**10. 17/1825/FUL – Demolition of existing dwelling and builders yard buildings and redevelopment of the site with four detached dwellings and associated gardens and car parking with access to the dwellings via existing entrance to site from Toms Lane at THREE ACRES, TOMS LANE, KINGS LANGELY, HERTS, WD4 8NA for Mr Phil Longuehaye**

|  |  |
| --- | --- |
| Parish: Abbots Langley |  Ward: Gade Valley |
| Expiry Statutory Period: 27 October 2017 | Officer: Suzanne O’Brien |
|  |  |
| **Recommendation:** That planning permission be granted.  |
|  |
| Reason for consideration by the Committee: Application has been called in by three Planning Committee members and by Abbots Langley Parish Council. |

**1. Relevant Planning History**

1.1 W/2501/66 - Dwelling with small holding - Permitted - 04.01.1967.

1.2 8/575/77 - Unrestricted use of agricultural dwelling - Refused - 25.10.1977.

 Refused for the following reason:

 The site is within the Metropolitan Green Belt wherein it is the policy of the local planning authority as set out in the Written Statement to the Approved Development Plan not to allow development unless it is required for agriculture or a purpose related directly to the needs of the rural communities. This dwelling was erected specifically for an agricultural worker and its occupancy by other than agricultural workers would be contrary to this policy.

1.3 8/337/79 - Garage, lounge, study, bedroom, shower - Permitted - 27.07.1979.

1.4 8/162/84 - Garage, lounge, study, bedroom, bathroom – Not stated - 13.04.1984.

1.5 8/168/93 - (Certificate of Lawful Existing Use) For breach of condition 2 of planning permission W/2501/66. Permitted 05.07.1993 and restriction of occupation of the dwelling to a person employed or last employed locally in agriculture removed – Permitted - 05.07.1993.

1.6 96/0683 - Certificate of Lawfulness Existing Use: Use of part of the premises as a builder’s yard with ancillary storage of materials, plant and vehicles – Refused - 17.07.1997.

 Refused for the following reason:

 Whilst evidence has been produced showing that the business known as Bradshaw Property Maintenance Contractors has been in existence since 1982 with the business address being the application address, the use of the premises for the storage of materials, plant and vehicles used in connection with the business has not been proved for either the ten year period prior to 1992 as claimed such that the use was immune for enforcement when the amended Section 171B (3) of the Town and Country Planning Act 1990 came into effect or in any event for a ten year period prior to the date of the application. The use is therefore not proven on present evidence.

1.7 16/0092/FUL - Single storey side extension – Permitted - 14.03.2016

 Relevant Enforcement Cases

1.8 97/00139/EN – Unauthorised storage of building materials. Case closed 01.09.1997.

1.9 98/00021/EN – Alleged breach of condition relating to 8/162/84 regarding the use of the domestic garage for business purposes. Case closed.

1.10 00/00071/COMP – Storage of building materials. Case closed March 2013 following full compliance with an Enforcement Notice served March 2001.

1.11 03/0495/COMP – Breach of permitted storage area. No breach, case closed 30.09.2003.

1.12 04/0029/COMP – Breach of conditions regarding storage of materials. No breach, case closed 20.01.2004.

1.13 07/0306/COMP – Extension of hardstanding. No breach, case closed 04.06.2007.

**2. Detailed Description of Application Site**

2.1 The application site is located to the rear of odd nos. 1-13 Toms Lane and is accessed via a long single width track between nos. 3a and 5 Toms Lane. The site currently supports a residential dwelling known as Three Acres and an established builder’s yard. The site is located within the Metropolitan Green Belt and measures an area of approximately 1.1 hectares. The land levels slope steeply downhill from east to west. In addition to the dwelling and builder’s yard there are open fields to the west and east of the site.

2.2 Three Acres is a split level two storey dwelling with additional accommodation in the roof space served by front and rear dormers. The dwelling has a large two storey extension to the north flank permitted in 1984. The dwelling is sited immediately to the west of the access with gravel and hardstanding to its frontage used for parking. To the rear is a private garden set at the ground floor level of the dwelling and separated from the wider open field to the west by a retaining wall. As identified by the planning history above, Three Acres was originally built for agricultural occupancy only. A Certificate of Lawful Existing Use was granted in 1993 for unrestricted occupancy of the dwelling.

