**9. 17/1519/FUL - Single storey side and rear extension to ground floor A5 (Hot Food Takeaway unit); and two storey side and rear extension to existing maisonette and subdivision to create two 2 bedroom flats at 309 BALDWINS LANE, CROXLEY GREEN, RICKMANSWORTH, WD3 3LE  for Mr H Kyriakou.**

◼(DCES)

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| Parish: Croxley Green Parish Council  | Ward: Durrants |
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| Expiry Statutory Period: 26 September 2017 | Officer: Lauren Edwards |
|  |
| Recommendation: That planning permission is refused. |
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| Reason for consideration by the Committee: The Council has an interest in the land.  |

1. **Relevant Planning History**
	1. 16/0482/FUL- Single storey side and rear extension. Permitted.
	2. 12/1012/FUL - Renewal of 09/0524/FUL: Single storey side and rear extension. Permitted.
	3. 09/0524/FUL - Single-storey side and rear extension. Permitted.
	4. 04/1323/FUL - Replacement single storey side/rear extension. Permitted.
	5. 04/0508/FUL - Single storey side extension. Permitted.
	6. 03/1170/FUL - Single storey side extension. Withdrawn.
	7. 8/138/91 - Retention of replacement roof and alterations to form covered storage area. Permitted
2. **Detailed Description of Application Site**
	1. This application site contains a commercial premises in use as a Fish & Chip shop. The property is on the end of a small three-storey terraced parade of shops and there is an access road and pavement adjacent to the flank wall of the shop.
	2. There are a number of communal parking spaces to the front of these shops and to the rear of the shops there is an access road and a garage block. Above the shops are residential flats accessed via steps to the rear of the building. To the west of the site is Baldwins Lane Recreation Ground.
	3. There is an existing single storey side and rear projection to the application building built of timber with a flat roof. To the rear there are single storey flat roof projections providing access to the maisonettes above the shops. The existing maisonette above the Fish & Chip shop has 2 bedrooms.
3. **Detailed Description of Proposed Development**
	1. Planning permission was granted for a single storey side extension via application reference 16/0482/FUL on 05.05.2016. The officer’s report described the proposed development as:

*Planning permission is sought for a single storey side and rear extension to the commercial premises that is currently in use as a Fish & Chip shop. Planning permission was originally granted in 2004 and renewed in 2009 and 2012, the consent has not been implemented and therefore a further application for a different design has been submitted.*

*A single storey side and rear extension is proposed with a maximum depth of 13.15m. It would be set back 0.8m from the front elevation. The proposed extension would wrap around to the rear and would project no deeper than the existing structure. A maximum width of 4.7m is proposed which would project 3.35m from the flank elevation. The wall is proposed to curve from the side to the rear extension and it would be set 1.2m off of the highway. A flat roof is proposed with a maximum height of 3.2m.*

*One large window is proposed to the front elevation and one door is proposed to the rear elevation. Five large windows are proposed to the flank elevation facing the playing fields.*

* 1. It is noted that the ground floor extension may materially change the use of the unit from A5 to A3. However this does not require planning permission as it falls within the limitations of Permitted Development.

* 1. This application seeks planning permission for the single storey side extension as described above with the addition of an illuminated sign within the front elevation and would also include the addition of a two storey side and rear extension to the existing maisonette and the subdivision in order to create two, 2 bedroom, flats.
	2. The proposed two storey side extension to the existing maisonette would have a width of 3.2 towards the front and 3.4m towards the rear, it would project 2.6m beyond the existing rear elevation and have an overall width of 6m to the rear. The proposed extension would have a rear projecting gable, set down from the main ridge by 0.9m.
	3. Two additional windows are proposed within the front elevation, one at first and one at second floor level. A triple casement window and Juliette balcony would be included within the rear elevation of the proposed gable at first and second floor level. Juliette balconies are also proposed within the flank elevation, one at first floor and one at second floor level.
	4. The existing maisonette would be subdivided to create two 2 bedroom flats. One at first floor and one at second floor. Each flat would include a kitchen/living/dining area, two bedrooms and a bathroom. Access to the flats would be via the existing staircase into a lobby which would provide access to the first floor flat and to a staircase serving the second floor.
1. **Consultation**
	1. Local Plans: No objection.

