**PLANNING COMMITTEE – 17 NOVEMBER 2017**

**PART 1 - DELEGATED**

**6. 17/1750/FUL – Erection of detached two storey building with lower ground floor level to provide two flats including alterations to existing building and associated parking and amenity space provision at 2A BERKS HILL, CHORLEYWOOD, HERTS, WD3 5AQ for Mr Alex Minashi**

|  |  |
| --- | --- |
| Parish: Chorleywood | Ward: Chorleywood South and Maple Cross |
| Expiry Statutory Period: 18 October 2017 | Officer: Suzanne O’Brien |
|  |  |
| **Recommendation:** That planning permission be granted.  |
|  |
| Reason for consideration by the Committee: Application has been called in by Chorleywood Parish Council.**Update** The application was deferred at the October Planning Committee meeting to allow members to visit the site. Section 1 (Relevant Planning History) of the report has been amended to include the planning permission for the site as a whole including the works to No.22 Lower Road (the commercial property at ground floor level). Prior to the October meeting two additional comments were received which members were verbally updated on. Below is a summary of the additional comments received:* Insufficient space for the development on the site resulting in a warren like development and noise affecting all properties;
* Gross breach of privacy for neighbouring properties and plans incorrectly show the bedroom of neighbouring flat as a living room;
* Access for construction vehicles is insufficient and will impact on boundary wall of neighbour and road will further deteriorate;
* New build would restrict emergency access to existing flats;
* Insufficient parking, the developers are double booking the same spaces that were designated for flats 2B and 2C under the 2011 planning permission.

The issues raised have been covered in the analysis section of the report. At the October meeting members asked for clarification in relation to the parking provision granted under planning permission 10/2367/FUL which proposed the: ‘*Erection of first floor extension and second floor roof extension together with dormer windows in order to create 2 two-bedroom (each suitable for 3 people) flats above single storey flat roofed part of the building’*.In relation to parking provision the ‘Description of Development’ section of the delegated report for planning permission 10/2367/FUL stated:*‘There are currently three car parking spaces to the rear of the site and which are shown on plan. Two of these spaces are within the leasehold titles belonging to the ground floor premises. The applicant has stated that one off street space would serve the flats.’*In the assessment of the development the report expands on the acceptability of the parking provision proposed to serve the existing and proposed development stating: *‘The plans and Design and Access Statement indicate that three off street car parking spaces would be provided. However, it has become clear during the course of the application, that the lower ground floor premises have the rights to two of these spaces and that an additional space would be provided for use by the flats.’**In addition, given that the site is located in a town centre location with access to both local shops and amenities, no objection is made in relation to the shortfall in car parking provision’.*Thus, only one parking space was provided to serve the existing flat with the two other parking spaces serving the commercial units. Thus, planning permission for the two, two bedroom flats was granted on the basis that no onsite parking would be provided to serve the new units. This accords with the applicants statement that Flats 2B and 2C do not have legal rights to park within the site. In relation to the parking provision serving the commercial units the officers report for planning permission 15/1606/FUL for the subdivision of the commercial units identified that the commercial unit was not served by any allocated parking spaces. The lack of parking provision serving the commercial units is not an unusual situation within a town centre location and would not affect the vitality or viability of the Secondary Shopping Frontage. Thus, the four parking spaces provided would serve existing Flat 2A and the two proposed flats. Although this would still provide a shortfall against the standards, taking the town centre location and sustainability of the site into consideration the parking provision would be acceptable. Furthermore, suggested Condition 7 requires the submission of a parking management plan to secure parking for the occupants of the residential units within the application site. An amended block plan has been submitted showing four parking spaces and an additional tracking diagram has been submitted indicating the access for the existing parking space. Condition 2 has been amended accordingly. |

**1. Relevant Planning History**

1.1 10/2367/FUL - Erection of first floor extension and second floor roof extension together with dormer windows in order to create 2 two-bedroom (each suitable for 3 people) flats above single storey flat roofed part of the building – Permitted - 31.01.2011.

