**14. 17/2525/FUL – Demolition of existing dwelling and construction of a replacement six-bedroom dwelling at AMBLEDOWN, CHORLEYWOOD ROAD, RICKMANSWORTH, WD3 4ES for Mr Shaw**

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| Parish: Chorleywood | Ward: Chorleywood North and Sarratt |
| Officer: Suzanne O’Brien  Expiry Statutory Period: 29 January 2018 | |
| Recommendation: That Planning Permission be Granted subject to Conditions | |
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| Reason for consideration by the Committee: Called-in by Chorleywood Parish Council and three members of the Planning Committee. | |

1 **Relevant Planning History**

1.1 16/1276/PREAPP - Pre-application: Demolition of existing dwelling and construction of 10no. apartments with associated parking and landscaping. Summary of pre-application response dated 24 August 2016:

‘*Concern is held with regard to the impact that the introduction of flatted development would have on the character and appearance of the Outer Loudwater Conservation Area. It is considered that the intensification of use of the site through the addition of 10 apartments, scale and bulk of the proposed block and associated hardstanding would be at odds with the prevailing character of the area which comprises large detached dwellings set in a rural and sylvan setting.*

*Concern is also raised with regard to the access and parking provision and you are encouraged to engage in pre-application discussions with the Highway Authority directly.*’

1.2 17/0441/PREAPP – Pre-application: Demolition of existing dwelling and construction of 6no. dwellings with associated parking and landscaping. Summary of pre-application response dated 21 April 2017:

*‘The proposed development is considered to represent an improvement to the previous pre-application submission and the overall design of the buildings would be in keeping with the character of the Conservation Area.*

*However, as originally submitted, the proposed buildings would appear as two sets of semi-detached dwellings set within one plot which would be out of keeping with the Conservation Area and with a scale that would result in overdevelopment of the plot. The submission of amended plans indicates a reduction in the overall scale of built form through the concentration of the development into one building, which is supported. However, I still consider this building would be too large for the site and a further reduction in its width would be required in the submission of any future application.’*

1.3 17/1277/FUL - Demolition of existing dwelling and construction of five dwellings with associated alterations to access, parking and landscaping – Appeal submitted prior to determination of the application.

The application was to be considered at the October Planning Committee meeting with a recommendation for refusal for the following reason:

*It has not been demonstrated that the proposed access arrangements would be sufficient to allow all turning movements to and from the highway to take place without creating conflicts with opposing traffic movements on the access and the consequential delays and obstructions to traffic along the A404. The proposed development would therefore have a detrimental impact on the safe and free flow of traffic along the Chorleywood Road contrary to Policy CP10 of the Core Strategy (adopted October 2011).*

Appeal is currently pending consideration.

Although this application was not determined at the October Planning Committee meeting members still discussed the application and raised concerns regarding impact on highways due to the intensification of use of the site and that the introduction of flats would be harmful to the character of the area.

2. **Detailed Description of Application Site**

2.1 The application site is located to the rear of West Side, Dykewood and Dyke Cottage, Chorleywood Road on the north side of the highway. The site is accessed via a long and narrow drive of approximately 65m in length to the south-west of the site with the main site opening into a roughly rectangular plot measuring some 70m in width (east to west) and 30m-38m in depth (north to south). The land level drops significantly from the highway to the rear of the site with the access drive being of a particularly steep gradient. The site is well screened from the highway of Chorleywood Road by virtue of the change in land level, neighbouring buildings to the south and dense vegetation to the site boundaries and within neighbouring plots which include a number of trees protected by a Tree Preservation Order (TPO653). However, a Public Right of Way runs along the northern rear boundary of the site.

2.2 The site supports a single detached dwelling which is largely of two storey scale, albeit with single storey elements. The dwelling is of a simple design with a gabled roof form and is predominantly constructed from red brick with a brown tiled roof. The dwelling includes lower ground floor levels and raised terraces due to the steep gradient of the land. The access drive leads to a relatively large hardstanding which provides parking space for numerous cars to the west of the dwelling with the remaining parts of the plot mostly laid to lawn which provides ample amenity space.

2.3 The site is within the Outer Loudwater Conservation Area which is generally characterised by large detached dwellings set within generous plots providing a rural and sylvan setting. However, it is noted that there is variation within the architectural design of dwellings found within the Conservation Area from Edwardian houses to houses of modern design, including the residential cul-de-sac of Harewood to the south-east of the application site.

3. **Detailed Description of Proposed Development**

3.1 Full planning permission is sought for the demolition of the existing dwelling and construction of a replacement six-bedroom dwelling.

