**15. 17/1787/FUL – Erection of two detached chalet bungalows including alterations to land levels and alterations to existing parking area serving numbers 1, 2, 3, 4, 5 and 6 Clovers Court at LAND AT THE REAR OF CLOVERS COURT, CHORLEYWOOD, HERTFORDSHIRE, WD3 5FD for Velux Homes**

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| --- | --- |
| Parish: Chorleywood | Ward: Chorleywood South and Maple Cross |
| Expiry Statutory Period: 26 October 2017 | Officer: Matthew Roberts |
|  |  |
| Recommendation: That planning permission is granted | |
|  | |
| Reason for consideration by the Committee: The application has been called-in by three members of the Planning Committee and Chorleywood Parish Council. | |

**1.** **Relevant Planning History:**

1.1 **Planning History at number 79 Quickley Lane:**

1.2 10/1251/FUL - Erection of 3 x 2 bed houses with off street parking and bin storage area. Refused for the following reasons:

R1: *The development fails to comprehensively address the characteristics, opportunities and constraints of the wider site and adjacent site as a whole which would result in piecemeal development. Such piecemeal development would fail to protect the existing character of the area, be detrimental to the street scene and appearance of the area and fail to allow a full and proper consideration of the impacts of the cumulative developments to be properly considered contrary to Policies H14 and GEN1 and Appendix 1 of the Three Rivers Local Plan 1996 2011.*

R2: *The proposal fails to provide satisfactory evidence as to the lack of adverse impact arising from the proposed land level changes necessary to accommodate the development. Insufficient evidence has been submitted to demonstrate that the proposed land level changes would not have a detrimental impact on the character of the street scene or the residential amenities of neighbouring properties. As such the application is contrary to Policies GEN1 and GEN3 and Appendices 1 and 2 of the Three Rivers Local Plan 1996 - 2011.*

1.3 The appeal was dismissed in April 2011.

1.4 11/1652/FUL - Demolition of existing bungalow at No.79 Quickley Lane and the erection of 3 town houses with associated access, parking, bin storage, landscaping and amenity areas – Permitted, not implemented.

1.5 12/2072/FUL - Minor amendments to planning permission 11/1652/FUL (erection of 3 town houses with associated access, parking, bin storage, landscaping and amenity areas) to reduce the width of the proposed terrace of three houses, marginally increase their depth and to realign the access road – Permitted, not implemented.

1.6 13/1210/DIS - Discharge of Conditions 3 (Materials), 4 (Boundary Treatment), 6 (Surface Water Drainage), 10 (Method Statement), 12 (C-Plan), 13 (Access), 15 (Wheel Washing), 16 (Contractor Parking), 20 (Tree Planting) and 21 (Materials) pursuant to planning application 12/2072/FUL – Conditions discharged.

1.7 13/1631/FUL - Variation of condition 2 of planning permission 12/2072/FUL: to create a staggered ridge height between the dwellings, accommodation within the roofspace including the insertion of rooflights to front and rear associated with second floor accommodation and the realignment of the flank boundaries – Permitted, not implemented.

1.8 14/0641/FUL - Variation of condition 2 of planning permission 13/1631/FUL: to include first floor front clear glazed window, bricked exterior to north eastern elevation, re-siting of rooflights, alteration and increase to parking area and re-grading of rear landscape amenity area – Permitted and implemented.

**Planning History at number 81 Quickley Lane:**

1.9 10/0065/FUL – Erection of 3 x 2 bed dwellings with associated access, off street parking, bin store provision and landscaping (Forward part of the site) – Permitted March 2010 - Not Implemented.

1.10 10/0703/FUL - Erection of 3 houses to the rear of 81 Quickley Lane - Refused July 2010 for the following reasons;

R1: *The development fails to provide adequate provision for the access, turning and manoeuvring of waste recovery and recycling vehicles as well as emergency vehicles within the site. This would result in inadequate arrangements for the storage and collection of waste and a sub-standard development contrary to Policies H14, N10, GEN1 and Appendix 1 of the Three Rivers Local Plan 1996-2011.*

R2: *The development fails to comprehensively address the characteristics, opportunities and constraints of the wider site as a whole which would result in piecemeal development of the site. Such piecemeal development would fail to protect the existing character of the area and be detrimental to the street scene and appearance of the area contrary to Policies H14 and GEN1 and Appendix 1 of the Three Rivers Local Plan 1996 2011.*

R3: *The proposed development results in a form of backland development that fails to protect and maintain the character of the area in terms of layout, plot size, building footprint and gaps between buildings and would result in the inappropriate loss of long and extensive gardens. It would have a detrimental impact on the character of the area and fails to meet the requirements of Policies H14, GEN1, GEN3 and Appendices 1 and 2 of the Three Rivers Local Plan 1996 – 2011.*

1.11 The appeals (APP/P1940/A/11/2144323 & APP/P1940/A/10/2140364) were dismissed in April 2011.

1.12 10/2209/FUL - Demolition of No. 79 & 81 Quickley Lane and erection of 12 town houses split into 4 blocks, two blocks of 3 x 2 bedroom town houses to the front of the site and two blocks of 3 x 3 bedroom town houses including bin storage area and associated access road and parking – Withdrawn November 2010.

1.13 10/2310/FUL - Application for residential development comprising of 2 x three two bedroom, Town houses & 2 x two bedroom town houses with associated access and parking – Returned invalid December 2010.

