

6. **18/0207/FUL – Erection of two storey building with habitable roofspace to create 7 x 2 bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping involving demolition of existing dwellinghouse at 38 EASTBURY AVENUE, NORTHWOOD, HA6 3LN for Mr John Gavacan.**
(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 26.03.2018

Ward: Moor Park & Eastbury
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application is brought before the Committee as it has been called in by three Members of the Planning Committee and by Batchworth Community Council.

Update

The application was originally brought before the Planning Committee at the meeting held on 22 March 2018. The Committee resolved to defer the application to allow for discussions to occur between the Officers and the applicant and the LPA's independent viability assessors Adams Integra regarding the viability of the development and contributions towards Affordable Housing. Section 7.12 of this report has been updated accordingly.

1. Relevant Planning History

- 1.1 17/2352/FUL - Erection of two storey building with habitable roofspace to create 7 x 2-bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping involving demolition of existing dwelling house – Withdrawn January 2018.

2. Description of Application Site

- 2.1 The application site comprises a large detached dwellinghouse located on the south-west side of Eastbury Avenue in Northwood. The surrounding area is characterised by suburban development in the form of flatted developments and detached dwellings which sit side by side on relatively large plots. Within the immediate context, the application dwelling is positioned between 36 Eastbury Avenue, which is also a detached dwelling on a relatively uniform front building line, and Latimer Place which is a part two-storey part three-storey flatted development with accommodation within the roofspace.
- 2.2 There are residential dwellings located to the rear of the site which are located on The Marlins, which is a private gated cul-de-sac which serves eight detached dwellings set within relatively sylvan grounds.
- 2.3 The application dwelling is of red-brick and white painted render exterior set back approximately 18 metres from Eastbury Avenue. The dwelling has a hipped roof with a forward projecting two storey gable projection with mock Tudor detailing. The dwelling has a cat-slide roof along the north-western flank. To the rear the dwelling has not been previously extended but does have a canopy projection.
- 2.4 The land levels slope down gradually in a south-east to north-west direction and as a result Latimer Place is set on a higher land level than the application dwelling and 36 Eastbury Avenue is positioned at a lower level. 36 Eastbury Avenue is built close to the shared boundary with the application site. Latimer Place is set off the shared boundary by

approximately 7 metres and has an 'L' shaped footprint and is built on a similar front building line to the application dwelling but extends deeper into its plot.

- 2.5 The frontage of the application site comprises a gravel carriage driveway providing off-street parking for at least four vehicles and surrounds an area of soft landscaping and trees. The flanks of the site frontage are enclosed by evergreen hedging of varying height.
- 2.6 To the rear the garden measures approximately 550sq. metres; and is well enclosed by dense vegetation in the form of evergreen hedging and mature trees which screen views of neighbouring sites. All trees with the site are protected by virtue of Tree Preservation Order 217.

3. Description of Proposed Development

- 3.1 Full planning permission is sought for the demolition of existing dwellinghouse and the construction of a two storey building with habitable roofspace to create 7 x 2 bed self-contained flats with associated parking within basement level, cycle and refuse store, amenity areas and landscaping.
- 3.2 The proposed residential block would be sited approximately 12–15 metres back from Eastbury Avenue; set in 2.5 metres from the boundary shared with 36 Eastbury Avenue and 1.5 metres from the shared boundary with Latimer Place. The building would have a two storey appearance with accommodation contained within the roofspace served by dormers within the front and rear roofslopes and rooflights to the flanks. The building would measure a maximum depth of 26 metres and width of 20.6 metres.
- 3.3 The building would have a flat roof form with a maximum height of 9.6 metres sloping down to an eaves height of 6.3 metres as measured from the front elevation. The front façade would include two two-storey hipped projections set down 1 metre from the main ridge with a porch measuring 3.5 metres in width and height set in-between. A single rooflight is proposed centrally within the main roofslope. Two dormer windows are proposed within the main rear roofslope either side of the rear projection.
- 3.4 The flatted development would be served by a retained access point from Eastbury Avenue located in the north-western corner of the site which would include a set of metal gates. The other access point towards the north eastern corner of the site will be closed off. The frontage would contain a double width driveway leading to an undercroft basement parking area which would be accessed under the eastern side of the flatted development. The remaining areas of the frontage would be soft landscaped with a communal bin storage area located forward of the main building and set off the western boundary by 2 metres.
- 3.5 The proposed bin storage would have a width of 3.6 metres, depth of 3.4 metres and would have a flat roof form measuring 2.5 metres in height and would have a bricked exterior.
- 3.6 The proposed basement parking would provide a total of 16 parking spaces (including two visitors' spaces); two of the spaces (including one visitor) would be designated disabled spaces. A cycle storage area for up to fourteen bicycles and seven additional storage areas are proposed within the basement.
- 3.7 To the rear there would be a communal private amenity area enclosed by hedging and trees.
- 3.8 Amended plans were received during the application process which made the following changes:
- The width of the building was reduced by 0.3 metres.
 - The three rear balconies proposed serving the first floor units were removed.

- A rooflight serving Bedroom 1 within the unit within the rear roofslope was replaced with a dormer window.
- The internal layout of the unit within the roofspace was altered swapping the Bedroom 2 and the kitchen around.

4. Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council (BCC) calls in this planning application and requests that it is considered by TRDC Planning Committee. BCC is opposed to the principle of knocking down established dwellings to rebuild as flats.

4.1.2 Highways Officer: [No objection, subject to conditions]

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

1. Turning Head / Space

Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following:

- The provision of an on-site turning space / turning head for service and delivery vehicles.

Reason: In the interest of highway safety and traffic movement.

2. Existing Access - Closure

Prior to the first occupation of the development hereby permitted, vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the access shown on drawing number FLU.619/12 only. The other access shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety.

3. Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to the south-east of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

4. Access Gates - Configuration

Prior to the first occupation of the development hereby permitted any access gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5.5 metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gate is opened.

5. Construction Management

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

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

Highway Informatives:

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Construction standards for new / altered vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

Comments/Analysis:

The proposal comprises of the demolition of an existing detached dwelling replaced by a two storey building to create seven two-bed flats with associated works at 38 Eastbury Avenue, Northwood. Eastbury Avenue is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

Vehicle Access:

The existing dwelling has two vehicle crossovers (VXO) / dropped kerbs from Eastbury Avenue. The proposals include closing off one of these VXOs and having therefore one access from the highway. The width of the access is 4.94m which is acceptable and will allow two vehicles to pass one another. Furthermore visibility for vehicles entering and exiting the site is considered to be acceptable and appropriate for the level of use and speed of traffic.

The applicant would need to enter into an agreement with HCC as Highway Authority in relation to the closing of the VXO. In order for the development to be acceptable, the highway kerb at this location would need to be reinstated to a full height (please refer to the above Highway Informative and conditions).

Parking & Manoeuvrability:

The provision of 14 on site / off street car parking spaces is included as part of the proposals. The provision and layout of the parking arrangements is considered to be acceptable by HCC as Highway Authority. The Highway Authority would recommend that

a turning head / space is provided to enable service and other delivery vehicles to turn around on site and egress to the highway in forward gear.

Refuse & Waste Collection:

A bin/refuse store has been included as part of the proposal. HCC as Highway Authority considers that the proposals are acceptable and in accordance with guidance as recommended in Manual for Streets (MfS) and Roads in Hertfordshire. The collection method must be confirmed as acceptable by TRDC waste management.

Emergency Vehicle Access:

The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 -Dwellinghouses.

Traffic Generation & Impact on the Adjacent Highway:

The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.

Accessibility & Sustainability:

The property lies within Northwood. Shops / amenities and Northwood underground station are within 1.2km of the site and therefore within reasonable walking and cycling distance. Pedestrian footways exist providing good pedestrian accessibility to the town centre. The proposals include the provision of an on-site cycle store with 14 spaces in the underground parking area. HCC as Highway Authority considers this to be acceptable due to the relative sustainability of the location and good cycling accessibility.

Conclusion:

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into an agreement with HCC to cover the technical approval and construction of the reinstated kerb at the closure of one of the VXOs onto Eastbury Avenue. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.

4.1.3 Herts and Middlesex Wildlife Trust: [Objection]

Bat surveys have not been completed. Surveys must be completed and definitive mitigation put forward before decision can be made - in accordance with ODPM circular 06/05 and BS 42020.

The preliminary ecological appraisal makes reference to a bat survey. This has not been supplied but the PEA mentions that the building has high bat roost potential. Therefore a bat surveys will need to be completed before decision

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2010 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of EPS it has not acted lawfully. R (on the application of Simon Woolley v Cheshire East Borough Council) established that planning authorities are legally obligated to have regard to the requirements of the EC Habitats

Directive when deciding whether to grant planning permission where species protected by European Law may be harmed.

BS 42020 8.1 states that decisions must be based on adequate information to assess impacts on biodiversity.

Therefore this application should not be determined until surveys have been completed as stated in the submitted ecological report. When these have been completed, any measures that are identified as being required to avoid, mitigate or compensate for impacts must be clearly stated and written on plans before the application can be approved.

It may be possible to reach a decision before the bat activity season begins if worst case scenario mitigation measures are put forward and approved. These can then be conditioned in a planning decision.

Further comments:

Following the submission of an Outline Mitigation Strategy by the applicant prepared by Middlemarch Environmental Herts & Middlesex Wildlife Trust made the following comments:

Objection: Worst case scenario compensation measures are incompatible with the proposals.

The worst case scenario mitigation and compensation measures submitted by the ecological consultant (Middlemarch March 2018) rely on the retention of a large loft void to compensate for the potential presence of a maternity roost of Brown Long-eared bats. The plans show that there is no such loft void available to host this potential compensation. Therefore if permission were granted, the stated compensation would be incompatible with the decision. This is clearly unacceptable and impractical. It is recommended that this application be withdrawn until full surveys have been conducted or plans altered to show a clear location plan of where a dedicated bat void for a maternity roost of Brown Long-eared bats can be located within the development.

4.1.4 Herts Ecology: [Initial objection, further details have been submitted and are being reviewed]

Thank you for consulting Hertfordshire Ecology on this application. The Hertfordshire Environmental Records Centre does not have any habit or species data for the application site, which is a two storey residential dwelling with associated garden and hardstanding.

