**8. 17/1482/FUL – Demolition of no. 18 Gallows Hill Lane and construction of five detached dwellings on land to the rear with associated access, landscaping, parking and alterations to existing access at 18 GALLOWS HILL LANE, ABBOTS LANGLEY, WD5 0DA for Mr Peter MacGregor**

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| Parish: Abbots Langley | Ward: Gade Valley |
| Officer: Rob MorganExpiry Statutory Period: 15 September 2017 |
| Recommendation: That Planning Permission be granted |
|  |
| Reason for consideration by the Committee: Called-in by Abbots Langley Parish Council |

1 **Relevant Planning History**

1.1 The application site has an extensive planning history of planning applications for the demolition of the existing dwelling at no. 18 Gallows Hill Lane and erection of new dwellings on the land behind. The planning history is fully detailed below and those considered most relevant to the application scheme are indicated in **bold**.

1.2 **16/2286/FUL - Demolition of no. 18 Gallows Hill Lane and construction of four detached dwellings on land to the rear with associated access, landscaping, parking and alterations to existing access**

1.2.1 Planning permission was granted on 19 December 2016.

1.2.2 17/1276/DIS - Discharge of Conditions 3 (Construction Management), 5 (Tree Protection), 6 (Residential Curtilage), 7 (Arboricultural Method Statement) and 8 (Materials) pursuant to planning permission 16/2286/FUL. Conditions discharged 4 August 2017.

1.2.3 17/0396/DIS - Discharge of Condition 4 (Hard and Soft Landscaping Scheme) pursuant to planning permission 16/2286/FUL. Condition discharged 18 April 2017.

1.3 **16/2285/OUT - Outline Application: Demolition of and use of 18 Gallows Hill Lane and land behind for residential development (all matters reserved)**

1.3.1 Outline planning consent was granted on 9 December 2016.

1.4 **16/1165/FUL - Demolition of no. 18 Gallows Hill Lane and construction of four detached dwellings on land to the rear with associated access, landscaping, parking and alterations to existing access**

1.4.1 Application was withdrawn on 13 July 2016.

1.5 **14/2495/FUL - Demolition of no. 18 Gallows Hill Lane and construction of four detached dwellings on land to the rear with associated access, landscaping, parking and alterations to existing access**

1.5.1 Application 14/2495/FUL was refused by the LPA on 24 February 2015 for the following reason:

 R1 The proposed backland scheme, by reason of the cramped layout and contrived layout, garden depths and plot sizes would result in a form of development which would be unable to maintain the prevalent character of the area to the detriment of the visual amenities of the locality. As such, the proposal would be contrary to 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).

1.5.2 The applicant lodged an appeal against the LPAs decision to refuse the planning application which was started on 12 November 2015 (Appeal Ref: APP/P1940/W/15/3027445). The appeal was linked to an appeal lodged against the LPAs non determination of planning application 15/0553/OUT (Appeal Ref: APP/P1940/W/15/3127859) full details of which are given at paragraph 1.6 below.

1.5.3 Following the LPAs determination of the application on 24 February 2015, in the case of West Berkshire District Council & Reading Borough Council v Department for Communities and Local Government [2015], the High Court overturned the Government changes to the circumstances in which financial contributions to affordable housing and other planning obligations may be sought and the National Planning Practice Guidance was updated in August 2015 to omit reference to a threshold for seeking contributions. From that time, the LPA considered that Policy CP4 of the Core Strategy would be applicable to the proposed development which should therefore meet the requirement to provide affordable housing through a financial contribution.

1.5.4 On 12 May 2016 the appeals were dismissed with the Inspector concluding within his decision letter as follows:

 *‘The only harm I have found in relation to these appeals concerns the failure to make contributions to affordable housing. I appreciate this scheme would be providing four more dwellings at a time when the Government is seeking to boost the provision of housing. However, the Government also accepts that local authorities should widen opportunities for home ownership and create sustainable inclusive and mixed communities. Therefore, any benefit from providing these houses without affordable housing contributions does not outweigh the harm I have identified.*

 *Accordingly I conclude the appeals should be dismissed.’*

1.5.5 Consequently, in relation to all other aspects of the appeal schemes, including impact on character, residential amenity and highway safety, the Inspector did not identify unacceptable harm.

1.5.6 On 11 May 2016, the Court of Appeal allowed an appeal reversing the ruling in West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government [2015] reinstating the exemption for small sites being subject to affordable housing and other financial planning obligations.

1.5.7 Following the decision of the Secretary of State’s appointed Inspector Sargent BA (Hons) MA MRTPI, an application for Judicial Review of his decision was made to the High Court by Thorne Barton Estate Limited. The grounds of the application alleged an error of law; namely, that in dismissing the appeal on the sole ground of a failure to provide affordable housing, the Inspector had failed to take into account the Court of Appeal’s decision to overturn the High Court’s judgment of July 2015 in the West Berkshire District Council case (referred to at para.1.4.6 above) which had been issued the day before the appeal decision letter was issued. The effect of the Court of Appeal’s decision was that the Communities and Local Government’s policy (formerly set out in a Written Ministerial Statement of November 2014), that did not require residential development of 10 houses or less to provide affordable housing, was restored as a material consideration in residential planning appeals. In the circumstances, the Secretary of State submitted to judgement on the appellant’s application for Judicial Review.

