**6. 17/1277/FUL – Demolition of existing dwelling and construction of five dwellings with associated alterations to access, parking and landscaping at AMBLEDOWN, CHORLEYWOOD ROAD, RICKMANSWORTH, WD3 4ES for Mr Shaw**

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| Parish: Chorleywood | Ward: Chorleywood North and Sarratt |
| Officer: Rob Morgan  Expiry Statutory Period: 4 September 2017 | |
| Recommendation: That Planning Permission be Refused | |
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| Reason for consideration by the Committee: Called-in by Chorleywood Parish Council and three members of the Planning Committee.  **Update**  The application was deferred at the September Planning Committee Members to allow Members to visit the site.  Following the September Planning Committee meeting further consultations and clarification has been sought from the Highways Authority in relation to the concerns raised regarding the access at the September Committee meeting. An amended Technical Note has been submitted in support of the application which the Highways Officer has had regard to. Following further consideration of the application and in light of the identified land ownership at the access the Highways Authority have now raised an objection to the scheme. Furthermore, the access arrangements have been amended removing the traffic light system. In summary, the Highways Officer summarised their objections as:  *‘In consideration of the Principal Road status of A404 Chorleywood Road and the traffic volumes along it, the Highway Authority requires that traffic movements to and from that road can take place without the need for a vehicle leaving the site to have entered the main road beforehand. It is acknowledged that this situation exists with the current use of the site and that the potential frequency of conflicting traffic movements on the access road will not be high. However the proposed development will generate an intensification of traffic movements through the existing junction arrangement and this will have the potential to create obstruction and conflicts on A404 Chorleywood Road.*  *The Highway Authority considers that the details submitted do not demonstrate that these additional traffic movements can be undertaken without creating obstructions to the safe and free flow of traffic along the highway network. It is therefore unable to recommend the granting of the application in its current form.’*  The Highway Authority’s full comments are set out in the Consultee Section of the report and expanded on in Section 8.6 of the Analysis. | |

1 **Relevant Planning History**

1.1 17/0441/PREAPP – Pre-application: Demolition of existing dwelling and construction of 6no. dwellings with associated parking and landscaping. Summary of pre-application response dated 21 April 2017:

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

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

1.2 16/1276/PREAPP - Pre-application: Demolition of existing dwelling and construction of 10no. apartments with associated parking and landscaping. Summary of pre-application response dated 24 August 2016:

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

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

2. **Detailed Description of Application Site**

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

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

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

3. **Detailed Description of Proposed Development**

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

3.2 The proposed dwellings would be within one large building which would be set centrally within the plot with separation distances to the site boundaries of a minimum of 8.4m to the north, 17.5m to the east, 9.5m to the south and 24m to the west. The building would have a rectangular footprint and would measure 29m in width (east to west) and 13.5m in depth (north to south), inclusive of covered terraces to the north. The building would comprise three extruded gable ends with a maximum height of 8.2m (south) and 11.8m (north) due to the significant change in land level across the site.

3.3 At lower ground floor level two two-bedroom units are proposed which would be directly accessed from the flanks. Three three-bedroom units are proposed at upper ground floor level, which would also include a mezzanine level, and would be accessed from the front and rear. Each of the units would comprise open plan living and kitchen areas, bedrooms and en-suites. The three-bedroom units would also contain a study. The dwellings would be largely glazed to the north and south elevations, although a timber louvre system is proposed to the south to provide additional screening.

3.4 The existing site access would be utilised with works proposed to widen the access road and provide passing points. The access would lead to an area of hardstanding in the south-west corner of the rectangular part of the plot which would provide one formal parking space and bin storage areas. Undercroft parking would also be provided at the lower ground floor level accessed via a ramp to the south of the building; a total of 11 car parking spaces would be provided. An internal lift and external stairs would provide access from the undercroft car park to the upper levels.

3.5 Footpaths would be constructed around the building providing access to the individual properties. The three-bedroom units would be served by upper ground floor terraces to the north while the remaining site would be a communal amenity space. The application has been accompanied by a detailed landscaping plan.

3.6 During the course of the application amended plans have been provided which alter the layout of the access road following comments from the Landscape Officer and neighbours regarding land ownership.

4. **Consultation**

4.1 National Grid

4.1.1 No comments received.

4.2 Conservation Officer

4.2.1 Summary: No objection.

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

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

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

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

4.3 Chorleywood Parish Council

4.3.1 Summary: Object due to impact on Conservation Area and highway safety.

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

* *Overdevelopment of the site (Policy DM1)*
* *Access: This will impede the neighbouring property and the extra traffic (26 cars) using this single track road and will have an impact on access and ingress on to an already busy A404*
* *Out of keeping with the Conservation Area at that point, as the property is located in the Loudwater Estate Conservation Area (Policy DM3).’*

4.4 Landscape Officer

4.4.1 Summary: No objection subject to conditions following the submission of amended details.

4.4.2 Comments dated 17 August 2017:

*‘The application site is within the Outer Loudwater Conservation Area and a number of trees within and adjacent to the site are protected by the Three Rivers (Chorleywood Road, Rickmansworth) Tree Preservation Order 2005 (TPO653). This application is supported by an Arboricultural Assessment and Tree Protection Method Statement prepared by Brian Crane and Associates. This document has been prepared in accordance with BS: 5837-2012 “Trees in relation to design, demolition and construction – recommendations” and identifies 162 individual trees within and adjacent to the site.*

