**PLANNING COMMITTEE – 22 FEBRUARY 2018**

**PART I - DELEGATED**

**5. 17/1626/FUL - Demolition of no. 24 Wyatts Road and erection of 5no. two storey dwellings on land to include rear gardens of even nos. 20 - 28 Wyatts Road with associated access and landscaping alterations at 24 WYATTS ROAD AND LAND TO THE REAR OF 20, 22, 26 AND 28, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5TE, for The Land Development Company**

◼(DCES)

|  |  |
| --- | --- |
| Parish: Chorleywood  | Ward: Chorleywood North & Sarratt |
| Expiry Statutory Period: 24.11.17  | Officer: Claire Westwood |
|  |  |
| Recommendation: That Members delegate to the Director of Community and Environmental Services (DCES) to write to the Secretary of State (SOS) to confirm that in the absence of an appeal against non determination, planning permission would have been granted subject to conditions. |
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| Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee and by Chorleywood Parish Council. **Background**The application originally proposed the demolition of No. 24 Wyatts Road and erection of 6 two-storey dwellings. Discussions have been on-going during the application in order to address concerns raised including in relation to the impact on protected trees and as such amended plans proposing 5 dwellings were submitted. Neighbours and consultees were re-notified for 21 days in relation to the amended plans.Having accepted amended plans and re-notified neighbours, the Local Planning Authority (LPA) received notification of an appeal having been lodged against the non-determination of the planning application (17/1626/FUL).  This means that jurisdiction has passed to the Secretary of State (SOS) and a decision notice cannot now be issued by the LPA.  Officers have discussed the matter with the Council’s Planning Solicitor who has advised that whilst Members cannot formally determine the planning application, it would be appropriate for Members to discuss the application and consider what they would have been minded to resolve had an appeal not been lodged.  Whilst no formal decision notice would be recorded the discussion would be minuted and sent to the SOS.  Members of the public/Parish or Ward Councillors would still be given the opportunity to speak.Having reviewed the application officers consider that they would be minded to approve planning permission subject to conditions had an appeal not been lodged. |

1. **Relevant Planning History**

 *24 And Land Rear of 20 And 22 Wyatts Road*

1.1 01/00659/FUL - Demolition of existing house and erection of four dwellings. Refused 16.08.01 for the following reasons:

 *R1 The proposal represents an unsatisfactory form of backland development on existing garden land, detrimental to the amenities of residents, involving the removal of large amounts of vegetation and future pressures on trees, including trees the subject of a Tree Preservation Order, detrimental to the sylvan characteristics of the site and surrounding area contrary to policies H14 and N15 of the Three Rivers Local Plan 1996-2011.*

 *R2 The M25 motorway, which is a source of significant traffic noise and pollution, lies immediately adjacent to the site. In the absence of a detailed noise and pollution assessment of the site, from the applicant, the local planning authority cannot be satisfied that the proposed residential development would be unaffected by traffic noise and/or pollution and accordingly the development would be contrary to policy N14 of the Three Rivers Local Plan 1996-2011 and PPG23.*

 The subsequent appeal was dismissed 25.06.02.

 Summary of appeal decision: The development would have a harmful effect on the character of the area resulting from the significant loss of trees, and the unsatisfactory living conditions for the occupants of the new dwellings resulting from motorway noise.

 *24 And Land Rear of 22, 26 And 28 Wyatts Road*

1.2 17/0395/PREAPP - Pre-Application: Demolition of no. 24 Wyatts Road and erection of 6no. two storey dwellings on land to include rear gardens of even nos. 22 - 28 Wyatts Road. Closed.

2. **Site Description**

2.1 The application site includes the existing dwelling and plot of No. 24 Wyatts Road and land to the rear of adjacent properties at No’s. 20, 22, 26 and 28 Wyatts Road.

2.2 The site has a frontage width of approximately 15 metres for a depth of approximately 60 metres before the width increases to the rear of the site with a maximum width of approximately 105 metres adjacent to the boundary with the M25 motorway to the rear. The site has an area of approximately 0.62 hectares.

2.3 The site slopes gently towards the south-east where it borders an approximately 4 metre wide buffer with the M25 motorway which is in a shallow cutting at this point. There is extensive tree cover, including protected trees, over the site and particularly along the rear boundary.

2.4 The northern boundary adjoins the flank boundary of No. 30 Wyatts Road. The southern boundary adjoins the rear gardens of properties in Wyatts Close.

2.5 Wyatts Road comprises a mixture of mostly detached post war dwellings on fairly generous plots, with some modern infill properties. Plot depths vary but the longest rear gardens include those that make up the application site. No. 24 has a plot depth of approximately 130 metres.

3. **Description of Proposed Development**

3.1 Planning permission is sought for the demolition of No. 24 Wyatts Road and erection of 5no. two storey dwellings on land to the rear including the rear gardens of No’s. 20, 22, 24, 26 and 28, with associated access and landscaping alterations.

3.2 Vehicular access is proposed from Wyatts Road following the demolition of the existing dwelling at No. 24. The access would extend to the rear of the site with a turning head proposed. The access road would have a width of approximately 4.8 metres with a 2 metre wide footway along its southern side.

3.3 The dwellings would be sited to front the access road, with 4 dwellings to the south and 1 to the north. Plot 1 would be sited to the rear of No’s. 20 and 22 with its western flank elevation facing towards the rear boundary of these existing dwellings. Plots 2, 3 and 4 would be sited to the east of Plot 1 with Plot 4 closest to the M25 boundary. Plot 5 would be sited to the rear of No’s. 26 and 28 Wyatts Road with its flank elevation facing towards the rear boundary of these existing dwellings. A detached double garage is proposed to the eastern flank of the dwelling on Plot 5.

3.4 Dwelling 1 would be sited approximately 4 metres from the rear boundary of No. 22. 2.5 metres spacing would be provided between the flank elevations of Dwellings 1 and 2 and 3 and 4. 3 metres spacing would be provided between the flanks of Dwellings 2 and 3. Dwelling 5 would be sited approximately 5.5 metres from the boundary of No. 26.

3.5 Three dwelling types are proposed, types A – C. Each dwelling would benefit from a driveway providing off-street parking in addition to a garage. Each would have a private rear amenity space. Details are summarised in the table below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Plot** | **Dwelling Type** | **Garage** | **Bedrooms** | **Max Height** | **Max Depth** | **Max Width** |
| 1 | B | Single  | 4 | 9.1m | 11m | 12.5m (ground)9.3m (first) |
| 2 | A | Single  | 4 | 9.1m | 11m | 12.5m (ground)9.3m (first) |
| 3 | B | Single  | 4 | 9.1m | 11m | 12.5m (ground)9.3m (first) |
| 4 | A | Single  | 4 | 9.1m | 11m | 12.5m (ground)9.3m (first) |
| 5 | C | Detached  | 5 | 8m | 10.5 | 11m |

3.6 Amended plans were submitted during the course of the application to reduce the number of dwellings from 6 to 5. Updated landscaping and tree protection details were also provided.

