**9. 17/1813/FUL - Demolition of dwelling and erection of two detached dwellings with associated parking and landscaping at SARACENS COTTAGE, 107 QUICKLEY LANE, CHORLEYWOOD, RICKMANSWORTH, WD3 5PG for Mr M Brown.**

◼(DCES)

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| Parish: Chorleywood Parish Council | Ward: Chorleywood South and Maple Cross |
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| Expiry Statutory Period: 17.11.2017  (Extension agreed) | Officer: Lauren Edwards |
|  | |
| Recommendation: That planning permission is approved | |
|  | |
| Reason for consideration by the Committee: Called in by the Parish Council. | |

1. **Relevant Planning History**
   1. W/1185/73- Extension to dwelling to provide further bedroom accommodation and toilet- Refused.
   2. W/3116/73- Extension to dwelling to provide further bedroom accommodation- Permitted.
   3. 09/1193/OUT- Outline: Demolition of existing dwelling and erection of one detached and two semi-detached dwellings and detached garage (Layout, scale, appearance, access and landscaping reserved) – Refused.
   4. 10/1490/FUL- Demolition of dwelling and erection of 2 x detached dwellings with associated parking and landscaping- Permitted.
2. **Detailed Description of Application Site**
   1. The application site is an irregular shaped plot of approximately 660sqm. The application site is located on the south eastern side of Quickly Lane on the bend in the road with a footpath to the west leading to Stag Lane.
   2. The rear boundary of the site abuts a steep slope leading up to Lawford Close, a residential cul-de-sac sited at a significantly higher ground level than the application site. There is an electrical substation to the south west of the site between the two properties adjacent to the footpath.
   3. The neighbour at No.109A is set off the boundary with the application site adjacent to the footpath. This neighbour is a two storey detached property with a pitched roof built of a light brown brick.
   4. The neighbour to the north (Woodside) is sited forward of the application dwelling and is a semi-detached property with a white painted exterior.
3. **Detailed Description of Proposed Development**
   1. The application seeks full planning permission to demolish the existing dwelling on site and replace it with two detached dwellings sited side by side facing north-west. The proposed dwellings would be set back from the highway by a minimum of 12.4m.
   2. Each dwelling would have a maximum height of 8.5m and would be gable ended with a rear gable projection set down from the main ridge by 1.4m and a front facing gable set down by 1.6m. The proposed dwellings would have a ‘T’ shaped footprint with a maximum depth of 11.4m to the south western flank of plot a and north eastern flank of plot b. The opposite flanks would have a depth of 7.3m, set back 1.1m from the front elevation and 2.9m from the rear elevation. Both properties are to have three bedrooms with a second floor room shown as a ‘study’. Two rooflights are proposed on each rear roof slope to serve these rooms.
   3. The proposed dwellings would be sited 1.2m from the proposed shared boundary and 1.2m from the flank boundaries. Each plot would have two car parking spaces to the front of the site and a private rear garden.
4. **Consultation**
   1. Herts County Council Footpath Section: No comments received
   2. Hertfordshire Ecology: No objection

*The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which is a residential property with a single detached chalet bungalow with bedrooms in the roof space; associated front and rear gardens and hardstanding drive. There appear to be some mature / semi-mature trees in the garden, as well as in other gardens in the neighbourhood. We have records of bats roosting in buildings in the area.*

*Bats and their roosts are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings and trees if suitable features and conditions are available.*

*The property looks to be in good condition with generally well-sealed roof and ridge tiles, soffits, rendering and brickwork. It appears to be sub-optimal for bats to use for roosting and in this instance I do not consider that any ecological surveys are necessary. Notwithstanding, I recommend a precautionary approach to the works is taken and advice the following* ***Informative*** *is added to any permission granted:*

*“If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”*

*Consideration should also be given to the following (as Informatives):*

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

* 1. Hertfordshire Highways: No objection.

1. *Parking / Turning Area Details*

*Prior to the commencement of the development hereby permitted full details (in the form of a swept path analysis) of the parking bays and access shall be submitted to demonstrate that parked vehicles are able to turn around on site and egress to the highway in forward gear. This parking area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and retained thereafter available for that specific use.*

*Reason: In the interest of satisfactory development and highway safety.*

1. *Visibility*

*Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 11m shall be provided to the south-west of the access where it meets the highway and such splay 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.*

***HIGHWAY INFORMATIVE:***

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

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

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

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

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

***COMMENTS / ANALYSIS:***

*The proposal comprises of the demolition of the existing dwelling and the erection of two detached three-bed dwellings at 107 Quickley Lane, Chorleywood. Quickley Lane is designated as an unclassified local access road, subject to a speed limit of 30mph and highway maintainable at public expense.*