1.14 12/0972/RSP - Part Retrospective: Erection of three dwellings and associated parking - amended development following planning permission 10/0065/FUL- Refused August 2012 for the following reason;

*R1: The development, by reason of its width and height in relation to the adjacent highway (Quickley Lane) results in an excessively prominent appearance detrimental to the amenities of the street scene, contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Saved Policy GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.*

1.15 This application was allowed at Appeal (APP/P1940/A/12/2182187) in February 2013. This permission has been implemented.

1.16 13/0436/DIS - Discharge of Conditions 3 (Visibility Splays), 4 (Surface Water Drainage) and 6 (Wheel Washing) pursuant to planning application 12/0972/RSP - Conditions discharged.

1.17 **Planning History at Land to rear / adjacent of Clovers Court:**

1.18 14/1936/FUL - Erection of two detached bungalows with associated parking, bin stores, cycle stores, landscaping and alterations to land levels on land to rear of Clovers Court – Refused December 2014 for the following reasons:

R1: *The proposed development by virtue of the limitations of the application site fails to provide a comprehensive planning scheme for the whole site, failing to take into account already approved adjoining developments. The proposal would therefore result in a poor form of development that fails to address sufficiently the characteristics and opportunities of the wider site. The proposal is therefore not in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

R2: *The proposed development fails to provide satisfactory evidence as to the lack of adverse impact arising from the proposed land level changes necessary to accommodate the garden amenity areas for the bungalows. Insufficient evidence has been submitted to demonstrate that the proposed land level changes would not have a detrimental impact on the character of the area or the residential amenities of neighbouring properties. As such the application is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

R3: *The proposed development by virtue of the poor parking layout, oppressive and excessive boundary treatments to the north eastern and south western boundaries and lack of evidence with respect to the land level changes at the rear would cumulatively result in a poor standard of living for future occupiers of the bungalows. As such the application fails to accord to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

R4: *The proposed development fails to provide satisfactory evidence to ensure that adequate access arrangements for waste and recycling areas within the shared parking area can easily be achieved by local authority waste providers. As a result, the application fails to comply with Policy DM10 of the Development Management Policies LDD (adopted July 2013).*

R5: *The proposed development fails to enhance the landscape opportunities for the application site thereby resulting in a heavily urbanised form of development that is at odds with the immediate surrounding suburban environment. The submitted landscaping plan is insufficient and fails mitigate the harm identified and is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

R6: *The proposed development by virtue of the bungalows construction and lack of on-site renewable energy systems fails to demonstrate that sustainable development principles are satisfied. The proposal therefore fails to comply with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013).*

R7: *The proposed development would result in an increase in demand for education, libraries, childcare facilities, youth facilities, open space/children's play space and sustainable transport provision in the area. The proposed development in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 would fail to recognise the impact of the development upon these services. The proposal would also attract a requirement for fire hydrant provision. The application would therefore fail to meet the requirements of Policies PSP2, CP1, CP8 and CP10 of the Core Strategy (adopted October 2011), Policy DM11 of the Development Management Policies LDD (adopted July 2013) and Open Space, Amenity and Children's Playspace SPD (adopted December 2007).*

R8: *The scheme is for two market dwellings and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 would fail to contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

1.19 14/2522/FUL - Erection of two detached bungalows with associated parking, bin stores, cycle stores, landscaping and alterations to land levels on land to rear of Clovers Court – Withdrawn.

1.20 15/1674/NMA - Non material amendment to planning permission 14/0641/FUL: To slope rear garden to accommodate step features (retrospective) – Refused.

1.21 15/1717/FUL - Erection of two detached bungalows including alterations to land levels and alterations to existing parking area serving numbers 1, 2, 3, 4, 5 and 6 Clovers Court. Refused November 2015 for the following reasons:

R1: *The proposed development results in a form of backland development that fails to protect and maintain the character of the area in terms of layout, plot size, building footprint, landscaping and gaps between buildings and would result in unsatisfactory access and parking provision. It would have a detrimental impact on the character of the area and fails to meet the requirements of Policies CP1, CP3, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).*

R2: *The scheme is for two market dwellings and in the absence of an agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 would fail to contribute to the provisions of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

1.22 This application was allowed at Appeal (APP/P1940/W/16/3149879) in September 2016. It has not been implemented.

**2.** **Detailed Description of Application Site:**

2.1 The application site is situated on the south eastern side of Quickley Lane in Chorleywood and contains a steep access road leading up-to a large expanse of hardstanding and an “L shaped” parcel of undulating land which historically formed garden land as part of 79 and 81 Quickley Lane. The rear most part of the application site has been left undeveloped and currently is partially enclosed by fencing.

2.2 The parcels of land either side of the central access which sit outside the application site comprise three terrace dwellings which are two storeys in height with loft accommodation, some of which have also added rear conservatories. The terrace dwellings are elevated above the height of Quickley Lane and have rear gardens which front the highway, bounded by standard timber fencing with small mounds of highway verges immediately adjacent which consist of various trees and landscaping. The principal elevations of the terrace dwellings front a large expanse of tarmac which forms the main parking area which is supported further by one completed flat roofed bin store with a Laurel hedge surround. The terrace dwellings, now known as 1, 2, 3, 4, 5 and 6 Clovers Court are occupied.

2.3 The central part of the land relates to the large expanse of tarmac which has not been completed to the front of 1, 2 and 3 Clovers Court. To the north eastern side of the hardstanding area a retaining wall with elevated planting topped with close boarded timber fencing has been erected and extends along the entire depth of the north eastern boundary which is shared with properties on Rendlesham Way. The south western boundary of the land contains a significant retaining wall which has been left exposed following earth excavations close to this boundary point.