3.7 The application is accompanied by:

* Design and Access Statement
* Biodiversity Checklist
* Bat Survey
* Energy Statement
* Noise Report
* Landscaping Proposals
* Arboricultural Method Statement and Tree Protection details

4. **Consultation**

4.1. **Statutory** **Consultation**

4.1.1 Chorleywood Parish Council – [Objection]

4.1.1(a) Comments on initial plans:

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

*\* The impact on the street scene*

*\* Overdevelopment of the area*

*\* Back land development*

*\* Loss of trees*

*\* Lack of amenity space for new developments*

*\* Concern with the extra traffic*

*\* Bio diversity*

*\* Concern with the noise from the M25 - if removal of the trees is approved.*

*Contrary to Policies CP12 of the Core Strategy) adopted October 2011)*

 *Contrary DM1 a) I) ii) iii) iv) v) and DM6 of the Local Development Document (Adopted July 2013)*

4.1.1(b) Comments on amended plans:

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

\*The impact on the street scene although there is a reduction from 6 properties to 5.*

 *\*Overdevelopment of the area*

 *\*Back land development*

 *\*Loss of trees*

 *\*Lack of amenity space*

 *\*Concern with the extra traffic*

 *\*Bio diversity*

 *\*Concern with the noise from the M25 - if removal of the trees is approved.
Contrary to Policies CP12 of the Core Strategy (adopted October 2011).
Contrary to Policy DM1 a) I) ii) iii) iv) v) and DM6 of the Local Development Document (adopted July 2013)*

4.1.2 National Grid – No comments received.

4.1.3 Landscape Officer – [Initial objection overcome following receipt of amended plans, no objection subject to conditions]

4.1.3(a) Comments on initial plans:

*The application site comprises the curtilage of 24 Wyatts Road and part of the rear gardens of Nos. 20, 22, 26 and 28 Wyatts Road. A large number of trees within the application site are protected by the Three Rivers (Wyatts Road No.2) Tree Preservation Order 1999 (TPO409). This application is supported by an Arboricultural Method Statement document prepared by Arbtech. This document includes a tree survey and Arboricultural impact assessment which have been prepared in accordance with BS:5837-2012 ‘Trees in relation to design, demolition and construction – recommendations’.*

*The BS:5837 document only includes one plan with a large amount of information presented together. It would have been preferable to have one plan showing just the tree removals due to the large number which are proposed to be removed to facilitate the six new dwellings. The proposal is to remove almost all of the trees and hedges from the gardens of 20 and 22 Wyatts Road, most of the trees from the garden of 26 Wyatts Road and almost all of the trees and hedges from No.24 Wyatts Road. Trees are shown to be retained along the eastern boundary adjacent with the M25 and the N.E. boundary of the application site.*

*A tree survey of a development site is supposed to aid the design of any proposed development. Trees are graded during the survey and it is usual to expect trees which are graded as ‘B’ and above to be retained. Section 5.28 of the submitted Design and Access Statement states that ‘The layout of the proposed development has been carefully considered so as to retain as many trees as possible’. This does not seem to be reflected in the submitted plans which require the removal of 21 individual trees, most of which are graded ‘B’ on the survey. The proposal also requires the removal of 5 Groups of trees and 5 Hedgerows, which are also mostly graded as ‘B’. Of these ‘Groups’ and ‘Hedgerows’ over half of them are between 12m-15m high.*

*The proposal will lead to an unacceptable loss of trees, many of which are protected by TPO409. The trees are a valuable visual amenity and collectively contribute to mitigating the impact of the M25 on neighbouring properties. The proposal is supported by a Landscaping Scheme which proposes the use of mostly native trees and hedging for the boundary and access drive planting. This sort of scheme would be welcomed but would in no way compensate for the loss of trees and established hedges which this proposal requires.*

 *Recommend Refusal.*

*Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Saved Policies N15, N16, and D6 of the Three Rivers Local Plan 1996 – 2011 and Policies CP1 and CP12 of the Core Strategy (Adopted October 2011).*

 Further comments following receipt of additional information:

*Further to my comments of 29 August further correspondence has been received from Jon Hartley of Arbtech Consulting Ltd.*

*The document discusses the public visibility of the trees within the site which are protected by TPO409 when viewed from Wyatts Road. One of the trees protected by TPO409 is partially visible from Wyatts Road and the condition of this tree a Leyland Cypress (T22 TPO409, T40 Arbtech Survey) is discussed at length. The union between the co-dominant stems is identified as a potential failure point. I agree with this observation and it is clear from the photograph included in the report. However, it should be noted that the Arbtech Tree Survey submitted in support of 17/1626/FUL identified this tree as being in good physical condition and with a single stem which was in good structural condition. No photographs were submitted with the Tree Survey and Arboricultural Method Statement.*

*Although protected by TPO409 this Leyland Cypress is the least significant of the protected trees which are proposed to be removed. Of more significance are a mature Beech tree (T21, TPO409) and a semi mature Oak tree (T2, TPO409).*

*The correspondence discusses the validity of TPOs on trees which have little or no public visibility. There is provision within the system of Tree Preservation Orders to protect trees in the interests of future public amenity if the trees are within proposed development sites. TPO409 was made in response to a previous planning application for a development of part of the rear gardens of a number of properties on Wyatts Road.*

*The proposal still represents an unacceptable loss of established trees, some of which are protected by TPO409 and I am unable to support this application.*

*Recommend Refusal:*

*Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with 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).*

4.1.3(b) Comments on amended plans:

*Further to my comments of 29 August and 15 November 2017 a revised scheme and supporting documents were submitted on 22 January 2018.*

*Changes have been made to the proposed scheme which reduces the number of units from 6 to 5. The removal of one of the units has allowed the repositioning of two further units and the retention of two protected trees within this revised layout. The two trees, an Oak (T2, TPO409) and Beech (T21, TPO409) are two of the most valuable trees within the site and are protected by the Three Rivers (Wyatts Road No.2, Chorleywood) Tree Preservation Order 1999 (TPO409).*