2.3 The builder’s yard is mostly concentrated to the central and northern sections of the site. The area contains significant levels of hardstanding used for the storage of materials and vehicles and a series of single storey buildings.

**3. Detailed Description of Proposed Development**

3.1 This application seeks planning permission for the demolition of the existing dwelling and builder’s yard buildings and the redevelopment of the site for four detached dwellings with associated gardens and car parking. Access to the dwellings would be via the existing access from Toms Lane.

3.2 The existing dwelling and commercial buildings would be demolished. The proposed replacement dwellings would be arranged around a courtyard setting each fronting the access which would cut through the middle of the site. All of the dwellings would be two storeys in height with pitched roofs and gable ends with ‘L’ shaped footprints. The dwellings would consist of four bedroom detached dwellings with the exception of House 1 which would contain five bedrooms.

3.3 House 1 would be in place of the existing dwelling and would be sited to the west of the access. The dwelling would have a maximum depth of 17.5m and width of 14.7m. The proposed dwelling would be two storeys with a height of 9.5m when measured from the lower ground level. House 1 would be sited a minimum of 7m from the southern boundary. Balconies would be inserted within the north and south elevations.

3.4 House 2 would be sited to the east of House 1 on the opposite side of the access. A distance of 9m would separate the buildings and House 2 would be sited approximately 12m from the southern boundary. The dwelling would have a depth of 16m and width of 14.5m. The dwelling would have a maximum height of 8.4m. Balconies would be inserted within the east and west elevations.

3.5 House 3 would be sited to the north of House 2; a distance of approximately 18m would separate the buildings and the dwelling would be located approximately 5m from the northern boundary. House 3 would have a depth of 16.2m and width of 14.5m. The dwelling would have a maximum height of 9.3m. Balconies would be inserted within the north and south elevations.

3.6 House 4 would be sited to the north of House 1 and a distance of approximately 18.8m would separate the buildings and the proposed dwelling would be located 5m from the northern boundary. The proposed dwelling would have a depth of 16.2m and width of 14.5m. The dwelling would have a height of 9.4m

3.7 The proposed development would utilise the change in land levels throughout the site and the ground floor level of each dwelling would be sited below ground level. The amenity space provision serving the proposed dwellings would also be sited at lower ground level supported by retaining walls. Each dwelling would be served by three parking spaces accessed via the central courtyard.

3.8 Amended plans have been requested removing the balcony along the southern elevation of House 1.

**4. Consultation**

4.1 Abbots Langley Parish Council

4.1.1 Summary: Object.

4.1.2 *Members are concerned that this a new build in the Green Belt.*

 *There are specific concerns about vehicle access during and post construction. If a vehicle is exiting the single vehicle width access way from the site this could cause vehicles entering the site to obstruct this narrow part of Toms Lane, which also does not benefit from a safe pedestrian footpath. This area is used extensively by pedestrians of all ages and capabilities.*

 *If officers are minded to approve this application then members request that it is referred to Three Rivers Planning Committee for consideration.*

4.2 Herts Highways

4.2.1 Summary: Originally objected to the scheme (comments set out below) however following the submission of additional information no objections are raised to the proposed development on highways grounds.

4.2.2 *Proposal*

 *Demolition of existing dwelling and builders yard buildings and redevelopment of the site with four detached dwellings and associated gardens and car parking with access to the dwellings via existing entrance to the site from Toms Lane*

 *Amendment*

 *Transport Addendum Report and Councillor Comment submitted*

 *Decision*

 *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 and approved in writing by the Local Planning Authority to illustrate the following:*

* + - *Confirm permission for and relocation position of existing telegraph pole.*

*The provision of a minimum 1.5m wide footway following the cut-back of the highway verge fronting 3a Toms Lane.*

*Provision of a convex safety mirror within the site boundary on the north-east corner entering the site.*

*Reconstruction / resurfacing of the access bellmouth to deliver a stable surface with a suitable skidding resistance.*