2.4 Immediately behind the existing tarmac hardstanding area is a large open parcel of land which has been subject to various spoil movements to facilitate its re-grading/excavation in parts. The south eastern corner has been levelled at a height similar to surrounding residential properties and is laid with turf. The parcel of land bounded by properties fronting Stag Lane has remained largely unaltered since construction works first began on the site.

**3.** **Detailed Description of Proposed Development:**

3.1 This application seeks planning permission for the erection of two detached chalet bungalows including alterations to land levels and alterations to the existing parking area serving numbers 1, 2, 3, 4, 5 and 6 Clovers Court.

3.2 The detached chalet bungalows would be positioned opposite the existing terrace dwellings (1 to 6 Clovers Court) fronting an area of hardstanding which would be utilised for shared parking for the entire development. The chalet bungalows would be built at the same level as the existing area of hardstanding.

3.3 The proposed detached chalet bungalow (labelled as “Plot 2” and “No.7” on the submitted plans) would be situated opposite numbers 4, 5 and 6 Clovers Court by approximately 16.5m and would be set in from the south western boundary by 3m and 1.2m with the proposed 2m high close boarded boundary with the other proposed property (No.8). No.7 would have an “L” shaped footprint (including a front 0.5m projecting bay window) measuring 14.2m in width and 10.6m in depth, comprising a hipped roof form at a maximum height of 5.4m sloping down to an eaves height of 2.4m. It would also be served by two front dormer windows with a rooflight sited in-between, a side dormer window (window to be obscurely glazed) within the south western roofslope and a rear dormer window. Internally, the chalet bungalow would contain a hallway, study, utility room, sitting room and lounge at ground level with two bedrooms, dressing room and a bathroom at first floor level.

3.4 The space surrounding the bungalow would be excavated in order to achieve a level circulation space. To the western side, a 2m high close boarded fence would enclose the space between the dwelling and south western boundary. To the east, a gate would be provided to allow access to the side/rear patio and amenity garden. At the rear, set 2m from the rear of the dwelling there would be a stepped landscape arrangement which would comprise of a flower bed and an aco-drain supported by retaining walls whilst steps would be constructed along the south western boundary/retaining wall providing access to the main lawn area which extends to the rear boundary with properties fronting Stag Lane. The rear “turfed” area would measure approximately 26m in depth by 18m in width providing a lawn area of 468sqm.

3.5 The second proposed detached chalet bungalow (labelled as “Plot 1” and “No.8” on the submitted plans) would be situated opposite numbers 1, 2 and 3 Clovers Court by approximately 19m and would be set in from the north eastern boundary by 3m and 1.2m with the proposed shared boundary with No.7. As per the other proposed chalet bungalow, the footprint would be identical in size and would include front, side and rear dormer windows.

3.6 As per No.7 the dwelling (No.8) would have a level patio area which wraps around the house. At the rear there would be a 1.6m deep patio area which would be enclosed by a retaining wall which forms part of a stepped landscape arrangement as already described above. Due to the land level difference of approximately 2.5m between the patio area and the elevated lawn area which is already in place, steps would be provided along the north eastern boundary/retaining wall. The lawn area serving No.8 would measure approximately 7.5m in depth by 18m in width.

3.7 The proposed development would provide parking provision for No.2 and No.6 Clovers Court, three visitor spaces and two spaces for No’s 7 and 8. An area of soft landscaping is proposed in-between the properties.

3.8 During the process the initial plans have been amended to increase parking provision, introduce elements of soft landscaping and to remove discrepancies between the floor plans and elevations.

3.9 **Differences between 15/1717/FUL and current proposal:**

3.10 The differences between the scheme approved at appeal (APP/P1940/W/16/3149879) in September 2016 and the current proposal has been compared below:

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Plot 2 and No.7** | Width (max) | Depth (max) | Height | Distance to south western boundary | No. of storeys | Parking provision | Garden amenity |
| 15/1717/FUL | 13m | 8m | 5.4m | 4.2m | 1 | 2 | 630sqm |
| 17/1787/FUL | 14.2m | 10.6m | 5.4m | 3m | 2 | 2 | 590sqm |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Plot 1 and No.8** | Width (max) | Depth (max) | Height | Distance to north eastern boundary | No. of storeys | Parking provision | Garden amenity |
| 15/1717/FUL | 13m | 8m | 5.4m | 4.2m | 1 | 2 | 300sqm |
| 17/1787/FUL | 14.2m | 10.6m | 5.4m | 3m | 2 | 2 | 245sqm |

**4.** **Consultation:**

4.1 Highway Authority: No objection, subject to conditions and an informative.

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

*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*

*http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.*

*“Vehicle Access:*

*The proposed properties are accessed via Clovers Court, approximately 50m from the nearest highway on Quickley Lane, which is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense. The current inter vehicle to vehicle visibility at the entrance to Clovers Court is deemed to be satisfactory and acceptable for the level of use and speed/nature of the and in accordance with guidelines in Roads in Hertfordshire; A Design Guide and Manual for Streets (MfS).*

*It is noted that the existing gradient of Clovers Court is quite steep. However it is used to serve six existing properties and this and the width of the access road are considered by HCC as Highway Authority to be acceptable to serve the additional two dwellings as proposed. Furthermore the proposals include arrangements to deal with surface water to ensure that it does not discharge onto the highway.*