*This application is supported by a revised Arboricultural Method Statement prepared by Arbtech dated 22 January 2018. This is accompanied by a revised tree protection plan TPP01 RevD. The Arbtech documents provide acceptable method statements for tree protection using a combination of fencing and three dimensional cellular confinement systems for surfacing within the root protection areas of retained trees within and adjacent to the site. There is no detail included regarding the location and installation of new service routes which will pass through the root protection area of some of the trees within the site. These details would need to be secured with further method statements via conditions if planning permission is granted.*

*This application is also supported by a revised Landscape General Arrangement plan ref P608 RevC. This plan is broadly acceptable with regard to the use of native species and the proposed planting sizes of the trees and hedging. It contains an error within the specification for the heavy standard native tree planting along the acoustic barrier, by including Quercus rubra. This will need to be changed to the native Quercus robur. The north American Red Oak (Quercus rubra) is proposed as a new feature tree at the western end of the new access road. This is proposed to be planted at extra heavy standard size with a height of 8m. Given the large amount of native species included in the planting scheme the inclusion of an exotic species as a feature of the turning head is acceptable. The future management scheme and responsibilities for the new and retained landscaping within the site will also need to be clarified through conditions if planning permission is granted.*

 *Recommend consent subject to the following conditions:*

 *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 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 for 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, unless the Local Planning Authority gives written consent to any variation.*

*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 – Details*

*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*

 *Tree protection scheme- Details*

*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 Method Statement prepared by Arbtech dated 22 January 2018 and tree protection plan TPP01 RevD.*

*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, without the written consent of the Local Planning Authority. 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).*

 *Method statement- Details*

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

*The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.*

*Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

4.1.4 Highways England – [No objection]

4.1.4(a) Initial comments:

*Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN).  The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.*

*Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the M25.*

*Having looked at the application and supporting documents I see that there are numerous arboriculture and landscape papers and the design and access statement says there is an approximate 4m buffer to the M25.  However, having looked at all of this information it is not clear whether there will be any effect on the vegetation on the motorway embankment, where there are large trees that may overhang the development site.  I note, also, the proposal to install an acoustic fence around the site towards the motorway.  I cannot see from the submitted documents reference to the method of construction for the fence and whether there will be working on the motorway side of the development.  For these reasons I have asked our service providers, Connect Plus Services, to make a site visit to the area and judge the distance requirements for access for maintenance of the embankment against the 4m buffer area quoted in the application documents.  If the applicants can assist with more detailed information to assist I would be very grateful.  For this reason I we cannot give you a formal response on the application until we have clarity regarding this matter.*

*Accordingly we formally request that your authority refrains from determining this application, (other than a refusal) until such time as we have received and considered any further information the applicants can supply or until we have an outcome from the site visit. Once we are able to adequately assess the above and its potential impact on the Strategic Road Network, and this has been agreed, if needed, with the developer, we will provide you with our final formal response.*

*If, in the meantime, your authority wishes to determine the application, please let us know and we will provide you with a formal response based on the information available at that time.*

Further comments:

*Highways England offers no objection.*

4.1.5 Hertfordshire Highways – [No objection subject to conditions]

4.1.5(a) Comments on initial plans:

 *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:*

*Condition 1:*

*Prior to the commencement of the site works the applicant shall submit a construction management plan setting out details of on-site parking for all contractors, sub-contractors, visitors and delivery vehicles, storage of materials to be approved in writing by the Local Planning Authority in consultation with the Highway Authority and that area shall be maintained available for use at all times during the period of site works.*

*Reason: To minimise danger, obstruction and inconvenience to users of the highway.*

*Condition 2:*

*Before commencement of the approved development, detailed plans of the proposed access road including the new junction with Wyatts Road with appropriate visibility splays shall be submitted first to the Planning/highway authority and shall be completed in accordance with the approved drawing.*

*Reason: To ensure that the proposed access is designed and constructed to the current Highway Authority’s specification as required by the Local Planning Authority and to comply with those policies of the development plan.*

*Condition 3: Before being brought in to use the new parking areas hereby approved shall be surfaced in durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.*

*Reason: To avoid the carriage of extraneous material surface water from the site into the highway so as to safeguard the interest of highway safety.*

*Note: The applicant must be aware that the new access road serving the development from proposed Wyatts Road junction will not be adopted by the highway authority. The developer should make appropriate arrangements for long term maintenance of this private road. The developer should follow the instruction on AN1 in informative for construction of the new access junction. This may require a S278 legal agreement.*

*Informative: I recommend inclusion of the following advisory note to ensure that any works within the highway are to be carried out in accordance with the provisions of the highway Act 1980.*

*New or amended crossover - construction standards*

*AN1) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, 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, requirements and for the work to be carried out on the applicants behalf. Further information is available via the website*

*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-yourroad/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.*

*Storage of materials*

*AN2) 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/business-anddeveloper-information/business-licences/business-licences.aspxor by telephoning 0300 1234047.*

*Obstruction of the highway*

*AN3) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website*

[*https://www.hertfordshire.gov.uk/services/highways-roads-and-*](https://www.hertfordshire.gov.uk/services/highways-roads-and-)*pavements/business-anddeveloper-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.*

*Mud on highway*

*AN4) 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-andpavements.aspx or by telephoning 0300 1234047.*

*Planning Application:*

*The planning application is to demolish the existing dwelling at 24 Wyatts Road and erection of 6 number of 4 bed dwellings to include rears of 20,22,26 and 28 Wyatts Road with associated access and parking.*

 *Site and surrounding:*

*The site is located south west side of Wyatts Road. The site comprises the whole land of 24 and the rear gardens of 20,22,26 and 28 Wyatts Road. The site is in a residential neighbourhood and all properties along Wyatts Road and the surrounding area mostly expensive detached properties with large gardens. This is a typical back land development which is likely raise concerns and objections from local residents. The highway authority’s comments are purely on highway related matters.*

*Local Road Network:*

*Access to the site is off a new private road from Wyatts Road. Wyatts Road is an unclassified local access road some 450m in length linking A404 Rickmansworth Road and Chess Way. A404 Rickmansworth Road is a main distributor road, a key part of the local road network, on one direction providing access to Rickmansworth Town Centre and on the other a few meters away is the M25 interchange. Wyatts Road width varies from 6.0m to 6.7m with 2.5m foot path/grass verge adjacent to the application site and similar 3.4m footpath/grass verge on the opposite. The road is with street lighting and no on- street parking restrictions except at the junctions with A404.*

*Accessibility:*

*Although the site is within residential neighbourhood of large detached properties it is not in sustainable location for daily facilities. The site is located closer to the bus route along A404 and the bus stops are within walking distance. The nearest Railway Station is Rickmansworth station which is about 2 Km + from the site and also the Rickmansworth Town Centre which provides all daily facilities.*