*The Tree Protection Plan (BGC1/AMBLEDOWN/TPP/Rev A) identifies a number of trees for removal. Unfortunately, these tree removals are not explicitly identified in the discussion or in the tree data tables. Some of the proposed removals are justified due to the condition of the trees. Some other removals are justified by the location of the trees in relation to structures which are proposed to be removed. Most of these removals are proposed around the edges of the main part of the site and would be justified irrespective of any proposed development.*

*A number of trees along the access driveway are proposed to be removed to facilitate two new passing places. Most of these trees are poor quality specimens however the proposed passing place closest to Chorleywood Road requires the removal of two healthy Sycamore trees (T152, T153) which are protected by TPO653. These trees are graded as ‘B’ in the tree survey with a life expectancy of 40+ years. It would be usual to expect the removal of healthy trees which are protected by a Tree Preservation Order to be discussed in a BS: 5837 document. This has not happened and the proposed landscaping scheme does not include the driveway, so no replacement planting is proposed.*

*It is likely that these trees have been chosen for removal to allow for the retention of the Beech and Horse Chestnut trees which are closer to Chorleywood Road. Directly to the N.E. of these trees two poor quality trees (T96, T151) which are not protected by the TPO are shown to be removed. The proposed passing space does not fully utilise the space that would be opened up if T152, T153, T96 and T151 are removed. The passing space could be moved at least 2m N.E. so that it sits directly between the retained protected trees T149 and T150 enabling less impact on the root protection area (R.P.A.) of T149. The proposed passing space at the lower end of the drive is also poorly situated being adjacent to the trunk of a semi mature Ash tree T112. This space should also be moved N.E. to utilise the space occupied by Cherry Laurel. A method statement would be required for the installation of these two passing places which should specify the use of no-dig materials.*

*The passing places on the driveway do not appear on the Block Plan P-01 09-06-2017. The driveway does not appear on the Landscape Plan AD-002. The only plan which shows passing places is the Tree Protection Plan. The removal of two healthy protected trees to facilitate a passing space may be appropriate. However, the applicant will need to demonstrate a willingness to mitigate the loss of these trees with appropriate replacement planting. More consideration will need to be given to the location of the passing places so as to make the best possible use of the limited space on the driveway, with the least impact on the retained trees.*

*Given the shortcomings of the submitted documents I am unable to support this application in its current form and recommend refusal.’*

4.4.3 Further comments dated 24 August 2017:

*‘Further to my comments of 17 August a revised Tree Protection Plan (BGC1/AMBLEDOWN/TPP/Rev B) has been submitted. The revised plan addresses my earlier concerns, with both proposed passing places on the access drive being moved N.E. to minimise the impact on the root systems of the significant trees. These changes are also reflected on a revised block plan and passing places swept path analysis.*

*The changes to the passing places should ensure that the significant trees along the access drive can be retained. Replacement planting for the trees which will be removed can be secured through landscaping conditions if planning permission is granted.*

*Recommend consent subject to the following conditions:*

* *Hard and soft landscaping scheme to be submitted*
* *Works to be carried out in accordance with the approved tree protection scheme’*

4.5 Herts & Middlesex Wildlife Trust

4.5.1 No comments received.

4.6 Hertfordshire Ecology

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

4.6.2 *‘1. An Ecological Assessment and Preliminary Bat Roost Assessment (by Tyler Grange, 1st June 2017) has been submitted in support of this application. The site was visited on 17 February 2017 and comprises a residential property, associated garden and long driveway access. There is one detached two-storey dwelling (with extensions), amenity grassland, mature trees, introduced garden planting, ephemeral vegetation, a hedgerow, boundaries and hardstanding. The semi-natural habitats were assessed to have limited ecological value, except for the potential for nesting birds and foraging / sheltering hedgehogs.*

*2. The daytime bat inspection of the house and trees found no bats or evidence of bats; however potential suitable roosting features were identified among raised roof tiles and some small gaps potentially providing access to the soffits. As a result, the building was assessed to support low potential for roosting bats. Following Bat Conservation Trust best practice guidelines, one follow-up dusk emergence / dawn re-entry survey was recommended to determine the use of the building by bats, and to provide appropriate mitigation to safeguard them if present and affected.*

*3. Until the follow-up survey is carried out, the Local Planning Authority (LPA) does not have enough information regarding the presence or not of bats in the building. As an interim measure, to avoid holding up the planning process without the results of the bat activity survey, an Outline Bat Mitigation Strategy - based on a reasonable worst-case scenario of crevice dwelling bats being present and affected - has been provided within the bat report.*

*4. These outline mitigation measures deal with the potential presence of roosting bats, minimise potential impacts, and ensure the local population is maintained. The outline mitigation strategy assumes a worst-case scenario situation for the loss of a summer day roost or transitional roost for low numbers of relatively common crevice-dwelling Pipistrelle bat species utilising the external features of the building. (It considers timing and supervision of Works, pre-works check for bats, toolbox talk to contractors, supervised soft strip of roof area, replacement roost, additional roost features).*