*The application seeks to part change the use of the existing A5 (Hot Food Takeaway) to A3/A5 (Restaurant/Hot Food Takeaway). Policy SA4 of the Site Allocations Local Development Document states that Local Shops will be protected and enhanced where they are catering for local day-to-day needs. Uses complimentary to Local Shops will be encouraged. The unit is currently being used as a fish and chip shop (A5). A change of use from A5 to A5/A3 is considered acceptable as the unit will continue to provide its original A5 use and the addition of a restaurant to the fish and chip shop is considered complimentary to the local shops, and is unlikely to result in an adverse impact on the performance of the Local Shops.*

*The extension to the existing maisonette and its subsequent subdivision to create two 2 bedroom flats is considered acceptable in principle.*

* 1. Officer comment: It is noted that the Local Plans officer has referred to the part change of use of the existing A5 unit to A3/A5 due to the increase in floorspace serving the commercial unit. However as previously mentioned this material change of use would not require separate permission as it falls within permitted development.
	2. Environmental Health: No comments received
	3. Environmental Protection: No objection.
	4. Hertfordshire Highways: No objection.

*‘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.*

***HIGHWAY INFORMATIVE:***

*Hertfordshire County Council (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.***

***COMMENTS / ANALYSIS:***

*The application comprises of a three storey extension which will result in an extended A5 shop and two 2-bed maisonette flats at 309 Baldwins Lane, Croxley Green. Baldwins Lane is designated as a local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense. The property itself is in a parade of shops set back from the highway. The pedestrian and parking areas immediately to the side and front of the property and the service road to the rear are not highway nor maintained by Hertfordshire County Council (HCC) as highway authority.*

*The proposed extension to the property will extend into an area of paved surface providing pedestrian access to the rear of the parade including the application site. A 1.2m wide paved surface area has been retained to enable pedestrians access without having to walk into the service road carriageway - the proposed layout is shown on submitted plan no. 1219/20. Although the width of 1.2m is considered to be acceptable, the existing bollards within this 1.2m strip would restrict the free flow of pedestrians. Nevertheless due to the area being a private access route and not highway, these are informal comments and not enough to recommend refusal from a highways perspective. Furthermore if the bollards were removed, parked cars could be more of an obstruction.*

*The proposals do not make provision for any additional car parking for the extended shop or dwellings and the lack of parking is therefore not in accordance with car parking standards as outlined in Appendix 5 of Development Management Policies: Local Development Document . However it is unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.*

*REFUSE / WASTE COLLECTION:*

*Provision should be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point to be in accordance with MfS and HCC’s Roads in Hertfordshire: A Design Guide. These bins should not be stored where they could act as an obstruction to the free flow of pedestrians and other users of the service road and the nearest highway. The collection arrangements must be confirmed as acceptable by TRDC waste management.*

*CONCLUSION:*

*HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway although reference should be made to the potential restricted access for pedestrians to the rear due to the reduced footway width and bollards.’*

* 1. National Grid: Advisory comments.

***Affected Apparatus***

*The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:*

* *Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)*
	1. Officer comment: An informative will be added to any permission granted to make the applicant mindful of requirements in relation to National Grid apparatus*.*
	2. Croxley Green Parish Council: No objection.