3.2 The proposed replacement dwelling would be set centrally within the plot with the separation distances to the site boundaries of a minimum of 9.7m to the north, 17.3m to the east, 9.5m to the south and 24m to the west when measured from the ground floor level. The building would have a rectangular footprint and would measure 29m in width (east to west) and 12.6m in depth (north to south), inclusive of covered terraced to the north; these measurements are taken from the upper ground floor level. The lower ground level would have a width of 37.2m and depth of 19.2m to be sited a minimum of 2.5m from the south boundary and 15.6m from the west boundary. The building would comprise three extruded gable ends with a maximum height of 9.2m (south) and 12.2m (north) due to the significant change in land level across the site.

3.3 The dwelling would be largely glazed to the north and south elevations, although a clay louvre system is proposed to the north and south first floor levels to provide additional screening.

3.4 No alterations to the existing drive that runs between West Side and Merlewood or access are proposed under this application.

3.5 A footpath would be constructed along the southern elevation to provide access to the dwelling. Parking would be sited along the western aspect of the site with parking provided by a level area which would be supported by a retaining wall approximately 1.5m high and would be enclosed by a patinated metal balustrade to the north. Additional parking would also be sited at the lower ground level which would be accessed via a car lift. Balconies would be sited along the southern elevation serving the ground floor level.

3.6 Amended plans have been received. The amendments include:

* Ensuring that the louvres in the southern elevation cover the full extent of the proposed first floor level;
* Reduction in depth of the proposed basement on the section drawings so that it mirrors the proposed floor plans.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Conservation Officer

4.2.1 Summary: No objection.

4.2.2 *Previous conservation comments relating to the similar application 17/1277/FUL:*

*“The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.*

*National Planning Policy Framework sets out objectives for protecting and enhancing the historic built environment. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on a designated heritage asset, such as a Conservation Area, great weight should be given to the asset’s conservation.*

*The application site is situated within the Outer Loudwater Conservation Area, set back from the main road. As such, the site is not widely visible from the main road, however there are public footpaths to the rear, with limited views of the site through vegetation. The house is fairly large and located within a large plot, which is typical of the Conservation Area.*

*The existing house is a relatively modern property and is not considered to make a material contribution to the character or appearance of the Conservation Area. Its demolition and subsequent replacement could potentially lead to the enhancement of the Conservation Area, and therefore the redevelopment of the site is considered acceptable in principle.*

*This application follows pre-application submissions 16/1276/PREAPP and 17/0441/PREAPP. The current proposal is an improvement on these submissions and is more in keeping with the character and appearance of the Conservation Area. The contemporary design of the proposed dwellings is considered acceptable. The Conservation Area is characterised by large houses in large individual plots, and the proposal would maintain this appearance. It is noted that the amount of hardstanding has been reduced, any further reduction would be supported.*

*Overall the proposal will enhance the character and appearance of the Conservation Area, with the contemporary design of the new dwellings being considered an improvement on the existing dwelling.”*

*I would therefore raise no conservation objection to this new application.*

4.3 Chorleywood Parish Council

4.3.1 Summary: Object.

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

* *The footprint is the same as the previous application, although only one property;*
* *The proposed modern design is out of character within the location which is located in the Loudwater Conservation Area;*
* *The Committee were pleased to see the application was for one property.’*

4.4 Landscape Officer

4.4.1 No comments received at the time of writing the report. Members will be verbally updated of any comments received.

4.5 Herts & Middlesex Wildlife Trust

4.5.1 No comments received.

4.6 Hertfordshire Ecology

4.6.1 Summary: No objection subject to condition requiring follow-up bat survey(s).

4.6.2 *Thank you for consulting Hertfordshire Ecology on this application. I note we have previously commented on proposals at this address. I have the following comments to make now:*

*An updated Ecological Assessment and Preliminary Bat Roost Assessment (by Tyler Grange, 30 November 2017) has been submitted in support of this application. The site was initially visited on 17 February 2017 and comprises a detached two storey dwelling (with extensions), amenity grassland, mature trees, introduced garden planting, ephemeral vegetation, a hedgerow, boundaries and hardstanding.*

*Habitats*

*The semi-natural habitats were assessed to have limited ecological value, except for the potential for nesting birds and foraging / sheltering hedgehogs. The loss of on-site habitats will be mitigated through the inclusion of replacement tree planting. If the cypress trees on the northern boundary are to be removed, these are proposed to be replaced with new native woody species boundary feature.*

*Bats*

*No trees on site had potential for roosting bats, but one neighbouring mature ash tree was assessed to have low potential for them. However, as this tree is off site it is not planned for removal as part of these proposals.*

*The house was assessed to have low potential to support roosting bats. Following Bat Conservation Trust best practice guidelines, one follow-up dusk emergence / dawn re-entry survey was recommended to determine the use of the building by bats, and to provide appropriate mitigation to safeguard them if present and affected.*