 *Reason: In the interest of highway safety and traffic movement. This is to be in accordance with Hertfordshire County Council’s (HCC) construction specification and to the Local Planning Authority’s satisfaction.*

 *2. Prior to the first occupation of the development hereby permitted the proposed highway and access improvements shall be completed in accordance with the approved plan and retained thereafter available for that specific use.*

 *Reason: In the interests of highway safety.*

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

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

***HIGHWAY 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) Construction standards for works within the highway: 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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.*

***COMMENTS / ANALYSIS:***

*The application comprises of the demolition of the existing dwelling and builders yard and redevelopment of the site with four detached dwellings, gardens and car parking at Three Acres, Toms Lane, Kings Langley. Toms Lane is designated as a classified ‘C’local access road, subject to a speed limit of 30mph and highway maintainable at public expense. This is a supplementary response following the submission of the Transport Statement Addendum Note dated October 2017.*

***VEHICLE ACCESS & MANOEVRABILITY:***

*The proposed dwellings are accessed via an existing private access track from Toms Lane. The track is approximately 55m long and runs between 3a and 5 Toms Lane. The proposed block plan is shown on submitted plan no. 100 P1. The access road is approximately 3.3m wide and would not enable two vehicles to pass one another. The access is proposed to widen to 4.8m at the end of the existing access road where it approaches the proposed dwellings.*

*The Highway Authority’s original response stated that the arrangements are “not in accordance with HCC’s Roads in Hertfordshire, which states that “a single lane access will normally be sufficient to serve up to 3 individual dwellings or equivalent”……the existing proposals do not demonstrate sufficient measures to mitigate the effect of the anticipated use of the single lane stretch of road or at the junction with Toms Lane to ensure safe access for all”.*

*Following submission of the Transport Statement Addendum and consideration that the proposals use an existing access with a lower anticipated traffic use than at present, the provision of the single lane access for four dwellings is considered to be acceptable. This is on the condition that appropriate improvement works are implemented on the access to ensure that the proposals are acceptable.*

***TRIP GENERATION & DISTRIBUTION:***

*The potential frequency of conflicting traffic movements on the proposed access road will be low due to the following:*

* + - * *The potential for opposing traffic movements is governed by the lower of the inbound and outbound trips.*
			* *For four residential dwellings, the lower trip rates would not generate more than one vehicle per hour.*
			* *The higher (dominant) flow is predicted at two vehicles per hour and each vehicle is expected to occupy the access drive for a period of 12 seconds. Therefore, during the peak hour period, there would be a total of 24 seconds (or 1/150th of an hour) when the opposing (lower) traffic flow could encounter a vehicle on the access road.*

*Following consideration of the above and the improvement works to the access on Toms Lane HCC as Highway Authority considers that the generation of vehicles should not have a significant or detrimental impact on the local highway network.*

***HIGHWAY WORKS:***

*The applicant would need to enter into a Section 278 Agreement with HCC as Highway Authority in relation to the proposed alterations to the existing highway as shown on submitted drawing no. 17136/002 and the additional works required as outlined in Condition 1. Please refer to the above Highway Informative and Condition 1.*

***REFUSE / WASTE COLLECTION:***

*Provision has been made for on-site bin/refuse stores for each dwelling. The applicant has indicated that refuse vehicles would be able to access the dwellings via the access track and turn around within the site and egress to the highway in forward gear. A swept path analysis for a large refuse vehicle turning within the site is shown on submitted drawing no. 17136/TK03. The arrangements and collection method must be confirmed as acceptable by TRDC waste management.*

***CONCLUSION:***

*HCC as Highway Authority considers that the proposal would not have an unreasonable or significant impact on the safety and operation of the surrounding highway. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway on Tom’s Lane. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the above planning conditions and informative.*

4.2.3 Original comments received objecting to the proposed development:

 *Proposal*

 *Demolition of existing dwelling and builders yard buildings and redevelopment of the site with four detached dwellings and associated gardens and car parking with access to the dwellings via existing entrance to the site from Toms Lane*

 *Decision*

 *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 recommends that permission be refused for the following reasons:*