1.5.8 By way of a Consent Order dated 28 July 2016, the High Court ordered that the decision of the Inspector of 12 May 2016 be quashed and the appeal be remitted to the Secretary of State for re-determination. The appeals were subsequently withdrawn following the grant of planning permission 16/2286/FUL and 16/2285/OUT.

1.6 **15/0553/OUT - Outline Application: Demolition of and use of 18 Gallows Hill Lane and land behind for residential development (all matters reserved)**

1.6.1 Application 15/0553/OUT was not determined by the LPA following notice being given to the applicant, in accordance with Article 2(5) of the Town and Country Planning (Development Management Procedure) Order 2015, that the LPA was of the opinion that due to the individual site circumstances the application ought not to be considered separately from any of the reserved matters.

1.6.2 The applicant lodged an appeal against the LPAs non determination which was linked to the appeal for 14/2495/FUL; the details of which are fully set out above.

1.7 **12/0659/FUL - Demolition of no. 18 Gallows Hill Lane and construction of 5 dwellings on land to the rear with associated access, landscaping and parking**

1.7.1 Application 12/0659/FUL was refused by the LPA on 4 July 2012 for the following reasons:

 R1 The proposed backland scheme, by reason of the cramped and contrived layout, garden depths, plot sizes and relative amenity space provision and loss of trees would result in a form of development which would be unable to maintain the prevalent character of the area to the detriment of the visual amenities of the locality. Furthermore the relationship between Plots 2 and 3 is considered to be poor design, to the detriment of the future occupiers of these dwellings. As such, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Saved Policies H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

 R2 The proposed development would involve the loss of protected trees of significant amenity and group value. Such a loss would have an adverse impact on the character of the site and on the residential amenity of neighbouring occupiers. As such, the development would be contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Saved Policies N15, N16, H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

 R3 The absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 fails to provide affordable housing (whether by means of a commuted sum or on-site provision) which results that the application fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011), and SPD: Affordable Housing.

1.7.2 This application was dismissed at appeal on 26 June 2013. The Inspector agreed with the conclusions of the appeal made under planning application ref: 10/0761/FUL (detailed below) with regard to the detrimental impact the proposal would have on the character of the area and trees.

1.8 11/0548/FUL - Demolition of no. 18 Gallows Hill Lane and construction of 5 dwellings on land to the rear with associated access, landscaping and parking

1.8.1 Application was withdrawn on 4 May 2011.

1.9 10/0761/FUL - Demolition of 18 Gallows Hill Lane and erection of 9 dwellings to rear (3 x 4 bed detached with garages, 2 x 4 bed semi-detached with garages and 4 x 3 bed semi-detached with garages) with associated access, landscaping and parking (resubmission)

1.9.1 Application was refused by the LPA on 22 June 2010 for the following reasons:

 R1 The proposed backland scheme, by reason of the cramped and contrived layout, garden depths, plot sizes and gaps between buildings, would result in a form of development unable to maintain the prevalent character of the area to the detriment of the visual amenities of the locality. Furthermore the relationship between plots 7, 8 and 9 is considered to be poor design, to the detriment of the future occupiers of these dwellings. As such, the proposal would be contrary to Policies H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

 R2 The proposed development would involve the loss of a large number of trees, some of which are covered by Tree Preservation Orders, which would have an adverse impact on the character of the site and on the residential amenity of neighbouring occupiers. Furthermore, the shading to new dwellings created by those trees retained on the site would put additional pressure for tree works to be conducted, which would also threaten the character and high visual amenity value of the site. As such, the development would be contrary to Policies N15, N16, H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

1.9.2 The application was dismissed at appeal 6 December 2010 with the Inspector concluding that the scheme would have an unacceptable detrimental impact on the character of the area and trees. This was essentially the same scheme as for planning application ref: 09/0577/FUL (detailed below) but the 1m strip of land to the west of the site which was of concern at the previous appeal due to ownership issues, omitted from the application site.

1.10 09/0577/FUL - Demolition of 18 Gallows Hill Lane and erection of 9 dwellings to rear (3 x 4 bed detached with garages, 2 x 4 bed semi-detached with garages and 4 x 3 bed semi-detached with garages) with associated access, landscaping and parking

1.10.1 Application was refused by the LPA on 22 June 2009 for the following reasons:

 R1 The proposed backland scheme, by reason of the cramped and contrived layout, garden depths, plot sizes and gaps between buildings, would result in form of development which would be unable to maintain the prevalent character of the area to the detriment of the visual amenities of the locality. Furthermore the relationship between plots 7, 8 and 9 is considered to be poor design, to the detriment of the future occupiers of these dwellings. As such, the proposal would be contrary to Policies H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

 R2 The proposed development would involve the loss of a large number of trees, some of which are covered by Tree Preservation Orders, which would have an adverse impact on the character of the site and on the residential amenity of neighbouring occupiers. Furthermore, the shading to new dwellings created by those trees retained on the site would put additional pressure for tree works to be conducted, which would also threaten the character and high visual amenity value of the site. As such, the development would be contrary to Policies N15, N16, H14, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

 R3 The proposed development would result in a significant increase in demand for education, library, youth and childcare facilities, and sustainable transport provision in the area. There is currently a shortage of these facilities in the area. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies GEN1, GEN8, T7 and Appendix 1 of the Three Rivers Local Plan 1996 - 2011.