*5. I consider this report has enough information to enable the LPA to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2010 (as amended) prior to determination.*

*6. The Outline Bat Mitigation Strategy can be modified if necessary once the results of the follow-up survey - which I advise is secured as a* ***Condition of Approval*** *- are known. I can suggest the following Condition wording (or similar):*

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

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

*7. It is acknowledged that if bats are found to be roosting in the property, appropriate mitigation measures must be carried out under the legal constraints of a Bat Low Impact Class Licence (BLICL) or a European Protected Species (EPS) development licence obtained from Natural England. I have no reason to believe that a licence will not be issued.*

*8. In addition, I advise the following Informatives are also added to any permission granted:*

* *Existing trees (including their roots and overhanging branches) that are remaining on or adjacent to the site should be protected from damage. Protection barriers and/or a no-dig policy may be required.*
* *The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have fledged.*
* *Any tree proposed for removal should be replaced with a native tree species (known to thrive in the area) in suitable locations within the application site.*
* *New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife; and night flowering plants to attract insects and increase foraging opportunities for bats. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.*
* *Trenches should be provided with a means of escape for any animals (notably badgers) that may have become trapped. This is particularly important if the trench fills with water.*
* *Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.*

*9. Finally, the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in buildings, specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, native tree and shrub planting, etc. These should be considered at an early stage to avoid potential conflict with any external lighting plans. I am pleased to see that a number of these have already been suggested by the consultant ecologist and hope some are taken up.’*

4.7 HCC Property Services

4.7.1 Summary: No objection subject to suitable fire hydrant provision.

4.7.2 *‘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 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 hardstanding 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:*

1. *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).*

1. *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.*

1. *Fairly and reasonable related in scale and kind to the development.*

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

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

*I trust the above is of assistance if you require any further information please contact the Development Services team.’*

4.8 Highway Authority

Further comments were received on 9 October 2017 following further consultation following the September Planning Committee.

4.8.1 Summary: objects.

4.8.2 *“This supplementary highway advice relates to the proposed demolition of the existing property and the construction of five new dwellings within the site. It is reported in consideration of amendments to the boundary treatments recently constructed and the impact of these on the movement of traffic to and from the site. These comments are given in consideration of the Technical Note TN01A document dated 4th October 2017 and Drawing No D-301 Rev S.01.*

*Trip Generation and Distribution.*

*The potential frequency of conflicting traffic movements on the proposed access road will be low due to the following:*

*- The potential for opposing traffic movements is governed by the lower of inbound and outbound trips.*

*- For 5 residential dwellings, the lower trip rates would not generate more than one vehicle per hour.*

*- The higher (dominant) flow is predicted at two vehicles per hour and each vehicle is expected to occupy the access drive for a period of 15 seconds. Therefore, during the peak hour period, there would be a total of 30 seconds (or 1/120th of an hour) when the opposing (lower) traffic flow could encounter a vehicle on the access road.*

*Vehicular movements along the access road (within the site).*

*The existing access arrangement to the site incorporates a long narrow driveway on a steep downhill gradient away from the highway. Drawing No. 17009-01-002 identifies the proposed widening of the existing driveway to a minimum of 3.0m and the positioning of two passing bays along its length. These features will deliver some improvement to the movement of traffic along the access road and will enable cars to pass each other. These measures are expected to mitigate for the additional traffic movements anticipated within the site.*

*The previous proposal to introduce a traffic signal system on the access road was expected to provide some additional control between opposing traffic movements within the site. It was not expected to assist traffic movements to and from Chorleywood Road. The removal of this feature is therefore not seen as being detrimental to the safe movement of traffic to and from the highway.*

*The information contained in the Manual for Streets design guide suggests that this width promoted along the access road would be sufficient for emergency vehicle access. However, it is suggested that the Local Planning Authority consults with the Hertfordshire Fire and Rescue Service to confirm that this is acceptable.*

*Vehicular movements to and from A404 Chorleywood Road.*

*The proposed access arrangement is from A404 Chorleywood Road which is classified as a Main Distributor Road within Hertfordshire’s road hierarchy and is subject to a 40mph speed limit.*

*Visibility splays of 2.4m x 120m are indicated in both directions on Drawing No. 17009-01-001 and the Technical Note reports that these are available in accordance with the standards specified in DMRB. As a result of the site inspections undertaken, the visibility distance indicated along Chorleywood Road does appear to be available from an ‘x’ distance of 2.0m. This set back dimension is in accordance with the standards quoted in the national design document Manual for Streets. In consideration of the existing status of the access, the adjacent street furniture and the current (shared) use of the access, I consider the available visibility for a driver emerging from the access to be acceptable.*

*The Technical Note incorporates tracking details for vehicles turning to and from the access to Chorleywood Road. Drawing no. 17009-01-020 presents vehicle tracking diagrams for a large car turning left from Chorleywood Road. These tracking movements conflict with the section of fencing that has recently been erected along the property boundary. The Highway Authority is aware that the positioning of this fence is in dispute. However, reference to Drawing No. D-301 Rev S.01 confirms that the proposed vehicle tracking crosses land within the ownership of the adjacent property.*

