the supporting documentation emphasises that any increase would not be significant. The Highway Authority has commented that the proposal would also not have an unreasonable impact on the safety and operation of the surrounding highway and that the development is unlikely to result in a significant increase in the number of vehicles using the site.

8.4.4 Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) require the following parking levels for residential properties:

2 bedroom dwellings: 2 spaces per dwelling (1 assigned space)

8.4.5 Based on the submitted scheme, the proposed development would require a total of 18 spaces (9 assigned spaces & 9 unassigned spaces). The initial plans provided 12 spaces (including a disabled space to the front); however, during the course of the application a further 2 spaces have been incorporated into the scheme resulting in a total of 14 spaces, a parking ratio of 1.56 spaces per unit. Whilst the development would meet the parking requirement for assigned spaces, there would be a shortfall of 4 unassigned spaces. Additional efforts were sought with the applicant to increase parking provision but no further alterations have been received.

8.4.6 Notwithstanding the above, the parking standards include adjustments according to accessibility for non-residential development and while there is no standard reduction in relation to residential development, Appendix 5 of the Development Management Policies document advises that a reduction in levels of parking may be appropriate in areas of high accessibility and good service provision. It is noted that the application site is within walking distance (800m) of public transport including an underground station and local shops and services within Northwood. The nearest bus route (Route 8) is a 12 minute walk from the application site and provides transport from Northwood to Garston via Watford Junction and runs every 30 minutes Monday to Saturday and every hour on Sunday between the hours of 06.15 to 19.18.

8.4.7 Due to the accessibility of the site in relation to public transport networks, it is not considered that the shortfall of 4 spaces would result in a significant adverse impact or demonstrable harm to highway safety to warrant the refusal of this application, a view shared by the Highway Authority.

8.4.8 The size of the cycle store has been reduced during the process to provide an additional car parking space; however, the development would still comply with the cycle parking standards which requires 1 space per 2 units.

8.4.9 The comments of neighbours in respect of highway safety and parking issues along Eastglade are noted, the latter of which stems from commuter parking along one side of the road. Due to the proposed new access in Eastglade there is concern that on-street parking from commuters would encroach within the heart of the cul-de-sac where it would appear that only limited on-street parking currently occurs. The introduction of an access onto Eastglade will result in the loss of some on-street parking to enable sufficient visibility splays from the access; however, future parking management on the public highway would be controlled by the County Council and/or the District Council. The existing access onto Eastglade would be blocked up and would, if the application was approved, be subject to a Section 278 Agreement with Herts County Council.

8.4.10 In relation to the access ramp to the parking area, the gradient has been reduced to 1:10 in accordance with the comments made by the Highway Authority.

8.4.11 In light of the above, it is acknowledged that parking provision is below the required standards; however, the shortfall of 4 spaces is not considered to be significant when considering the location of the application site to warrant refusal of the application, subject to conditions and an informative as suggested by the Highway Authority. A further condition regarding management/allocation of parking spaces is also considered reasonable.

8.5 Amenity Space:

8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space and specific standards for provision of amenity space are set out in Appendix 2 of the DMP LDD which also sets out that:

*‘Amenity space must be provided within the curtilage of all new residential developments. Depending on the character of the development, the space provided may be in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings or existing mature trees. In the latter case this can help avoid problems which can arise from the proximity of large trees to houses. Communal space for flats should be well screened from highways and casual passers-by. Purely visual amenity space plays a different role; it should be prominent and may well include mature trees and key areas of planting, and serves as a visual asset to the development without necessarily being heavily used by the occupants.’*

8.5.2 The indicative amenity space standards set out that one bed flats should be served by 21sq.m with a further 10sq.m for each additional bedroom. In this case, the proposal would require a total of 279sq.m of amenity space.