Two ecology reports are submitted in support of this application:

- Preliminary Ecological Appraisal, by Middlemarch Environmental, dated November 2017;
- Preliminary Roost Assessment, by Middlemarch Environmental, dated November 2017.

The site was visited on 22 November 2017 and consists of a large two storey residential dwelling, a small shed, hardstanding, amenity grassland, introduced shrubs, fencing and hedgerows. The habitats were considered to be of limited ecological value; notwithstanding there is potential for nesting birds in trees/shrubs, hedgehogs in the garden, and bats in the buildings. Some Schedule 9 invasive plants were recorded.

Invasive plants

Rhododendron, Cotoneaster and Cherry Laurel were found on site. Some of these species are listed as an invasive species in Schedule 9 of the Wildlife and Countryside Act

1981, and precautionary control measures should be put in place to prevent it spreading into the wild. The following Condition of approval should be added to any permission granted:

“If Rhododendron, Cotoneaster and Cherry Laurel, potential Schedule 9 invasive plants, are to be removed or pruned as part of the development proposals, consideration should be given to prevent legal infringement under the Wildlife & Countryside Act (1981). Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of these plants during any operations should be submitted to the LPA for written approval. This statement should adhere to the ‘Environmental Management Guidance; Harmful Weeds and Invasive, Non-native Plants: Prevent them Spreading (NE & EA, 2015)’. Development shall proceed in accordance with the approved details.”

Birds

The trees and shrubs on site have potential to support foraging and nesting birds and care should be taken to avoid harm or killing and thus an offence being committed. I advise the following Informative be added to any consent granted:

“Vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.”

Hedgehogs

Due to the nature of the site in an urban location, there may be potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK’s target species to avoid further population decline. On this basis, I advise the following **Informative** is added to any permission granted:

“To avoid killing or injuring of hedgehogs it is best practice for any brush piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.”

Bats

A daytime survey was carried out on 22 November 2017 and no evidence of bats was found; however the house was assessed to have high potential to support roosting bats due to the presence of potential roosting features amongst lifted and warped clay tiles, missing cement, a small gap between the wooden fascia board and wall, gaps underneath hanging tiles and in brick wall (all known to be used by crevice-dwelling bats). Due to the height of some of the features they could not be fully inspected at the time of survey. Further surveys are recommended.

The shed was considered unsuitable for bats to use for roosting and no further surveys of this building are considered necessary.

Following Bat Conservation Trust best practice guidelines, 3 follow-up dusk emergence / dawn re-entry surveys are recommended to further inform any use of the house by bats, and to provide appropriate mitigation to safeguard bats if present and affected. As bats are European Protected Species, this information is required to be submitted to the Local Planning Authority prior to determination, so it can fully consider the impact of the

proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017.

Until the follow-up surveys are undertaken, the LPA does not have enough information regarding the presence or not of bats in the building proposed for demolition.

Dusk emergence / dawn re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Ideally, they should be at least two weeks apart. As we are now within the unfavourable time of year to undertake these bat activity surveys, an Outline Mitigation Strategy with appropriate recommendations should be included with the bat report to enable the LPA to fully consider the impact of the proposals on bats. This strategy should assume the presence of a bat roost proportionate to the location and can be modified if necessary once the results of the follow-up surveys are known. In this situation only (i.e. once a submitted outline mitigation strategy has been approved prior to determination) I advise any outstanding surveys are secured by Condition of Approval and I can suggest wording if required.

It should be noted that if bats are found to be roosting in the building and will be affected by the proposals, appropriate mitigation measures must be carried out under the legal constraints of a European Protected Species development licence obtained from Natural England. I have no reason to believe that a licence will not be issued. Natural England may require a number of activity surveys for a licence to be issued, consequently these need to be factored in to any development timescale.

Biodiversity Enhancements

I welcome the suggestion to install bat and bird boxes, consider native seed/fruit bearing, nectar-rich planting, and include hedgehog passes under any fences within the development proposals.

Conclusion

I cannot recommend this application is determined until the requested Outline Bat Mitigation Strategy has been provided to the LPA for written approval. Only then can the outstanding surveys be conditioned.

Officer Comment: Following receipt of the above comments an Outline Mitigation Strategy prepared by Middlemarch Environmental Ltd. dated March 2018 was submitted. The submitted document was provided to Herts Ecology for review and the Local Planning Authority is awaiting further comments.

Further comments:

Following the submission of an Outline Mitigation Strategy by the applicant prepared by Middlemarch Environmental Herts Ecology made the following comments:

Thank you for making me aware of the bat Outline Mitigation Strategy by Middlemarch Environmental, March 2018. I apologise for the delay with this reply.

With this strategy (with mitigation measures and recommendations) in place, I consider this report has enough information to enable the LPA to fully consider the impact of the proposal on bats, i.e. to satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2017 prior to determination.

As follow-up surveys are still outstanding, I advise these are secured by Condition of Approval and can suggest the following wording:

Prior to the commencement of the development, 3 dusk emergence / dawn re-entry surveys should be undertaken during May - August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, the outline mitigation measures should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

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

It is acknowledged that a European Protected Species (EPS) licence will be required from Natural England to proceed lawfully. I have no reason to believe that a licence will not be issued.