*‘No ground for objection, although some concerns have been raised over parking which should be taken into account.’*

* 1. **Neighbourhood**
	2. Number Consulted: 8
	3. Site Notice posted on 18.08.2017 and expired on 08.09.2017. Press notice was not required.
	4. Number of responses received: 4
	5. Summary of comments:
* Loss of light
* Overshadowing
* Loss of views
* Devalue property
* Restricts mortgage provision for future occupiers
* Noise and air pollution
* Bin storage issues
* Reduction in pavement width
* Concerns regarding services
* Impact on businesses, residents and consumers during construction
* Parking concerns
	1. Officer comment: The concerns of the neighbours have been noted and the material planning considerations are addressed within the analysis section below.
1. **Reason for Delay**
	1. Committee cycle.
2. **Relevant Local Planning Policies:**

6.1 National Planning Policy Framework (NPPF)

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

6.2 The Three Rivers Local Plan Core Strategy:

6.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP2, CP1, CP2, CP3, CP4, CP6, CP7, CP8, CP9, CP10 and CP12.

6.3 Development Management Policies LDD:

6.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5.

6.3.2 The Site Allocations LDD was adopted in November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1 and SA4.

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

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

6.3.5 Affordable Housing Supplementary Planning Document – Approved June 2011.

1. **Analysis**
	1. Principle of Development
		1. In relation to the single storey extension to the existing take away, the application premise is a commercial unit and it is considered that the small scale extension to this premises would accord with Policy CP6 (Employment and Economic Development) of the Core Strategy (adopted October 2011) which advises that the Council will support development which provides (for example) for small scale business premises.
		2. The proposed development would result in a net gain of two dwellings.
		3. Policy CP2 of the Core Strategy sets out that the Council will identify sufficient land for housing within the District to meet the Three Rivers housing target of 180 dwellings per year until 2026. Housing will be made primarily within the existing urban area and also from housing sites at the most sustainable locations on the edge of existing settlements. Specific sites will be identified through the Site Allocations document taking in to account policies set out within the Core Strategy.
		4. Policy SA1 of the Site Allocations document outlines that permission will not be granted for development resulting in a net loss of housing and sites should be developed at an overall capacity which accords with the dwelling capacity for that site.
		5. The Spatial strategy sets out that for Three Rivers the hierarchy of settlements across the district have been defined in order to direct growth to the most sustainable and appropriate locations.
		6. The application site is not an allocated site defined within the Site Allocations Document (November 2014). CP2 of the Core Strategy sets out that in assessing applications for development not identified as part of the District’s housing supply including windfall sites applications will be considered on a site by site basis. Regard should be given to the location of the proposed development, the sustainability of the development and the contribution to housing needs, infrastructure requirements, impact on delivering allocated housing sites and monitoring information relating to housing supply and targets.
		7. The application site is within Croxley Green which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards previously developed land and appropriate infilling opportunities within the Principal Town and Key Centres and Core Strategy Policy PSP2 indicates that the Key Centres (including Croxley Green) will provide approximately 60% of the District’s housing requirements over the plan period.
		8. The proposed development would be of previously developed land and given the location of the site within a Key Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2, however this is subject to consideration against other material considerations as discussed below.
		9. Housing mix
		10. Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District as follows:

1 bedroom 7.7% of dwellings

2 bedrooms 27.8% of dwellings

3 bedrooms 41.5% of dwellings

4+ bedrooms 23.0% of dwellings

* + 1. The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors. The development proposes two 2 bedroom units which is where there is the second greatest housing need. Therefore given this and that the existing maisonette is a 2 bedroom unit it is considered that the proposed development would be complimentary to the existing situation and CP3 of the Core Strategy.
		2. Affordable Housing
		3. In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.
		4. However, following the appeal decision overturning the previous High Court judgement and giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10-units or fewer with a maximum combined gross floorspace of no more than 1,000sqm. As a result, the Local Planning Authority was not requiring contributions towards affordable housing for sites which are below these thresholds, such as the current application.
		5. From the 4th September the Local Planning Authority has re-applied Policy CP4; however this application was validated prior to 4th September and therefore affordable housing provision does not apply in this instance.
		6. The current application would result in a gain of one additional dwelling on the site and the floorspace would not exceed 1,000sqm. As such, in light of the current stance, the proposal would not currently attract a requirement to contribute to affordable housing in accordance with Core Strategy Policy CP4 nor would a Section 106 agreement be required at this time.
	1. Design and Impact on Street Scene/Character
		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 states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.
		2. In terms of new residential development, Policy DM1 of the DMP LDD advises 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.).
	* 1. With regard to subdivision of the extended dwelling, Policy DM1 advises that 'Subject to other development policies, proposals for the conversion of single dwellings into two or more units will generally be acceptable where:
6. The building is suitable for conversion by reason of its size, shape and number of rooms. Normally only dwellings with three or more bedrooms will be considered suitable for conversion
7. The dwellings created are completely self-contained, with separate front doors either giving direct access to the dwelling, or a secure communal lobby or stairwell which itself has a secure entrance
8. Adequate car parking, services and amenity space can be provided for each new unit in compliance with the Council's standards
9. The character of the area and the residential amenity of immediate neighbours are protected
10. If conversion of semi-detached dwellings is proposed, generally this takes place in pairs in order that privacy and the amenities of the occupants of the adjoining dwelling are maintained.’
	* 1. The proposed flats would be of a suitable size, shape and number of rooms to achieve a good standard of accommodation for future occupiers however in order to facilitate the proposed development a two storey side and rear extension with rear gable is proposed. The extension to the existing building is considered to result in unacceptable harm for the following reasons.
		2. Policy DM1 and the Design Criteria at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the street scene.
		3. Specific guidelines state that development at first floor level and above should be set in from flank boundaries by a minimum of 1.2m.
		4. The proposed two storey side and rear extension would be set in 1.2m from the boundary to the west. Whilst it is noted that given the end of terrace location the proposed extension would not result in a terracing effect and would comply with the guidelines of Appendix 2 of the DMP LDD in this respect, the loss of spacing and introduction of rear gable would result in a prominent form of development. The proposed three storey flank adjacent to the footpath would also result in a dominating and overbearing impact to pedestrians.
		5. The row of terrace shops and maisonettes which the application site is part of has a relatively linear rear building line and whilst there is a small step in the rear elevations none of the other buildings have gable features. Whilst the proposed gable projection would be sited to the rear of the building it would be readily visible from the adjacent access and Baldwins Recreation Ground. The extension would also be prominent when approaching the site from the west along Baldwins Lane. Given its three storey nature and prominent gable feature it is considered that the proposed extension to the existing maisonette would appear as an unduly prominent and incongruous addition to the building.
		6. The incongruous nature of the design is further demonstrated by the splayed nature of the two storey side extension in order to achieve the maximum amount of internal space and in turn increasing the width of the proposed rear gable.
		7. The prominence of the two storey side and rear extension is further exacerbated by the introduction of Juliette balconies within the flank elevation. Whilst Juliette balconies in themselves may not appear as an incongruous addition, their proposed siting would increase the vertical emphasis and overbearing nature of the proposed extension.
		8. Given that the proposed flats would be served by the existing access the subdivision in itself would not be readily apparent from the streetscene. However the requirement for a two storey side and rear extension with prominent gable feature in order to facilitate the proposed development would appear incongruous and unduly prominent in its end of terrace location.
		9. In relation to the single storey extension to the ground floor unit this in itself is not considered to result in unacceptable harm to character of the streetscene as outlined within the officer’s report for 16/0482/FUL:

*The proposed side and rear extension would be readily visible from Baldwins Lane due to the prominent corner location of the site and its location next to the Croxley Green playing fields. The rear extension would not project beyond the existing rear building line and the side extension would be set 1.2 metres in from the highway, ensuring appropriate spacing is maintained and reducing the prominence of the development within the street scene. A flat roof is proposed with a maximum height of 3.2m and as a result the scale of the single storey side and rear extension proposed would not appear disproportionate or excessive with regard to the application site. It is considered that the extension would be in keeping with the design of the parade of shops and would not result in demonstrable harm to the character or appearance of the street scene. It is proposed that the bricks would match those of the existing building.*

*The large window proposed to the front elevation would not appear disproportionate and would be in keeping with the design of existing shows. Five windows are proposed to the flank elevation facing Croxley Green playing fields, although these would be large, they would not appear out of character in the area.*