*The Roads in Hertfordshire design guide would normally require that development served from a single lane access onto a busy road was restricted to three units. I have previously reported that I would be prepared to permit the expected intensification of traffic movements to and from Chorleywood Road at this location if it was demonstrated that these would not create obstructions to the safe and free flow of traffic along the highway. The details submitted do not confirm that all turning movements to and from the highway can take place without creating conflicts with opposing traffic movements on the access and the consequential delays and obstructions to traffic on Chorleywood Road.*

*Highway Summary.*

*In consideration of the Principal Road status of A404 Chorleywood Road and the traffic volumes along it, the Highway Authority requires that traffic movements to and from that road can take place without the need for a vehicle leaving the site to have entered the main road beforehand. It is acknowledged that this situation exists with the current use of the site and that the potential frequency of conflicting traffic movements on the access road will not be high. However the proposed development will generate an intensification of traffic movements through the existing junction arrangement and this will have the potential to create obstruction and conflicts on A404 Chorleywood Road.*

*The Highway Authority considers that the details submitted do not demonstrate that these additional traffic movements can be undertaken without creating obstructions to the safe and free flow of traffic along the highway network. It is therefore unable to recommend the granting of the application in its current form.”*

4.8.3 The Highways Officer’s previous comments on the application were as follows:

Comments dated 1 August 2017:

*‘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. Provision of Access, Parking & Servicing Areas*

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

*Reason: To ensure permanent availability of the parking / maneuvering area, in the interests of highway safety.*

*2. Construction Management*

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

*Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013)*

*HIGHWAY INFORMATIVE:*

*HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.*

*AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.*

*COMMENTS / ANALYSIS:*

*The proposal comprises of the demolition of the existing dwelling and construction of five dwellings with associated parking at Ambledown, Chorleywood Road, Rickmansworth. Chorleywood Road is designated as a classified ‘A’ primary distributor road, subject to a speed limit of 40mph and highway maintainable at public expense.*

*VEHICLE ACCESS:*

*The site is accessed via a 65m long private driveway from Chorleywood Road and currently shares a dropped kerb (8m wide) with adjacent properties and there is approximately 6m from the edge of the highway carriageway to the entrance into the private drive. There are no proposed alterations to the dropped kerb and highway at the entrance to the site. Visibility splays of 2.4m by 120m are demonstrated to exist in both directions as shown on submitted drawing no. 17009-01-001 although it is noted that the visibility to the left when egressing the site is drawn to the centre line of Chorleywood Road and not to the nearside channel of the road, which is the required standard. Nevertheless the current vehicular visibility from the access is considered to be acceptable for the level of use and classification of road to be in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: A Design Guide.*

*The existing driveway is relatively narrow with a gradient of approximately 1:6.5 and there is a 10m drop in level from Chorleywood Road to the proposed properties, which is a steeper gradient than would normally be recommended. However it is an existing driveway and has a similar gradient to neighbouring properties and is therefore considered to be acceptable.*

*As part of the proposals, the driveway would be widened to a minimum of 3m in all parts to make the access in accordance with MfS and Roads in Hertfordshire. Two passing bays would be provided allowing a width at these points of 4.7m and 4.4m, which would be sufficient to allow two vehicles to pass one another as shown on submitted plan numbers 17009-01-002 and 17009-01-004 and be appropriate for access to five dwellings. As recommended in the pre-application advice provided by the Highway Authority, the application includes provision for a signal controlled arrangement along the private access road (sensor and traffic lights) giving priority to vehicles coming from the highway. The provision of these controls and the two passing bays is considered to be acceptable and should mitigate the effects of any additional traffic movements generated by the development.*

*HCC as Highway Authority would not agree to adopt the private access road. However it should be built to adoptable standards to be in accordance with guidelines as documented in Roads in Hertfordshire. The proposals include using a shared surface for vehicles, pedestrians and cyclists, which is considered to be acceptable for the size of proposals. Further details on shared surface roads can be found in Roads in Hertfordshire, Sec 2, 5.2.2 and 8.5.3 (link below). The submitted SuDs and Drainage Strategy Report states that “permeable paving will be used for the surfacing of the new driveway and parking area”, which is essential to ensure that surface water does not discharge onto the highway and is disposed of within the site.*

*PARKING:*

*The proposal includes the provision of 11 on site car parking spaces, two of which are for delivery and service vehicles, the layout of which is shown on submitted plan no. 17009-01-008. HCC as Highway Authority considers the layout and dimensions of the proposed parking to be acceptable and in accordance with MfS and Roads in Hertfordshire. 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.*

*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager\_1\_Anchor\_6*

*REFUSE / WASTE COLLECTION:*

*Provision has been made for on-site bin/refuse storage in addition to a temporary refuse collection location for bins (as shown on drawing no. 17009-01). The collection point is not within 25m of bin store and consequently not in accordance with MfS. As such arrangements should be made within the site privately to safely transport bins to the collection point on collection days. The collection method / arrangements must be confirmed as acceptable by TRDC waste management.*