1.2 15/1446/FUL - Subdivision of existing shop into two retail units (Use Class A1), alterations to the existing shop front including installation of additional entrance door, larger shop window, removal of security shutter boxes and internal alterations – Permitted - 08.10.2015.

1.3 15/1606/FUL - Variation of Conditions 2 (In accordance with plans) and 6 (Boundary treatment) of planning permission 10/2367/FUL (Erection of first floor extension and second floor roof extension together with dormer windows in order to create 2 two-bedroom (each suitable for 3 people) flats above single storey flat roofed part of the building) to amend access route and boundary treatment – Permitted - 06.10.2015.

1.1 17/0753/FUL - Erection of detached two storey building with lower ground floor level to provide two flats including alterations to existing building and associated parking and amenity space provision - Withdrawn - 26.06.2017.

**2. Detailed Description of Application Site**

2.1 The application site predominantly comprises of the area to the rear of 22 Lower Road, but as a whole consists of a mixed use site with the commercial entity fronting Lower Road and contained within the lower ground floor level and three residential flats accessed via Berks Hill. The site is situated along Lower Road and access is provided to the rear alongside Berks Hill. The street scene along Lower Road mainly consists of retail units with some residential development located at first and second floor levels. The lower ground floor level contains an enclosed courtyard.

2.2 The existing residential flats to the rear of the site are accessed via the access track from Berks Hill. This access track also provides access to the rear of a number of other units with frontage to Lower Road. A detached garage is located to the south western portion of the site.

2.3 A terraced area is positioned to the rear of the site which provides access by foot to the existing flats. Due to the changes in land levels between Lower Road to the front of the site and Berks Hill to the rear the site accommodates a lower ground floor level which served the commercial use that fronts Lower Road.

2.4 The adjoining neighbouring residential properties No’s 2C and 2B consist of two, two bedroom residential flats which are accessed via the same pedestrian access as that serving No.2A. They contain clear glazed windows and dormer windows within the south western elevation. The fenestration within the southern elevation of the existing flats serves habitable rooms.

**3. Detailed Description of Proposed Development**

3.1 It is proposed to demolish the existing garage, the south west end of the existing ground floor flat and rear portion of the existing lower ground level and construct a part two storey and part three storey structure to accommodate a total of two residential flats over three floors, including the lower ground level.

3.2 The proposed flats would be located to the rear of the site and would front the access road that runs along the rear of the site between South Road and Berks Hill. The building would have a maximum height of 6.4m measured above ground, a depth of 9.4m at ground floor level and 6.6m at first floor level (including the projecting windows) and width of 10.4m. The proposed south east element would be of a reduced height measuring 5.5m. The proposed building would be set in 1.2m from both of the flank boundaries and would be set back a minimum of 5.8m from the access road. Fenestration would be inserted within the front, side and rear elevations of the building at ground and first floor level. The ground and first floor windows in the north east elevation would be at an oblique angle facing in a south east direction.

3.3 The development would include a lower ground level. The lower ground level would extend 3.2m below the ground level. The lower ground level would have a width of 11.4m and would be served by lightwells to the front and rear and the existing lower ground courtyard. The existing windows serving the commercial unit are shown to be blocked up and the existing courtyard would be used as amenity space provision.

3.4 Both flats would contain individual entrances sited along the south west elevation. Flat No.1 would be contained within the ground and lower ground levels whilst flat No.2 would be contained within the ground and first floor levels. Each unit would contain two bedrooms.

3.5 The existing ground floor flat (No.2A) would be reduced in depth by approximately 4.2m to accommodate the proposed development. The single storey garage would be demolished and the existing shared entrance providing access to the three flats would be re-sited along the south east boundary.