*Until the follow-up bat survey is carried out, the LPA does not have enough information regarding the presence or not of bats in the building. However, suitable outline mitigation to deal with an assumed presence of roosting crevice dwelling bats (such as pipistrelle species) has been provided. These measures will minimise potential impacts and ensure the local population is maintained - therefore with this strategy in place, I consider the LPA has enough information to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2017 prior to determination.*

*The outline bat mitigation strategy can be modified if necessary once the results of the follow-up survey are known. I advise this survey is secured by Condition of Approval and I can suggest the following Condition wording (or similar):*

*“Prior to the commencement of the development, one dusk emergence / dawn re-entry survey should be undertaken during May - August (inclusive) to determine with confidence whether bats are roosting and, should this be the case, the outline bat mitigation strategy should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.*

*Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and National legislation.”*

*It is acknowledged that if bats are found to be roosting in the property, appropriate mitigation measures must be carried out under the legal constraints of a European Protected Species licence obtained from Natural England. I have no reason to believe that a licence will not be issued.*

*Birds*

*The trees and shrubs on site have the potential to support breeding birds. Therefore, due diligence with any tree/shrub works should be adopted - see Informatives below.*

*Badgers*

*No signs of badger were recorded from the site, however the adjacent habitat was considered to have potential for them. Precautionary measures should be adopted - see Informatives below.*

*Hedgehogs*

*The site supports some habitat that is suitable for hedgehogs. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK’s target species to avoid further population decline. Therefore it is recommended that precautionary mitigation techniques are employed for these species - see Informatives below.*

*Biodiversity enhancements*

*I welcome the suggestion to install bat and bird boxes on buildings and trees within the development scheme, as well as native tree and hedgerow planting.*

*Informatives*

*I advise the following Informatives are added to any permission granted:*

*Birds*

*“The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, the location should be cordoned off (minimum 3m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.”*

*Badgers*

*“During the construction phase, any excavations should be provided with a means of escape for any animals (notably badgers) that may have become trapped. This is particularly important if the trench fills with water.”*

*Hedgehogs*

*“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.*

*Trees and Planting*

*“Existing trees (including their roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required.”*

*“Any tree proposed for removal should be replaced with a native tree species (known to thrive in the area) in suitable locations within the application site. New trees and shrubs should be predominantly native woody species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.”*

*Lighting*

*“Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.”*

4.7 Highway Authority

4.7.1 No comments received at the time of writing the report. Members will be verbally updated of any comments received.

4.8 HCC Footpath Section

4.8.1 No comments received.

4.9 Loudwater (Troutstream Estate) Ltd

4.9.1 No comments received.

4.10 Loudwater Residents Association

4.10.1 No objection.

4.10.2 *As the revised application for a single dwelling fully satisfies the objectives of the Conservation Area, the Loudwater Residents’ Association would wholly support this application.*

5. **Neighbour Consultation**

5.1 Site/Press Notice:

* Site notice posted 20 December 2017 and expired 10 January 2018.
* Press notice published 15 December 2017 and expired 5 January 2018.

5.1.1 Neighbours consulted: 11

5.1.2 Number of responses: 7 (3 received from the same address)

5.1.3 Summary of responses

Design and Character

* Overdevelopment;
* Inappropriate bulk, layout, design and height for single dwelling;
* Increased height in comparison to previous scheme for five flats;
* Louvres, glazed frontages and balconies would be out of character;
* Development is out of keeping with properties in the Outer Loudwater Conservation Area and roof design is not in keeping with a single dwelling;
* Development would over power the Chess Way footpath and properties in Overstream;
* Development is a rehash of previous development and consideration of a ‘Ballroom’ is inappropriate;
* Too close to boundary.

Residential Amenity

* The proposed building would be sited within 28m of neighbouring property;
* Development would destroy mature trees and deciduous trees do not offer all-year-round screening;
* The proposal would lead to significant overlooking into neighbouring garden and living space;
* Louvres would be insufficient to prevent overlooking into neighbouring property;
* Dwelling should be re-orientated to prevent overlooking and first floor level glazing be obscure glazed and non-opening;
* A protected tree which provides screening would be removed as part of the application;
* Scale of building would over power neighbouring properties and windows would be intrusive;
* Overshadowing.

Highways & Parking

* Development would include staff accommodation which would result in an increased number of vehicles;
* As 17/1277/FUL was to be rejected due to increase in volume of traffic can this be considered?;
* Unresolved questions were previously raised over access for emergency vehicles and pedestrian use?;
* Problem with access for construction vehicles large vehicles would affect soft edges particularly in inclement weather;
* Request that testing to be carried out in relation to the basement construction;
* Building should not be allowed to be subdivided or made into a HMO due to highway implications – could a condition be attached to any planning permission.