*EMERGENCY VEHICLE ACCESS:*

*HCC as Highway Authority would recommend that the applicant consult with Herts Fire and Rescue in relation to emergency vehicle access to ensure that the proposals are acceptable and in accordance with guidance in MfS, Sec 6.7 and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses. The proposed access route is less than the recommended emergency vehicle access width of 3.7m and the proposed property is more than 45m from Chorleywood Road, which is the recommended maximum distance for vehicle access for a pumping appliance.*

*ACCESSIBILITY & SUSTAINABILITY:*

*The site lies approximately 1.6km from Rickmansworth town centre and the railway station and therefore within reasonable walking and cycling distance. Pedestrian footways exist along Chorleywood Road although there are no formal cycle lanes. The nearest bus stops are 160m and 70m from the site on Chorleywood Road and provide bus services to surrounding towns and villages including Chorleywood, Watford and Rickmansworth (and their respective railway stations). The applicant has indicated the provision of secure covered cycle storage and this should be provided as part of the development. As previous alluded to the access driveway should provide safe and clear access for all users accessing the site including cyclists, pedestrians and vehicles and shared surface arrangements should be provided to an acceptable standard to reduce any potential conflicts between different users.*

*CONCLUSION:*

*HCC as Highway Authority has considered that the proposal would not have an unreasonable or significant detrimental impact on the safety and operation of the surrounding highway following consideration of the measures to assist with vehicles movements along the driveway. The development is unlikely to result in a significant increase in traffic generation with 14 additional daily vehicular movements predicted compared to the current use. HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning condition, comments and informatives.’*

4.8.3 Comments dated 29 August 2017:

*‘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:*

*The submitted information including Block Plan (revision date 23/08/2017; drawing no. AMB-STUGIV-XXX-03-P-A-003) is considered to be acceptable. This response should be read in accordance with the original response from HCC as Highway Authority.’*

4.9 HCC Footpath Section

4.9.1 No comments received.

4.10 Loudwater (Troutstream Estate) Ltd

4.10.1 Summary: Object due to impact on Conservation Area.

4.10.2 *‘We understand that a Conservation Area is a place of special architectural or historic interest which is worthy of protection, but it is also accepted that no work is automatically ruled out merely because there is a Conservation Area designation.*

*The Loudwater Residents Association are not rigidly against any type of development, but we are very concerned to maintain the characteristics which have been the reason for creating this Conservation Area.*

*Loudwater Conservation Area is characterised by a carefully laid out arrangement of low density dwellings in a variety of styles, designs and materials set in a sylvan, woodland setting. Generally each dwelling is set within a generous plot with plentiful vegetation and landscaping. The area is also well wooded and undulating and is served by an informal network of narrow roads with many grass verges and hedgerows.*

*In our opinion the proposed development at Ambledown does not conform with the prevailing characteristics of the Conservation Area in that it diverges from the predominant arrangement of single dwellings on substantial plots. It is for the Local Planning Authority to determine whether or not the proposed scheme contravenes any of the planning criteria sufficiently to be rejected but in our opinion the site is capable of a much more sympathetic and acceptable development.*

*We would therefore respectfully suggest that the proposed development be rejected but that the developers should be advised to consider alternatives which would meet the required criteria, namely, preserve and reinforce the distinctive open frontages, plot sizes, boundaries and boundary treatments; maintain the rural and sylvan character of the Conservation Area; respect the scale and massing of surrounding buildings, and indeed, the buildings generally in the Conservation Area.’*

4.11 Environmental Protection

4.11.1 Summary: No objection

4.11.2 *‘This looks fine on the plan, we will be servicing these properties with our 7.5ton vehicles.’*

5. **Neighbour Consultation**

5.1 Site/Press Notice:

* Site notice posted 20 July 2017 and expired 10 August 2017.
* Press notice published 21 July 2017 and expired 11 August 2017.

5.1.1 Neighbours consulted: 10

5.1.2 Number of responses: 22

5.1.3 Summary of responses

Conservation Area

* Significant increase in cars within the Conservation Area.
* Destroy existing mature trees; total of 25 to be felled.
* Overbearing effect upon Chess Valley Walk.
* Significant glazing levels facing north at odds to the prevailing character of the area.
* Conservation Area characterised by large detached dwellings set in large plots with no bungalows or flats; introduction of flats would be out of keeping.
* Level of development at odds with the existing rural and sylvan surrounds.
* Readily visible from public vantage points.
* Incompatible design.
* Scale, bulk and mass not in keeping with other properties in the area.
* Any development should preserve or enhance the Conservation Area but this would not.

Residential Amenity

* Destroy existing mature trees which provide screening to/from the site.
* Loss of privacy; significant glazing levels proposed.
* Balconies overlook residents of Overstream and the public footpath.
* Intensification of the use of the site; exacerbated by siting of undercroft access ramp and associated noise disturbance.
* Overbearing.
* Harm to neighbours exacerbated by topography of the land.
* Orientation of the development will have a greater impact on neighbours than the existing house.