1.10.2 The applicant appealed this decision. However, the Inspector determined that the appeal was not valid due to an issue regarding land ownership.

2. **Detailed Description of Application Site**

2.1 The application site comprises the plot of no. 18 Gallows Hill Lane and a parcel of land between even nos. 8 - 24 Gallows Hill Lane to the north and odd nos. 3 - 23 Hazelbury Avenue to the south. This land was formerly an orchard and garden belonging to no. 10 Gallows Hill Lane. The overall site has an area of approximately 0.4 hectares.

2.2 No. 18 Gallows Hill Lane consists of a bungalow with a rear garden approximately 26m deep. The rear boundary is relatively open with some screening provided by trees. The parcel of land to the rear of no. 18 has undergone site clearance works in relation to extant planning permissions; some mature protected trees and pre-existing outbuildings remain.

2.3 The site slopes up to the north-east and is at a lower level to the dwellings along both Gallows Hill Lane and Hazelbury Avenue. Both these adjacent roads slope up from west to east. The boundary treatments with gardens adjacent to the site largely consist of close boarded fencing.

2.4 The parcel of land can be accessed via a track from Hazelbury Avenue to the south-west. This access and a small area of land containing garages and an electricity substation do not form part of the site.

2.5 Dwellings in the vicinity vary in architectural style. Along Gallows Hill Lane are semi-detached and detached houses and, on its southern side, these have exceptionally long rear gardens for this location. Behind the former orchard are the very lengthy back gardens associated with the dwellings on the north side of Hazelbury Avenue.

3. **Detailed Description of Proposed Development**

3.1 Full planning permission is sought for the demolition of the existing dwelling and construction of five detached dwellings on the parcel of land to the rear with associated access, landscaping and parking.

3.2 The development would be served by a new access road which would be constructed through the existing plot of no. 18. The access road would lead to a turning head within the main part of the site, with the access extending further to the east and west to serve the proposed dwellings. The dwellings to Plots 4, 3, 2 and 5 would be to the west of the site (west to east in that order) and would face northward with a staggered building line. The dwelling to Plot 1 would be to the east and set further to the north compared to the other four dwellings and would face westward.

3.3 Each dwelling would have its own driveway providing two parking spaces. The dwellings to Plots 2, 3, 4 and 5 would be of a matching design containing integral garages and four bedrooms. The dwellings would be two storeys in appearance with hipped roofs and a subordinate gabled element above the garage containing a front dormer. The dwelling proposed to Plot 1 would have a larger footprint and would contain five bedrooms and a double integral garage. The dwelling would be of a similar design to the other four dwellings but, in contrast, the subordinate garage roof would have a hipped form.

3.4 The primary dimensions of the proposed dwellings would be as follows:

|  |  |  |
| --- | --- | --- |
|   | Plot 1 | Plots 2, 3, 4 & 5 |
| Max. width | 14.8m | 10.1m |
| Max. depth | 10.9m | 10.9m |
| Max. ridge height | 9.3m | 8.4m |

3.5 The application has been accompanied by a tree protection scheme and landscaping scheme which indicates 1.8m high close boarded fencing topped with 0.3m high trellis along the site boundary with 1.8m high close boarded fencing along the proposed plot boundaries. The site boundaries would include hedge and tree planting and tree planting is also proposed to the frontage of the dwellings and within rear gardens.

3.6 The current application for the construction of five dwellings follows the grant of consent for the construction of four dwellings on this parcel of land (ref: 16/2286/FUL), as well as outline consent for residential development of the site (ref: 16/2285/OUT); the full planning history for which is given at paragraphs 1.2 and 1.3. In relation to planning permission 16/2286/FUL, the overall layout of the site would be similar with the access road and Plots 2, 3 and 4 identical to those approved. Plot 1 would be re-sited 1.2m to the east and Plot 5 would be sited within an area approved as communal open space.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Abbots Langley Parish Council

4.2.1 Objection: Impact on character and insufficient parking provision.

4.2.2 *‘Following approval of application 16/2286/FUL for a development of four dwellings, Members object to this latest application to include a fifth property on the site which would be overdevelopment, with garden/plot sizes out of keeping with neighbouring properties and insufficient parking for four and five bedroomed houses. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.’*

4.3 Highway Authority

4.3.1 No objection subject to conditions.

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

*1. Prior to the commencement of the development hereby permitted full details shall be submitted and approved in writing by the Local Planning Authority to demonstrate the following:*

* *Surface water drainage. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*
* *Full details of the works required on the existing highway to create the new access including kerbing details, extension of the width of the dropped kerb for 20 Gallows Hill Lane, reinstatement of the dropped kerb/footway at the existing access to to bungalow and use of tactile paving (please see comments for further details).*

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

 *2. The existing vehicular access to the site not incorporated in the development hereby permitted shall be closed and abandoned and the footway reinstated to the satisfaction of the Local Planning Authority and in accordance with the Highway Authority’s specification.*

*Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).*

 *3. The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted other than in accordance with a phasing plan which shall previously have been agreed in writing with the Local Planning Authority. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.*