3.6 Four parking spaces, cycle storage and bin stores would be sited along the south eastern aspect of the site.

**4. Consultation**

4.1 Chorleywood Parish Council

4.1.1 Summary: Object.

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

* *Overdevelopment of the site – Contrary to Policy DM1 of the Development Management Policies LDD (adopted July 2013)*
* *Lack of amenity space*
* *Out of keeping*
* *Shortfall in parking spaces – Contrary to Policy DM13 of the Development Management Policies LDD*

*The development would be contrary to Policy CP12 of the Core Strategy (adopted October 2011)*

*The development will have an impact on the boundary of the Conservation Area.*

4.2Conservation Officer

4.2.1 Summary: No objection.

4.2.2 *The site is outside the boundary of the Chorleywood Station estate Conservation Area and I consider any impact on the setting of this is minimal.*

4.3 Herts Highways

4.3.1 Summary: No comments received in relation to this application however they made the following comments in relation to application 17/0753/FUL which was of a similar proposal and are considered relevant to the current application.

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

 *1. Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted to demonstrate that parked vehicles at the developments are able to turn around and egress to the highway in forward gear:*

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

***HIGHWAY INFORMATIVE:***

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

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:*

[*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx) *or by telephoning 0300 1234047*

***COMMENTS / ANALYSIS:***

*The proposal comprises of the erection of a two storey building to accommodate two new flats within the site at 2a Berks Hill, Chorleywood. Berks Hill is designated as an unclassified local access road, subject to a speed limit of 30mph and highway maintainable at public expense. The site is accessed from Berks Hill via a private access track, which is also used to access other properties. The proposed dwellings are approximately 25m from the highway on Berks Hill.*

***VEHICLE ACCESS & PARKING:***

*There is no new or altered access and vehicles will use the existing access from Berks Hill. The proposal includes the provision of 3 on site car parking spaces, the layout of which is shown on submitted plan no. 531/11. HCC as Highway Authority considers this to be appropriate for the size of the proposal. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.*

*Parking bays should adhere to the standard dimensions of 2.4m wide and a 4.8m long as outlined in Manual for Streets (MfS) Sec. 8.3.48. Due to the distance of the parking from the highway on Berks Hill, HCC as Highway Authority would recommend that vehicles are able to turn around and egress to the highway in forward gear in the interest of highway safety. As such the above condition has been included to demonstrate that there is sufficient turning space for this to be achieved.*

***REFUSE / WASTE COLLECTION:***

*No specific details have been provided as part of the application. Provision should be made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC waste management.*

***EMERGENCY VEHICLE ACCESS:***

*The proposed plot is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. 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.*

***ACCESSIBILITY & SUSTAINABILITY:***

*The site lies within the town centre in Chorleywood and there is therefore potential for good pedestrian and cycling accessibility. The property is within close walking distance of the town centre amenities and bus stops on Lower Road, which provide bus services to surrounding towns / villages. Chorleywood railway station is approximately 500m from the proposed site and within easy walking and cycling distance. The applicant should consider providing secure and safe on site cycle parking/storage facilities as part of the development. The proposal is considered to be well located in terms of options for sustainable travel and therefore in accordance with the National Planning Policy Framework (NPPF).*

***CONCLUSION:***

*HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway with no direct impact. The development is unlikely to result in a material increase in traffic generation. HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning condition and informative.*

4.4 Thames Water

4.4.1 No comments received.

4.5 Affinity Water

4.5.1 No comments received

4.6 National Grid

4.6.1 No comments received.

**5. Neighbour Consultation**

5.1 No. consulted: 38

 No. responses: 5

5.2 Site Notice: Posted 22 September 2017 and expired 13 October 2017.

Press Notice: Not applicable.