8.5.3 The make-up of amenity provision varies with the ground floor flats served by external “private garden areas”, the majority of which would be enclosed by hedging. At first and second floor levels the flats are to be served by balconies which range in size from 6.4sq.m to 11.5sq.m. Elsewhere, due to the constraints of the site due to parking provision and the size of the building, no communal space would be provided; although external space would exist to the front and side of the building, adjacent to Eastglade. Whilst the applicant has stated that the amenity standards are compliant (291.2sq.m provided) with Appendix 2 via the use of “space forming a setting for the buildings” such spaces are limited. The table below sets out the amenity standards provided by the scheme (excludes amenity space around the building):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Table 1:**  Amenity levels | Required indicative amenity (sq.m) | Proposed private amenity  (sq.m) | Difference  (sq.m) | How amenity is provided |
| Flat 1 (ground floor) | 31 | 40 | -9 | Space to front and rear |
| Flat 2 (ground floor) | 31 | 21 | -10 | Space to rear |
| Flat 3 (ground floor) | 31 | 12 | -19 | Space to front |
| Flat 4 (first floor) | 31 | 8 | -23 | Balcony to front |
| Flat 5 (first floor) | 31 | 8 | -23 | Balcony to rear |
| Flat 6 (first floor) | 31 | 8 | -23 | Balcony to front |
| Flat 7 (second floor) | 31 | 6.40 | -24.6 | Balcony to front |
| Flat 8 (second floor) | 31 | 6.40 | -24.6 | Two balconies to front |
| Flat 9 (second floor) | 31 | 11.5 | -19.5 | Balcony to rear |
| Total | 279 | 121.3 | -157.7 |  |

8.5.4 Whilst the amenity standards fall below the indicative levels, individually, the flats would have large enough private outdoor spaces to sit outside and dry washing and additional space is provided around the building. The shortfall for the flats would therefore not be considered harmful to their future living conditions with the majority enjoying south facing balconies or private outdoor spaces. Whilst significant attempts were made to increase amenity standards, no useable communal space has been provided. Nevertheless, the site enjoys access to public parks (Batchworth Road, adjacent to Eastbury Farm School and Frithwood Park) within a 10 minute walking distance.

8.5.5 It is considered that whilst the under provision of amenity space is significant as a proportion, each flat would benefit from usable amenity space and if provision on site was in compliance with the standards, it would not significantly enhance the living conditions of future occupants. As a result, on balance and given the availability of local parks and the fact individual amenity space has been provided, the amenity standards are considered acceptable.

8.6 Landscaping & Trees:

8.6.1 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.

8.6.2 The application site does not contain any protected trees; however it is densely enclosed, especially towards the rear. Many of the trees within the site are of amenity value with the prominent Leyland Cypress hedging acting as a key screen for residents backing onto the site.

8.6.3 Due to the creation of a new access onto Eastglade, the re-positioned access onto Eastbury Avenue as well as the footprint of the new building and parking area, a number of moderate quality trees (Categories B and C) are required to be removed to facilitate the development and are set out within the Tree Report which accompanies the submission.

8.6.4 Within the frontage, the hedging along the shared boundary with 9A Eastbury Avenue would be removed along with trees including a Cherry, Western Red Cedar, Silver Birch, a mixture of Holly, Hawthorn, Yew and Ash (grouped) which are clustered towards the south eastern corner of the site. A number of Western Red Cedar trees (labelled as T1) are to be retained. The frontage would be enhanced with 3m high hedging within the south western corner and along the entire western boundary with 9A Eastbury Avenue. A new tree (Platanus Orientalis) would also be incorporated within the new hedging to the front.

8.6.5 At the rear a number of trees are to be removed to facilitate the new access, bin and cycle enclosure and the new building. The trees include a Holly (T3), Western Red Cedars (T4 & G4), Cherries (T5 & T6) and a Horse Chestnut (T7). The prominent Leyland Cypress (H2) which abuts the northern boundary is to be retained, although a small section would be required to be removed to facilitate the parking area with a neighbouring Horse Chestnut (T8) pruned to provide clearance for the cycle and refuse enclosure. To compensate the loss of trees, significant new hedging and trees would be planted to the rear, especially within the north western corner.