 *1. The proposed access arrangements are not in accordance with Hertfordshire County Council’s (HCC) specifications as documented in Roads in Hertfordshire; A Design Guide and has the potential to interfere with the free and safe flow of highway users on the adjacent local access road. The proposals are therefore contrary to policy guidelines as outlined in National Planning Policy Framework (NPPF) 2012 and HCC’s Local Transport Plan 3 (LTP3) 2011.*

*Please see the following comments / analysis for further information:*

***COMMENTS / ANALYSIS:***

*The application comprises of the demolition of the existing dwelling and builders yard and redevelopment of the site with four detached dwellings, gardens and car parking at Three Acres, Toms Lane, Kings Langley. Toms Lane is designated as a classified ‘C’ local access road, subject to a speed limit of 30mph and highway maintainable at public expense.*

***VEHICLE ACCESS & MANOEVRABILITY:***

*The proposed dwellings are accessed via an existing private access track from Toms Lane, which currently serves the existing dwelling and builders yard. The track is approximately 55m long and runs between 3a and 5 Toms Lane. The proposed block plan is shown on submitted plan no. 100 P1. The access road is approximately 3.3m wide and would not enable two vehicles to pass one another. The arrangements are therefore not in accordance with HCC’s Roads in Hertfordshire, which states that “a single lane access will normally be sufficient to serve up to 3 individual dwellings or equivalent”.*

*The access is proposed to widen to 4.8m at the end of the existing access road where it approaches the proposed dwellings. However the existing proposals do not demonstrate sufficient measures to mitigate the effect of the anticipated use of the single lane stretch of road or at the junction with Toms Lane to ensure safe access for all.*

***REFUSE / WASTE COLLECTION:***

*Provision has been made for on-site bin/refuse stores for each dwelling. The applicant has indicated that refuse vehicles would be able to access the dwellings via the access track and turn around within the site and egress to the highway in forward gear. A swept path analysis for a large refuse vehicle turning within the site is shown on submitted drawing no. 17136/TK03. These arrangements and collection method must be confirmed as acceptable by TRDC waste management as the proposed turning area appears to be very tight and would require the refuse vehicle to overhang grass areas of the new dwellings.*

***EMERGENCY VEHICLE ACCESS:***

*The proposed access route is less than the recommended emergency vehicle access width of 3.7m and the proposed properties are more than 45m from Toms Lane, which is the recommended maximum distance for vehicle access for a pumping appliance. HCC as Highway Authority would therefore recommend consultation with Herts Fire & Rescue in relation to emergency vehicle access to ensure that the proposals are acceptable.*

***CONCLUSION:***

*HCC as Highway Authority is recommending that the application be refused in its current form. The access arrangements are not in accordance with the Highway Authority’s specifications and the proposals do not demonstrate sufficient measures to manage the flow of traffic along the access. There is the potential for opposing traffic flows and insufficient details have been provided to mitigate this at the entrance onto Toms Lane or within the site boundary. It is therefore unable to recommend the granting of permission for this application in its current form and amendments and further details would need to be provided.*

4.3 Herts and Middlesex Wildlife Trust

4.3.1 Summary: Objection stating that more information is required to be submitted.

4.3.2 *Objection: Surveys must be completed and definitive ecological measures proposed and marked on plans before a decision can be reached.*

 *The ecological report states that further bat surveys are required to determine if bats are present or absent, that permeable boundaries are required, integrated bat and bird boxes in the buildings are required and that native species or species beneficial to wildlife are included in landscape designs. HMWT agree with all these measures but they have either not been completed (bat survey), or are not stated definitively in plans or documents. In order to properly understand what is being proposed, all ecological enhancement, mitigation, compensation measures must be clearly proposed and marked on maps.*

 *BS 42020 states:*

 *6.6.2 An ecological report should avoid language that suggests that recommended actions may or might or could be carried out by the applicant/developer (e.g. when describing proposed mitigation, compensation or enhancement measures). Instead, the report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant.*

 *In accordance with BS 42020, a clear indication of all ecological measures that will be delivered by the development must be provided before this application can be decided.*

 *ODPM circular 06/05 states that surveys regarding European Protected Species must be completed before a decision can be reached. Therefore surveys must be completed, as stated in the ecological report, before a decision can be reached in this instance.*