4.1.5 Herts Property Services: [No comments to make]

Thank you for your email regarding the above mentioned planning application.

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

I trust the above is of assistance if you require any further information please contact the planning obligations team (development.services@hertfordshire.gov.uk).

4.1.6 Affinity Water: [No Objection]

Thank you for notification of the above planning application. Planning applications are referred to us where our input on issues relating to water quality or quantity may be required.

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Poorsfield Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

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

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

4.1.7 National Grid: No response received

4.1.8 Landscape Officer: [No Objection]

The site is protected by an Area Tree Preservation Order reference TPO217. An appropriate survey has been carried out and adequate proposals to protect those most significant trees have been made.

I have no objection to the above proposals and as such I think that if you were minded to approve the application that all demolition and construction works are carried out in full compliance with the following document which should be specifically referred to in the decision notice:

Phase II Arboricultural Impact Assessment (Ref. 101 147) dated 01/11/2017 written by Russell Ball (this includes the Tree Protection Plan, and Arboricultural Method Statement)

A condition along the lines of:

Arboricultural Method Statement – CR100A

Development shall be undertaken in full compliance with the construction methods detailed in the Phase II Arboricultural Method Statement (Ref. 101 147) forming part of this application.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

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

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

4.1.9 Thames Water: No response received

4.1.10 Environmental Protection: No response received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13 No responses received: 0

4.2.2 Site Notice: Posted 22.03.2018 Expired: 15.03.2018

4.2.3 Summary of Responses: Not applicable

5. Reason for Delay

5.1 None.

6. Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) 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 include DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 is relevant.

6.3 Other

Affordable Housing Supplementary Planning Document (adopted June 2011).

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

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

7. **Planning Analysis**

7.1 Principle of Development

7.1.1 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.

7.1.2 The proposal would result in a net gain of 7 residential units on the application site. The site is not identified as a housing site within the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through

the planning application process where it will be tested in accordance with relevant national and local policies.

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

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

7.1.4 The application site is located within Eastbury which is identified as a Secondary Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development within Secondary Centres will be focused predominately on sites within the urban area, on previously developed land, and Policy PSP3 advises that the Secondary Centres are expected to contribute 24% of housing supply over the plan period.

7.1.5 The proposal would predominantly be sited on the existing footprint of the original dwellinghouse and partly on garden land within a built up area. Whilst the part of the site occupied by the footprint of existing building is previously developed land, the remainder of the site would not be classified as previously developed land.

7.1.6 Given the location of the site within a Secondary Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2 of the Core Strategy, however this is subject to consideration against other material considerations as discussed below.

7.2 Housing Mix

7.2.1 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 and affordable sectors' 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

7.2.2 The current proposal would result in seven 2-bedroom flats. The development would therefore provide 100% 2 bedroom units. Whilst the proposed mix would not accord with the figures set out in the SHMA, it is acknowledged that current market conditions need to be taken into consideration and two-bedroomed accommodation is of high demand. As such, whilst the housing mix would not strictly accord with Policy CP3, it is not considered that a development of this form would prejudice the ability of the Council to deliver overall housing targets and the development is therefore considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).

7.3 Design & Impact on Character and Street Scene

- 7.3.1 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'.
- 7.3.2 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.).
- 7.3.3 In addition to the above, the Design Criteria as set out within Appendix 2 of the Development Management Policies document states that applications for new development will be assessed on their own merits and new development must not be excessively prominent in relation to adjacent properties or to the general street scene and 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.
- 7.3.4 The Design Criteria at Appendix 2 state that in order to prevent a terracing effect and maintain appropriate spacing between properties in character with the locality, development at first floor level and above should be set in a minimum of 1.2 metres from the flank boundary although this distance must be increased in low density areas.
- 7.3.5 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.
- 7.3.6 The application site is located within a residential area which is characterised by a variety of built form ranging from detached houses to two and three storey flatted developments, the latter of which dominate the southern side of Eastbury Avenue. The local character of Eastbury Avenue has significantly altered over recent years with the introduction of flatted development of varying design and size. The flatted developments in close proximity to the application site are predominantly three storeys in height however some contain accommodation within the roofspace served by dormer windows, undercroft parking or basements such as Latimer Place to the east. They also generally have flat roof forms which reduce their overall height. In terms of architectural design, the local area is extremely mixed with Art Deco inspired development sited adjacent to more traditional dark bricked buildings with lighter buildings immediately opposite.
- 7.3.7 The existing dwellinghouse is of a traditional design of red-brick and white painted render exterior. The dwelling has a hipped roof with a forward projecting two storey gable projection with mock Tudor detailing. The application dwelling is not listed, locally listed

nor is it located within a Conservation Area, therefore its loss is not considered to be unacceptable or detrimental to the character and appearance of the area which is extremely varied in terms of design.