Highways & Parking

* Access and steep gradient of the driveway would not be sufficient to serve the development.
* Passing points would encroach onto neighbouring land.
* Passing points limited by the protected trees and insufficient for the length of vehicles.
* Significant increase in vehicle movements to and from the site.
* Suggested signal control arrangement would be unworkable.
* Access would block pedestrian access.
* Existing street furniture and bins on collection days would impair visibility at the access exacerbating insufficient visibility.
* Insufficient access for emergency/service vehicles.
* Unsustainable location.
* No sole pedestrian access to the development and unsuitable for those with mobility difficulties.
* Chorleywood Road is already a very congested road.
* Development would attract high levels of car ownership.
* Inadequate parking.
* Width of access track would cause cars to straddle the pavement.

Other

* Restrictive covenant covers the site and neighbouring properties restricting the number of dwellings within the plot to one.
* Light pollution due to significant level of glazing causing harm to wildlife, neighbouring properties and Conservation Area.
* Site is near to a badger sett which is not acknowledged by the ecological report, fresh water ponds and owls within mature trees.
* Applications for flats at Rasehill Close and Old Chorleywood Road are relevant to this application, both applications having been refused.
* Disruption to the natural water table.
* Set a dangerous precedent.

6. **Reason for Delay**

6.1 Committee cycle.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

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

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP1, 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, DM3, DM4, DM6, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5.

7.4 The Site Allocations LDD:

7.4.1 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

7.5 Other

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

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

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

8. **Analysis**

8.1 Principle of Demolition

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

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

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

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

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

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

8.2 Principle of Development

8.2.1 The proposal would result in the net gain of four residential units. The site is not identified as a housing site in the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

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

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

8.2.3 The application site is within Rickmansworth, the Principal Town as identified within the Core Strategy. The Spatial Strategy of the Core Strategy sets out that new development will be directed towards previously developed land and appropriate infilling opportunities within the urban areas of the Principal Town and Key Centres as these have been identified as the most sustainable locations in the District. Policy PSP1 of the Core Strategy advises that 15% of the District’s housing supply to include approximately 45% affordable housing is expected to come from within the Principal Town.

8.2.4 The proposal would constitute development of garden land and the built form would extend beyond the footprint of the existing dwelling. As such, the development would not constitute development of previously developed land as defined in Annex 2 of the NPPF. However, the location of the site within the Principal Town of Rickmansworth is acknowledged and while Policy PSP1 seeks to focus development within Rickmansworth to sites within the urban area, on previously developed land, the policy does not preclude development elsewhere. The proposed demolition of the existing dwelling which is not considered to make a positive contribution to the Conservation Area and its replacement with five dwellings would make a more efficient use of land within the Principal Town and no objection is raised to the principal of the development given the sustainable location of the site.

8.3 Conservation Area & Street Scene

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to *'have regard to the local context and conserve or enhance the character, amenities and quality of an area'* and *'conserve and enhance natural and heritage assets'*. Policy CP3 of the Core Strategy advises that *‘the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. Development will make the most efficient use of land, without compromising the quality of the environment and existing residential areas.’*

8.3.2 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.)’*

8.3.3 Policy DM3 of the DMP LDD sets out that within Conservation Areas, development will only be permitted if the proposal:

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

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

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

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

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

8.3.6 The proposed development would result in the net gain of four dwellings within the site to a total of five. While the residential units proposed have been described as dwellings, it could be argued that the introduction of five residential units within the site set within the proposed building with features such as north facing terraces, communal amenity space, shared bin stores and undercroft car parking would constitute the introduction of flats which are specifically mentioned as being absent from the Conservation Area within the Appraisal.

8.3.7 Notwithstanding the above, it must be considered whether the introduction of development of the design and scale proposed would result in harm to the character and appearance of the Conservation Area or street scene and would not constitute an inappropriate form of development for the area.

8.3.8 The development would be sited within an existing residential plot serviced by the existing access drive. The construction of five dwellings within the site would be an increase to the existing situation and would result in a change to the character of the plot. However, the proposed units would be set within one building sited centrally within the plot which would respect the prevailing character of the Conservation Area through the appearance of a single large detached dwelling set within a sizeable plot and considerably set back from its boundaries (minimum of 8.4m). The existing area is characterised by a mixed pattern of development with dwellings often served by long access drives which contributes to the sylvan setting of the Conservation Area. Therefore, the development is not considered to constitute ‘backland’ or ‘tandem’ development which would be inappropriate for the area.

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

8.3.10 The building would make use of the topography of the site with habitable floor space set within the lower ground floor, upper ground floor and mezzanine levels. The building would therefore have a two storey appearance, although the height of the three extruded gable ends would be increased to the north elevation which would face the Public Right of Way beyond the north site boundary. When taken from the higher ground level to the south, the proposed building would have a height of 8.5m; a 0.5m reduction in comparison to the maximum height of the existing building. While it is accepted that the overall bulk and massing of the on-site building would be increased with the existing building comprising two storey and single storey elements, the building would remain largely, if not fully, obscured from visibility from Chorleywood Road due to its siting to the rear of the dwellings and the local topography.

8.3.11 However, as noted above the building would be visible from the Public Right of Way to the north. The building would be set back from the north boundary by a minimum of 8.4m although due to the splay of that boundary much of the building would be further back. The dwelling sits within a relatively isolated position due to the nature of the site and spacing between dwellings in the Conservation Area. The dwellings to the south would remain visible due to the significant higher land upon which they sit and the proposed building would therefore not dominate the landscape or views from the Public Right of Way.