***VEHICLE ACCESS & PARKING:***

*Vehicles will use the existing access from Quickley Lane as a shared access for both properties. Public footpath Chorleywood 20 runs adjacent to the site. Following consideration of the speed of traffic and road classification of Quickley Lane and the location of the site in relation to the adjacent public footpath, the provision of a vehicle to vehicle visibility splay of 2.4m metres by 11 metres on the south-west side of the access would be required to ensure that visibility is in accordance with Manual for Streets (MfS) and Roads in Hertfordshire: A Design Guide. HCC as Highway Authority would recommend that this is completed prior to development to improve visibility when accessing this property, for neighbouring properties and other highway users. The hedges at the site boundary would need to be cut back to ensure that sufficient vehicle visibility (and the associated condition 3) can be achieved*

*The proposal includes the provision of 4 on site car parking spaces (2 for each property), the layout of which is shown on submitted drawing no. 17-08-01. The level of parking is acceptable and in accordance with car parking standards as outlined in Appendix 5 of Three Rivers District Council’s (TRDC) Development Management Policies: Local Development Document.*

*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. Although not a requisite when egressing onto a local access road, HCC as Highway Authority has considered that due to the site’s location on the bend in the highway and the intensification of use of the site, vehicles would need to be able to turn around on site and egress to the highway in forward gear. This is in the interest of highway safety for vehicles and pedestrians. As such the condition 1 has been included to demonstrate that the layout of the parking and turning arrangements are acceptable.*

***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 proposed buildings. 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.*

***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. 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 conditions and informatives.*

* 1. Herts and Middx Wildlife Trust: No comments received.
  2. Landscape Officer: Initial objection overcome following receipt of additional information.

*This application is supported by a stage 1 tree survey (ref DS12051002) which was prepared seven years ago prior to the submission of a previous application for this site. Section 1.3.2 of report DS12051002 points out that a stage 1 tree survey is prepared to help in the design of a proposed scheme (stage 2). Once the design has been finalised an Arboricultural Impact Assessment (stage 3) is prepared in support of a planning application. The submitted report DS12051002 was insufficient seven years ago and is not acceptable in support of a planning application in 2017.*

*The design and access statement makes reference to the report DS12051002 identifying trees for removal. This is incorrect as DS12051002 makes no reference to the proposed scheme and only discusses possible tree removals if the site was to be considered for development. The submitted site plan 17-08-01 shows a proposed site layout which indicates that almost all of the trees are to be removed. The existing site survey which is included on 17-08-01 identifies trees with entirely different numbers to those used in the tree survey DS12051002.*

*It is usual to expect applications for a site such as this to be supported by a Tree Survey and Arboricultural Impact Assessment prepared in accordance with BS:5837-2012 ‘Trees in relation to design, demolition and construction – recommendations’, no such documents have been submitted. Without these documents it is not possible to fully assess the impact of the proposed development on the trees within and adjacent to site.*

*What does seem clear is that this proposal involves the removal of almost all the trees from within the site with no proposals for replacement planting.*

*I am unable to support this application due to the lack of up to date and accurate supporting documents and recommend refusal.*

*Reason:*

*The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Saved Policies N15, N16, and D6 of the Three Rivers Local Plan 1996 – 2011 and Policies CP1 and CP12 of the Core Strategy (Adopted October 2011).*

* 1. Officer comment: Following these comments the applicant has submitted a revised tree survey and the Landscape officer has provided revised comments:

*Further to my comments of 5th October an Arboricultural and Planning Integration Report (Ref: GHA/DS/14460:17) prepared by GHA Trees has been received. This report has been prepared in accordance with BS:5837-2012 ‘Trees in relation to design, demolition and construction – recommendations’.*

*The tree survey within the report categorises all trees within the site as either C or U and proposes that most of them are removed. The report identifies two mature Ash trees on land to the south east of the site and categorises these as B. The British Standard BS:5837-2012 advises that trees which are categorised as A or B should be retained during construction and measures should be put in place to ensure that they are not damaged. The report includes a Tree Protection Plan which shows the location of protective fencing within the site to ensure the roots of these trees which extend into 107 Quickley Lane will be protected during the demolition and construction.*

*Most of the trees which are to be removed from the site are Leyland Cypress growing along the western and south western boundaries. These were most likely planted as hedging but have not been managed as such and have now outgrown their location. These trees contribute little to the character of the area but appropriate replacement planting will be needed given the position of the site on a bend in Quickley Lane and adjacent to the footpath to Heronsgate Road.*