5.3 Summary of responses:

* Development would cause inconvenience, noise, smells and disturbance;
* Loss of light;
* Will cause congestion
* Impact on value of existing properties;
* Fought against a similar application which was declined;
* Would be gross negligence to erect such a building in the area;
* Error on the drawings indicating the neighbouring properties which shows that a living room would face the proposed development which is actually the master bedroom;
* Loss of privacy and overlooking into habitable rooms;
* Too close to existing flats;
* Loss and blocking of sunlight to habitable rooms;
* Will create a claustrophobic environment;
* How would emergency services access existing flats;
* Access road is not suitable for increased traffic;
* Proposed parking would be too small and result in encroachment onto access;
* Existing access road is in very bad condition;
* Large lorries will have difficulty accessing the site and proposed flats would not be able to have their goods delivered due to limited width of access resulting in goods being delivered along Berks Hill thus impacting on pedestrians and traffic;
* How will refuse be collected?;
* Air conditioning units on neighbouring building would be required to be relocated;
* Development is out of character with Berks Hill and Conservation Area;
* Would have an adverse impact on safe access and egress to existing properties;
* Development would dwarf existing properties and create an oppressive relationship;
* Windows of habitable rooms would be too close and development would be too close;
* Loss of use of outside spaces;
* Unsafe access to existing properties during construction;
* Use of courtyard would be unacceptable and result in noise and disturbance

Officer comment: Application 17/0753/FUL was withdrawn and no determination was made. Noise during construction and the perceived loss of value to existing properties are not material planning consideration. All other concerns raised will be assessed in the analysis section of this report.

**6. Reason for Delay**

6.1 Deferred for site visit.

**7. Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

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

7.2 The Three Rivers Local Plan Core Strategy:

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

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM3, 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 following Examination in Public.

 Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation) is relevant to this application.

7.4 Other

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

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

**8. Analysis**

8.1 Principle of Development

8.1.1 Core Strategy Policy CP2 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.

8.1.2 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that the main emphasis for future development is within the existing urban area through development of previously developed land and appropriate infilling opportunities within the Principal Town and Key Centres followed by development at the most sustainable locations on the edge of existing settlements. This is supported by Policy PSP2 of the Core Strategy which advises that the Key Centres including Chorleywood will provide approximately 60% of the District's housing requirements over the plan period.

8.1.3 The proposed flats would be located on previously developed land. Given the location of the site within the Key Centre of Chorleywood, there is no in principle objection to residential development on the application site subject to compliance with the policies set out in the Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013) and subject to assessment against all other material considerations as discussed below.

8.2 Housing Mix

8.2.1 Core Strategy Policies CP1 and CP3 require new development to contribute a range of house types and sizes to reflect needs. Core Strategy Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.

8.2.2 Policy CP3 of the Core Strategy also sets out proportions that should form the basis for the housing mix of development and indicates that proposals should broadly be for 30% 1-bedroom units, 35% 2-bedroom units, 34% 3-bedroom units and 1% 4-bedroom units. However, the most recent SHMA, published in January 2016 identified the indicative targets for market sector dwelling size within Three Rivers District as:

1 bedroom 7.7% of dwellings

2 bedrooms 27.8% of dwellings

3 bedrooms 41.5% of dwellings

4+ bedrooms 23.0% of dwellings

8.2.3 The development would provide 100% 2 bedroom units. 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).

8.3 Impact on Character and Street Scene

8.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’ and 'conserve and enhance natural and heritage assets'.

8.3.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of backland development. Development will also only be supported where it can demonstrated that the proposal will not result in:

i) Tandem development.

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

iii) The generation of excessive levels of traffic

iv) Loss of residential amenity

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

8.3.3 The Design Guidelines at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Specific guidance includes that to prevent terracing and maintain spacing, the flank elevations of development should be set in at least 1.2m from flank boundaries at first floor level and above.

8.3.4 The application site is sited adjacent to and visible from Chorleywood Station Estate Conservation Area. As such Policy DM3 of the DMP LDD would be applicable which states ‘Permission will not be granted for development outside but near to a Conservation Area if it adversely affects the setting, character, appearance or views in to or out of that Conservation Area.’

8.3.5 The proposed development would be accessed via the existing access road and would follow the line of existing established development. The proposal would therefore not result in tandem or backland development. The area is mixed with the properties sited along the access road between Berks Hill and South Road consisting of flatted development of varied size and scale. The principle of flats of the scale proposed would therefore not be out of character within this location.