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

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

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

*COMMENTS / ANALYSIS:*

*The proposal comprises of the demolition of the existing bungalow and erection of five residential properties at land to the rear of 18 Gallows Hill Lane, accessed via a new access road. Gallows Hill Lane is designated as a classified ‘C’ local access road, subject to a speed limit of subject 30mph and is highway maintainable at public expense. Planning permission has previously been granted for four dwellings (ref. 16/2286/FUL).*

 *ACCESS:*

*There is an existing shared dropped kerb providing vehicular access to 20 Gallows Hill Lane and the existing bungalow (no. 18). The proposals include creating a new access in the centre of the plot for no. 18 as shown on the submitted plan no. 170. The width of the proposed access road (at approximately 5m) and the anticipated vehicular visibility at the entrance onto Gallows Hill Lane would be acceptable and in accordance with Roads in Hertfordshire: A Design Guide and Manual for Streets (MfS).*

*HCC as Highway Authority would not agree to adopt the proposed cul-de-sac. However, it should be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire. Furthermore, works would be required on the existing highway in order for the proposed access to be acceptable and in accordance with MfS and Roads in Hertfordshire. Consequently further details would need to be submitted in order for the proposals to be considered to be acceptable including:*

* *Details on closing off the existing dropped kerb / vehicle crossover (VXO) to the bungalow.*
* *Widening the existing dropped kerb to no. 20 (on the north-east side) to be in accordance with HCC guidelines.*
* *Provision of tactile paving where pedestrians would cross the entrance to the access road.*
* *Provision of a line of granite sets at the boundary of the highway, which would be in line with the back edge of the current footway.*

*The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to any works on the highway. Please see the following highway informative:*

*Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.*

*Further information is available via the website* [*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

*or by telephoning 0300 1234047.*

 *PARKING & MANOEUVRABILITY:*

*The proposals include the provision of a turning head, which would need to be “designed to cater for the largest vehicle likely to be encountered” Roads in Hertfordshire, which in this instance is a refuse collection vehicle. This turning area is considered to be acceptable to enable refuse, service and other delivery vehicles to turn around and egress to the highway in forward gear.*

*The proposal includes the provision of 16 car parking spaces and the layout of which is shown on plan no. 170. The general provision and layout for parking is considered to be satisfactory by HCC as Highway Authority. Furthermore, the number of parking spaces is considered to be appropriate and in accordance with car parking standards as outlined in Appendix 5 of Development Management Policies: Local Development Document. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.*

 *SURFACE WATER DRAINAGE:*

*The proposed development would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. No specific details as to the method for this has been provided and therefore HCC as Highway is recommending that this information be provided as stated in the above condition.*

 *REFUSE / WASTE COLLECTION:*

*Provision has been made for on-site bin/refuse stores within 30m of the dwelling. Furthermore, the turning area provided would be sufficient to enable refuse vehicles to get within 25m of the collection point, which would presumably be kerbside for each dwelling. Nevertheless the collection method must be confirmed as acceptable by TRDC waste management.*

 *EMERGENCY VEHICLE ACCESS:*

*The width (at approximately 5m) and layout of the proposed access road is considered sufficient to enable emergency vehicle access to within 45m of all buildings. This is in accordance with guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses. Furthermore, a turning head has been included to enable emergency vehicles to turn around and egress to the highway in forward gear.*

 *CONCLUSION:*

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

4.4 Landscape Officer

4.4.1 Summary: No objection subject to conditions

4.4.2 *‘The proposed scheme differs from the scheme approved under 16/2286/FUL by the inclusion of one more dwelling. In order to accommodate the extra dwelling the amenity space has been lost from this proposal. A number of conditions relating to trees and landscaping were applied to planning permission 16/2286/FUL. All of these conditions were discharged earlier this year through the approval of newly commissioned Landscaping and Tree Protection documents.*

 *The amenity space which was approved under 16/2286/FUL was to be the location for the two semi-mature Oak trees which were to be planted to replace the protected trees which have to be removed to facilitate the entrance into the site. This amenity space now falls within the curtilage of two of the proposed dwellings. The submitted Landscape Plan (L90-251B) shows one of the semi-mature Oak trees to be planted in a similar location. The other semi-mature Oak tree is shown to be planted on amenity space adjacent to the end of the new access drive, close to the boundary with the gardens of the properties on Gallows Hill Lane.*

 *The Landscape Plan (L90-251B) includes the same comprehensive mix of native and ornamental trees of varying sizes which was approved in relation to 16/2286/FUL. The only major difference is the location of the two semi-mature Oak trees. Separating these two large trees and planting them on opposite sides of the access roads is a better use of the trees and will allow them to make a wider landscape contribution and allow each tree the space it requires to develop.*

 *Recommend consent subject to the following conditions:*

 *1 All soft landscaping works required by the approved scheme* ***(Drawing no.L90-251 Rev B prepared by Landscape Perspective)*** *shall be carried out during the first planting season after completion of the approved development. All trees and plants shown on* ***Drawing no. L90-251 Rev B*** *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).*