- 7.3.8 The proposed development would not result in tandem development and would be positioned roughly in line with the existing front building line of the built form in this part of Eastbury Avenue. The flatted development would have a two storey appearance with accommodation contained within the roofspace. The building would be set in from the flank boundaries by a minimum of 1.5 metres along the eastern flank and 2.5 metres along the western flank which would exceed the guidance contained at Appendix 2 and ensure that appropriate spacing is maintained. In relation to the scale of the new building, the proposed flatted development would be relatively comparable in width and height to the original dwellinghouse but would have a larger footprint by reason of its increased depth and would have a significantly greater bulk through the inclusion of a large flat roof. However, it would be relatively comparable to the width and depth of other flatted developments within the locality and there are other examples of flatted developments with large flat roofs such as Latimer Place to the east, Maplewood Court to the north and Eastbury Heights and Carisbrooke House to the west. The flatted development proposed on the application site would therefore not appear significantly out of character with the surrounding area.
- 7.3.9 The main ridge of the building would measure 9.6 metres in height and the indicative street scene plan FLU.619.11 REV-G details that the ridge of the proposed development would be set below that of Latimer Place and would be 1.6 metres higher than that of 36 Eastbury Avenue reflecting the land level changes in this part of Eastbury Avenue. Whilst the ridge height would be relatively comparable to that of the original dwelling, the built form at first floor level would extend closer to 34 Eastbury Avenue. The roof would be hipped away from the shared boundary and will ensure that it would not become a prominent feature. In addition, given the varied street scene in the area which includes flatted blocks adjacent to detached dwellings with varied heights, it is not considered that the proposed flatted development compared to 36 Eastbury Avenue would result in it appearing unduly prominent or have an adverse impact on the character or appearance of the street scene of Eastbury Avenue. Furthermore the main building would be set back from the highway by approximately 14 metres and while it cannot be relied upon as a result of the possibility of storm damage and disease, screening from existing vegetation and trees which would be retained to the frontage of the application site would help soften the appearance of the building within the site.
- 7.3.10 The proposed development would have a bricked exterior with a tiled roof and uPVC windows. The street scene of Eastbury Avenue is mixed with a variety of architectural styles and materials and there is no objection to the proposed design of the block or to the brick finish or tiled roof which would not adversely affect the character or appearance of the area. However a condition on any consent would require the submission of further samples and details of materials to ensure that these would be appropriate to the area.
- 7.3.11 The proposed bin storage area would be sited forward of the main building, however it would be set back approximately 8 metres from the highway and would have a flat roof form with a modest height of 2.5 metres. It would have a bricked exterior to match the main building. As such, it is not considered that the proposed bin storage would become a prominent feature within street scene and would not have an adverse impact on the character or appearance of the area.
- 7.3.12 A single dormer is proposed centrally within the front roofslope of the main dwelling. It would be set down from the main ridge and is of small scale and is considered to be a subordinate feature within the roof in accordance with the Design Criteria at Appendix 2 of the Development Management Policies LDD. In addition, the two dormers located within the rear roofslope would be of a similar scale to the dormer to the front. Given that the

dormers are located to the rear, they would not be readily visible from the street scene. They would also be set down from the main ridge and set in from the outer flanks of the roof. As such, these dormers are also considered to be in accordance with Appendix 2 and are acceptable.

- 7.3.13 The proposed basement level parking would not be readily visible from the public realm. Other basement parking is evident within Eastbury Avenue including Latimer Place and Eastbury Heights and as such this aspect of the proposal would not result in any significant harm to the character and appearance of the area.
- 7.3.14 The proposed development includes entrance gates and new fencing along the front boundary. Whilst they are shown on the indicative street scene plan FLU.619.11 REV-G no further details have been provided. There are a number of other gated developments located along Eastbury Avenue so it is not considered that the proposed gates would be unacceptable however a condition is suggested requiring further details of the gates and other boundary treatments to ensure that they would be acceptable.
- 7.3.15 In summary, subject to conditions it is not considered that the development would appear out of character with the area in the vicinity of the application site. It would not appear unduly prominent in the street scenes of Eastbury Avenue or The Marlins or result in adverse impacts on the character or appearance of the area. The proposal would therefore be acceptable in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.4 Impact on amenity of neighbours

- 7.4.1 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'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies LDD advise that two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
- 7.4.3 With regards to privacy, Appendix 2 states that to prevent overlooking, distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys with elevations which face each other or where there are site level differences involved.
- 7.4.4 In this case and with regard to 36 Eastbury Avenue, the proposed flatted development would extend approximately 9.5 metres deeper than this neighbour and the central rear projection of the proposed building would intrude a 45 degree splay line by approximately 3 metres. Whilst there is an intrusion, this part of the proposed building would have a reduced height, set down 1.8 metres from the main ridge of the building and would be set off the shared boundary with 36 Eastbury Avenue by approximately 6 metres. In addition, the flank elevation would not intrude the 45 degree splay line. It is noted that this

neighbour does contain a large number of windows within its flank elevation facing towards the application site which are predominantly clear glazed, however there would be a total separation distance of approximately 5.5 metres between the main flank elevations of the respective buildings and the roof of the proposed flatted development would be hipped away from the boundary. While the development would be of increased scale in comparison to the existing dwelling on the application site, it is not considered that the proposal would result in a form of development that would result in significant loss of light or that it would appear overbearing to 36 Eastbury Avenue so as to justify refusal of the application by reason of demonstrable harm to the residential amenity of this neighbour.