8.3.6 Predominantly the residential properties sited along the access road are sited above the existing commercial units which front Lower Road. However, the neighbouring property to the north west contains a separate flatted development which directly fronts the access road. The siting of the proposed flats would therefore not appear incongruous or disrupt the pattern of development within the area. The proposed building would be set in 1.2m from both flank boundaries in accordance with the requirements of the Design Criteria. Furthermore, due to the dense nature of the properties along the access road the proximity of the proposed building to the neighbouring flats would not impact on the character or setting of the street scene from Berks Hill.

8.3.7 The proposed building would be of a reduced height and depth in relation to the neighbouring building. Furthermore, the proposed development would be of a reduced height along the south eastern elevation thus reducing the bulk of the development closest to Berks Hill. Taking into consideration the neighbouring built form, the bulk and massing of the proposed development would not result in an unduly prominent or contrived feature within the street scene.

8.3.8 The proposed building would be of a contemporary design with its flat roof form and fenestration detailing. The surrounding area is typically characterised by pitched roof style buildings with dormer windows within the roofspace. The proposed design of the building would therefore create a notable feature relative to that of the built form that characterises the area within the vicinity of the site and wider area. However, design is subjective and although it would be different it is not considered that the contemporary nature of the scheme would result in any demonstrable harm and would introduce a sense of variation within the street scene. Taking into consideration that the NPPF stipulates that ‘planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development form or styles’, it is not considered that an objection could be substantiated due to the modern design of the proposed development. Furthermore, although the building would be visible from the Conservation Area the Conservation Officer raised no objections to the bulk or design of the proposed development in relation to impact on the setting of the adjacent Chorleywood Station Estate Conservation Area. The proposal would not adversely affect views into or out of the Conservation Area.

8.3.9 The overall scale, siting and layout of the proposed development would therefore not appear contrived or result in any demonstrable harm to the visual amenities or character of the area. The proposed development would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

8.4 Impact on Neighbours

8.4.1 Policy CP12 of the Core Strategy stipulates that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD 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.

8.4.3 The Design Criteria at Appendix 2 of the Development Management Policies document also set out that two storey development at the rear of properties should not intrude 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, although 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.

8.4.4 In the interests of privacy and to avoid overlooking, the Design Criteria advise that a distance of 28m should be achieved between the faces of single or two storey buildings backing on to each other. Distances should be greater between buildings in excess of two storeys with elevations which directly face each other or in situations where there are site level differences involved. Appendix 2 of the Development Management Policies document also advises that windows of habitable rooms at first floor level should not generally be located in flank elevations and that flank windows of other rooms should be non-opening below 1.7m and obscure glazed. Development should not incorporate balconies or first floor conservatories which overlook neighbouring properties to any degree.

8.4.5 The proposed development would be sited directly to the rear of the existing flats within the application site. These flats contain habitable windows at ground and first floor level facing the application site; the submitted plans show the internal layout of the neighbouring flat to have a lounge facing the proposed development however the submitted comments state that this is actually a bedroom. Notwithstanding this the assessment of harm would be made on the basis that these windows all serve habitable rooms.

8.4.6 The proposed ground floor level of the development would be sited approximately 8.3m from the ground floor rear elevation of the neighbouring flat. A distance of 11m would separate the proposed first floor level and the ground floor level of the rear elevations of the neighbouring flats and approximately 11.8m would separate the first floor levels. Although this distance would not be significant it is reflective of a town centre location and would be similar to the relationship that exists between the flats on the neighbouring site to the north west. The proposed development would not be excessive in height with the ground floor element having a height of 2.8m and the bulk would be reduced through the stepped nature of the proposed development with the first floor level being set back from the rear elevation. Thus, it is not considered that the height and bulk of the proposed building relative to the existing properties would result in any unacceptable loss of light or sunlight to the existing flats. The proposed development would bring the built form closer to the rear elevation of the neighbouring flats than in comparison to the existing situation. However it is considered that the stepped nature of the proposed rear elevation and height of the building would prevent the proposed development from resulting in an imposing feature. The angled windows would prevent the siting of windows directly facing each other which would further reduce any dominance.

