**10. 17/2324/FUL – Erection of log cabin outbuilding at allotment gardens at ALLOTMENT LAND, NEWPORT MEAD, SOUTH OXHEY, HERTFORDSHIRE for Ms Christine Wyard**

◼

|  |  |
| --- | --- |
| Parish: Watford Rural Parish Council | Ward: Carpenders Park |
| Expiry Statutory Period: 29.12.2017 | Officer: Tom Norris |
| Recommendation: That Planning Permission be granted subject to Conditions | |
|  | |
| Reason for consideration by the Committee: The application has been brought before the Planning Committee as the land is owned by Three Rivers District Council. | |

1 **Relevant Planning History**

* 1. No planning history.

2. **Detailed Description of Application Site**

2.1 The application site comprises an irregular shaped piece of land of some 0.28 hectares located in South Oxhey. The land is accessible by foot via a secure gate from Newport Mead, a residential cul-de-sac. The land stretches north from Newport Mead and backs on to the rear gardens of Prestwick Road and Woodhall Lane and wraps around the rear gardens of Crowborough Path. The site adjoins an area of Public Open Space, behind the dwellings on Prestwick Road, to its northern boundary.

2.2 The site is enclosed by approximately 2.0m high close board fencing to all of its boundaries and tall mature trees inside the perimeter of the site screen it from the rear gardens of adjoining dwellings.

2.3 The site is occupied by a charity that uses it as an allotment. The site consists of allotment plots, low level shrubbery and areas of grass. There are a small number of existing small structures within the site such as small garden sheds, a greenhouse and stores. There is a network of paved pathways that allows movement in and around the site.

3. **Detailed Description of Proposed Development**

3.1 Full planning permission is sought for the erection of a log cabin on the site for purposes incidental to the land’s use as an allotment.

3.2 The cabin would be centrally located within the site and would back on to the eastern site boundary. The building would have a width of 5.35m and a depth of 4.15m. The building would have a pitched roof with the ridge line offset towards the front elevation. It would have a maximum overall height of 2.5m with an eaves height of 2.34m to the front and 2.22m to the rear.

3.3 The rear elevation of the building would be set off the eastern site boundary by approximately 3.4m increasing to 4.0m with trees in between to be retained. It is proposed that two existing Hazel Trees are removed to accommodate the building.

3.4 A set of double doors and two windows would be inserted in the front elevation of the building and one window would be inserted in the northern flank elevation.

3.5 As indicated on drawing no.172033-D-04, the building would be finished in clear stained pine logs to each of its elevations, dark brown stained pine door and window frames and a dark green mineral felt finish with clear stained pine fascia boards to the roof.

3.6 An area of decking is proposed to the front of the building which would span the whole 5.35m width of the cabin and have a depth of 1.0m.

4. **Consultation**

4.1 **Statutory Consultation**

4.1.1 Watford Rural Parish Council: No response received.

4.1.2 Landscape Officer: No response received.

4.1.3 National Grid: No response received.

5. **Neighbour Consultation**

* 1. Site Notice: Site notice posted 09/11/2017 and expired 30/11/17

Press Notice: not required.

5.2 Neighbours consulted: 37

5.2.1 Number of responses: 1

5.2.2 Summary of Responses:

(Supporting the application) *“Really friendly group of folk doing great work for the community, good luck to them. A log cabin such as this will enhance the woodland clearing appearance of the allotments.”*

6. **Reason for Delay**

6.1 None.

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: CP1, 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: DM6, DM12 and DM13 and Appendix 5.

7.4 Other

7.4.1 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.

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

8. **Analysis**

8.1 Character Design & Impact on Street Scene

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.

8.1.2 The proposed building would be centrally located within the site and therefore would not be widely visible from public vantage points. Some long distance, obstructed views of the building may exist from Newport Mead and the Public Open Space that adjoins to the north however these views are largely screened by the foliage of trees within the site.