- 7.4.5 With regard to the occupants of Latimer Place, there would be a total separation distance of approximately 10 metres between the proposed development and this neighbouring flatted development. In addition, Latimer Place is sited on a higher land level and is positioned further back within its respective plot. As such it is not considered that the proposed development would result in any adverse impact in terms of overshadowing or becoming an overbearing form of development towards the occupants of Latimer Place.
- 7.4.6 The application site backs onto 2 The Marlins. This neighbouring property to the rear holds a splayed position within its plot and as such its rear elevation does not directly face towards the application site and is directed to the north-east towards Latimer Place. The built footprint of the proposed development would be set a minimum of 15 metres from the rear site boundary; and there would be further reduction at third floor level as a result of the hipping of the roof form away from the boundary. A distance ranging between 27-35 metres would be maintained between the proposed flatted development and 2 The Marlins. This distance is considered sufficient to prevent any harm towards this neighbour and it is not considered that the development would result in an unacceptable adverse impact on the residential amenity of this neighbour through causing loss of light or appearing overbearing so as to justify refusal of the application.
- 7.4.7 With regards to overlooking, the Design Criteria at Appendix 2 state that windows at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.4.8 Fenestration is proposed at both ground and first floor levels within both flank elevations. These windows are located centrally within the flank walls and would each serve either an ensuite bathroom or cloak room which are not considered habitable rooms and would therefore not result in any significant overlooking to surrounding residential amenity. Notwithstanding this, a condition is suggested requiring all windows at first floor level to be obscure glazed and non-opening below 1.7 metres to ensure no overlooking would occur.
- 7.4.9 Rooflights are proposed within both flank roof slopes which would serve a combination of habitable and non-habitable rooms. A condition is suggested requiring these windows to be positioned so that the cill heights would be 1.7 metre above internal floor level to prevent any overlooking.
- 7.4.10 The glazing proposed within the rear elevation, including the two dormers within the rear roofslope would primarily overlook the communal amenity space. As previously detailed at paragraph 7.4.5 there is a distance of approximately 27-35 metres between the flatted development and 2 The Marlins located to the rear which is considered sufficient distance between the two to prevent any significant overlooking towards this neighbour. Furthermore, the existing line of mature trees which are currently sited along the rear

boundary screen any views of 2 The Marlins from the application site preventing any direct overlooking towards this neighbour.

- 7.4.11 The submitted plans indicate that the unit contained within the roofspace would have access to an external terrace on the roof of the rear projection. The Design Criteria at Appendix 2 of the Development Management Policies LDD states that development should not include balconies which overlook neighbouring properties to any degree. Amended plans were requested during the course of the application to prevent external access onto the roof space however none were forthcoming as the applicant confirmed that the flat roof section would be sunken below the ridge and screening would be installed to prevent any direct overlooking. Whilst balconies are often discouraged, subject to a condition requiring a privacy screen to be installed to the flanks of the external balcony at a height of 1.8 metres above the floor level to prevent any overlooking to neighbour amenity, no objection is raised.
- 7.4.12 Given the set back of the proposed development from Eastbury Avenue and the separation provided to neighbours to the north of Eastbury Avenue by the highway, it is not considered that the proposal would result in overlooking or loss of privacy to these neighbours.
- 7.4.13 The proposed bin storage would be sited forward of the principal elevation of 34 Eastbury Avenue, however it would be set off the shared boundary by 2.4 metres and would have a low level flat roof form measuring 2.5 metres in height. As such, it is not considered that it would cause any unacceptable loss of light or become overbearing towards the glazing located with principal elevation of this neighbour.
- 7.4.14 In summary, subject to conditions on any consent, it is not considered that the proposed development would result in unacceptable adverse impacts on the residential amenity of any neighbouring dwellings so as to justify refusal of the development which would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.5 Amenity Space Provision for future occupants

- 7.5.1 Amenity space standards for residential development are set out in Appendix 2 of the Development Management Policies LDD where it is stated that depending on the character of the development, the space may be provided in the form of private gardens or in part, may contribute to formal spaces/settings for groups of buildings. Communal space for flats should be well screened from highways and casual passers-by. In terms of size, one-bedroom flats should be served by 21sq.m amenity space with an additional 10sq.m per additional bedroom.
- 7.5.2 The proposal would result in the construction of seven two-bedroom apartments although the proposed floor plan of the unit contained within the roofspace includes a study which could be converted into a third bedroom. As such, the indicative amenity space requirement is based on six 2-bed units and one 3-bed unit. The amenity space requirement would therefore be 227sq. metres.
- 7.5.3 The submitted plans indicate that there would be an area of approximately 350sq.metres to the rear of the proposed building which is considered sufficient in size for communal amenity space.
- 7.5.4 Concerns were raised with the layout of the unit contained within the roofspace, particularly with the location of Bedroom 2 as this room was only served by two rooflights. As such amended plans were received to swap the position of bedroom 2 with the kitchen so that the bedroom would be served by the dormer window located within the rear roofslope and thereby improving the living conditions of occupiers of this unit.