8.4.7 The ground floor flat sited along the south east (No.2A) boundary would be amended during the course of the proposal and would contain a kitchen window within the flank elevation facing into the site. Again due to the stepped nature of the proposed development to the rear it is not considered that it would result in any unacceptable loss of light or harm to the visual amenities of this neighbouring property. The relationship would also not be too dissimilar to that which currently exists between No.2A and the existing flats.

8.4.8 The proposed building would extend beyond the rear line of the neighbouring property to the south east (No.2 Berks Hill). No.2 Berks Hill contains a habitable room window in the rear elevation which is constructed close to the common boundary. The proposed development would intrude the 45 degree splay line taken from the rear elevation of this neighbouring property at a point on the joint boundary by approximately 5.9m. The proposed building would be set in 1.2m from the boundary with this neighbour and the south east elevation would be of a reduced height of 5.5m which would not appear excessive. As existing the ground floor flat and detached garage are both constructed along the common boundary and extend beyond the rear elevation of No.2 thus there is existing built form sited to the rear and close to the boundary with No.2. Taking into account the siting and depth of existing built form along the common boundary with No.2 and the scale and siting of the proposed development it is not considered that the building would result in any unacceptable loss of light or harm to the visual amenities of this neighbouring property.

8.4.9 The proposed development would face the flank elevation of No.4 Berks Hill which is sited on the opposite side of the access track and set on higher ground. No.4 contains windows within the flank elevation facing the application site. The planning history for No.4 identifies that the first floor level windows serve non-habitable rooms; the ground floor flank windows do serve a habitable room but are secondary windows. The proposed development would not impact the primary windows sited within the rear elevation of No.4. Due to the siting of the proposed building relative to No.4 and land level differences it is not considered that the proposed development would result in any demonstrable harm to this neighbouring property in terms of loss of light or harm to their visual amenities.

8.4.10 In terms of overlooking the proposed development would include angled windows. The angled windows would prevent any windows directly facing the windows of the existing units. The proposed development would therefore not result in any overlooking of the neighbouring units to the rear of the proposed development. The windows would angle towards the flat along the south east boundary however they would not permit any overlooking into habitable rooms. No.2 to the south east contains a terrace sited along the common boundary. The windows would be angled towards this terrace however the terrace is also within full view of Berks Hill, as such, it is not considered that the angle of the windows would result in any material increase in the levels of overlooking into the neighbouring terrace than in comparison to the views from public vantage points. The proposed development would include windows within the front elevation facing No.4 Berks Hill. A distance of approximately 9m would separate the front elevation of the proposed building and the flank boundary with No.4 is set on higher ground. The first floor windows would also face the flank elevation of the neighbouring property and would not result in any unacceptable loss of privacy to this neighbouring property. Furthermore, it is noted that the neighbouring flats to the north west contain windows that directly face onto the rear garden of No.4.

8.4.11 The proposed development would not result in any harm to the occupants of the neighbouring flats to the north west. These flats do contain air conditioning units within the flank elevation facing the application site. The removal of these units does not form part of the application and separate consent may be required to be sought if the air conditioning units are required to be moved.

8.4.12 Overall, it is not considered that the proposed development would result in a significant adverse impact on neighbouring dwellings and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4.13 In terms of impact on future occupiers the habitable rooms serving the lower ground unit would be served by lightwells or the lower ground courtyard. Thus the habitable rooms would be served by sufficient light sources. The proposed development would also include habitable room windows sited along the access which provides access to the existing flats. As these windows would be at an angle it is not considered that the siting of the windows would result in unacceptable overlooking. Furthermore, any future occupiers would be aware of the situation when purchasing the property.

8.5 Amenity Provision

8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.