*Parking / Manoevrability:*

*The dimensions and layout of the proposed parking arrangements are shown on submitted drawing no. DL1001D and are considered to be acceptable by HCC as Highway Authority along with the parking arrangements for the existing six dwellings in Clovers Court. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with any parking arrangements on the site.*

*Emergency Vehicle Access and Refuse / Waste Collection:*

*The width and layout of Clovers Court is considered sufficient to enable emergency vehicle access to within 45m of the proposed dwellings. This is in accordance with guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses. The submitted drawing (no. DL1001D) demonstrates the “existing refuse and fire truck turning area in use” which will remain the same and enable vehicles to the turn around and egress to the highway in forward gear.*

*Traffic Generation and Impact on the adjacent highway:*

*The proposal is a small scale residential development. The traffic generation of vehicles and impact on the local highway network would be considered to not be significant or detrimental.*

*Conclusion:*

*HCC as Highway Authority has considered that the proposal is of a small scale residential development and would not have an unreasonable impact on the safety and operation of the nearest highway. HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.”*

4.2 Chorleywood Parish Council: Objects.

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

* *In view of the planning history of this site and local public concern*
* *The Conditions originally placed on the development at the rear of Clovers Court by the Planning Inspector at Bristol are being contravened. Item 25 of the appeal notice.*
* *Overlooking of adjacent properties due to the increase in building size. DM13 of the Development Management Policies LDD (adopted July 2013)*
* *Loss of parking spaces from 12 - 10*
* *The development would be contrary to policy CP12 of the Core Strategy (adopted October 2011).”*

4.3 Environmental Health: No comments received. Any comments received will be verbally updated at Committee.

4.4 Environmental Protection: No comments received. Any comments received will be verbally updated at Committee.

4.5 Landscape Officer: No comments received. Any comments received will be verbally updated at Committee.

4.6 Affinity Water: No comments received. Any comments received will be verbally updated at Committee.

4.7 National Grid: No comments received. Any comments received will be verbally updated at Committee.

**5.** **Neighbour Consultation:**

5.1 No. consulted: 82

No. responses: 19

5.2 Site Notice: Expired on 27 September 2017 (further consultations).

5.2.1 Press Notice: Not applicable.

5.3 Summary of responses:

* Significantly larger / creeping development
* Contravenes conditions imposed at appeal
* Small garden serving No.8
* How will land be maintained?
* Poor outlook/living conditions for occupants
* Removal of trees
* Lack of parking
* Overcrowding
* Piecemeal development
* Enough is enough
* Poor quality boundary treatments/planting
* Terraces sold with 2 parking spaces
* Drainage concerns

5.3.1 The material planning considerations listed above shall be discussed within the following analysis.

**6.** **Reason for Delay:**

6.1 No delay.

**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 Three Rivers Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include: PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies of the adopted Development Management Policies LDD include: DM1, DM4, DM6, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5.

7.4 Policy SA1 of the Site Allocation Local Development Document (adopted November 2014) outlines allocated housing sites that will be safeguarded for housing development.

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 Online Planning Practice Guidance

7.5.4 Affordable Housing Supplementary Planning Document - Approved June 2011.

7.5.5 The South West Hertfordshire Strategic Housing Market Assessment (2016)

**8.** **Analysis:**

8.1 Overview:

8.1.1 The land which previously incorporated two detached bungalows has been subject of numerous planning applications and a number of enforcement investigations. The long running planning issues and length of construction work has led to concern within the local community.

8.1.2 The land was first approved planning permission in 2010 under reference 10/0065/FUL when the bungalow known as 81 Quickley Lane was demolished to make way for three terrace dwellings (now known as 4, 5 & 6 Clovers Court). The plans approved included a new access road from Quickley Lane that slopes up towards an area of hardstanding which incorporated three parking spaces and landscaping. When reaching this decision regard was had to Planning Policy Statement Note 3 (PPS3 – now deleted) which sought greater intensification of the use of existing residential land in sustainable locations. The character of the land was further altered when planning permission was granted for three very similar terrace dwellings at 79 Quickley Lane under reference 11/1652/FUL, therefore creating a new streetscape of six terrace properties with gardens facing towards the highway.

8.1.3 When planning permission under reference 11/1652/FUL at 79 Quickley Lane was initially granted in November 2011, the Planning Committee considered the merits of the application extensively. The minutes of the Committee meetings confirmed the need to control the land towards the rear and thus, following Legal Counsel Advice at the time, a number of planning conditions were imposed. These conditions were imposed to **a) ensure that the indicated land is retained as open land in ancillary residential use** and **b) to ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general.** The conditions were also attached to subsequent planning permissions 12/2072/FUL, 13/1631/FUL and 14/0641/FUL. The conditions are detailed below for reference

*“The area of land to the rear of the approved dwellings and to the rear of No 81 Quickley Lane shown on the plan number 11/13C (labelled as 'landscaped amenity area for plots a, b, c at No. 79' and 'land available for use as vegetable gardens for occupants of a, b, c, d, e, f of No. 81 & 79') , shall be for use as amenity garden land by the occupants of the residential dwellings approved to the plots of Nos 79 and 81 Quickley Lane granted planning permissions ref: 11//1652/FUL and 10/0065/FUL only and shall not be used for any other purposes without the prior written permission of the Local Planning Authority.”*