Other

* Development of basement close to neighbouring property would result in ground instability affecting trees and foundations of neighbouring swimming pool;
* Development would result in significant loss of a number of trees;
* Basement would undermine protected trees and make them dangerous; how can protected trees be ignored?;
* Trees within the site are protected by virtue of the Conservation Area status of the site and other trees along the access are protected by a Tree Preservation Order;
* A number of trees to be removed fall outside of the ownership of the site;
* Glazing and balconies would cause light pollution to wooded valley and would provide insufficient dark corridors for wildlife and roosting/nesting sites;
* Submitted ecological report fails to acknowledge the existence of badgers and impact the development would have on pathway site allows for nearby badger setts;
* Concerns are raised that the dwelling could be converted into separate flats or HMOs in the future; Urge that building could not be subdivided at a later date due to traffic implications;
* Boundary with Merlewood is depicted incorrectly;
* Development would be of challenging construction; need to ensure developer employs people with expertise to be capable of constructing basement;
* Question whether south wall would be capable of being constructed and temporary soil support would be required;
* The digging of the basement will have the same impact as the previous application on the wildlife, trees and driveway;
* No in principle objection to the construction of a single dwellinghouse as long as is kept as one;
* Pets and wildlife will be affected during construction.

Officer comments: Matters raised in relation to impact on character, trees, residential amenities and highways will be covered within the analysis section of the report. The construction methods would be considered and controlled under the Building Control Legislation and structural matters in relation to the construction of the development are not a material planning consideration; issues relating to the impact on trees during the construction will be considered and could be secured by condition. In relation to the boundary with Merlewood land ownership issues are not to be determined under a planning application, furthermore, no alterations to the access are proposed thus the outcome of any dispute would not affect the validity of the application.

6. **Reason for Delay**

6.1 Not applicable.

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, 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, DM3, DM4, DM6, DM9, DM10, and DM13 and Appendices 2 and 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).

7.4.3 The Outer Loudwater Conservation Area Appraisal (approved March 2007).

8. **Analysis**

8.1 Principle of Demolition

8.1.1 The application site is within the Outer Loudwater Conservation Area and the proposal would involve the demolition of the existing dwelling.

8.1.2 Policy DM3 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) states that within Conservation Areas permission for development involving demolition will only be granted if it can be demonstrated that:

1. The structure to be demolished makes no material contribution to the special character or appearance of the area; or,
2. It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or
3. It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and / or open space would lead to the enhancement of the Conservation Area.

8.1.3 The Outer Loudwater Conservation Area Appraisal (the Appraisal) (approved March 2007) describes the Conservation Area as being generally characterised by large detached dwellings set within generous plots providing a rural and sylvan setting. There is variation within the architectural design of dwellings found within the Conservation Area from Edwardian houses to houses of modern design. The application site is located within Sub-Area 6: Chorleywood Road within the Appraisal which highlights that several original Edwardian properties, characterised by white rendering with wooden facings remain but generally describes the substantial size of dwellings and plots with spacing between properties as being the special character of this sub-area.

8.1.4 The detached dwelling of Ambledown is not an original Edwardian property and its architectural design is not considered to make a material contribution to the special character of the Conservation Area. The Conservation Officer has also not made an objection to the principle of the demolition of the existing building advising that its demolition and replacement could potentially lead to the enhancement of the Conservation Area.

8.1.5 No objection is therefore raised to the demolition of the existing dwelling subject to its suitable replacement.

8.2 Conservation Area & Street Scene

8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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'*. Policy CP3 of the Core Strategy advises that *‘the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential areas.’*

8.2.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (DMP LDD) states 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:*

1. *Tandem development*
2. *Servicing by an awkward access drive which cannot easily be used by service vehicles*
3. *The generation of excessive levels of traffic*
4. *Loss of residential amenity*
5. *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 Policy DM3 of the DMP LDD sets out that within Conservation Areas, development will only be permitted if the proposal:

1. Is of a design and scale that preserves or enhances the character or appearance of the area
2. Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context
3. Retains historically significant boundaries, important open spaces and other elements of the area’s established pattern of development, character and historic value, including gardens, roadside banks and verges
4. Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention
5. Does not harm important views into, out of or within the Conservation Area
6. Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area
7. Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

8.2.4 Within the Outer Loudwater Conservation Area Appraisal the application site falls within Sub-Area 6: Chorleywood Road. The Appraisal states:

*‘All properties in this area are substantial. There are no bungalows or flats. They are on good sized plots, with space between the properties. There is significant tree planting, which is typical of the Conservation Area as a whole.*

*These properties lie on a steep gradient. The land to their rear slopes sharply down to the Chess Valley. This affords many properties an excellent view across the valley. Equally, looking back, southwards from the valley floor these properties are barely visible through the heavily wooded hillside.’*

8.2.5 The existing dwelling at Ambledown and the surrounding plot accords with the general description of the Sub-Area provided within the Appraisal. The dwelling is almost, if not fully screened from Chorleywood Road due to its siting behind the existing dwellings which front the road, the steep gradient of the land and the heavily treed site boundaries and further mature vegetation within neighbouring plots. However, the dwelling is visible from public vantage points along the Public Right of Way which runs along the north site boundary, albeit through mature trees and vegetation which bound the site.

8.2.6 The development proposes the demolition of the existing building and its replacement with a larger detached single dwellinghouse. Although large the proposed replacement building would sit on a sizable plot with spacing between the proposed dwelling and neighbouring buildings. The proposed dwelling would also be offset from all of the surrounding boundaries as to maintain the spacious quality of the site and Conservation Area.

8.2.7 The building’s footprint would be consistent with the larger houses within the vicinity of the site and the plot size is considered sufficient to ensure that the dwelling would not result in a cramped form of development to maintain one of the key characteristics of the area, as demonstrated by the significant separation distances to the site boundaries. The development pattern of the area also lacks uniformity with regard to siting of dwellings within their plots and the repositioning of the proposed building relative to the existing house would not result in harm.

8.2.8 The building would make use of the topography of the site with habitable floor space set within the lower ground floor, upper ground floor and first floor levels. The building would therefore have a two storey appearance, although the height of the three extruded gable ends would be increased. When taken from the higher ground level to the south, the proposed building would have a height of 9.2m which would be 0.24m higher than the existing building. This would not represent a significant increase and would not result in the building appearing unduly prominent as viewed from public vantage points to the north of the site. While it is accepted that the overall bulk and massing of the on-site building would be increased with the existing building comprising two storey and single storey elements, the building would remain largely, if not fully, obscured from visibility from Chorleywood Road due to its siting to the rear of the dwellings and the local topography.

8.2.9 However, as noted above the building would be visible from the Public Right of Way to the north. The building would be set back from the north boundary by a minimum of 9.7m although due to the splay of that boundary much of the building would be further back. The dwelling sits within a relatively isolated position due to the nature of the site and spacing between dwellings in the Conservation Area. The dwellings to the south would remain visible due to the significant higher land upon which they sit and the proposed building would therefore not dominate the landscape or views from the Public Right of Way.

8.2.10 The design of the building would be contemporary with significant glazing to the gable ends. However, the architectural merits of the existing brick built dwelling does not make a material contribution to the character and appearance and the proposed dwelling would maintain the spacious and sylvan character of the Conservation Area. As such, it is not considered that where views of the building are possible, the contemporary design of the building or proposed materials would appear out of keeping with the Conservation Area. The Conservation Officer has advised that the contemporary design of the proposed building would be an improvement on the existing dwelling and would enhance the character and appearance of the Conservation Area.

8.2.11 The proposed development would result in alterations to the existing parking arrangements to the west of the site this would include the extension to the existing level area that serves the dwelling. The proposal would also include parking at basement level, this would be served by a car lift. Due to the siting of the parking and car lift to the south of the site it would not result in a notable feature as viewed from public vantage points to the north. The parking provision and retaining walls would be concentrated to within the south western corner of the site where there are existing areas of hard surfacing. A patio would be sited to the rear of the dwelling serving the lower ground level. The extent of hardstanding proposed would not be disproportionate in scale to serve a single dwellinghouse and would not detract from the sylvan character of the site or Conservation Area.

8.2.12 Planning application 17/1277/FUL proposed the demolition of the existing dwelling and construction of five dwellings. An appeal was lodged prior to the determination of application 17/1277/FUL which had an Officer recommendation for refusal in relation to impact on highway safety through the intensification of use of the site. At the Committee meeting members had concerns regarding the principle of five units replacing one house. No in principle objections were raised in relation to the size, scale or design of the proposed development and its impact on the character of the area. The table below sets out the differences between the current application and that proposed under application 17/1277/FUL.