*The report includes proposed replacement planting of a Hornbeam Hedge along three of the site boundaries and eight individual trees comprising Field Maple and two species of Birch. This landscaping proposal is broadly acceptable although the positioning of the individual trees will need to be reconsidered.*

*Recommend consent subject to the following conditions:*

*Landscaping – Details*

*No development shall take place 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 which are to be retained.*

*All hard and soft 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 maintained, including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased for a period for five years from the date the approved scheme was completed. Replacements should be planted during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.*

*Reason: 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).*

*Tree protection scheme- Details*

*No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with the details outlined in the ‘Arboricultural and Planning Integration Report Ref: GHA/DS/14460:17’ prepared by GHA Trees dated 30th October 2017’.*

*The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.*

*Reason: To protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

* 1. Thames water: No comments received.
  2. Affinity water: No comments received.
  3. National Grid: No comments received.
  4. Chorleywood Parish Council: Objection:

*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.*

* *Over0064evelopment of a difficult site - DM1*
* *Increase in traffic into Quickley Lane*
* *Out of character with the street scene*
* *The residential amenities for the neighbouring properties*
* *Demolition of trees - DM6*

1. **Neighbourhood**
   1. Number Consulted: 22
   2. Site Notice posted on 06.09.2017 and expired on 27.09.2017.
   3. Press notice published 15.09.2017 and expired 06.10.2017.
   4. Number of responses received: 3
   5. Summary of comments:

* Concerns regarding construction vehicles
* Parking is a current issue on the bend
* Tree survey out of date
* Other development highlighted
* Traffic and parking issues- passing HGVs
* Highway safety concerns
* Conditions requested to mitigate effects during construction
  1. Officer comment: The concerns of the neighbours have been noted and the material planning considerations are addressed within the analysis section below.

1. **Reason for Delay**
   1. Not applicable - Extension of Time agreed.
2. **Relevant Local Planning Policies**
   1. National Planning Policy Framework (NPPF)
      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.
   2. The Three Rivers Local Plan Core Strategy:
      1. The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12.
   3. Development Management Policies LDD:
      1. The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5.
      2. The Site Allocations LDD was adopted in November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1 and SA4.
      3. The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.
      4. The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
      5. Affordable Housing Supplementary Planning Document – Approved June 2011.
3. **Analysis**
   1. Principle of Development
      1. Planning permission was granted for the development in 2010 via application reference 10/1490/FUL. Whilst the analysis section below will assess the application against current policy and site circumstances, the planning history is a material consideration. The current proposal is as previously proposed.
      2. The proposed development would result in a net gain of one dwelling.
      3. Policy CP2 of the Core Strategy sets out that the Council will identify sufficient land for housing within the District to meet the Three Rivers housing target of 180 dwellings per year until 2026. Housing will be made primarily within the existing urban area and also from housing sites at the most sustainable locations on the edge of existing settlements. Specific sites will be identified through the Site Allocations document taking in to account policies set out within the Core Strategy.
      4. Policy SA1 of the Site Allocations document outlines that permission will not be granted for development resulting in a net loss of housing and sites should be developed at an overall capacity which accords with the dwelling capacity for that site.
      5. The Spatial strategy sets out that for Three Rivers the hierarchy of settlements across the district have been defined in order to direct growth to the most sustainable and appropriate locations.
      6. The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards previously developed land and appropriate infilling opportunities within the Principal Town and Key Centres and Core Strategy Policy PSP2 indicates that the Key Centres (including Chorleywood) will provide approximately 60% of the District’s housing requirements over the plan period.
      7. The proposed development would be of previously developed land and given the location of the site within a Key Centre and within a residential area, there is no in principle objection to residential development of the application site in relation to Policy CP2, however this is subject to consideration against other material considerations as discussed below.
      8. Housing mix
      9. Policy CP3 of the Core Strategy states that the Council will require housing proposals to take into account the range of housing needs, in terms of size and type of dwellings as identified by the Strategic Housing Market Assessment (SHMA). The most recent SHMA was published in January 2016 and has identified the indicative targets for market sector dwelling size within the Three Rivers District as follows:

1 bedroom 7.7% of dwellings

2 bedrooms 27.8% of dwellings

3 bedrooms 41.5% of dwellings

4+ bedrooms 23.0% of dwellings

* + 1. The SHMA and the Core Strategy recognise that these proportions may need to be adjusted taking account of market information, housing needs and preferences and specific site factors.
    2. The development would provide 100% 3 bedroom units which is the greatest requirement. As such the proposed development is considered acceptable in accordance with Policy CP3 of the Core Strategy (adopted October 2011).
    3. Affordable Housing
    4. 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.
    5. However, following the appeal decision overturning the previous High Court judgement and giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10-units or fewer with a maximum combined gross floorspace of no more than 1,000sqm. As a result, the Local Planning Authority was not requiring contributions towards affordable housing for sites which are below these thresholds, such as the current application, where the application was validated prior to 4 September 2017.
    6. From the 4 September the Local Planning Authority has re-applied Policy CP4 in view of local need for Affordable Housing; however this application was validated prior to 4 September and therefore affordable housing provision does not apply in this instance.
    7. The current application would result in a gain of one additional dwelling on the site and the floorspace would not exceed 1,000sqm. As such, in light of the position at validation, the proposal would not currently attract a requirement to contribute to affordable housing in accordance with Core Strategy Policy CP4 nor would a Section 106 agreement be required at this time.
  1. Design and Impact on Street Scene/Character
     1. Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.
     2. In terms of new residential development, Policy DM1 of the DMP LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of ‘backland’, ‘infill’ or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