8.3.12 The design of the building would be contemporary with significant glazing to the gable ends, although the remaining materials would be natural including red clay roof tiles and a combination of timber panelling and brickwork. The gable ends and use of natural materials reflect the design of development commonly found within the Conservation Area and it is not considered that where views of the building are possible, the building would appear out of keeping with the Conservation Area. The Conservation Officer has advised that the contemporary design of the proposed building would be an improvement on the existing dwelling and would enhance the character and appearance of the Conservation Area.

8.3.13 The application has been accompanied by a detailed landscaping scheme which would include the removal of a number of trees. The sylvan setting of the application site is such that the existing trees and other vegetation make a positive contribution to the visual amenity of the site and character of the Conservation Area as demonstrated by the additional protection through Tree Preservation Order (TPO653). The Landscape Officer has advised that the amended scheme which altered the proposed passing places to the access has addressed earlier concern regarding the impact on significant trees along the access drive. The Landscape Officer considers that most of the trees to be removed would be justified irrespective of any proposed development and most are poor quality specimens. The loss of the trees would be mitigated through replacement planting and suitable conditions are recommended in relation to landscaping works.

8.3.14 The landscaping plan also serves to soften the proposed development from public vantage points and maintain the existing sylvan character of the site. The ramp to the undercroft parking would be sited to the south of the building and would be set within the soft landscaping serving to lessen its visual impact from within the site, as well as any retaining walls and other structures associated to the building and undercroft parking area. While the introduction of undercroft parking would be different to the existing development in the Conservation Area, given that it would not be notable from any public vantage points it is not considered that this would cause harm. The siting of the car parking within the lower ground floor level would also reduce the prominence of higher levels of car parking within the site which may have caused harm through excessive levels of hardstanding.

8.3.15 Overall, given the specific nature of the application site, design and scale of the development, it is considered that the demolition of the existing dwelling and construction of five dwellings would preserve the character and appearance of the Conservation Area and would be acceptable in accordance with Policies CP1, CP3 and CP12 of the Core Strategy, Policies DM1 and DM3 and Appendix 2 of the DMP LDD and the Outer Loudwater Conservation Area Appraisal.

8.4 Residential Amenity

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

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

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

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

8.4.3 The proposed building would be re-sited to a central position within the site compared to the existing dwelling. The building would be sited 8.4m from the shared boundary with West Side to the south which itself is set in from the boundary by approximately 19m and at a much higher land level. Given the separation distance and change in land level involved it is not considered that the new building would result in harm through loss of outlook or light. A site visit has been made to West Side to assess the potential impacts of the development. It is accepted that the new dwellings may be visible from the rear garden and windows of West Side through trees, but visibility of built form is not, in itself, considered harmful to residential amenity.

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

8.4.5 Each of the gable ends would be heavily glazed and would include habitable room windows. While the south elevation has been described by the applicant as single storey, given the inclusion of mezzanine levels within the upper units, outlook would effectively be from ground and first floor level. However, the mezzanine level would include timber louvres which would restrict outlook over the neighbours to the south. Furthermore, the land level of the application site is significantly lower than these neighbours and any views would be similar to those possible from ground floor windows. In any event, the siting of the building would not directly face either West Side or Dykewood providing only oblique views to habitable windows. Any views would also be well in excess of the 28m distance which is generally required for buildings backing onto one another as set out at Appendix 2 of the DMP LDD.

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

8.4.7 Policy DM9 of the DMP LDD sets out that noise from proposed transport use should not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings. The increase in residential units within the site would lead to an intensification of the use of the existing access and the undercroft access would be sited to the south of the building adjacent to the shared boundary with West Side.

8.4.8 The application is accompanied by a Transport Statement which identifies that the proposed development is expected to generate an increase of 14 daily vehicle movements compared to the existing dwelling. The Highway Authority has not disputed this prediction and it is not considered that the noise associated to an additional 14 vehicle trips per day would lead to a significant increase in the background noise level of existing dwellings within this location to cause harm to residential amenity.

8.4.9 The development would therefore not result in significant harm to the residential amenities of neighbouring properties and the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and DM9 and Appendix 2 of the DMP LDD.

8.5 Amenity Space

8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space and specific standards for provision of amenity space are set out in Appendix 2 of the DMP LDD. The proposed development would attract an indicative amenity space requirement of 378sq.m (63sq.m per two-bed unit and 84sq.m per three-bed unit).

8.5.2 Ample amenity space in excessive of the required standards would be provided to serve the dwellings despite the high level of tree cover within the site with a total of approximately 400sq.m of communal space to be provided. Each of the dwellings would also have private terraces/balconies measuring around 25sq.m in addition to the communal space which surrounds the building.

8.6 Highways, Parking & Access

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

8.6.2 The existing access would be modified and utilised to serve the proposed dwellings with the access to be a minimum of 3m wide with two new passing places created on the western side where the width would be 4.7m and 4.4m. Swept path analysis has been provided which shows that two vehicles can pass along the access drive with the provision of the passing places. The passing places have been revised to overcome concern raised by the Landscape Officer relating to impact on mature trees.