*“No structures or enclosures nor any hard surface shall be erected or constructed on the area of land to the rear of the approved dwellings and to the rear of No 81 Quickley Lane shown on the plan number 11/13C (labelled as 'landscaped amenity area for plots a, b, c at No. 79' and 'land available for use as vegetable gardens for occupants of a, b, c, d, e, f of No. 81 & 79') without the prior written permission of the Local Planning Authority.”*

*“A landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. This shall pay particular attention to the management and or allocation of the open land to the rear of the site. The landscape management plan shall be carried out as approved.”*

8.1.4 During the course of the previous refused planning application and the current application, a number of objections have been submitted stating that the imposed conditions should be adhered to. However, it should be acknowledged that planning conditions do not prevent planning applications being submitted to the Local Planning Authority (LPA) for assessment. The intention of the planning conditions is clear and requires the rear part of the land to be retained for landscape amenity areas for the future occupations of the six terrace dwellings. However, upon submission of a planning application the LPA is required to assess the merits of the application against national and local planning policies whilst also having regard to the limitations of the site, neighbouring properties and in the interests of the visual amenities of the site and the area in general.

8.1.5 In addition to the above, it is acknowledged that a planning application 15/1717/FUL for three houses to the rear of 81 Quickley Lane was refused by the LPA and dismissed on 3 May 2011 by the Planning Inspectorate (APP/P1940/A/10/2140364). The houses subject of this appeal were sited towards the very rear of the site and included a long access road in excess of 40m from Quickley Lane with an extensive area of hardstanding covering the majority of the curtilage. The appeal was dismissed on grounds that the scheme would be harmful to the character and appearance of the area and there would have been unacceptable provision for utility and emergency vehicles by virtue of the long access road. This appeal decision is a material planning consideration; however, it should be acknowledged that the submitted scheme is significantly different to the dismissed appeal.

8.1.6 Notwithstanding the above, of most relevance is the grant of planning permission at appeal in September 2016 for the erection of two bungalows at the site in the same location as currently proposed. The appeal decision followed the Council’s decision to refuse the application on grounds of character and affordable housing, although the latter reason was withdrawn at the appeal stage due to change in national policy. Nevertheless, in terms of impact on character, the Inspector disagreed that the erection of two bungalows would have a harmful impact on the area’s character as set out below:

*“Whilst I accept that, prior to the redevelopment of the site of the former Nos 79 and 81, the area around the corner of Quickley Lane and Rendlesham Way might have very much been characterised by detached bungalows within generous or large garden plots, I find that to be less so now.”*

*“Both the developments at Juniper Court and the six terraced properties to the front of the appeal site have led to the evolution of the character of the area. Unlike other properties along Quickley Lane, they present their rear face, behind substantial timber fences, towards Quickley Lane. They look inwards, into shared parking and turning courtyards. As the character and appearance of places evolve over time, these developments are as much constituent parts of the character and appearance of the surrounding area as the bungalows elsewhere on Rendlesham Way are, or the semi-detached properties opposite the appeal site or further up Quickley Way are. Put simply, the character of the area, through house types, scale, layout and age is mixed.”*

*“In this context,* ***I find that the proposed form of development; two bungalows located just beyond the shared parking and turning area facing towards the front elevations of the existing terrace of six dwellings, would not be inappropriate, in terms of character, for the area****. The development would follow the pattern and general layout established by Juniper Court with a type of dwelling that would reflect the character, appearance and form of neighbouring bungalows along Rendlesham Way whilst the garden plots around the dwellings would also be broadly comparable with those surroundings.”*

8.1.7 The grant of permission by the Planning Inspector is therefore a material consideration in the determination of this application. The current scheme seeks notable changes, including increasing the size of the dwellings and incorporating a second floor, served by dormer windows. The following analysis section will therefore consider whether such changes to the dwellings are significant enough to be considered inappropriate for the area.

8.1.8 In addition to the above, Policy CP3 of the Core Strategy stipulates that the Council will promote high quality residential development that respects the character of the District and caters for a range of housing needs. In addition, Policy CP12 states that development should:

“*Have regard to the local context and conserve or enhance the character, amenities and quality of an area and should make efficient use of land whilst respecting the distinctiveness of the surrounding area.”*

8.1.9 The National Planning Policy Framework (The Framework) encourages the effective use of land. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which seeks positive improvements in the quality of the built environment but at the same time balancing social and environmental concerns.

8.1.10 The proposed development would result in a net gain of two dwellings on the application site. The site is not identified as a housing site in the adopted Site Allocations Document. However, as advised in this document, 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.

8.1.11 The application site is within Chorleywood 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 urban areas of Key Centres and Core Strategy Policy PSP3 indicates that the Key Centres (including Chorleywood) will provide approximately 60% of the District’s housing requirements over the plan period.

8.1.12 The proposal would be on garden land and as such would not be considered to be development of previously developed land. Nevertheless, development of garden land is not prohibited, subject to consideration against national and local planning policies.

8.2 Impact on character and appearance of area:

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

8.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that new residential 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. In terms of new residential development, Policy DM1 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:

i) Tandem development

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

iii) The generation of excessive levels of traffic

iv) Loss of residential amenity

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

8.2.3 In previous decisions, it has been accepted that the application site is a backland site, and the proposals were a form of tandem development. However, the Planning Inspector in the most recent appeal in September 2016 stated that this does not mean that the development is harmful per se, nor would it significantly be precluded by the provisions of Policy DM1 of the Development Management Policies document.