 *Vehicular Access and parking:*

*The proposal is to demolish 24 Wyatts Road and use the space to construct a new access road to the development. The length of the access road is about 110m. The proposed width of the road is 4.8m. This is a standard width considered for a car and lorry to pass one another with 0.5m tolerance. The 4.8m width is historical and the developer could consider increasing the width to 5.5m, suitable for range rovers and 4 wheel drives. The access road is to remain private and the increase in width is not a highway authority requirement. The proposed number of dwellings is 6 and each dwelling is to provide with 3 car parking spaces. It means a single dwelling (24 Wyatts Road) may be with 3 car parking spaces and the increase is to 18 car parking spaces. This is in traffic terms an intensification of use of the site.*

 *Capacity and Safety:*

*There are no capacity or safety issues associated with the local road network and the intensification is unlikely cause any capacity or safety issues The peak hour additional trips from the proposed development is unlikely have any meaningful impact on Wyatts Road or Rickmansworth Road. I have investigated the accident details. The 5 year Personal Injury Accidents details from 1st February 2012 to 31 January 2017 show there were 2 slight injury accidents. One is at Wyatts Road/Rickmansworth Road junction involving a car and cyclist and the other in front of White Horse Public House involving a car and a Motor cyclist. Both accidents took place in year 2012. The above shows that the local road network has a good safety record.*

 *Amenity: Creating a new access road between two existing properties 22 and 26 causes concern as in any back land developments. The intensification of use of access will have an impact in night times on the adjoining properties 22 and 26 , and on the properties in front of the new junction by means of turning cars head lights (turning in/out of site) dazzling in their front rooms. This is not a matter of highway capacity or safety issue for the highway authority to raise a formal objection.*

*Refuse Collection: Highway Authority is also concerned over the length of the driveway in relation to refuse collection. The internal layout is suitable for refuse vehicles to enter and leave the site in forward gear. LPA is the local refuse collection authority and the Highway Authority recommends LPA to consult the refuse team.*

*Conclusion:*

*The Highway Authority does not wish to restrict the grant of consent subject to the above conditions and advisory notes.*

4.1.5(b) Comments on amended plans:

*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:*

*This is an amended application. The proposal is to reduce the number units from 6 to 5. The proposed access arrangements as approved are not altered. The reduction from six to 5 residential units is a small benefit when compared to the previous application. The Highway Authority recommends the same response for this application.*

4.1.6 Hertfordshire Ecology – [No objection]

4.1.6(a) Initial comments:

*Thank you for consulting Hertfordshire Ecology on the above application, for which I have the following comments:*

*1. There is no data on the HERC database for this application site area, which consists entirely of gardens.*

*2. It is clear from aerial photos and the tree plan that there are numerous trees and shrubs on the site, many of which will need to be removed to accommodate the development (23 trees and 10 groups, according to drawing Arbtech AIA 01). These are a mix of coniferous and deciduous trees as well as several fruit trees, typical of an urban garden environment.*

 *3. In themselves they are of relatively low intrinsic nature conservation value, but clearly provide a locally valuable ecological resource within the urban environment, which will be considerably degraded by the proposals. However I consider it would be difficult to sustain an objection to their loss on ecological grounds alone – not all trees around the boundaries are to be removed and landscaping does seek to reduce this impact.*

 *4. The proposals will also require the demolition of 24 Wyatts Rd. Given the location of the property within a well-treed environment, there is a reasonable potential that the roof areas of this property could be used by bats. Similarly some of the trees to be removed may also have features of potential use by bats. No bat assessment has been provided with the application and so the LPA currently has insufficient information to determine the application. It does not know whether bats are present nor what compensation would be provided if a roost is to be lost. It should have this information to enable any determination to properly consider this issue in order to satisfy the Habitat Regulations if necessary – and this cannot be provided by Condition.*

 *5. Consequently a Preliminary Roost Assessment is required to ensure bats are taken properly into account. This should provide further recommendations as necessary. Without this, or if the proposal is not withdrawn, the LPA should refuse the application.*

 *6. If the LPA is ultimately minded to approve the application, on-site landscaping cannot compensate for the loss of trees on this site given the lack of space. I advise that compensation offsite to enhance existing habitat resources elsewhere should be provided. This could be a payment to enhance orchard management of the Community orchard in Chorleywood House Grounds or provide similar habitat benefits. Such ‘Biodiversity Offsetting’ would be consistent with the aims of NPPF in seeking to secure ecological enhancements as a result of development.*

 *7. A PRA can be undertaken at any time of year and I attach a list of consultants who may be of assistance with this.*

4.1.6(b) Further comments following consideration of PRA submitted with application:

*Thank you for the bat PRA report for the above property which I have reviewed. Whilst there is some historic evidence (pre 2015) of limited bat use, it is considered that the property does not support an active roost. The past evidence of droppings is beneath more recent insulation on top of which no recent evidence is present. The building is considered to be well sealed with no gaps within the roofing materials. It is considered to be of negligible potential. No further surveys are recommended.*

*I have no reason to question the survey or its conclusions which I consider to be reasonable and justified. Consequently there is no reasonable reason to consider that bats or their roosts will be affected by the proposals to demolish the building. On this basis I can advise that TRDC may proceed with determination having taken sufficient account of bats.*

*In the event that bats or evidence for them is found during the course of any works, these should stop and appropriate advice sought from an ecologist. The LPA may attach this advice as part of an Informative to any permission.*

*There is some bat potential which should be considered in the event that one of the poplar trees is to be felled, and this should be checked for bats as necessary if it is to be removed. Enhancements for wildlife in the form of bat and bird boxes have been recommended and I support this approach if there is sufficient room for ten boxes as suggested. Perhaps this should be reduced to 2 bat boxes and 3 bird boxes.*

*The need to consider bats if the tree is to be removed, as well as the enhancements, should be included as an Informative attached to any permission. Unless the trees are protected or in a Conservation Area, tree felling itself would not require planning permission.*

*I trust these comments are of assistance and will enable the LPA to proceed with determination.*

4.1.7 Herts & Middlesex Wildlife Trust – No comments received.

4.1.8 Thames Water – No comments received.

4.1.9 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 Chorleywood Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.*

 *The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.*

 *For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".*

4.1.10 Environmental Health Officer – [No objection subject to condition]

 *I have reviewed the details on this application as well as the previous appeal decision.*

 *Looking at the noise assessment they have addressed the concerns for the noise levels in the proposed dwellings assuming that the recommendations are followed for the window design. They have also detailed a design for an acoustic barrier between the proposed site and the M25 which should address some of the concerns with regard to the rear gardens along with considerate layout of the dwellings which appears to be taken into account as the gardens do not face the motorway.*

 *I would have no objections so long as the barrier is built as per the information contained within the report and the correct window design including ventilation is used.*

4.1.11 Environmental Protection – No comments received.

4.1.12 Hertfordshire Property Services – [No objection]

4.1.12(a) Comments on initial plans:

 *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*](http://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.*

4.1.2(b) Comments on amended plans:

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

4.2 **Public Consultation**

4.2.1 Number consulted: 22

4.2.2 No responses received: 12 (initial consultation) 3 (amended plans)

4.2.3 Site Notice: Expired 01.09.17 Press notice: N/A

4.2.4 **Summary of Responses**

 *Initial Consultation*

 Backland development; Gardens should be protected; Contrary to policy; Previous application was refused and dismissed on appeal; Out of character; Change the character of the street; Overdevelopment; Impact on Conservation Area.