7.6 Wildlife and Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist and Preliminary Ecological Appraisal and a Preliminary Bat Roost Assessment both undertaken by Middlemarch Environmental Ltd.
- 7.6.4 Both Herts Ecology and Herts & Middlesex Wildlife Trust were consulted on the application and raised objections to the proposed development requiring dusk emergence / dawn re-entry bat surveys to be undertaken before determination of the application. Both consultees acknowledged that it is the unfavourable time of year to undertake these bat activity surveys and as such suggested that an Outline Mitigation Strategy with appropriate recommendations included be submitted to allow the LPA to fully consider the impact of the proposals on bats. An Outline Mitigation Strategy dated March 2018 has been provided and is currently under review. The committee will be updated.

7.7 Trees and Landscaping

- 7.7.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.
- 7.7.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:
- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
 - ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
 - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
 - v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.7.3 The application site contains a number of trees which are protected by Tree Preservation Order 217. The application was supported by a Phase II Arboricultural Method Statement prepared by Arbol EuroConsulting and a Tree Protection Plans TPP-I and TPP-II. The Landscape Officer was consulted on the application and raised no objection subject to a condition requiring the development to be implemented in accordance with the submitted Method Statement.

7.8 Highways and Access

7.8.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.8.2 As existing the application site benefits from a carriage driveway with two access points onto Eastbury Avenue. The proposed development seeks to retain the existing access located within the north-western corner of the site and close off the other access. The Highways Officer was consulted on the application and considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway.

7.8.3 While there would be some increase in traffic as a result of the additional dwellings on the application site, the Highways Officer considered that the net increase in dwellings would not significantly increase traffic movements on the surrounding roads. Subject to conditions suggested by the Highways Officer requiring turning space details; closure of existing access; provision of visibility splays; configuration of gates and submission of a construction management plan, it is considered that the proposal would provide a safe and adequate means of access and that the safety and operation of the highway network would not be adversely affected. The development would therefore be acceptable in this regard in accordance with Policy CP10 of the Core Strategy.

7.8.4 An informative on any consent would advise the applicant that works to be undertaken on the highway would require an agreement with the Highway Authority.

7.9 Parking

7.9.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. Appendix 5 sets the parking requirement for dwellings as follows:

- 1 bedroom dwellings – 1.75 spaces (1 assigned)
- 2 bedroom dwellings – 2 spaces (1 assigned)
- 3 bedroom dwellings – 2.25 spaces (2 assigned)
- 4 or more bedroom dwellings – 3 spaces (3 assigned)

7.9.2 For the reasons previously explained at paragraph 7.7.2 the parking requirements for the development would be based on six 2-bed units and one 3-bed unit. The development would require 15 spaces (8 assigned).

7.9.3 The proposal includes the provision of basement level parking for 16 vehicles which includes two visitors' spaces which would exceed the required parking standards. A

condition on any consent would require details of the allocation of parking within the development to be formally agreed and for these arrangements to be implemented and maintained. The proposed development would include two disabled parking spaces. These spaces can be secured by condition through the submission of a Parking Management Plan to be agreed by the Local Planning Authority.

7.9.4 Subject to conditions the development would make provision for parking in accordance with standards and the development would be acceptable in this regard in accordance with Core Strategy Policy CP10 and Policy DM13 and Appendix 5 of the Development Management Policies document.

7.9.5 There is a cycle storage area within the basement level which would accommodate storage for fourteen cycles which would exceed the requirements of Policy DM13 and Appendix 5 of the Development Management Policies document which require 1 space per 2 units in the case of flats.

7.10 Sustainability

7.10.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.10.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.10.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.10.4 The application is supported by an Energy Statement prepared by NRG Consulting dated November 2017 which states that the development would result in a 5.51% reduction in carbon dioxide emissions. This would be through a variety of saving measures which include low U-values to improve thermal insulation and heat loss reduction; highly efficient Valliant boilers on natural gas; low air tightness requirements with natural ventilation; 100% low energy lighting and photovoltaic panels.

7.10.5 The Energy Statement is considered to meet the requirements of Policy DM4, however, full details on the submitted drawings of the siting of the proposed photovoltaic panels have not been provided. Therefore a condition is suggested which would require further details to be submitted prior to the commencement of any development approved.

7.11 Refuse and Recycling

7.11.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the DMP LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where

waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

- 7.11.2 A refuse enclosure has been indicated on the plans within the north western corner of the site, set back approximately 8 metres from the highway. The proposed bin storage would have a width of 3.6 metres, depth of 3.4 metres and would have a flat roof form measuring 2.5 metres in height and would have a bricked exterior.
- 7.11.3 The storage area would be of sufficient size to accommodate four 770L bins. The Highways Officer was consulted and considers that the proposals are acceptable and in accordance with guidance as recommended in Manual for Streets (MfS) and Roads in Hertfordshire. The refuse/recycling provision proposed is considered acceptable in accordance with Policy CP1 of the Core Strategy and Policy DM10 of the Development Management Policies LDD.