 *2 A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.*

 *Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

 *3 No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the* ***Tree Protection Plan 8279/02 Rev C prepared by Ian Keen Ltd.****, shall be felled, or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. Any pruning approved shall be carried out in accordance with BS: 3998 (2010) ‘Recommendations for tree works’. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st October to 31st March) following their loss or removal.*

 *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 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* ***Tree Protection Plan 8279/02 Rev C prepared by Ian Keen Ltd****.*

*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).’*

4.5 Thames Water

4.5.1 No comments received.

4.6 Affinity Water

4.6.1 No comments received.

4.7 Herts & Middlesex Wildlife Trust

4.7.1 No comments received.

4.8 Environmental Protection

4.8.1 No comments received.

4.9 Crime Prevention Design Service

4.9.1 No comments received.

4.10 Fire Protection Department

4.10.1 No objection subject to fire hydrant provision.

4.10.2 *‘We have examined the application and make the following comments:*

 *ACCESS AND FACILITIES:*

 *Access for firefighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.*

*Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 18 tonnes.*

*Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.*

*We draw your attention to table 20 with regard to minimum widths of road between kerbs and gateways.*

 *WATER SUPPLIES:*

 *Water supplies should be provided in accordance with BS 9999.*

 *This authority would consider the following hydrant provision adequate:*

* *Not more than 60m from an entry to any building on the site.*
* *Not more than 120m apart for residential developments or 90m apart for commercial developments.*
* *Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.*
* *Not less than 6m from the building or risk so that they remain usable during a fire.*
* *Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.*
* *Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.*

 *The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.’*

4.11 Property Services

4.11.1 No objection subject to fire hydrant provision.

4.11.2 *‘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 firefighting 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 firefighting 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 firefighting 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 firefighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.*

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

5. **Neighbour Consultation**

5.1 Site/Press Notice:

* Site notice posted 3 August 2017 and expired 24 August 2017.
* Press notice not required.

5.2 Neighbours consulted: 56

5.3 Number of responses: 7

5.4 Summary of responses:

 History

* Application for five houses previously refused
* Application for seven houses previously refused
* Accompanying documents do not accurately describe the site or its history

 Character

* Unacceptable density of development
* Cramped and contrived
* Plot depths and sizes would be unable to maintain the prevalent character of the area
* New house would be in full view from Gallows Hill Lane
* No front gardens to serve the dwellings
* Backland development
* The house on Plot 1 would be orientated at 90 degrees to the other four
* Loss of trees
* Loss of amenity space compared to previous approval

 Residential Amenity

* Loss of privacy
* Loss of security
* Construction phase would cause noise and other disturbance

 Highway Safety

* Access road, with no footpaths, is situated immediately after a dangerous bend on Gallows Hill Lane with visibility for access from the site; the additional dwelling would increase traffic entering the site
* Cars tend to speed along Gallows Hill Lane
* Safety hazards will be caused to disabled people, children and other pedestrians
* Insufficient space for emergency service vehicles and other service vehicles to turn

 Other Matters

* The site is smaller than shown
* The Agent did not contact neighbours prior to submission
* Impact on archaeology
* Negative impact on wildlife and ecology
* Negative impact on infrastructure

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

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

7.2 The Three Rivers Local Plan Core Strategy:

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

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5.

7.4 The Site Allocations LDD:

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

7.5 Other

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

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

8. **Analysis**

8.1 Planning History & Principle of Development

8.1.1 The site’s planning history is a material planning consideration in any subsequent planning application on the site. Full planning permission for the construction of four dwellings and Outline planning permission for residential development within the application site has previously been granted under planning applications 16/2286/FUL and 16/2285/OUT. The principle of the demolition of the existing dwelling and residential development of the land to the rear has therefore been found to be acceptable and there has been no change to relevant planning policy or site circumstances which would affect the acceptability of the principle of development.

8.1.2 It is also noteworthy that, while the appeals were ultimately withdrawn, following counsel advice officers have previously advised this Committee that the quashed 2016 appeal decision in connection with applications 14/2495/FUL and 15/0553/OUT is a material planning consideration in the assessment of planning applications on this site.

8.2 Character, Appearance & Street Scene

8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also *'have regard to the local context and conserve or enhance the character, amenities and quality of an area'*.

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

 *‘The Council will protect the character and residential amenity of existing areas of housing from forms of “backland”, “infill” or other forms of new residential development which are inappropriate for the area.*

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

1. *Tandem development*
2. *Servicing by an awkward access drive which cannot easily be used by service vehicles*
3. *The generation of excessive levels of traffic*
4. *Loss of residential amenity*
5. *Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)’*

8.2.3 The proposed development would clearly result in a form of ‘backland’ residential development with the five dwellings proposed to the rear of properties fronting Gallows Hill Lane and Hazelbury Avenue and sited to face a new access road to the north, with the exception of Plot 1 which would face the new access road to the west. The proposed access and the siting of dwellings at Plots 1 to 4 is largely as per the previous scheme approved under planning permission 16/2286/FUL with the dwelling at Plot 1 to be re-sited approximately 2.5m to the east which would not have a significant impact to character in comparison to the overall layout and appearance of the approved scheme with the dwelling being sited further back from the access road and maintaining a rear garden depth of 16.4m. However, the proposed dwelling at Plot 5 would replace a communal open space in comparison to the layout of 16/2286/FUL.