8.5.2 Appendix 2 of the Development Management Policies LDD sets out guidance with regard to amenity provision. With regards to flats, it advises that a one bed flat should have 21 square metres (with an additional ten square metres for each additional bedroom). The space can be allocated to each flat individually or communally. Cumulatively and including the existing residential units the development would generate an amenity space provision requirement of approximately 165sq.m. The proposed development would provide a small area measuring approximately 28sq.m in area sited at lower ground level accessed by the lower ground floor flat. The alterations to fenestration details are such that this would not be overlooked by the commercial properties. The proposal would fall short of the required amenity space provision and the degree of enclosure of this space would limit its usability. However, the application site is located in close proximity to Chorleywood Common, and other flats above commercial units nearby are not served by private amenity space. As such, due to the location of the site it is considered that failure to provide amenity space provision would not justify a reason for refusal.

8.5.3 Concerns have been raised that the proposed lower ground courtyard would be overlooked and result in noise and disturbance to existing occupants. The courtyard would serve a residential use and it is not considered that its use as a residential garden would result in any unacceptable noise and disturbance to existing occupants. The relationship would not be materially different to a terrace dwelling where a bedroom window would be sited close to neighbouring gardens in terms of both noise and overlooking implications.

8.6 Wildlife

8.6.1 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.

8.6.2 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 DMP LDD. A Biodiversity Checklist was submitted with the application indicating that no additional surveys are required. The proposed development is therefore unlikely to impact on any protected species. As the proposal would result in demolition of existing structures an informative regarding bats would be attached to any planning permission.

8.7 Trees and Landscaping

8.7.1 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’ and Core Strategy Policy CP9 seeks a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.

8.7.2 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.7.3 The proposed development would not impact on any protected trees.

8.8 Highways, Parking & Access

8.8.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. The Highways Officer did not comment on this current application however made comments on previously submitted application 17/0753/FUL. Considering that the schemes are similar these comments are considered to be applicable to the current application. In relation to impact on the road network the Highway Authority noted that there would be no alterations to the access onto Berks Hill and the proposed development is unlikely to result in a material increase in traffic generation. The Highways Officer did request tracking diagrams demonstrating that cars can access the proposed parking and exit the access road onto Berks Hill in forward gear. This has been supplied and sufficient evidence has been submitted demonstrating that cars can access the parking spaces and exit the access road in forward gear.

8.8.2 Concerns have been raised that access to the site would be restricted due to the limitations of the width of the access road. It is noted that the access road is of limited width, however due to the proximity of the site to Berk Hill fire access would be permitted. Furthermore, the access road already serves a number of residential and commercial properties. As highlighted by the Highways Officer it is not considered that the proposed development would result in any material intensification of traffic movements. As such, the proposed development in terms of vehicular movements is unlikely to result in any demonstrable harm to residential amenities. However, given the constrained nature of the access to the site, a condition on any consent would require submission of a construction management plan to ensure that there would not be adverse impacts as a consequence of the proposed development. An informative regarding deposit of mud or other debris on the public highway would also be attached to any planning permission.

8.8.3 Concerns have been raised in relation to the pedestrian access serving the existing properties. The existing access would be re-sited along the south east boundary. Although it would be re-sited it would continue to provide acceptable pedestrian access to all three of the existing properties via a communal entrance. It is also considered that the access would be acceptable to allow access for emergency services. In terms of access during construction a condition would be attached to any planning permission requiring details of access arrangements to be submitted prior to the commencement of works.

8.8.4 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. These standards identify the following car parking requirements for residential development:

1 bedroom dwelling – 1.75 spaces per dwelling (1 assigned space)

 2 bedroom dwelling – 2 spaces per dwelling (1 assigned space)

 3 bedroom dwelling – 2.25 spaces per dwelling (2 assigned spaces)