8.2.4 It is acknowledged that significant objection has been received regarding the use of the land at the rear for residential use. Nevertheless, the area in and around the application site is varied and there is no uniformity with respect to plot sizes and general form of dwellings within the vicinity. For example, to the south west there is a mixture of housing stock, including a detached two storey dwelling (number 83 Quickley Lane), Juniper Court containing town housing and a flatted scheme and Victorian style dwellings within narrow plots. To the north east, the properties fronting Rendlesham Way (numbers 6 to 14) are bungalows or chalet bungalows on small but wide plots similar to the proposed bungalows. To the south, there is an assortment of detached housing within relatively deep plots that back onto the application site. It is accepted that the bungalows prior to their demolition had large plots which contributed to the spacious suburban feel of the area. However, this proposed scheme would ensure that the majority of the plot, especially towards the rear, would be retained for garden land, albeit it would now be private rather than communal as intended by the previous planning conditions.

8.2.5 It is accepted that the proposed two chalet bungalows would not follow an established building line and would appear somewhat at odds with the terraces immediately opposite; however, their scale and general appearance would not be so out of character with the general area that it would be harmful. Whilst the dwellings have increased in size and form (including the introduction of dormer windows) from the appeal scheme, the proposed footprint of the houses would still follow the general scale of dwellings within the locality, especially those on Rendlesham Way. Furthermore, the surrounding roads are varied and there is no strong general uniformity. By virtue of their siting, set in sufficiently from neighbouring boundaries by approximately 3m (in excess of 1.2m as required by the Design Criteria), the bungalows would appear relatively inconspicuous from public and neighbouring vantage points. Furthermore, the majority of the shared parking area has already been approved as part of previous applications and the majority of the hardstanding area already exists. In light of the above, the principle of two chalet bungalows that are similar in form, scale and size to properties on Rendlesham Way would not appear significantly out of character when considering the site circumstances and the immediate context.

8.2.6 In terms of height, the bungalows approved at appeal were set 0.5m above the existing area of hardstanding. However, the current proposal seeks to construct the dwellings 0.5m lower the approved height, level with the existing hardstanding area, thereby ensuring that the increased in roof bulk would not exceed the height of the approved scheme. Whilst the proposed scheme would include increased roof bulk when compared with the appeal scheme, such is the topography of the site the chalet bungalows would not appear unduly prominent and views of the rear garden would still be glimpsed, especially from views from Quickly Lane.

8.2.7 The proposed dwellings would also include dormer windows, to the front, side and rear. The Design Criteria as set out in Appendix 2 states that they should always be subordinate to the main roof, set below the ridge, set in from either end of the roof and set back from the plane of the front or rear wall. The proposed dormers to all roofslopes would comply with the guidance as they would appear subordinate. Whilst the Planning Inspector imposed conditions removing permitted development rights when granting planning permission in September 2016, the condition provided control to prevent further extensions and alterations to the bungalows which may alter its character or impact on neighbouring amenity through overlooking. The imposition of the condition does not mean that dormer windows are unacceptable or that the applicant is currently in breach. When viewed against the local context, dormer windows are common features of the locality and thus their introduction, subject to overlooking, would be acceptable.

8.2.8 In light of the above, it is considered that the introduction of two chalet bungalows, of similar scale to those adjacent to the site, would not significantly erode the spacious character of the area. Additionally, a large part of the site would be retained as amenity land (private) especially towards to rear where neighbouring gardens are generally more spacious.

8.3 Impact on neighbouring amenity:

8.3.1 Policy DM1 and Appendix 2 of the Development Management Polices LDD seek to ensure that development does not result in the loss of residential amenity.

8.3.2 Whilst objections regarding loss of amenity are noted, it is not considered that the introduction of two chalet bungalows would further impact on residential amenity. For example, the approved use of the land at the rear is for shared landscaped amenity, which, could potentially be used by all occupiers throughout the day thereby resulting in a degree of noise and disturbance. The proposed scheme seeks to retain a large majority of the land as private garden land which sits adjacent to neighbouring properties. Whilst accepting that activity on site may increase, especially within the parking area, it is not considered that it would adversely affect the living conditions currently enjoyed by neighbouring occupiers. The large expanse of hardstanding has previously been approved and therefore its use for car parking is acceptable and would not be at odds for a suburban area.

8.3.3 In terms of privacy, the new dwellings would take the form of chalet bungalows, with the loft space served by dormer windows which would allow for increased elevated views when compared with the appeal scheme, albeit that the ridges would 0.5m lower than the said scheme. However, given the extent of existing boundary treatments on site, outlook from the front dormers (which are to be set in at least 6m from the flank boundaries) would not erode privacy levels of neighbouring occupiers whilst the separation space of 16.5m and 19m between the terraces and the chalet bungalows is also considered acceptable to prevent direct overlooking (considered acceptable at appeal). The proposed side dormer windows would serve bathrooms and thus are conditioned to be obscurely glazed and top-opening only which mitigates any ability to overlook neighbouring gardens on Rendlesham Way or 83 Quickley Lane.

8.3.4 Within Appendix 2 it states that where privacy is achieved by means such as careful layout, screening, or differing levels, rear gardens may be of varied lengths. However, where rear garden length alone is relied on to provide privacy the minimum length should be 14m. At the rear of No.7 there would be an extensive amenity garden with sufficient boundary treatments which would prevent any overlooking issues to adjacent residential properties. With regards to No.8, there is a rear garden length of 11.4m which falls below the standards. The garden depth approved at appeal complied with the standards with a distance of 14m. However, given that the proposed rear garden would be significantly higher than the dwelling, the views from the rear dormer window would not overlook into adjacent gardens.