8.2.4 Prior to the grant of planning permission for the erection of four dwellings on this site, planning permission was refused and subsequently dismissed at appeal for the erection of five dwellings (LPA ref: 12/0659/FUL / Appeal ref: APP/P1940/A/12/2188948/NWF). The applicant has referred to the shift in Government emphasis to provide housing and in particular the content of the recent housing white paper. It is accepted that the white paper seeks to increase the supply of new homes and provides indication of current Government thinking.

8.2.5 However, considered more relevant in the assessment of this particular scheme, the 2016 appeal decision and grant of planning permission for four dwellings postdates the dismissed appeal for five dwellings and overcomes much of the harm to the character of the area which was identified by the 2013 appeal decision in terms of siting of the development, plot sizes and shapes and orientation of the dwelling proposed to Plots 1 and 5.

8.2.6 With specific regard to the 2013 appeal decision the Inspector found harm in relation to impact on character for the following reasons:

* the lengths of the gardens would be markedly shorter than the surrounding development
* depths of Plots 1 and 2 (now proposed as Plots 1 and 5) would be well short of the plot depths of existing properties nearby
* Plot 1 and 2 houses (now proposed as houses 1 and 5) would lie at an angle to the other dwellings within the site and as a result the side of the Plot 2 house (now Plot 5) would face the access drive at odds with the prevailing development pattern and apparent when approaching the development along the access drive; tree planting would not provide adequate screening
* Loss of the two protected Sycamore trees would exacerbate the scheme’s adverse effects.

8.2.7 The proposed dwellings would be of an identical scale and design to those previously approved with the proposed fifth dwelling being the same house type as approved Plots 1 to 4. The dwellings would be of a suitable scale and design reflecting the housing found within the area. However, there would be an increase in the prominence of the development by virtue of the additional dwelling, as well as an increase to the density of the development within the site from around 10 dwellings per hectare to 12 dwellings per hectare.

8.2.8 With regard to character, the Inspector for the 2016 appeal decision in connection with applications 14/2495/FUL and 15/0553/OUT considered that the application site does not sit in isolation, but rather is in a surrounding suburban context. It was therefore the Inspector’s opinion that Policies CP12 of the Core Strategy and Policy DM1 of the DMP LDD should be weighed against the character and appearance of not just the land between Gallows Hill Lane and Hazelbury Avenue but also the roads themselves and the suburban layout and arrangement of housing along their length. In this wider context, Gallows Hill Lane particularly is of a much more varied character with a number of cul-de-sacs such as Ash Close and Little Orchard Close accessed from Gallows Hill Lane and also significant variance in shape and plot size of properties at the road junctions, particularly notable on the south side of Gallows Hill Lane close to the junction of Hazelwood Lane. The properties fronting the south and east sides of Hazelbury Avenue also have plots of consistently shorter length than most of those found within the land between Gallows Hill Lane and Hazelbury Avenue.

8.2.9 Therefore, the construction of built form of the layout and density proposed would not cause undue harm to the character or appearance of the street scene or wider area. Plot 5 would have a larger rear garden than Plots 2 to 4 and the depth of the plot and rear garden would also be similar to those previously approved plots which range from 240sq.m to 342sq.m. The separation between the new dwellings and the rear elevations of the existing houses would be reduced compared to the existing situation but would remain over 35m which would be sufficient within this suburban area to avoid a cramped relationship.

8.2.10 In addition, while the current proposal would see the loss of the communal open space to the head of the access drive, this feature was not relied upon to provide justification for the previous consent. As discussed later in this report, sufficient private amenity space would be provided to serve the new dwellings.

8.2.11 Despite the addition of a fifth dwelling, the majority of the site would remain screened from Gallows Hill Lane and Hazelbury Avenue due to the close siting of dwellings along these roads; further reduced by existing single and two storey side extensions which are common and the lower land level of the site in relation to the surrounding built form. From these vantage points the proposed dwellings would be sufficiently spaced and the depth and plot shapes of the development would not be visible to any appreciable extent. The dwelling at Plot 5 would also be set a significant distance back from the highway and has been re-orientated from the scheme dismissed in 2013 to front the access road to the north. This dwelling would therefore not appear unduly prominent within the existing street scene of Gallows Hill Lane and would no longer appear at odds to the prevailing development pattern of dwellings facing road frontages where visible from the access road. It is also noted that the new access road has previously been approved and by nature new residential development would be visible from this road and would result in some change to the character of this particular part of Gallows Hill Lane/Hazelbury Avenue, although this impact is not considered to be harmful given the wider context of the area and the re-orientation of the house to Plot 5.

8.2.12 The development would also continue to provide a comprehensive mix of native and ornamental trees of varying sizes, including two semi-mature Oak trees to be planted to replace the protected trees removed to facilitate the access. The Landscape Officer has not objected to the proposed landscaping scheme which is considered to provide additional screening and soften any oblique and long distance views of the development as well as continuing to contribute to the visual amenities of the area. The replacement Oak trees would also adequately mitigate the loss of the two protected Sycamore trees and their re-siting in comparison to the approved details under planning permission 16/2286/FUL would make a better use of the trees allowing them to make a wider landscape contribution, as stated by the Landscape Officer.