 Too close to boundary; Loss of residential amenity; Loss of privacy/overlooking; Increase in noise from new dwellings impacting existing neighbours; Impact of headlights on existing dwellings; Impact of loss of trees on existing residents, including increased noise and light spillage from M25; Proximity of M25 which is wider than at time of previous application; Noise, light and air pollution.

Excessive levels of traffic; Highways safety concerns including access for emergency vehicles; Additional parking pressures; Impact of construction traffic.

 Impact on wildlife; Impact on trees, including protected trees/loss of trees.

Impact on infrastructure including drains; Impact on public water supply; Concern regarding impact on schools, doctors etc.

 Impact on property value.

 *Consultation on Amended Plans*

 Initial objections remain.

 Overdevelopment; Loss of light; Loss of privacy; Increase in noise.

 Increase in traffic and cars.

 Impact on wildlife; Adverse effect on trees.

 Loss of property value.

5. **Reason for Delay**

5.1 On-going discussions.

6. **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework (NPPF)

6.1.1 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.

6.2 The Three Rivers Local Plan Core Strategy:

6.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

6.3 Development Management Policies LDD:

6.3.1 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, DM8, DM9, DM10, DM11 and DM13 and Appendices 2, 4 and 5.

6.4 The Site Allocations LDD:

6.4.1 The Site Allocations LDD (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1

6.5 Other

6.5.1 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.

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

7. **Planning Analysis**

7.1 Introduction

7.1.1 Planning application 01/00659/FUL was refused in 2001 for the demolition of the existing dwelling (No. 24) and erection of 4 dwellings. The reasons for refusal are set out in full at section 1.1 above. The subsequent appeal was dismissed as the Inspector considered that the development would have a harmful effect on the character of the area resulting from the significant loss of trees, and the unsatisfactory living conditions for the occupants of the new dwellings resulting from motorway noise.

7.1.2 The planning history (including the appeal decision) is a material consideration and is discussed in more detail in the analysis below. However, it is relevant to note that the extent of the ‘application site’ varies in that it now includes land to the rear of No’s. 26 and 28 Wyatts Road (previously only No. 24 and land to the rear of No’s. 20 and 22).

7.2 Principle of Development

7.2.1 The site has not been allocated as a housing site by the Site Allocations Local Development Document (SALDD) (adopted November 2014) and as such is not currently identified as part of the District's housing supply. Therefore, the site should be considered as a windfall site. The site is currently being used as a residential dwelling and private garden land. Whilst the part of the site occupied by the footprint of the existing building is previously developed land, the remainder of the site would not be classified as previously developed land.

7.2.2 Policy CP2 of the Core Strategy (adopted October 2011) stipulates that in assessing applications for development not identified as part of the District's housing supply, including windfall sites, applications will be considered on a case by case basis having regard to:

 i. The location of the proposed development, taking into account the Spatial Strategy

 ii. The sustainability of the development and its contribution to meeting local housing needs

 iii. Infrastructure requirements and the impact on the delivery of allocated housing sites

 iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.2.3 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

7.2.4 The Spatial Strategy identifies Chorleywood as a Key Centre. Development within Key Centres will predominantly be on sites within the urban area. It is noted that only a small part of the site would be previously developed land, however, the site is within an urban area and the Inspector in relation to the previous appeal concluded that the site ‘adequately met the tests for sustainable development’.

7.2.5 Therefore it is considered that residential development of the site may not be objected to with regard to Policy CP2 of the Core Strategy (adopted October 2011), subject to compliance with all other relevant policies and guidance.

7.3 Housing Mix & Affordable Housing

7.3.1 Policies CP1 and CP3 of the Core Strategy (adopted October 2011) require new development to contribute a range of house types and sizes to reflect needs. Core Strategy Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

7.3.2 Policy CP3 of the Core Strategy (adopted October 2011) also sets out proportions that should form the basis for the housing mix of development and indicates that proposals should broadly be for 30% 1-bedroom units, 35% 2-bedroom units, 34% 3-bedroom units and 1% 4-bedroom units. However, the most recent SHMA, published in January 2016 identified the indicative targets for market sector dwelling size within Three Rivers District as:

 1 bedroom 7.7% of dwellings

 2 bedrooms 27.8% of dwellings

 3 bedrooms 41.5% of dwellings

 4+ bedrooms 23.0% of dwellings

7.3.3 The development would provide 100% 4 plus bedroom units. Whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3.4 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document.

7.3.5 However, an appeal decision overturning the previous High Court judgement giving legal effect to the policy set out in the Written Ministerial Statement (WMS) 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 1,000sqm. As a result, the change in national policy means that the Council did not (at the time of validation) seek contributions for affordable housing as part of applications proposing 10 dwellings or fewer that have a maximum floor space of 1,000sqm.

7.3.6 Having regard to the WMS as a material consideration of significant weight, officers' view is that the local evidence of affordable housing need deserves even more significant weight in deciding whether the WMS should justify departure from Core Strategy Policy CP4. Having undertaken this assessment, officers are of the view that the WMS does not outweigh the weight to be attached to the local evidence of affordable housing need. As such proposals for the residential development of Small Sites (10 dwellings or less which have a maximum combined gross floor space of 1000sqm) will (where validated after 4 September 2017) be expected to contribute towards the provision of affordable housing in accordance with Policy CP4 as a condition of grant. The Council will keep this evidence under review.

7.3.7 The current application would result in a gain of four dwellings on the site, however, the application was validated prior to 4 September 2017 as such Core Strategy Policy CP4 and a Section 106 requirement would not be applicable to this application.

7.4 Character, Appearance & Street Scene

7.4.1 Policy CP3 of the Core Strategy (adopted October 2011) stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 of the Core Strategy (adopted October 2011) states that development should, '…have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.'