8.3.5 In terms of land alterations and excavations, a large section of the site which is to be occupied by the chalet bungalows and their patio areas would be partially excavated to an area level with the parking area. Whilst the area subject of the works would be relatively extensive, this section is the lowest of the backland area and thus the removal of spoil is not considered to be significant. Due to the variation in the land levels within the site, retaining walls would be necessary across the site and these would form part of the stepped landscape arrangement to the rear of both bungalows. A condition has been attached requesting more specific construction details of the retaining walls prior to any further works.

8.3.6 A condition regarding external lighting has been attached to the recommendation to ensure adequate control over future lighting thereby safeguarding adjacent residential properties.

8.3.7 When considering the above factors, the works required to the backland area would not adversely affect neighbouring amenity. Additionally, the chalet bungalows due to their siting, topography of the site in relation to adjacent properties and boundary treatments would not result in any demonstrable harm to neighbouring amenity whilst any increase in on-site activity through vehicular and pedestrian movements and other associated noise would not significantly affect the living conditions currently enjoyed by adjacent occupiers.

8.4 Impact on future occupiers:

8.4.1 It is also necessary to consider the amenity impact of the development towards the future occupiers of the bungalows. Planning application 14/1936/FUL was refused on various grounds, one of which included the unacceptable impact on the living conditions for future occupiers of the bungalows.

8.4.2 In prior applications there has been concern that the dwellings would be hemmed in with poor outlook, especially at the rear given the significant upward slope in the land. The proposed depth of the dwellings are deeper than those approved at appeal which has therefore reduced the separation distance between the stepped landscape arrangement and the rear of the dwellings by approximately 1m. The proposed plans ensure that at least 2m of level patio space is provided at the rear with outlook onto an elevated planting bed. Whilst the highest part of the stepped section would be level with the eaves on the proposed chalet bungalows, there would be a separation distance of approximately 7m which is considered sufficient to prevent the dwellings from being hemmed in. It should also be noted that the rear building lines are south facing and thus will receive significant amounts of sunlight.

8.4.3 In addition to the above, both dwellings would be set in from the flank boundaries by 3m which is considered sufficient enough to prevent the high boundary treatments appearing overbearing and resulting in poor outlook for the future occupiers.

8.4.4 In light of the above, the proposed dwellings would provide a good standard of accommodation in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.5 Parking and Highway Considerations:

8.5.1 The proposal development would make use of the previously approved area of hardstanding that accommodated parking for the six terrace properties. The six terrace properties were approved and sold on the basis that they had 2 parking spaces each. As a result, the existing development must maintain 12 parking spaces. The proposed dwellings would be served by two bedrooms and a study with the latter big enough to be a bedroom. Based on the submitted plans, it is necessary to consider the new dwellings as three bed houses.

8.5.2 When applying the Parking Standards as set out within Appendix 5 of the Development Management Policies LDD, it states that a two bed dwelling would require 2 spaces (1 assigned space) and a three bed dwelling would require 2.25 spaces (2 assigned spaces). As a result, a total number of 16.5 spaces are required to serve the development as a whole.

8.5.3 Based on the amended plans, each of the six established terraces would have 2 parking spaces, with the second space for No.2 and No.6 positioned adjacent to the new dwellings. The proposed dwellings would each have 2 parking spaces positioned immediately outside their relevant plot, with a further four visitor spaces provided. In total, 20 parking spaces are to be provided, which exceeds the standards set out within Appendix 5.

8.5.4 In term of highway safety, the Highway Authority has confirmed that they have no objection to the scheme. The proposal would seek to maintain the existing access albeit it would now serve two additional dwellings. Whilst the level of movements would increase, it is not considered that the extent of vehicular movements would have a severe impact on the highway network.

8.6 Amenity Space:

8.6.1 Within the Design Criteria as set out within Appendix 2 of the Development Management Polices LDD, it states that for a three bedroom dwelling an indicative amenity space of 84sqm is required.

8.6.2 The proposed bungalow to the south west, No.7 would contain a patio and sloping rear garden area which extends upwards towards the rear boundary of the site. Whilst the stepped landscape arrangement would not be a useable space, the patio and lawn area would combine to provide amenity space of approximately 590sqm.

8.6.3 The proposed bungalow to the north east, No.8 by virtue of the shape of the application site would be much smaller and more in keeping with properties on the south western side of Rendlesham Way. The bungalow would be provided with a usable side/rear patio area measuring approximately 7m in depth by 5m in width and an area laid to lawn at the rear providing a total amenity area of approximately 245sqm.

8.6.4 Due to the land levels within the site, the majority of the private amenity land would be elevated above the ground floor of the bungalows and would be accessed by steps, each to be positioned adjacent to the flank boundaries. This scenario is not uncommon within parts of Chorleywood, including properties on the north western side of Quickley Lane where gardens rise significantly at the rear.

8.6.5 By virtue of the proposal, the communal landscaped amenity area for the existing terrace dwellings would become private space used solely by the occupiers of No.7 and No.8. As previously highlighted planning conditions sought to retain this parcel of land for shared use for the occupiers of numbers 1 to 6 Clovers Court who already have their own private amenity gardens fronting Quickley Lane, similar to terrace dwellings at Juniper Court. Whilst the proposal would go against the imposition of previous imposed conditions, a large part of the site would be retained as garden amenity land and no restrictive condition was applied within the permitted appeal scheme.