8.2.13 Overall, in consideration of the impact of the development on the character and appearance of the street scene and wider area the scheme would overcome the previous reasons for the dismissal of the 2013 appeal. It is acknowledged that the proposal would constitute backland development, however, to comply with the aims of the Spatial Strategy of the Core Strategy and make appropriate use of infilling opportunities within the urban area of Key Centres, and having full regard to the material planning considerations of this particular site, it is considered that the development would not result in a form of development that would be inappropriate for the area or cause demonstrable harm to the character or appearance of the area and would be acceptable in accordance with Policies PSP2, CP1, CP3 and CP12 of the Core Strategy and Policies DM1 and DM6 and Appendix 2 of the DMP LDD.

8.3 Residential Amenity

8.3.1 Policy CP12 of the Core Strategy states that development should *'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'*. Policy DM1 and Appendix 2 of the DMP LDD set out that extensions 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.

8.3.2 It is stated within Appendix 2 of the DMP LDD that:

 *‘In the interests of privacy and 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.’*

8.3.3 The distances achieved between the dwellings at Plots 2 to 5 and existing dwellings along Gallows Hill Lane and Hazelbury Avenue would exceed 28m. Each of the proposed dwellings would have a separation distance of at least 45m to the rear elevations of even nos. 8 – 16 Gallows Hill Lane and the rear elevations of odd nos. 3 – 13 Hazelbury Avenue.

8.3.4 The proposed Plot 1 dwelling would be sited perpendicular to existing development and would be re-sited 2.5m to the east compared to the approved 2016 scheme. Its rear elevation would continue to face the end of the rear garden of no. 25 Hazelbury Avenue, as approved, but would be sited closer to that boundary. No. 25 Hazelbury Avenue contains an extensive rear garden of some 60m and it is therefore unlikely that significant harm would occur to the residential amenities of this neighbour despite the re-siting of the house at Plot 1.

8.3.5 While the neighbouring properties would lose outlook onto an existing parcel of open land and the proposed dwellings would be visible from within neighbouring properties, due to the significant separation distances and topography of the site, it is not considered that the dwellings would appear visually overbearing or that there would be unacceptable overlooking.

8.3.6 The proposed siting of Plots 2 to 4 has previously been found to be acceptable under planning permission 16/2286/FUL and the re-siting of the Plot 1 house and additional dwelling is not considered to result in significant additional harm to the residential amenities of neighbouring properties to render the scheme unacceptable. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

8.4 Amenity of Future Occupiers

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

8.4.2 The proposed properties would not intrude a 45 degree line of one another and flank to boundary distances of a minimum of 2m would be retained. The dwellings are not considered to result in loss of light or appear overbearing to one another.

8.4.3 The dwellings to Plots 2 to 5 would be built to the same orientation as one another with a separation distance of 4m between their flank walls. The dwellings would include ground floor and first floor flank windows which would serve non-habitable rooms or would constitute secondary windows to habitable rooms. As such, a condition requiring these windows to be obscure glazed would mitigate any overlooking.

8.4.4 Beyond the frontage of Plot 1 the proposed dwelling would face its own front garden with the flank wall of the house to Plot 5 beyond, of which there are no windows proposed and the rooms on this side of the dwelling would comprise a garage and utility at ground floor and a bedroom at first floor. There would be a 14m separation between the front elevation of the Plot 1 house and Plot 5 and acceptable living conditions would therefore be provided to the two dwellings.

8.4.5 The proposed dwellings would benefit from private amenity space ranging from 241sq.m at Plot 3 to 840sq.m at Plot 1. The level of amenity space would exceed the minimum amenity space standards set out in Appendix 2 of the DMP LDD which requires 105sqm of amenity space for a four bedroom dwelling and 126sqm for a five bedroom dwelling.

8.5 Highways, Parking & Access

8.5.1 Policy CP10 of the Core Strategy sets out that development will need to demonstrate that it provides a safe and adequate means of access and requires development to make adequate provision for all users, including car parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians.

8.5.2 The proposed access would be identical to that previously approved under planning permission 16/2286/FUL. The Highway Authority has raised no objection to the current application advising that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway and is unlikely to result in a material increase of vehicles in the local vicinity.

8.5.3 The Highway Authority has recommended a number of conditions to be attached to any approval granted and these are listed in detail at the consultation section of this report at paragraph 4.3.2. However, given that the proposed access could essentially be implemented in accordance with the details approved under the extant planning permission it is not considered that additional conditions could be justified in this instance. Furthermore, the approved construction management plan would remain sufficient to ensure that harm would not occur to the safety and operation of the adjacent highway during the construction period; the condition would therefore be updated to require development to be carried out in accordance with the previously approved details.

8.5.4 The proposed dwellings to Plots 2 to 5 would each contain four bedrooms and the dwelling to Plot 1 would contain five bedrooms. Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. The parking standards state that a dwelling of four bedrooms or more should have a total of three parking spaces.

8.5.5 The Plot 1 dwelling would include a double garage and two parking spaces to the frontage. The dwellings to Plots 2 to 5 would include a single garage and two parking spaces to the frontage. The dwellings would therefore meet the parking requirements of Policy DM13 and Appendix 5 of the DMP LDD.