4.4 Herts Ecology

4.4.1 Summary: Objection.

4.4.2 *Thank you for consulting Hertfordshire Ecology on this application. I note that I previously provided comments in November 2015 on pre-application of a similar nature at this site. I have the following comments to make now:*

*The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which is partially a residential garden and partially a working storage yard. The site is bordered by mature trees to the north, a railway line to the west, gardens to the south, and a road / hedgerow / field and gardens to the east. There are records of roosting bats nearby.*

*In 2015, I advised that a Preliminary Ecological Appraisal and protected species assessment (including bat inspection survey) be undertaken of the site to describe the extent of the main habitats and features present; evaluate the potential for the site to support protected species; assesse the biodiversity impacts of the proposals, and provide mitigation and enhancement measures as necessary.*

*Due to the timing of the application and my response, I advised that an Outline Bat Mitigation Strategy be included within the bat report if any follow-up roost activity surveys were recommended and could not be undertaken prior to determination. I also advised that simple biodiversity enhancements be incorporated within the development scheme to increase local opportunities for wildlife.*

*I am pleased to see that a Preliminary Ecological Appraisal (by Landscape Planning Limited, August 2017) has been submitted in support of this application. The majority of the site is a residential garden with amenity grassland and introduced shrubs. Part of the site includes a working storage yard with associated temporary timber buildings and openly-stored materials. There are also scattered trees, bordering hedgerows and some orchard trees. The habitats were assessed to be of limited ecological value.*

*The site was assessed to have potential to support nesting birds; roosting bats in buildings and a mature tree on the boundary (T18 in the Tree Report); and unspecified mammals (probably fox and/or deer). Consequently, recommendations are made for timing of tree/shrub works outside the bird breeding season, 1 dusk emergence bat activity survey, and mammal-friendly fencing. Biodiversity enhancements in the form of bat and bird boxes and native planting / landscaping are also recommended and I welcome these; however these could be expanded to include fruit trees as orchard trees are already present towards the eastern boundary.*

*As bats are European Protected Species (EPS), the recommended survey information relating to bats is required to be submitted to the LPA prior to determination - so the LPA can fully consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2010 (as amended).*

*Thus, until the follow-up survey is undertaken, the LPA does not have enough information regarding the presence or not of bats in the building or tree identified with roosting potential. Without knowing what adequate bat mitigation measures are needed to maintain the local bat population (if present and affected), the LPA cannot currently satisfy the third test of the Habitats and Species Regulations prior to determination.*

*Bat emergence / re-entry surveys can only be carried out when bats are active in the summer months between May and August, or September if the weather remains warm. Once again, as we are within the unfavourable time of year to undertake bat activity surveys, I advise that an Outline Mitigation Strategy with appropriate recommendations is provided if the LPA is to fully consider the impact of the proposals on bats. This should be based on the presence of a bat roost proportionate to the location and can be modified if necessary once the results of the dusk emergency survey - which I advise is secured as a Condition of Approval - are known. I can suggest the following Condition wording in this situation:*

*“Prior to the demolition of buildings on site, and/or removal of the tree identified with potential for roosting bats, 1 dusk emergence bat survey should be undertaken between May and August (inclusive) to determine with confidence whether bats are roosting and, should this be the case, the Outline Bat Mitigation Strategy should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.*

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

4.5 Herts Property Services

4.5.1 Summary: No objections.

4.5.2 *I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.*

*Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.*

*All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.*

*Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.*

*The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.*

*Section 106 planning obligation clauses can be provided on request.*

*Justification*

*Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit*

*The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance “Approved Document B”.*

*In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:*

1. *Necessary to make the development acceptable in planning terms.*

*Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).*

*All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).*

1. *Directly related to the development;*

*Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.*

1. *Fairly and reasonable related in scale and kind to the development.*

*Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.*

*I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority if minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.*

*I trust the above is of assistance if you require any further information please contact the Development Services team.*