* + 1. The proposed illuminating sign in principle would not appear as an incongruous addition within context of the parade of shops. However it is considered necessary to condition further details of the sign to be submitted to the Local Planning Authority. It is also noted that the proposed advertisement would require Advertisement Consent in addition to planning permission. An informative should be attached to any approval advising the applicant of this requirement.
		2. In summary, the proposed ground floor extension, in itself, is not considered to result in unacceptable harm to the character of the streetscene. However the proposed two storey side and rear extension to create two 2 bedroom flats would result in overdevelopment of the site, a prominent and out of character form of development to the detriment of the character and appearance of the street scene and the visual amenities of the area which would also result in an overbearing and oppressive feature to the adjacent footpath and public vantage points. The development would therefore be contrary to Policies CP1, CP3 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. Impact on Neighbours
		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’. The Design Criteria as set out in Appendix 2 of the DMP LDD stipulates that extensions should not result in loss of light to windows of neighbouring properties nor allow overlooking.
		2. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
		3. The proposed two storey gable projection would be set off the eastern boundary by 2.3m and would not intrude a 45 degree splay line when taken form the point on the boundary level with the rear elevation of the neighbouring maisonette. It is noted that the proposed two storey rear gable would introduce additional built form to the rear of the building however given its siting off the boundary with a roof form hipped away from the boundary it is not considered that this element of the proposed development would result in such an overbearing impact or loss of light so as to justify the refusal of planning permission in this respect.
		4. There are no windows proposed in the flank of the two storey extension facing the neighbouring maisonettes. The proposed rear facing fenestration would look on to the garages and access to the rear. The proposed Juliette balconies within the side elevation would look on to the access road and towards the adjacent recreation ground. As such it is not considered that the proposed development would result in unacceptable overlooking to neighbouring amenity when compared with the existing situation.
		5. Whilst there would be some intensification of use of the site, given the additional unit, when considered in the context of the site, in a parade of shops and maisonettes above it is not considered that the proposed sub division in itself would result in such an increase in comings and goings to result unacceptable harm to neighbouring amenity.
		6. The proposed ground floor extension to the Fish and Chip shop was considered acceptable via application reference 16/0482/FUL in this respect as outlined within officer’s report for the following reasons:

*Due to the corner location of the dwelling, there are no neighbours directly adjacent to the proposed development. The extension would be adjacent to an access road and beyond that, a public open space; therefore it is not considered that the development would affect the amenities of any neighbouring properties. The proposed side and rear extension would project no deeper than the existing rear elevation. As a result it is not considered that the amenities of occupiers of the flats above would be adversely affected by the single storey extensions.*

*The five flank windows proposed to the flank elevation would have views across Croxley Green playing fields. They would not allow for any overlooking towards amenity spaces of neighbouring properties.*