|  |  |  |
| --- | --- | --- |
|  | **17/1277/FUL** | **17/2525/FUL** |
| **Footprint (Upper Ground Floor and First Floor)** | 29m (w) x 13.6m (d) | 29m (w) x 12.6m (d) |
| **Footprint (Basement)** | 39m (w) x 21.6m (d) | 37.2m (w) x 19.2m (d) |
| **Ridge Height** | 11.7m (N) 8.5m (S) | 12.5m (N) 9.5m (S) |
| **Eaves Height** | 6.8m (N) 3.3m (S) | 7.7m (N) 4.6m (S) |
| **Proximity to boundaries (Basement)** | 1.6m (S) 18.5m (E) 12.4m (W) 8.3m (N) | 2.5m (S) 15.7m (E) 15.6m (W) 9.7m (N) |
| **Proximity to boundaries (Above Ground)** | 9.5m (S) 17.2m (E) 24m (W) 8.3m (N) | 9.5m (S) 17.3m (E) 24m (W) 9.7m (N) |

8.2.13 The proposed development would be of the same design principles as that proposed under application 17/1277/FUL. The table above demonstrates that the width of the building would be the same and there would be a reduction in depth by 1m pulling the building further back from the northern boundary. Although there would be an increase in the ridge and eaves height of the building this would not result in the building appearing unduly prominent as viewed from any public vantage points and would not serve to make the building appear materially greater in scale than in comparison to that proposed under application 17/1277/FUL.

8.2.14 To protect the spacious qualities of the site and Conservation Area permitted development rights would be removed in relation to further extensions to the dwelling.

8.2.15 Overall, given the specific nature of the application site, design and scale of the development, it is considered that the demolition of the existing dwelling and replacement dwelling would preserve the character and appearance of the Conservation Area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and DM3 and Appendix 2 of the DMP LDD and the Outer Loudwater Conservation Area Appraisal.

8.3 Residential Amenity

8.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD states that:

*‘All developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings. The degree of overlooking and privacy inherent in a development will depend on density, layout, distances and angles between buildings, internal layout, positioning of windows, relative levels and, to some extent, the presence of trees, hedges or other landscape features. Reliance should not be placed in high screening fences or walls (2 metres and above) where these would form a dominant and oppressive feature.’*

8.3.2 Appendix 2 of the Development Management Policies LDD also states that, in the interests of privacy and to prevent overlooking:

*‘(c) Development should not incorporate balconies, or first floor conservatories which overlook neighbouring properties to any degree.’*

8.3.3 The proposed building would be re-sited to a central position within the site compared to the existing dwelling. The above ground elements of the proposed building would be sited a minimum of 9.5m from the shared boundary with West Side to the south which is set off the shared boundary and at a much higher land level. Given the separation distance and change in land level involved it is not considered that the new building would result in harm through loss of outlook or light. It is accepted that the replacement dwelling may be visible from the rear garden and windows of West Side through trees, but visibility of built form is not, in itself, considered harmful to residential amenity.

8.3.4 Given the significant separation distances to other neighbouring properties to the north, east and west the development is not considered to have an overbearing impact or result in loss of light to any other neighbouring dwelling.

8.3.5 Each of the gable ends would be heavily glazed and would include habitable room windows at ground and first floor level. However, the mezzanine level would include clay louvres which would restrict outlook over the neighbours to the south and amended plans have been submitted ensuring that the louvres would cover the full extent of the glazing serving the first floor level within the southern elevation. Furthermore, the land level of the application site is significantly lower than these neighbours and any views would be similar to those possible from ground floor windows. In any event, the siting of the building would not directly face either West Side or Dykewood providing only oblique views to habitable windows. Any views would also be well in excess of the 28m distance which is generally required for buildings backing onto one another as set out at Appendix 2 of the DMP LDD. The offset of the dwelling from the boundary with West Side and Dyke Cottage, land level changes and louvres would prevent the development from resulting in unacceptable actual and perceived overlooking into the gardens of these neighbouring properties.

8.3.6 The north gable end would have outlook over amenity space with deeper sections of the rear amenity space of Willow Tern beyond the Public Right of Way. While the north gable would be fully glazed and would include balconies to the upper ground floor level, due to the siting of the development and separation distances involved to neighbouring properties, it is not considered that a significant loss of privacy would occur to neighbouring dwellings. Due to the siting of the building relative to Willow Tern it is not considered that the proposed balconies would result in unacceptable overlooking of the neighbouring garden.

8.3.7 The neighbour at No.12 raised concerns that the proposed development would be overpowering and result in overlooking. The window to be inserted within the eastern elevation would serve the ground floor level and due to the set off the dwelling from the eastern boundary would not permit unacceptable overlooking into the neighbouring property. Furthermore, the proposed dwelling would be set in a sufficient distance from the boundary with No.12 as to prevent the proposal from resulting in a dominant or oppressive feature.

8.3.8 The development would therefore not result in significant harm to the residential amenities of neighbouring properties and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

8.4 Amenity Space

8.4.1 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. The proposed development would attract an indicative amenity space requirement of 147sq.m.