1. Tandem development
2. Servicing by an awkward access drive which cannot easily be used by service vehicles
3. The generation of excessive levels of traffic
4. Loss of residential amenity
5. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.).
   * 1. Sections ii, iii and iv as set out above are discussed in the relevant sections below.
     2. Policy DM1 and the Design Criteria at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the street scene.
     3. Specific guidelines state that development at first floor level and above should be set in from flank boundaries by a minimum of 1.2m.
     4. The proposed dwellings would be sited 1.2m from the proposed shared boundary and from the flank boundaries. It is noted that the existing dwelling is set back from the highway, centrally within the plot with spacing to either side of the site. However given that the 1.2m spacing would be maintained and the varied nature of the dwellings along Quickley Lane with no linear building line it is not considered that the proposed dwellings would erode the character of Quickley Lane. It is acknowledged that the design of the proposed dwellings does not reflect that of the existing dwelling however there are dwellings of a similar design within the streetscene including the neighbour at No.109A and the proposed dwellings would not be out of character. In addition to this the proposed two storey nature of the dwellings would reflect the prevailing character of Quickley Lane of predominately two storey dwellings and would appear excessive in height relative to neighbouring properties.
     5. In relation to the plot sizes whilst they would be smaller in scale than the existing plot they would not appear out of character with the wider streetscene of Quickley Lane and would retain the setback nature of the existing dwelling from the highway with the amenity space to the rear. As both proposed dwellings would have frontage to the highway and therefore would not constitute tandem development. The proposed plots would therefore not appear at odds with the character of the area. Whilst there would be an addition of one dwelling given the size of the plot it is not considered that the development would appear cramped or excessively prominent within the streetscene.
     6. The development would therefore be in accordance with Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
   1. Impact on Neighbours
      1. Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. The Design Criteria as set out in Appendix 2 of the DMP LDD stipulates that extensions should not result in loss of light to windows of neighbouring properties nor allow overlooking.
      2. To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.
      3. The proposed dwelling ‘plot a’ would be sited 1.2m from the neighbour at No.105. Whilst it is noted that the proposed dwelling would slightly intrude the 45 degree line by approximately 0.6m when taken from the point on the boundary level with the rear elevation of this neighbour, it would not intrude when taken from the corner of No.105 which has a rear projecting gable. Given this, that the proposed dwelling would be set 1.2m off the boundary with No.105, that this neighbour is on a higher land level and is favourably sited to the south west it is not considered that it would result in an unacceptable overbearing impact or loss of light to this neighbour.
      4. There would be no windows within the flank of ‘plot a’ facing No.105. The proposed windows within the rear elevation would look on to the proposed rear gardens and those within the front elevation would look on to the site frontage. As such it is not considered that unacceptable overlooking would result to No.105.
      5. The proposed dwelling ‘plot b’ would be sited 1.2m off the boundary with the adjacent footpath. Given that the neighbour at No.109A is sited off the boundary with the application site with spacing retained by the footpath and that this neighbour is on a slightly higher land level it is not considered that the proposed dwelling would result in unacceptable overbearing impact or loss of light to this neighbour. It would not intrude a 45 degree line.
      6. There would be no windows within the flank of ‘plot b’ facing No.109A and the adjacent footpath. The proposed windows within the rear elevation would look on to the proposed rear gardens and those within the front elevation would look on to the site frontage. As such it is not considered that unacceptable overlooking would result to No.109A.
      7. Given that the proposed dwellings would reflect each other with their deepest flanks facing each other and that the flanks would each be set 1.2m off the shared boundary it is not considered that they would result in an overbearing impact or loss of light to each other. Any consent granted would require the proposed first and second floor internal flank windows to be obscure glazed and top level opening only.
      8. It is noted that the proposed development would result in additional built form closer to the boundary with the footpath. However given that the proposed dwelling would not be excessive in depth with a maximum depth of 11m and that it would be sited 1.2m off the flank boundary it is not considered that ‘plot b’ would result in a dominating or excessively prominent form of development when viewed from the adjacent footpath.
      9. In summary it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect
   2. Highways, parking and access
      1. Core Strategy Policy CP10 requires that development makes adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a three bedroom dwelling should provide 2.25 spaces per dwelling (2 assigned). The proposed development requires 4.5 spaces of which 4 should be assigned. The policy advises that in areas of high accessibility, a reduction in parking provision may be appropriate.
      2. The proposed development would provide the required 4 assigned spaces with additional parking available on the shared hardstanding to the front of the dwellings. As such it is considered that the proposed development would comply with Appendix 5 of the DMP LDD in this respect.
      3. The Highway’s Officer does not object to the proposed development subject to conditions requiring details of parking/turning areas and visibility splay lines to be submitted prior to commencement. It is also considered appropriate for a construction management plan to be submitted prior to commencement in order to ensure that construction vehicles do not obstruct the highway or restrict the free flow of movement along the highway.
   3. Refuse and Recycling
      1. Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
6. The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
7. Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers
8. There would be no obstruction of pedestrian, cyclists or driver site lines.
   * 1. The application has not been accompanied with details of bin storage however kerb side collection would not be considered inappropriate within the residential area and would reflect the existing arrangements. Notwithstanding this a condition is considered reasonable to require refuse/recycling details to be submitted to the Local Planning Authority.
   1. Amenity space
      1. Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
      2. Appendix 2 of the DMP LDD sets out a 3 bedroom dwelling should provide 84sqm of amenity space.
      3. ‘Plot b’ would have approximately 90sqn of amenity space and ‘plot a’ would have approximately 145sqm of amenity space. As such the proposed development would provide adequate amenity space for future occupiers in accordance with the guidelines of Appendix 2 of the DMP LDD.
   2. Trees
      1. Policy DM6 of the Development Management Policies sets out that development proposals should seek to retain trees and other landscape and nature conservation features and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
      2. The application site is not located within a Conservation Area nor are there any protected trees on or near the site. An initial tree survey was submitted with the application however this was not considered to be acceptable by the Landscape Officer. A revised tree survey was subsequently submitted. The Landscape Officer has provided further comments and raises no objections subject to conditions to require a hard and soft landscaping scheme and tree protection scheme to be submitted to the LPA.
   3. Biodiversity
      1. Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
      2. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.
      3. Hertfordshire Ecology has not raised any objection to the proposed development however a number of informatives have been suggested.
   4. Sustainability
      1. Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). 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.
      2. The application is accompanied by an Energy Assessment prepared by SAPs UK which demonstrates that the development would make a saving of at least 5% carbon dioxide emissions Building Regulations Part L (2013) through energy efficient measures. Therefore, a condition would be attached to any permission granted requiring that the development be carried out in accordance with the Energy Assessment.
9. **Recommendation**
   1. That PLANNING PERMISSION BE APPROVED subject 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: 17-08-01, 2017-08-02, 2017-08-03, AC17-2102-B, AC17-2103-B.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM7, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development. Full details of any renewable technologies required to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and works shall be carried out in accordance with the approved details.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C4Before above ground building operations 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 ensure that the external appearance of the building is satisfactory 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).

C5 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6Before the first occupation of the building/extension hereby permitted the first floor flank windows within the north eastern side elevation of ‘plot a’ and south western side elevation of ‘plot b’ 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 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).

C7The development shall not begin until full details of all proposed construction vehicle access, movements and parking arrangements 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 shall 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).

C8 Prior to the commencement of the development hereby permitted full details (in the form of a swept path analysis) of the parking bays and access shall be submitted to demonstrate that parked vehicles are able to turn around on site and egress to the highway in forward gear. This parking area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

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).

C9 Prior to the first occupation of the development hereby permitted, a visibility splay measuring 2.4m x 11m shall be provided to the south-west of the access where it meets the highway and such splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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).

C10 The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently 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).

C11 No development shall take place 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 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).

* 1. Informatives:

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

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

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

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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 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.

I4 The applicant is reminded that the removal or severe pruning of trees should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

I5 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).

I6 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website http://www.hertsdirect.org/services/transtreets/highways/ or by telephoning 0300 1234047.

I7 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

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