8.6.6 To conclude, due to the number of removed trees there will be a significant visual impact; however, to compensate for this loss an extensive new tree planting scheme has been proposed which is considered acceptable and would maintain a visible tree cover presence. It should be noted that the Landscape Officer has not objected to the loss of the trees subject to conditions concerning a soft landscaping scheme and a landscape management plan which have been duly attached.

8.7 Refuse and Recycling:

8.7.1 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.

8.7.2 A refuse enclosure has been indicated on the plans within the north eastern corner of the site, built up to the boundary with the highway with inward opening doors; however, full details of the elevations and materials have not been provided nor is there an internal access door from within the site. Following pre-application discussions and advice from the Environmental Protection Department, the enclosure has been positioned close to the highway boundary with Eastglade to aid effective collection.

8.7.3 A number of concerns have been raised in respect of odours arising from the bin store. However, all refuse and recycling would be housed and set in from the northern boundary which is heavily vegetated. If built, an appointed management company would be able to control the condition of the store. Full details of the refuse enclosure in relation to elevations and materials will be required by way of condition.

8.8 Wildlife & Biodiversity:

8.8.1 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

8.8.3 Further to the initial comments made by Herts and Middlesex Wildlife Trust, an additional Bat Survey was undertaken. The report highlighted that no roosting was recorded during the surveys and that there were no identified constraints to the proposed re-development and demolition of the existing dwelling. In addition the same report included a number of recommendations and biodiversity enhancements such as minimising external lighting during and after construction and the introduction of bat boxes, located at least 5m above ground level. In respect of the bat boxes, three are now proposed within the western elevation as shown on drawing number EL\_003 Rev P 03 whilst an external lighting condition has been recommended to ensure adequate control. An informative has also been attached to the recommendation advising of the measures to be taken should bats be discovered.

8.8.4 In light of the additional bat survey and enhancements incorporated within the development, the proposal would be acceptable and comply with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policy.

8.9 Sustainability:

8.9.1 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

8.9.2 The application has been accompanied by an Energy Statement which indicates that the development would meet the requirements of Policy DM4 through a 5.18% reduction in regulated CO2 emissions including through high efficiency heating system, low energy lighting and low air permeability. The development would therefore accord with the sustainability policies and targets of Policy CP1 of the Core Strategy and Policy DM4 of the DMP LDD.

8.10 Affordable Housing & Infrastructure Contributions:

8.10.1 The proposed development would result in a net gain of eight residential units at a total combined floor space of approximately 770sq.m. Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provisions of affordable housing. The Affordable Housing SPD was approved by the Council in June 2011 as a material consideration and supports the implementation of Policy CP4.

8.10.2 However, following an appeal decision overturning the previous High Court judgement giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10-units or fewer with a maximum combined gross floor space of no more than 1,000sq.m. As a result, the Local Planning Authority is not currently requiring contributions towards affordable housing for sites which are below these thresholds.

8.10.3 As such, the proposed development would not be required to make a financial affordable housing contribution.

8.10.4 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.

8.10.5 A condition has been recommended to require the provision of fire hydrants following comments made by the County Council.

8.11 Drainage:

8.11.1 The application site falls outside of any flood risk zone and is therefore not considered at risk of flooding. However, local residents have highlighted previous issues concerning blocked drains and flooding concerns. It is therefore considered appropriate by way of condition to require full details of drainage details prior to commencement.

8.11.2 In terms of surface water run-off from the rear parking area, a hard and soft landscaping condition has been attached to ensure sufficient measures are in place prior to occupation.

8.10 Conclusion:

8.10.1 In conclusion, the amended scheme has sought to overcome concerns in relation to the impact on the streetscene and lack of on-site parking. Whilst a shortfall of parking spaces still remain and the amenity standards are below the indicative levels for certain flats, it is considered that the site is located within an area of good accessibility to public transport networks and local parks. As such, the proposal, on balance and given its location would be an acceptable form of development which would represent efficient use of land, deliver additional housing, and integrate within the existing built form environment without impact on adjacent residential privacy levels.