7.12 Affordable Housing

- 7.12.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document.
- 7.12.2 The proposed development would result in a requirement for a commuted sum of £1,559,500 towards affordable housing based on a habitable floorspace of 1,247sq. metres multiplied by £1250 per sq. metres which is the required amount in the 'Highest Value Three Rivers' market area.
- 7.12.3 However, Policy CP4 acknowledges that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability and the National Planning Policy Framework is clear that requirements should not prejudice development viability.
- 7.12.4 The applicant has submitted information with the application indicating that it would not be possible for the development to contribute to the provision of affordable housing as a result of development viability.
- 7.12.5 This assessment has been independently reviewed and this review has confirmed that it would not be viable for the development to make financial contributions towards affordable housing. The conclusion of the appraisal prepared by Adams Integra for the LPA stated the following:

'The appraisal we have carried out is on a scheme with no affordable housing contribution. This has been carried out to establish if there is any surplus or deficit when compared to the "benchmark land value".'

The appraisal carried out (Appendix 1) which includes the benchmark land value shows a deficit of £259,500.

It is our opinion that the scheme cannot provide an affordable housing payment and remain viable.

Should the Council be minded to grant planning approval it is our opinion the applicant should not be required to provide an affordable housing contribution.

This scheme has been looked at in terms of its particular financial characteristics and it represents no precedent for any sustainable approach on the Council's policy base.'

- 7.12.6 Following the March Committee, further discussions were held between Officers and Adams Integra for further clarification on their findings. They reiterated that:

As a result, based on the site circumstances it is not considered that the proposed development would be viable if required to contribute to affordable housing.

7.13 Infrastructure Contributions

- 7.13.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq.m of residential development is £180.

8. **Recommendation**

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and 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: FLU.619.01, FLU.619.02 REV-E, FLU.619.03, FLU.619.04 REV-C, FLU.619.0 REV-D, FLU.619.06 REV-D, FLU.619.07 REV-G, FLU.619.08 REV-E, FLU.619.09 REV-E, FLU.619.010, FLU.619.11 REV-G, FLU.619.12 REV-E, FLU.619.13, FLU.619.14, FLU.619.15, 101 147, TPP-I, TPP-II, JG01, JG02, JG03 and JG04.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies PSP3, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

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

C4 Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following:

- The provision of an on-site turning space / turning head for service and delivery vehicles.

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

C5 Prior to the first occupation of the development hereby permitted, vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the access shown on drawing number FLU.619/12 only. The other access shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

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

C6 Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to the south-east of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

C7 Prior to the first occupation of the development hereby permitted any access gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5.5 metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gate is opened to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C8 Development shall be undertaken in full compliance with the construction methods detailed in the Phase II Arboricultural Method Statement (Ref. 101 147) forming part of this application.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been

completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the local planning authority has first been sought and obtained.

Reason: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

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

- C10 Prior to commencement of the development hereby permitted, details of sewage disposal and drainage works serving the development should be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the development.

Reason: This condition is a pre commencement condition to ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C11 Before the building operations hereby permitted are commenced, samples and details of the proposed external materials (including front entrance gates) 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 is a pre commencement condition to ensure that the external appearance of the building is 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).

- C12 Prior to the commencement of the development, 3 dusk emergence / dawn re-entry surveys should be undertaken during May - August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, the outline mitigation measures should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

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

- C13 Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

- C14 Prior to the first occupation of the development hereby permitted, details (including the position, height, design and intensity) of all external lighting to be installed on the site or affixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before the occupation of the building.

Reason: To maintain wildlife habitat and in the interests of visual amenity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C15 Prior to the first occupation of the development hereby permitted, the measures detailed within the submitted Energy Statement produced by NRG Consulting dated November 2017 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.

- C16 Prior to the first occupation of the development hereby permitted, the refuse/recycling facilities shall be provided in accordance with drawing number FLU.619.10 and FLU.619.12 REV-E. The refuse/recycling facilities shall be permanently retained thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C17 Prior to the first occupation of the development hereby permitted the first floor window(s) in the east and west flank elevations facing Latimer Place and 36 Eastbury Avenue; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C18 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.
- Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C19 Prior to occupation of flat 7, details of screening to a height of 1.8m as measured from the surface of the rear balcony to be erected to the flanks of the rear balcony shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.
- Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C20 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.
- Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C21 A parking management plan, including details of the allocation of vehicle parking spaces and cycle storage spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details.
- Reason: To ensure that satisfactory off-street parking is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).
- C22 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 windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the building hereby approved.
- Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 8.2 Informatives
- I1 With regard to implementing this permission, the applicant is advised as follows:

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

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

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

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

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

12 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.

13 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.

14 Highway Informative:

Construction standards for new / altered vehicle access: Where works are required within the public highway to facilitate the new vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website

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

15 Biodiversity Informatives:

Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

If Rhododendron, Cotoneaster and Cherry Laurel, potential Schedule 9 invasive plants, are to be removed or pruned as part of the development proposals, consideration should be given to prevent legal infringement under the Wildlife & Countryside Act (1981). Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of these plants during any operations should be submitted to the LPA for written approval. This statement should adhere to the 'Environmental Management Guidance; Harmful Weeds and Invasive, Non-native Plants: Prevent them Spreading (NE & EA, 2015)'. Development shall proceed in accordance with the approved details.

Vegetation and building clearance should be undertaken outside the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.