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

7.4.3 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of new residential development which are inappropriate for the area. Policy DM1 states that:

 'Development will only be supported where it can be demonstrated that the proposal will not result in:

 i. Tandem development

 ii. Servicing by an awkward access drive which cannot easily be used by service vehicles

 iii. The generation of excessive levels of traffic

 iv. Loss of residential amenity

 v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)'

7.4.4 The Design Criteria at Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new 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. Development at first floor level and above should be set in from flank boundaries by a minimum of 1.2m and this distance may be increased in low density areas or where development would have an adverse effect on an adjoining property.

7.4.5 Planning application 01/00659/FUL was refused, including for the following reason;

*The proposal represents an unsatisfactory form of backland development on existing garden land, detrimental to the amenities of residents, involving the removal of large amounts of vegetation and future pressures on trees, including trees the subject of a Tree Preservation Order, detrimental to the sylvan characteristics of the site and surrounding area contrary to policies H14 and N15 of the Three Rivers Local Plan 1996-2011.*

7.4.6 Whilst the appeal was dismissed on character grounds, these related specifically to the significant loss of trees and resultant impact on the character of the area (the impact on trees is discussed in section 7.5 below). The Inspector did not object to the principle of the backland development in this location:

 *“The proposed development would result in a more informal grouping of dwellings than is seen in these existing roads, but in my view this form of development would not detract from the general character of the area”.*

 *“Subject to considerations of preservation of the sylvan character of the site, discussed below, I consider that the general form, layout and density of development proposed are appropriate for this site and locality”.*

7.4.7 The area is characterised by detached dwellings of varying styles and design but of generally traditional form and materials. Three dwelling types are proposed, providing some variation whilst respecting the traditional form of neighbouring dwellings. The layout plan illustrates that they would be of comparable scale to existing dwellings, with in excess of 1.2 metres provided between each dwelling and its flank boundary to ensure an appropriate sense of spacing is maintained. The application form indicates brick and tile construction; however, a condition on any grant of consent would require the submission of materials for approval. The siting to the rear is such that the development would not be prominent from Wyatts Road.

7.4.8 With specific reference to Policy DM1, the proposed dwellings would result in a flank to rear relationship with existing dwellings and as such would not result in a traditional tandem development. The development is a backland development in that it sited to the rear of existing dwellings, however, the development of backland is not inherently unacceptable in principle. Highways considerations are discussed below; however, the Highways Authority has raised no objection to the proposed access. It is not considered that the intensification of use is likely to cause any highway capacity or safety issues. Residential amenity is discussed at 7.6 below. In relation to layout, the building footprints, plot sizes and depths, plot frontages, gaps between buildings and building heights would be reflective of existing development in the immediate vicinity. Dwellings and plots on Wyatts Road follow a linear form and the introduction to the proposed development would not reflect this, however, as noted above, this was considered at the time of the previous appeal where it was not considered that the form of development proposed would detract from the general character of the area which includes the development of Wyatts Close and Briery Field where the dwellings are grouped around turning heads.

7.4.9 As such, subject to the consideration of the impact of the development on trees (discussed below), it is not considered that the general form or layout of the development would result in demonstrable harm to the character or appearance of the area.

7.5 Trees & Landscape

7.5.1 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

7.5.2 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, '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.'

7.5.3 Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out requirements in relation to trees, woodlands and landscaping and sets out that:

 i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

 ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.

 iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.

 iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.

 v) Planning permission will be refused for any development resulting the loss of deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows.

7.5.4 There is extensive tree cover on the site, particularly along the boundary with the M25 motorway. As previously noted, the previous application was refused on grounds including the impact of the loss of trees on the character and appearance of the area. The Inspector considered that the extensive tree cover within the boundaries of the site made a significant contribution to the general character of the area.

7.5.5 The current application includes a larger site area as it includes land to the rear of No’s. 26 and 28 Wyatts Road. The number of dwellings proposed has also been increased. The current application originally proposed 6 dwellings, however, there was an objection from the Landscape Officer due to the impact on protected trees. As such amended plans have been provided which reduce the number of dwellings from 6 to 5. The removal of the 6th dwelling has allowed the repositioning of two further dwellings and the retention of two protected trees within this revised layout. The two trees, an Oak (T2, TPO409) and Beech (T21, TPO409) are two of the most valuable trees within the site and are protected by the Three Rivers (Wyatts Road No.2, Chorleywood) Tree Preservation Order 1999 (TPO409).

7.5.6 Overall the development would result in the removal of 24 individual trees, 9 groups/hedges and the partial removal of 3 groups/hedges. Of these, 2 are covered by TPO409. In order for a tree to be eligible for protection by a TPO it must be visible to the public as if it is not, it has no amenity value. One of the TPO trees proposed to be removed, a tree in the group G5 (TPO T10) is not visible to the public as it is obscured by boundary plantings in the gardens of existing dwellings. The second TPO to be removed (TPO T22) is a tall, Leyland cypress. The Landscape Officer has raised no objection to the removal of these 2 protected trees.

7.5.7 A revised Arboricultural Method Statement and Tree Protection Plan have also been submitted with the amended plans. The Landscape Officer has reviewed the amended details/documents and has advised that the reports provide acceptable method statements for tree protection using a combination of fencing and three dimensional cellular confinement systems for surfacing within the root protection areas of retained trees within and adjacent to the site. No detail of service routes has been provided, so further details would need to be secured via condition on any grant of consent.

7.5.8 The application is also accompanied by a revised Landscape General Arrangement plan. The Landscape Officer has commented that this is broadly acceptable with regard to the use of native species and the proposed planting sizes of the trees and hedging. The Landscape Officer notes that reference to Quercus Rubra adjacent to the acoustic barrier will need to be amended to the native Quercus Robur. The North American Red Oak (Quercus Rubra) is proposed as a feature tree at the end of the access road. The Landscape Officer raises no objection given the large amount of native species within the landscaping scheme as a whole. Management details would need to be secured via condition.

7.5.9 The application as amended would allow for the retention of significant trees within the site and the proposed landscaping scheme would provide for appropriate replacement planting to mitigate for the loss elsewhere. The Inspector in relation to the previous application commented that;

 *“Overall, I consider that to accommodate four dwellings of the size proposed, with double garages and the associated access provision, would involve the excessive removal of trees and shrubs on the site and would detract from the character and appearance of the area”.*

7.5.10 Whilst the number of dwellings has been increased to 5, with the exception of Dwelling 5, large detached garages have been removed and the dwellings are located within a significantly larger site now incorporating land to the rear of No’s. 26 and 28 Wyatts Road. Whilst the proposal will result in the loss of a number of trees, the plans have been amended to ensure that significant trees are retained and a comprehensive landscaping scheme, including mature planting, is proposed to enhance the development and mitigate loss. As such the Landscape Officer raises no objection to the application as amended subject to conditions.