8.6.3 The Highways Officer noted although there would be an intensification of vehicular movements this would not be unacceptable and that there would be sufficient visibility splays. However, the Highways Officer noted that the drawings within the revised Technical Note incorporates tracking details for vehicles turning to and from the access to Chorleywood Road. The tracking diagrams conflict with the section of fencing that has recently been erected along the property boundary. The position of the fence is in dispute however the submitted information details that the vehicle tracking would cross land within the ownership of the adjacent property. The Highways Officer therefore confirmed that ‘*The details submitted do not confirm that all turning movements to and from the highway can take place without creating conflicts with opposing traffic movements on the access and the consequential delays and obstructions to traffic on Chorleywood Road’.*

8.6.4 The Highways Authority requires that traffic movements to and from the A404, which is a Principal Road, can take place without the need for a vehicle leaving the site to have entered the main road beforehand. In light of the ownership matters this cannot be achieved without crossing neighbouring land. The proposed development would generate an intensification of traffic movements through the existing junction arrangement and this would have the potential to create obstruction and conflicts on A404 Chorleywood Road. The proposed development would therefore result in obstructions to the safe and free flow of traffic along the A404 contrary to Policy CP10 of the Core Strategy.

8.6.5 The amended details make reference to highways alterations to address the concerns raised. The Highways Officer however has confirmed that they would not support the implementation of these works as they would create more conflicts than they would solve.

8.6.6 The agent has confirmed that the consultant has been in contact with the Herts Fire Service however they have not been able to receive any formal correspondence from the service in relation to the scheme.

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

* 2 bedroom dwelling – 2 spaces per dwelling (1 assigned space)
* 3 bedroom dwelling – 2.25 spaces per dwelling (2 assigned spaces)
* 4 bedroom dwelling – 3 spaces per dwelling (3 assigned spaces)

8.6.8 Based on the number of bedrooms the development would therefore require parking to be provided for 10.75 spaces (8 assigned spaces). However, it is noted that the three bedroom dwellings would include a study which could potentially be used as a bedroom; on this basis the development would require a total of 13 spaces (11 assigned spaces).

8.6.9 A total of 11 car parking spaces would be provided and two spaces would be assigned to each dwelling which would fall short of the overall required provision and a shortfall of one space per dwelling if the studies are counted as bedrooms. However, in terms of bedrooms shown the development would meet the required provision. The shortfall of two spaces is not considered to be significant in this instance given the location of the site within the Principal Town of Rickmansworth and given that this would constitute a worst case scenario based on maximum number of bedrooms available.

8.6.10 The undercroft car park would be served by sensor signal arrangement which the Highway Authority has advised would be sufficient.

8.6.11 Appendix 5 of the DMP LDD also sets out all dwellings should be provided with one long term cycle parking space per unit if no garage or shed is provided. Five cycle parking spaces are proposed on the lower ground level within a cycle store to meet these requirements.

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

8.7 Wildlife & Biodiversity

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

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

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

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

8.8 Affordable Housing & Infrastructure Contributions

8.8.1 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.

8.8.2 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.

8.8.3 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 A’ within which the charge per sqm of residential development is £180.

8.9 Sustainability

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

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

8.10 Refuse & Recycling

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

8.10.2 The Highway Authority has advised that the collection point is not within 25m of the bin store and consequently the proposed layout would not be in accordance with MfS. The Highway Authority has advised that arrangements would be required to be made within the site privately to safely transport bins to the collection point on relevant days and these arrangements should be confirmed as acceptable by TRDC Waste Management.

8.10.3 Pre-application discussions have been held between the applicant and the Council’s Environmental Protection Officer regarding waste collection. Within the Transport Statement it has been advised that all existing dwellings are serviced by waste collection trucks from Chorleywood Road with bins for existing dwellings placed on the footway on Chorleywood Road on the day of collection. Correspondence provided by the applicant from the Council’s Environmental Protection Officer has advised that this current situation has not caused any problems for highway safety. Sufficient space would be provided within the bin store for waste storage for each dwelling in accordance with TRDC’s requirements. The applicant has also advised within its Transport Statement that bins would be transported by the residents or a management company on the day of collection to the footway on Chorleywood Road. A temporary bin storage area is indicated within the Transport Statement for storage of bins on collection days.

8.10.4 Notwithstanding the above, the Council’s Environmental Protection Officer has stated that the dwellings would be serviced by 7.5ton vehicles with sufficient turning space available for collection of refuse within the site. It would be preferable for bins to be collected within the site rather than being stored on Chorleywood Road on collection days particularly due to the gradient and length of the access. The development can therefore provide adequate provision for storage and collection of waste subject to the submission of full details through condition.

8.11 Fire Hydrants

8.11.1 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.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE REFUSED for the following reason: -

R1 It has not been demonstrated that the proposed access arrangements would be sufficient to allow all turning movements to and from the highway to take place without creating conflicts with opposing traffic movements on the access and the consequential delays and obstructions to traffic along the A404. The proposed development would therefore have a detrimental impact on the safe and free flow of traffic along the Chorleywood Road contrary to Policy CP10 of the Core Strategy (adopted October 2011).

9.2 Informatives:

I1 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 has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.