8.6.6 In light of the above, the amenity spaces provided for each new bungalow would accord with Appendix 2 of the Development Management Policies LDD.

8.7 Refuse and Waste:

8.7.1 Policy DM10 of the Development Management Polices LDD states 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 development will only be supported where waste/recycling areas can be easily accessed (and moved) by occupiers and local authority waste providers.

8.7.2 Clovers Court is currently serviced by Council refuse/recycling collection. Both proposed dwellings would place their bins outside for collection and would not utilise the existing refuse storage.

8.7.3 The applicant is aware that the existing refuse provision serving 1 to 6 Clovers Court is inadequate and requires attention (informative has been attached). However, the existing refuse provision falls outside the application site.

8.8 Landscaping:

8.8.1 Within Policy DM6 of the Development Management Polices LDD it states that proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposal should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

8.8.2 All existing trees would be retained on site, with new trees planted towards the rear of No.7. In addition, a number of soft landscaping areas are proposed to the front of the dwellings to break up the mass of tarmac. The landscape details are considered acceptable in principle and a condition has been attached to the recommendation requiring further details.

8.9 Sustainability:

8.9.1 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). 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 has been accompanied by an Energy Statement which indicates that the development would meet the requirements of Policy DM4 through various methods. The development would therefore accord with the sustainability policies and targets of Policy CP1 of the Core Strategy and Policy DM4 of the DMP LDD.

8.10 Affordable Housing & Infrastructure Contributions:

8.10.1 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.

8.10.2 However, following an appeal decision overturning the previous High Court judgement 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 floor space of no more than 1,000sq.m. However, from 4 September 2017 the LPA has re-applied parts (a) and (e) of Policy CP4. Nevertheless, as this application was validated before 4 September no affordable housing contributions are required.

8.10.3 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.

8.11 Wildlife & Biodiversity:

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

8.11.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies 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.

8.11.3 Given the site circumstances and nature of the development, it is not considered that there would be any significant impact on any protected species or wildlife, nor would the development compromise the integrity of the Green Infrastructure, therefore complying with Polices CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.12 Conclusion:

8.12.1 In conclusion, whilst there is significant concern regarding further development at the application site, the amended proposal is considered acceptable and complies with the relevant planning policies. The scheme also meets the relevant parking and amenity standards which further demonstrate that the scheme would not result in a cramped form of development. Whilst the dwellings are larger than those approved at appeal, the changes between the two applications are not considered to be so significant that it would result in the development appearing out of character with the surrounding area. As a result, subject to conditions, the development would be acceptable and comply with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5.

**9.** **Recommendation:**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001; DL1001E Rev E; DL1002A Rev A & DL1003D Rev D.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy and Policies DM1, DM4, DM6, DM8, DM9, DM10, DM11 and DM13 and Appendices 2 and 5.

C3 The development shall not commence until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

1. parking of vehicles of site operatives and visitors
2. proposed construction vehicle access, movements and routing of vehicles

iii. loading and unloading of plant and materials

iv. storage of plant and materials used in constructing the development

vi. wheel washing facilities

vii. measures to control the emission of dust and dirt during construction

The agreed measures as set out within the approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: This condition is a pre-commencement condition in order to minimise danger, obstruction and inconvenience to users of the highway and to safeguard neighbouring amenity in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C4 The development shall not commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. In respect of hard landscaping, these details shall include full construction details (including foundation design) of all retaining walls within the application site; details, including a plan, indicating the positions, design, materials and types of all boundary treatments; and details, including the position, height, design and intensity of all external lighting to be installed on the site or affixed to any buildings. All hard landscaping works required by the approved scheme shall be carried out in complete accordance with those details prior to the first occupation of the development hereby approved.

In respect of the soft landscaping, these details shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before the development commences, and shall be maintained including the replacement of any trees or plants which die or are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species for a period of five years from the date the approved scheme was completed.

Reason: This condition is a pre-commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 The development shall not commence until a drainage strategy detailing any on and / or off site drainage works has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: This condition is a pre-commencement condition to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C6 The development shall not commence until samples and details of the proposed external materials (external walls, fenestration and roof tiles) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: This condition is a pre-commencement condition to ensure that the external appearance of the dwellings are acceptable having regard to the local context in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C7 Prior to the occupation of the dwellings hereby permitted, the parking spaces shall be constructed, surfaced and permanently laid out (including marked) in accordance with the approved plan DL1001E Rev E (Proposed Site Plan). The parking spaces shall thereafter be kept permanently available for the use of residents and visitors to the site only.

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

C8 Prior to the first occupation of the development hereby permitted, the measures detailed within the submitted Energy Statement produced by *DO Environmental Consulting* shall be incorporated into the approved development.

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

C9 Before the first occupation of dwelling No.7 hereby permitted, the side dormer window within the south western roofslope shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

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

C10 Before the first occupation of dwelling No.8 hereby permitted, the side dormer window within the north eastern roofslope shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

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

C11 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

Class F - any hard surface

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

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

9.2 **Informatives**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Information and application forms are available at www.hertfordshirebc.co.uk. Alternatively the Council's Building Control section can be contacted on telephone number 01923 727130 or email building.control@hertfordshirebc.gov.uk.

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I4 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: http://www.hertfordshire.gov.uk/services/transtreets/highways/ or by telephoning 0300 1234047.

I5 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.

I6 The applicant is reminded that the refuse storage areas for 1 to 6 Clovers Court are inadequate and efforts should be put into place as soon as practicable to ensure residents have sufficient facilities.