8.6 Sustainability

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

8.6.2 The applicant has provided an Energy Statement which confirms that the proposal would meet the requirements of Policy DM4 through on site low carbon and renewable technologies. The applicant has not provided detail of renewable technologies and a condition would be attached requiring further detail prior to installation.

8.7 Affordable Housing & Infrastructure Contributions

8.7.1 The proposed development would result in a net gain of four residential units. Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provisions of affordable housing. The Affordable Housing SPD was approved by the Council in June 2011 as a material consideration and supports the implementation of Policy CP4.

8.7.2 However, at the time of validation of the current application the Local Planning Authority was not seeking contributions towards affordable housing for developments of 10-units or fewer with a maximum combined gross floor space of no more than 1,000sq.m following updates to paragraph 31 of the NPPG. The development is below these thresholds and a contribution is not applicable in this instance.

8.7.3 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within ‘Area B’ within which the charge per sqm of residential development is £120.

8.8 Wildlife & Biodiversity

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

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

8.8.3 The application is accompanied by an Ecology Report dated December 2014. The report concludes that:

 *‘The habitats present within the site provide few potential opportunities for any protected, rare or notable faunal species with the exception of common nesting birds, whilst specific survey work found no evidence for any use of the site by roosting bats or reptile species.’*

8.8.4 While it is noted that this report is dated, works for the demolition of the existing dwelling at no. 18 Gallows Hill Lane and landscaping works including the removal of trees has already been granted. It is not considered that further surveys will therefore be necessary in this instance. The works should be carried out in accordance with the approved Ecology Report.

8.9 Fire Protection

8.9.1 Herts County Council Property Services and the Fire Protection Service advise that appropriate provision of fire hydrants may be required for the proposed erection of five dwellings on this site. An appropriate condition would be attached to any permission.

8.10 Refuse and Recycling

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

8.10.2 The additional dwelling would not impact on the approved access road layout and the collection of refuse and recycling from the dwelling frontages has previously been found to be acceptable. The Highway Authority has advised again that the turning area would be sufficient to enable refuse vehicles to get within 25m of the collection point and raises no objection to the layout.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan), 170, 171, L90-202, L90-250 Rev B, L90-251 Rev B, L90-253 Rev B and 8279/02 Rev C.

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

C3 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 approved drawing no. 8279/02 Rev C.

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

 Reason: This is a pre-commencement condition 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).

 C4 A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The landscape management plan shall be carried out as approved.

 Reason: In order to ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 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).

C6 Prior to the first occupation of the dwellings hereby permitted full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details prior to first occupation of the dwellings and maintained in such condition thereafter.

 Reason: To ensure that the amenities of the adjoining residential properties shall not be adversely disturbed in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Vehicular access into and out from the adjoining highway shall be limited to the access shown on drawing no. L90-250 Rev B only and any other accesses or egresses shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority prior to bringing into use the new access.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C8 Before the first occupation of Plots 2, 3, 4 and 5 hereby permitted the window(s) in the flank elevations of these 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).

C9 The boundary treatment as specifically shown on approved drawing nos. L90-202 and L90-250 Rev. B shall be implemented in accordance with the approved details and maintained in such condition thereafter.

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

C10 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development. Prior to their installation full details of any renewable technologies to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall be permanently maintained therefore.

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 ensure that the development makes as full a contribution to sustainable development as possible.

C11 All hard and soft landscaping works required by the approved scheme as specifically shown on approved drawing no. L90-251 Rev B shall be carried out prior to first occupation of the dwellings hereby approved. The soft landscaping works shall be carried out during the first planting season after completion of the approved development. All trees and plants shown on the approved plan 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.

 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).

 C12 No trees, hedgerows or shrubs within the curtilage of the site, except those specifically shown on approved drawing no. 8279/02 Rev C, shall be felled, or pruned, nor shall any roots be removed or pruned during development and for a period of five years after completion of the development hereby approved. Any pruning approved shall be carried out in accordance with BS: 3998 (2010) ‘Recommendations for tree works’. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st October to 31st March) following their loss or removal.

 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).

 C13 The buildings shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as specifically shown on approved drawing no. 171 and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the buildings is satisfactory 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).

 C14 The development hereby permitted shall be carried out in accordance with the Construction Management Plan which was approved in writing by the Local Planning Authority under discharge of conditions application 17/1276/DIS on 3 August 2017.

Reason: In order to minimise danger, obstruction and inconvenience to users of the in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C15 The development hereby permitted shall be carried out in accordance with the Ecology Report prepared by Aspect Ecology and dated December 2014 and maintained as such.

Reason: To ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C16 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 B – addition or alteration to the roof

 Class C – any other alteration to the roof

 Class E – buildings incidental to the enjoyment of a dwellinghouse

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

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

9.2 Informatives:-

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. 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 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).

I4 It is the responsibility of a developer to make provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

I5 The applicant is advised that a license must be obtained from the Highway Authority before any works are carried out on any land forming part of the highway. Prior to commencement of any works the applicant is advised to contact the County Council Highways via either the website http://www.hertsdirect.org/services/transtreets/highways/ or telephone 0300 1234047 to enter into the necessary agreement with the Highway Authority to enable works in the highway to proceed.

I6 The development should be designed and constructed to Secured By Design standards.

I7 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.