8.8.5 The proposed development would generate a need for 4 parking spaces. In conjunction with the existing units a total of 10.25 parking spaces would be required to be provided to serve the existing and proposed residential units in accordance with the adopted standards. The site currently only provides three parking spaces. However, the applicant, who owns the parking area to the rear of the site, has clarified that the ‘owners/occupiers of flat 2b and flat 2c do not park any vehicles at the property as they have no ownership or legal entitlement to do so.’ Thus based on the existing situation two of the existing units do not have rights to parking within the site. Thus, the development in conjunction with No.2A would generate a parking requirement of 6.25 spaces. The site is situated within a sustainable location with access to the train station and the amenities provided by Lower Road. There are also a number of residential and commercial properties along Lower Road which do not contain on-site parking. Taking into consideration the sustainable location of the site and that two of the existing units do not have rights to park within the site the provision of four parking spaces to serve the two proposed units and existing unit No.2A would be considered acceptable.

8.8.6 As the proposed flats would be served by the level access by the parking area cycle storage would be within the units or directly outside of the flats.

8.8.7 Any planning permission would include a condition requesting a parking management plan to ensure that parking spaces are permanently allocated and available for occupants of the residential units sited within the application site.

8.9 Sustainability

8.9.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit an Energy 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.

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

8.9.3 An Energy Statement has not been submitted as part of the application. Any planning permission would include a condition requiring the submission of an Energy Statement ensuring the proposed development would be constructed in accordance with the requirements of Policy CP1 of the Core Strategy and Policy DM4 of the Development Management Policies LDD.

8.10 Refuse & Recycling

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

8.10.2 The plans indicate that the bin storage for both the existing and proposed units would be sited to the rear along the south east boundary. As the site is already served by refuse collections and the proposal would not impact on provision.

8.11 Infrastructure Contributions

8.11.1 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.

8.12 Affordable Housing

8.12.1 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.

8.12.2 However, an appeal decision overturning the previous High Court judgement giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10 units or fewer with a maximum combined gross floor space of no more than 1,000sqm. As a result, the change in national policy means that the Council does not currently seek contributions for affordable housing as part of applications proposing 10 dwellings or fewer that have a maximum floor space of 1,000sqm on applications that were validated prior to the 4 September 2017.

8.12.3 The current application would result in a gain of two dwellings on the site and the floorspace would not exceed 1,000sqm. The application was validated prior to 4 September 2017 as such Core Strategy Policy CP4 and a Section 106 requirement would not be applicable to this application.

**9. Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 171-01, 171-02, 171-03, 171-04, 171-05, 171-06A, 171-07, 171-08, 171-09A, 171-10, 171-11A

 Reason: For the avoidance of doubt, to protect the character of the area and amenities of neighbouring properties and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 No development shall take place before a method statement for construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement.

 Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities, excavation, site preparation and construction stages of the development. The method statement shall also include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

 Reason: This condition is a pre commencement condition to ensure that no obstructions to the public highway occur during the construction period, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 No development shall take place until details of the pedestrian access arrangements during construction for the occupants of the existing residential units within the application site has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved details.

 Reason: This condition is a pre commencement condition to ensure the existing occupants can safely access their properties during the construction period, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C5 Prior to commencement of the development hereby permitted, an Energy Statement demonstrating energy saving measures for the development to achieve 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition in order to ensure that the development will meet 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.

C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials 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: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C7 Prior to the first occupation of the development, hereby permitted, a parking management plan, detailing the allocation of the parking spaces and how these spaces will be secured to serve the residents of the residential development within the application site shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved parking management plan prior to first occupation of the development and permanently maintained thereafter for use by the occupants of the residential units within the application site outlined in red on the approved plans.

 Reason: To ensure sufficient parking are provided in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM1, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C8 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 elevations or roof slopes of the extension/development 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).

C9 Before the first occupation of the building/extension hereby permitted the window(s) in the flank elevations 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).

C10 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted other than in accordance with a phasing plan which shall previously have been agreed in writing with the Local Planning Authority. The parking and turning spaces shall thereafter be kept permanently available for the use of residents, employees and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety 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).

 **Informatives**

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

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

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

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

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

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

I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

I3 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 applicant and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I4 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: 0845 6014523

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

 (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).

I5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

I6 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047