7.6 Residential Amenity

 *Neighbouring Occupiers:*

7.6.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity.

7.6.2 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. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude into a 45 degree spay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

7.6.3 With regards to privacy, Appendix 2 states to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.

7.6.4 Dwelling 5 would be sited to the rear of No. 26 Wyatts Road. Its flank elevation would be sited approximately 5.5 metres from the rear garden boundary of No. 26, with a distance of approximately 36 metres to the rear of the dwelling. Given the separation distance it is not considered that the proposal would result in overshadowing or loss of light. A single first floor flank window is proposed serving a non-habitable room. This could be conditioned to be obscure glazed in the interests of privacy.

7.6.5 Dwelling 1 would be sited to the rear of No. 22 Wyatts Road. Its flank elevation would be sited approximately 4 metres from the rear garden boundary of No. 22, with a distance of approximately 33 metres to the rear of the dwelling. Given the separation distance it is not considered that the proposal would result in overshadowing or loss of light. A single first floor flank window is proposed serving a non-habitable room. This could be conditioned to be obscure glazed in the interests of privacy.

7.6.6 Dwellings 1 – 4 would be sited to the rear of properties in Wyatts Close, with the separation distance between the proposed dwellings and rear boundary ranging from 18 – 24 metres. The closest dwellings in Wyatts Close are No’s. 8 and 9, the rear elevation of these dwellings being sited a minimum of 17 metres off the shared boundary. The resultant separation distance would therefore be in excess of the indicative 28 metre guidance figure referenced in Appendix 2 in relation to two-storey development and it is not considered that the proposed development would result in overshadowing, loss of light or overlooking of these properties.

7.6.7 Whilst it is noted that the appeal scheme was for 4 dwellings on a smaller site, the layout was comparable and the Inspectors comments are considered of relevance;

 *“Concerns are expressed regarding the effects of the proposed dwellings on the living conditions of nearby dwellings, particularly those whose gardens adjoin the appeal site. These concerns are understandable, given the inevitable change in the immediate environment that would result. However, I consider that the proposed dwellings have been designed and sited with some care, so as to avoid either loss of privacy or a harmful impact”.*

7.6.8 The development would be served by an access road sited between No’s. 22 and 26 Wyatts Road. Concerns have been raised from existing residents regarding the impact of use of this access on neighbouring amenity, including from increased comings and goings and car headlights. The access road would be centrally located within the former plot of No. 24 and would be set off both boundaries with a landscaped buffer provided between the access road and flank boundaries of No’s. 22 and 26. Specific details of landscaping would be secured by condition on any grant of consent.

7.6.9 In the previous appeal decision the Inspector commented that;

 *“I consider that the road as redesigned on Drawing No 113/01A provides adequate margins to both support additional planting and avoid harm to living conditions by virtue of the proximity of traffic movements”.*

7.6.10 Subject to appropriate planting, it is not considered that the proposed access would result in demonstrable harm to neighbouring amenity to justify refusal of planning permission.

7.6.11 In summary, subject to conditions it is not considered that the proposed development would result in demonstrable harm to the residential amenity of neighbouring occupiers and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

 *Future Occupiers:*

7.6.12 It is also necessary to consider the impact of the development on the residential amenities of future occupiers.

7.6.13 The siting of the proposed dwellings is such that it is not considered that they would be adversely affected by existing neighbouring dwellings. Approximately 18 metres would separate the front elevations of Dwellings 1 and 5, with these dwellings separated by front gardens and the access road. A minimum of 2.5 metres would separate the flank elevations of Dwellings 1 – 4. First floor flank windows are proposed; however, these serve non-habitable rooms and can be conditioned to be obscure glazed and top opening to provide privacy. The submitted layout plan indicates standard 2 metre high timber fencing between rear gardens; further details could be secured via condition.

7.6.14 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013). The requirement is 105 square metres in the case of a 4 bedroom dwelling (applicable for Dwellings 1 – 4) and 126 square metres in the case of a 5 bedroom dwelling (Dwelling 5). Each dwelling would benefit from a private rear garden in excess of the adopted standards.

7.7 Noise

7.7.1 Policy DM9 of the Development Management Policies LDD (adopted July 2013) states that development will not be permitted where it would have an adverse impact on the acoustic environment of existing or planned development, would have an unacceptable impact on countryside areas of tranquillity, or would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not. Reference is made to Appendix 4 which sets out noise exposure categories for residential development.

7.7.2 Paragraph 123 of the NPPF states:

*‘Planning policies and decisions should aim to:*

*● avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

*● mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

*● recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

*● identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.’*

7.7.3 Previous application 01/00659/FUL was refused, including on the following ground;

*The M25 motorway, which is a source of significant traffic noise and pollution, lies immediately adjacent to the site. In the absence of a detailed noise and pollution assessment of the site, from the applicant, the local planning authority cannot be satisfied that the proposed residential development would be unaffected by traffic noise and/or pollution and accordingly the development would be contrary to policy N14 of the Three Rivers Local Plan 1996-2011 and PPG23.*

7.7.4 Whilst the subsequent appeal was dismissed including due to the unsatisfactory living conditions for the occupants of the new dwellings resulting from motorway noise, the Inspector referred specifically to the noise experienced outside of the dwellings resulting in the lack of usable rear gardens. It was considered that the mitigation measures proposed for the dwellings themselves would bring the internal noise levels to within reasonable standards. No objection was raised to the impact of the development on existing dwellings in terms of noise considerations.

7.7.5 The current application is accompanied by a Noise Report which has been reviewed by the Environmental Health Officer. They raise no objection to the application and comment that;

 *“I have reviewed the details on this application as well as the previous appeal decision.*

 *Looking at the noise assessment they have addressed the concerns for the noise levels in the proposed dwellings assuming that the recommendations are followed for the window design. They have also detailed a design for an acoustic barrier between the proposed site and the M25 which should address some of the concerns with regard to the rear gardens along with considerate layout of the dwellings which appears to be taken into account as the gardens do not face the motorway.*

 *I would have no objections so long as the barrier is built as per the information contained within the report and the correct window design including ventilation are used”.*

7.7.6 As such it is considered that the previous objection has been overcome and there would not be unacceptable impacts due to the proximity of the M25 subject to the implementation of mitigation measures as set out in the report.

7.8 Access, Highways & Servicing

7.8.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.

7.8.2 The Highways Authority has reviewed the submitted details and raises no objections subject to conditions. Highways England raised no objections.