* + 1. In summary the proposed development is not considered to result in unacceptable harm in this respect however this does not overcome the harm identified to the character and appearance of the area and streetscene as previously outlined above.
	1. Highways, parking and access
		1. Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. The Highways Officer has not raised an objection to the proposal subject to further details of parking arrangements and a construction management plan which would ensure that the development would not result in an unacceptable impact on highway safety or flows.
		2. To the western side of the application site is a footpath which provides pedestrian access to the rear of the building. Along this path are bollards.
		3. There is currently no allocated parking to serve the existing maisonettes. To the front of the site are parking bays to serve the ground floor units in addition to a parking area to the north west of the site which serves Baldwins Lane Recreation Ground and alternative parking for shoppers.
		4. The Highways Officer has advised that the narrowing of the footpath resulting from the proposed development would result in the bollards restricting the free flow of pedestrians. The removal of the bollards may also result in parked cars causing additional obstruction. Given that this is not within the ownership of the County Council the comments of the Highways Officer are informal. However whilst this may not result in unacceptable harm to highways safety it is further indicative of the contrived and overbearing nature of the two storey side extension as outlined within previous sections.
		5. **Proposed flats**
		6. Core Strategy Policy CP10 also requires that development makes adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a two bedroom dwelling should provide 2 spaces per dwelling (1 assigned space). The policy advises that in areas of high accessibility, a reduction in parking provision may be appropriate.
		7. The Highways Officer has not raised an objection to the proposed development in this respect. The proposed subdivision of the existing maisonette would result in a shortfall of 4 spaces (2 assigned spaces) as there is no allocated parking proposed as part of the development. Therefore given that there is currently no allocated onsite parking the proposed development would result in an additional shortfall of 2 spaces when compared with the existing shortfall of 2 spaces.
		8. It is noted that the proposed subdivision would result in additional parking pressures. However given the context of the application site within a row of shops and maisonettes and that the site is well served by bus serves along Baldwins Lane and is within walking distance of Croxley Station it is not considered that this shortfall would result in such unacceptable harm so as to justify the refusal of planning permission in this respect.
		9. **Ground floor extension to A5 unit.**
		10. The officer report for 16/0482/FUL set out that: ‘*Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies Document sets out that restaurants should provide one parking space per 5sqm of dining space and three spaces per four employees. The dining area proposed would have a maximum floorspace of 30sqm and therefore 6 spaces are required, however no details are provided regarding the number of employees. There are a number of communal parking spaces to the front of the parade of shops which provide parking for customers and a car park to the north west of the site serving the playing fields. Furthermore, the Fish and Chip shop currently serves local residents and therefore many of the users would arrive on foot. It is noted that consent has been previously granted for an extension of a similar size. As a result of the above, in this instance it is felt that the shortfall of formal parking spaces in comparison to the existing spaces provided on the site, would therefore not lead to a considerable harm and the proposed development would be acceptable*.’
		11. The site circumstances have not changed since this permission was granted and as such this element of the proposed development is not considered to result in unacceptable harm in this respect.
	2. Refuse and Recycling
		1. Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver site lines.

* + 1. No details have been submitted in respect of the provision of refuse and recycling and it is unclear what the existing situation is other than that there is a commercial collection. In order to ensure that sufficient and secure refuse and recycling bin stores are provided a condition would be attached to any permission to require that further details are submitted to the Local Planning Authority.
	1. Amenity space
		1. Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
		2. Appendix 2 of the DMP LDD sets out a 2 bedroom flat should provide 31sqm of amenity space which can be allocated specifically to each flat or communally.
		3. It has not been shown on the plans submitted if there is any existing amenity space however on site it did appear that there was some informal use of the flat roofed projections. The proposed plans have not shown that there is any amenity space provision for the proposed flats. However the application site is located immediately adjacent to Baldwins Lane Recreation Ground and as such it is not considered that given its location and proximity to public open space that the proposed development would result in unacceptable harm in this respect.
	2. Trees
		1. Policy DM6 of the Development Management Policies sets out that development proposals should seek to retain trees and other landscape and nature conservation features and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
		2. The application site is not located within a Conservation Area nor are there any protected trees on or near the site. Therefore it is not considered that the proposed development would result in unacceptable harm in this respect.
	3. Biodiversity
		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.
		2. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
	4. CIL
		1. Core Strategy Policy CP8 sets out that development should provide or make adequate contribution towards 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.
		2. The CIL charge for residential development on the application site is within ‘Area A’ and as such would have a CIL charge of £180/sqm.
1. **Recommendation**
	1. **That PLANNING PERMISSION BE REFUSED for the following reason:**

**R1** The proposed development, would result in overdevelopment of the site and a prominent and out of character form of development to the detriment of the character and appearance of the street scene and visual amenities of the area which would also result in an overbearing and oppressive feature to the adjacent footpath and from public vantage points. The development would therefore be contrary to Policies CP1, CP3 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. Informative

**I1** The Local Planning Authority has been positive and proactive in considering 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. Whilst the applicant and the Local Planning Authority engaged in discussions during the course of the application, no amendments were submitted by the applicant. 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.