8.4.2 Ample useable amenity space in excessive of the required standards would be provided to serve the proposed dwelling.

8.5 Highways, Parking & Access

8.5.1 Policy CP10 of the Core Strategy sets out that development will need to demonstrate that it provides a safe and adequate means of access.

8.5.2 The scheme does not propose any changes to the access arrangements where it adjoins the A404 or along the access serving the dwelling. The proposed development would result in the demolition of the existing dwelling and it’s replacement with a single dwellinghouse. Concerns have been raised that the proposal would include ancillary accommodation. This would be provided at lower ground level. The accommodation would be ancillary to the main dwellinghouse and would not constitute a separate residential unit. The proposal would therefore not result in any material intensification of use of the site or access in comparison to the existing use.

8.5.3 Planning application 17/1277/FUL was recommended for refusal due to the intensification of vehicular movements and potential conflict with opposing traffic movements on the access and consequential delays and obstructions to traffic on Chorleywood Road. Planning application 17/1277/FUL proposed a materially different scheme resulting in a net gain of four residential units thus resulting in an intensification of use of the site. As previously advised the proposed development would result in the construction of a single replacement dwelling thus would not materially affect the intensification of traffic movements accessing the site.

8.5.4 Concerns have been raised that due to the location of the site and access arrangement that there would be restricted accessibility for larger construction vehicles. Any planning permission would include a condition requiring the submission of a construction management plan prior to the commencement of works on the site.

8.5.5 Members also raised concerns in relation to application 17/1277/FUL regarding the accessibility of the site for fire appliances. As the development would result in the construction of a replacement dwelling the proposal would not result in any greater risk in terms of fire safety and accessibility to the building to future occupants than in comparison to the existing use of the site. Furthermore, the proposed development would be required to be constructed to current Building Regulations which result in improved fire safety provisions than in comparison to the existing building.

8.5.6 Concerns have been raised that the proposed development could be converted into a House of Multiple Occupancy which would result in an intensification of use of the site and increased vehicular movements. Dwellinghouses can be converted into small HMOs under Class L of Part 3 of the General Permitted Development Order 2015. As such planning permission would not be required to convert the dwelling into a small HMO. Considering that the existing site benefits from permitted development rights in relation to changes of use it would be unreasonable to remove permitted development rights in relation to Class L of Part 3 of the General Permitted Development Order 2015 for the proposed replacement dwelling.

8.5.7 Policy CP10 of the Core Strategy also states that development should make adequate provision for all users including car and vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies LDD sets out parking standards. These standards identify the following car parking requirements:

* 4 bedroom dwelling – 3 spaces per dwelling (3 assigned spaces)

8.5.8 In excess of three parking spaces would be provided on site and sufficient space would be available to allow cars to turn within the site.

8.5.9 Subject to conditions, the development is not considered to result in demonstrable harm to highway safety and would provide adequate parking provision to serve the development in accordance with Policy DM13 and Appendix 5 of the DMP LDD.

8.6 Landscaping

8.6.1 In ensuring that all development contributes to the sustainability of the District, Policy CP12 of the Core Strategy (adopted October 2011) advises that development proposals should:

i) Ensure that development is adequately landscaped and is designed to retain, enhance or improve important existing natural features; landscaping should reflect the surrounding landscape of the area and where appropriate integrate with adjoining networks of green open spaces.

8.6.2 No comments have been received from the Landscape Officer and the Committee will be verbally updated of any comments received. However, it is noted that the siting of the building would be similar to that proposed under application 17/1277/FUL where no objections to the siting of the building were raised. As the proposed development would not result in any alterations to the access the proposed development would not have an adverse impact on any protected trees sited along the access. The tree protection plan indicates that tree protection measures as shown on the submitted plan are similar to that proposed under application 17/1277/FUL (with the exception of the passing spaces proposed under the previous application). As such, the tree protection measures would be considered to be acceptable to protect the trees along the access and within the site. Any permission would be conditioned to ensure that the works are carried out in accordance with the tree protection measures submitted. Any permission would also include the submission of a hard and soft landscaping scheme. The trees proposed to be removed within the site are the same as that proposed to be removed under application 17/1277/FUL.

8.7 Wildlife & Biodiversity

8.7.1 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.

8.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the DMP LDD. 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.

8.7.3 The application is accompanied by an Ecological Assessment and Preliminary Bat Roost Assessment which found no bats or evidence of bats within the existing house or trees. However, the existing building was assessed to support low potential for roosting bats and therefore one follow-up dusk emergence / dawn re-entry survey has been recommended. Hertfordshire Ecology has advised that sufficient information is contained within the report for the impact of the proposal on bats to be fully considered. As such, Hertfordshire Ecology recommends that any planning permission is granted subject to a condition requiring a further survey and appropriate mitigation measures to be carried out and submitted prior to commencement of development.