7.8.3 The proposed access road would have a width of 4.8 metres which the Highways Authority have confirmed is a standard width and enables a car and lorry to pass one another with a 0.5 metre tolerance. Whilst the Highway Authority comment that the width could be increased, they note that the proposed access road is to remain private and therefore there is no requirement to increase the width and Highways raise no objections.

7.8.4 The Highways Authority considers that there are no capacity or safety issues associated with the local road network and they do not consider that the intensification of use of the site is likely to cause any capacity or safety issues. The peak hour additional trips from the proposed development are unlikely to have any meaningful impact on Wyatts Road or Rickmansworth Road.

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

7.8.6 There would be space within each plot for bin storage and further details could be secured by condition on any grant of consent. Whilst Hertfordshire Highways have raised some concerns regarding the length of the access, they also acknowledge that turning space is provided to ensure that a refuse truck could access and turn within the site to exit in forward gear. The Environmental Protection Department have verbally advised that the proposed dwellings would be able to be serviced.

7.9 Parking

7.9.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. These standards identify the following car parking requirements for residential development:

 4 plus bedroom units - 3 spaces

7.9.2 Dwellings 1 – 4 would all include a single garage and driveway able to accommodate 3 vehicles. Dwelling 5 would include space for in excess of 3 vehicles. The proposed development would therefore meet the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD. It is not considered that the provision of five houses on the site (net increase of four) would lead to additional parking pressures within the surrounding area.

7.10 Sustainability

7.10.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.2 Policy DM4 of the 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.

7.10.3 The Energy Statement submitted with the application confirms that the proposed development would result in a 6.1% carbon dioxide saving which would meet the requirements of Policy DM4 of the Development Management Policies LDD.

7.11 Wildlife & Biodiversity

7.11.1 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.

7.11.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the DMP LDD. A Preliminary Roost Assessment (PRA) was submitted with the application and has been reviewed by Hertfordshire Ecology. Whilst there is some historic evidence of limited bat use, it is not considered that the existing dwelling supports an active roost and as such no further surveys are required, however, an advisory informative is suggested. The enhancement measures for wildlife in the form of bat and bird boxes as referenced in the submitted report should be secured via condition.

7.12 Infrastructure Contributions

7.12.1 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.

7.13 Summary

7.13.1 As the LPA has received notification of an appeal having been lodged against the non-determination of the planning application (17/1626/FUL) jurisdiction has passed to the Secretary of State and a decision notice cannot now be issued by the LPA.

7.13.2 Whilst no formal decision can be issued, having reviewed the application, officers considered that they would have been minded to approve planning permission subject to conditions had an appeal not been lodged.

8. **Recommendation**

8.1 That Members delegate to the Director of Community and Environmental Services (DCES) to write to the Secretary of State (SOS) to confirm that in the absence of an appeal against non determination, planning permission would have been granted subject to the following conditions/informatives:

 Conditions:

 C1 Time Limit

 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 Plans

 The development hereby permitted shall be carried out in accordance with the following approved plans:

 TRDC001 (Location Plan)

 SU 01 (Topographical Survey)

 1888.03 B (Proposed Site Plan)

 1888.04 (House Type A)

 1888.05 (House Type B)

 1888.06 (House Type C Elevations)

 1888.07 (House Type C Floor Plans)

 P608 002 C (Landscape General Arrangement)

 P608-002/C Rev D (Tree Protection Plan)

 P608-002/C Rev F (Arboricultural Impact Assessment)

 Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the character and appearance of the area and residential amenity of neighbouring and future occupiers, in accordance with Policy SA1 of the Site Allocations Local Development Document (adopted November 2014), Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11 and DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

 C3 Materials

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

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

 C4 Construction Management Plan

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

* Parking of vehicles of site operatives and visitors;
* Construction of access arrangements including the routing of vehicles;
* Loading and unloading of plant and materials;
* Storage of plant and materials used in constructing the development; and
* Wheel washing facilities.

 The approved Construction Management Plan shall be adhered to throughout the construction period.

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

C5 Access - Details

Before commencement of the approved development, detailed plans of the proposed access road including the new junction with Wyatts Road with appropriate visibility splays shall be submitted to and approved in writing by eh Local Planning Authority.

 The development shall not be occupied until the access has been provided in accordance with the approved details.

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

C6 Disposal of Surface Water

Before being brought in to use the new parking areas hereby approved shall be surfaced in durable bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to highway.

 Reason: In the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

 C7 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, 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).

 C8 Landscape Management Plan – Details

 Prior to occupation of the development hereby permitted, 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: 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).

 C9 Tree Protection Scheme – Details

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 Method Statement prepared by Arbtech dated 22nd January 2018 and tree protection plan TPP01 RevD.

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, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

 Reason: This condition is a pre commencement condition to prevent damage to trees during construction 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).

 C10 Method Statement - Details

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

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

 Reason: This condition is a pre commencement condition to prevent damage to trees during construction, 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).

 C11 Fire Hydrants

 Should they be required, 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, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

 Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

 C13 Acoustic Barrier

No part of the development hereby permitted shall be occupied until the acoustic barrier as detailed in the submitted Background Noise Assessment (3791-R1, dated 15/08/17) has been provided. The acoustic barrier shall be permanently maintained as such thereafter.

Reason: To ensure that occupiers of the development are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

C14 Noise – Mitigation Measures

The development shall be completed in accordance with the mitigation measures set within the submitted Background Noise Assessment (3791-R1, dated 15/08/17) including window design and ventilation.

Reason: To ensure that occupiers of the development are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

C15 Boundary Treatment – Details

 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C16 Sustainability Measures

 Prior to the first occupation of the development hereby permitted, the measures detailed within the submitted Energy Statement 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.

C17 Refuse & Recycling

The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently 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).

C18 Bat & Bird Boxes

Within one month of the occupation of the development hereby approved, bat boxes and bird boxes shall be installed in accordance with the recommendations as set out at Sections 7.5 and 7.6 of the Preliminary Bat Survey and shall be permanently maintained 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).

C19 Obscure Glazing

Before the first occupation of the buildings hereby permitted the window(s) in the first floor flank elevations of all dwellings; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

C20 Removal of Permitted Development Rights

 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 E - provision of any building or enclosure

 Class F - any hard surface

 Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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, and to safeguard protected trees, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

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

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

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

 Community Infrastructure Levy (CIL) - 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 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I4 Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, 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, requirements and for the work to be carried out on the applicants behalf. Further information is available via the website

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

 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/business-anddeveloper-information/business-licences/business-licences.aspxor by telephoning 0300 1234047.

 I6 Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

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

 I7 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-andpavements.aspx or by telephoning 0300 1234047.

 I8 Bats: 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).