8.1.3 The building would have a width of 5.35m and a depth of 4.15m. The building would have a pitched roof with the ridge line offset towards the front elevation. It would have a maximum overall height of 2.5m with an eaves height of 2.34m to the front and 2.22m to the rear. It is considered that the building, by virtue of its size, respects the context of the site and would not result in an overdevelopment of the plot so as to cause demonstrable harm to the open character and appearance of the site.

8.1.4 Glazing is proposed to the front elevation of the building in the form of a set of double doors and two windows whilst one window is also proposed to the northern flank elevation. It is considered that the amount of glazing proposed is not excessive and in keeping with a building of its size.

8.1.5 The building would be finished in clear stained pine logs to each of its elevations, dark brown stained pine door and window frames and a dark green mineral felt finish with clear stained pine fascia boards to the roof. It is considered that the proposed use of materials would soften the appearance of the building within its surroundings and would minimise any harm to the character and appearance of the area.

8.1.6 In summary it is considered that the proposed development would not result in any demonstrable harm to the visual amenities of the street scene or character and appearance of the area. The proposal would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy.

8.2 Impact on Residential Amenity

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

8.2.2 The proposed development would have a pitched roof with a maximum eaves height of 2.34m and a maximum overall height of 2.5m. The proposed building would also be set off of the eastern site boundary which backs on to the rear gardens of Woodhall Lane by a distance of 3.4m increasing to 4.0m and set off the concave western site boundary which backs on to the rear gardens of Crowborough Path by some 11.0m. It is therefore considered that, given the building’s scale and position within the site, it would not have an overbearing impact or result in a loss of light to the neighbours of any adjoining property.

8.2.3 Glazing is proposed to be inserted in the front elevation of the building which would face west in the direction of the rear elevations of the dwellings on Crowborough Path. There would be a spacing of some 25m between the proposed building and the dwellings on Crowborough Path and it is also noted that there are mature trees along the western site boundary that somewhat screen views into and out of the application site. It is considered that, given that the building would be single storey and positioned a sufficient distance from the dwellings on Crowborough Path, the development would not result in any unacceptable levels of overlooking to any neighbours to the detriment of their residential amenity. One window is proposed in the northern flank elevation of the building which would provide views towards the north within the application site. It is not considered that this window would facilitate any unacceptable levels of overlooking to the detriment of any neighbour.

8.2.4 In summary it is not considered that the proposed development would result in any harm to the residential amenities of the surrounding neighbouring properties as a result of a loss of light or overlooking in accordance with Policy CP12 of the Core Strategy.

8.3 Parking/Access/Highways

8.3.1 The site does not currently provide any parking provision. It is not considered however, given the nature of the development, that the on-street parking situation would be impacted upon negatively as a result of the proposed development.

8.4 Wildlife & Biodiversity

8.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. However, due to the nature of the site a number of informatives have been recommended.

8.5 Trees

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

8.5.2 It is proposed that two unprotected hazel trees are to be removed to accommodate the proposed development. The Council’s Landscape Officer was consulted as part of the planning application process although did not respond with any comment. It is however considered that the removal of the two trees would be acceptable.

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: 172033-D-01, 172033-D-02, 172033-D-03, 172033-D-04

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM6, DM12 and DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 The cabin shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the plans submitted with the application and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011)

C4 The outbuilding hereby permitted shall only be used for purposes ancillary to the use of the site as allotments and no other purpose.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

9.1.2 **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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

I4 The applicant is advised to avoid the bird nesting season (March to August inclusive according to Natural England) when it comes to tree removal (or severe pruning).

Reptiles, Amphibians, Hedgehogs may use the allotments for foraging and sheltering. If possible, keep the vegetation where the cabin will be positioned as short as possible to make it unsuitable for these animals to cross.

Any building materials that may act as resting places should be raised off the ground (on pallets or batons, for example). In the event that any animals (with the exception of Great Crested Newts) are encountered, they should be moved carefully out of harm’s way or be allowed to make their own way out of the development site.

In the unlikely event that a Great Crested Newt is encountered during construction works, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.