8.7.4 Concerns have been raised that no regard has been had in relation to impact the development would have on the movement of badgers as there are badger setts close to the site. Herts Ecology noted that although no signs of badgers were recorded from the site the adjacent habitat was considered to have potential for them and requested an informative requiring a precautionary approach.

8.7.5 In addition, Hertfordshire Ecology recommends a number of informatives are added to any permission regarding the carrying out of construction works.

8.8 Infrastructure Contributions

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

8.9 Sustainability

8.9.1 Policy DM4 of the DMP 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 is accompanied by an Energy Statement which identifies that the development will achieve a minimum of 25% reduction in the CO2 emissions over Building Regulations 2013 through the installation of an Photovoltaic Panels, Air Source Heat Pump and fabric improvements. The development would therefore satisfy the requirements of Policy DM4.

8.10 Refuse & Recycling

8.10.1 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.

8.10.2 The refuse collection provisions serving the site would be unaffected by the proposed development.

8.11 Other

8.11.1 The proposed development would not encroach upon the adjacent public footpath however any permission would include an informative requiring the footpath to be maintained if required.

**9. Recommendation**

9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: AMB1-STUGIV-XXX-03-P-A-001 Rev P01, AMB1-STUGIV-XXX-03-P-A-002 Rev P01, AMB1-STUGIV-XXX-03-P-A-003 Rev P01, AMB1-STUGIV-XXX-00-P-A-009 Rev P01, AMB1-STUGIV-XXX-P-A-010 Rev P01, AMB1-STUGIV-XXX-02-P-A-011 Rev P01, AMB1-STUGIV-XXX-03-P-A-012 Rev P01, AMB1-STUGIV-XXX-ZZ-E-A-013 Rev P01, AMB1-STUGIV-XXX-ZZ-E-A-014 Rev P 01, AMB1-STUGIV-XXX-ZZ-E-A-015 Rev P01, AMB1-STUGIV-XXX-00-P-A-020 Rev P01, AMB1-STUGIV-XXX-01-P-A-021 Rev P01, AMB1-STUGIV-XXX-02-P-A-022 Rev P01, AMB1-STUGIV-XXX-03-P-A-023 Rev P01, AMB1-STUGIV-XXX-ZZ-E-A-024 Rev P02, AMB1-STUGIV-XXX-ZZ-E-A-025 Rev P02, AMB1-STUGIV-XXX-ZZ-E-A-026 Rev P02, AMB1-STUGIV-XXX-ZZ-E-A-027 Rev P02.

Reason: For the avoidance of doubt, in the proper interests of planning and to protect the character of the Conservation Area in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Outer Loudwater Conservation Area Appraisal (approved March 2007).

C3 Prior to the commencement of the development, one dusk emergence / dawn re-entry survey should be undertaken during May - August (inclusive) to determine with confidence whether bats are roosting and, should this be the case, the outline bat mitigation strategy should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: This condition is a pre commencement condition to ensure to ensure that any protected species are safeguarded 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).

C4 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 shall be submitted in the form of a Construction Management Plan or Statement and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre commencement condition to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

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

All hard and soft 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 maintained, including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased for a period of five years from the date the approved scheme was completed. Replacements should be planted during the next planting season with others of a similar size or species.

Reason: This 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).

C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C7 Prior to the first occupation of the development hereby permitted the proposed access arrangements, on-site car parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety 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).

C8 Prior to 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 Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C9 Immediately following the implementation of this permission, 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 development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C10 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 elevations or roof slopes of the extension/development 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).

C11 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the Arboricultural Assessment and Tree Protection Method Statement and Tree Protection Plan BGC1/AMBLDWNSINGLE/TPP Rev A prepared by Brian Crane and Associates.

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).

C12 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C13 No external lighting shall be installed on the site or affixed to any buildings on the site.

Reason: In the interests of visual amenity and biodiversity 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).

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 £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

Community Infrastructure Levy (CIL) - 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. 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 applicant is advised that a Public Right of Way runs adjacent to the application site. This Right of Way must be protected to a minimum width of 2m and its current surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

I4 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.

I5 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.

I6 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available via the website: https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.

I7 Existing trees (including their roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required.

I8 The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have fledged.

I9 Any tree proposed for removal should be replaced with a native tree species (known to thrive in the area) in suitable locations within the application site.

I10 New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

I11 Trenches should be provided with a means of escape for any animals (notably badgers) that may have become trapped. This is particularly important if the trench fills with water.

I12 Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.