**9.** **Recommendation:**

9.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTEDsubject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: MP\_001 Rev 01; MP\_002 Rev P 02; MP\_003 Rev P 01; PL\_001 Rev P 04; PL\_002 Rev P 04; PL\_003 Rev P 04; PL\_005 Rev P 04; EL\_001 Rev P 04; EL\_002 Rev P 03; EL\_003 Rev P 03; EL\_004 Rev P 04; EL\_005 Rev P 03; EL\_006 Rev P 04; EL\_007 Rev P02 and SK\_005 Rev P 01.

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 a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

1. parking of vehicles of site operatives and visitors
2. proposed construction vehicle access, movements and routing of vehicles

iii. loading and unloading of plant and materials

iv. storage of plant and materials used in constructing the development

vi. wheel washing facilities

vii. measures to control the emission of dust and dirt during construction

The agreed measures as set out within the approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: This condition is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to the commencement of the development hereby permitted, full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following:

* Surface water drainage. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
* Full details of the removal of the existing accesses and any associated works on Eastglade and Eastbury Avenue (i.e. reinstating the kerbs to a full height).
* Details of the proposed replacement tree within the vicinity of the highway access from Eastglade.

The works shall be carried out in accordance with approved details.

Reason: This condition is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway and in the interests of amenity in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C5 The development shall not commence until detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the flats which form part of the development.

Reason: This condition is a pre-commencement condition to ensure prior to the commencement of development that there is adequate capacity for fire hydrants to be provided. If there is insufficient capacity, the development would be unacceptable as it would fail to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

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 Prior to commencement of the development hereby permitted, 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 shall be protected from any damage during site works, in accordance with drawing number P2855.1 002 as attached within the agb Environmental Arboricultural Impact Assessment dated 26 April 2017 which has been prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’

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: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C8 Before the building operations of the building hereby permitted are commenced, full details of foul water drainage shall be submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance with the agreed drainage plans.

Reason: To ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is acceptable having regard to the local context 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).

C10 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).

C11 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).

C12 Prior to the first occupation of the development hereby permitted, the measures detailed within the submitted Energy Statement produced by NRG Consulting dated April 2017 shall be incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C13 Prior to the first occupation of the development hereby permitted, the biodiversity enhancements as set out within the Bat Survey dated 13th July 2017 (Bat Boxes as shown on drawing number EL\_003 Rev P 03) shall be incorporated within the development and be permanently retained thereafter.

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

C14 Prior to the first occupation of the development hereby permitted, full details of the siting, size and appearance of refuse and recycling facilities on the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any part of the development and be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

C15 Prior to the first occupation of the development hereby permitted, space for bicycles shall be provided in accordance with drawing number PL\_001 P 04. The cycle parking shall be permanently retained thereafter.

Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel 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).

C16 Prior to the occupation of flat 5, the opaque glazing privacy screens serving the first floor rear balcony shall be installed in accordance with drawing numbers EL\_002 P 03; EL\_003 P 03 and PL\_003 P 04. The screening shall be 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).

C17 Prior to the occupation of flat 8, the opaque glazing privacy screens serving the second floor rear balcony shall be installed in accordance with drawing numbers EL\_002 P 03; EL\_003 P 03 and PL\_004 P 04. The screening shall be 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).

C18 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).

C19 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.

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).

C20 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).

9.2 **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 £97 per request (or £28 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. Information and application forms are available at www.hertfordshirebc.co.uk. Alternatively the Council's Building Control section can be contacted on telephone number 01923 727130 or email building.control@hertfordshirebc.gov.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I4 Highway Informative:

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

I5 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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

I6 The applicant 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 Northwood 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.

I7 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.