4.6 Development Plans

4.6.1 Summary: No objection.

4.6.2 *The Three Acres site was put forward as a site for the Council’s Site Allocations Local Development Document. The site was found unsound by the independent examiner and was removed from the Site Allocations Document. The site was considered by the examiner to be in an unsustainable location, however he did acknowledge that the site contains previously developed land, and as such may be able to contain some development that would not be inappropriate in the Green Belt under the terms of paragraph 89 of the NPPF. This could come forward as a windfall site providing the level of development is appropriate and does not have a greater impact on the openness of the Green Belt than the existing development. As such, Local Plans do not object to the development of the site in principle, however any development that has a greater impact on the openness of the Green Belt than existing would not be supported.*

4.7 Affinity Water

4.7.1 No comments received

4.8 National Grid

4.8.1 No comments received.

4.9 Landscape Officer

4.9.1 No comments received to date.

4.10 Thames Water

4.10.1 No comments received.

4.11 Environmental Health

4.11.1 No comments received.

4.12 Environmental Protection

4.12.1 No comments received.

**5. Neighbour Consultation**

5.1 No. consulted: 17

 No. responses: 1 (from Ward Councillor)

5.2 Site Notice: Posted 14 September 2017 and expired 5 October 2017.

 Press Notice: Not applicable.

5.3 Summary of responses:

* Concerns about creating a safe exit and entrance;
* Entrance is through a very narrow lane which is not visible from Toms Lane and already causes some difficulties;
* Traffic wanting to turn into lane would stop the traffic along Toms Lane causing a backlog because of the single file down the bridge;
* Already have problems with large vehicles that do not take notice of the ‘low bridge’ signs and narrowness of the bridge;
* The proposed development would add to the existing traffic problems along Toms Lane which is already congested with parked cars;
* No space for any more parking on Toms Lane and surrounding streets needs to be sufficient space on-site to serve the development;
* There is no pavement along Toms Lane at the point of the application site and traffic turning in or out of Three Acres is already disruptive and dangerous.

**6. Reason for Delay**

6.1 Committee Cycle.

**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: CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 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, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendices 2, 4 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. Relevant policies include SA1.

 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 not located within a Key Centre and is not located within a sustainable location. However, the site does constitute previously developed land as identified by the Planning Inspectorate during the adoption process of the Site Allocations LDD who stated:

 ‘*further significant piecemeal housing development should not be encouraged east of the railway until solution is found to pedestrian access problems to Kings Langley. A more comprehensive approach could be planned for in future. Some scope perhaps for lesser development deemed not inappropriate in a Green Belt through development management processes*.’

8.1.3 As the site constitutes previously developed land there is no in principle objections to the redevelopment of the site for residential development subject to compliance with the Policies set out in the Local Plan.

8.1.4 The proposed development would result in the loss of a small business. Policy CP6 supports the retention of small businesses. However, due to the unsustainable location of the site it is not considered that the loss of the existing business use of the site would be detrimental to the area in terms of employment opportunities or economic development of the District.

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% 4 plus bedroom units. 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 Green Belt

8.3.1 The site is within the Metropolitan Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are its openness and permanence. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

8.3.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

* To check the unrestricted sprawl of large built-up areas;
* To prevent neighbouring towns from merging into one another;
* To assist in safeguarding the countryside from encroachment;
* To preserve the setting and special character of historic towns; and
* To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.3.3 The NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are given at paragraph 89 as follows:

* Buildings for agriculture and forestry;
* Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
* The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
* The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
* Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
* Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.3.4 Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013) reflect the guidance of the NPPF.

8.3.5 The proposed development which comprises the demolition of the existing dwelling and builder’s yard and erection of four detached dwellings may be considered to fall within the sixth exception, i.e. the partial or complete redevelopment of the site which, in part, would constitute brownfield land. However, this exception requires the proposed development to not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.3.6 The development comparison plan submitted with the application demonstrates that the built up area within the site (including hardstanding) would be reduced by the proposed development by 806sq.m. It should be noted that the existing areas of hardstanding are used for parking and the storage of materials which all contribute to the built up character of the site. Furthermore, as viewed on site building materials are also being stored on areas of green space along the northern boundary up to the north western corner of the site resulting in the spread of urbanising features within the Green Belt. The proposed development would serve to confine the built development to the central area of the site and reduce the spread of urbanising features within the landscape.

8.3.7 The supporting evidence submitted with the application details that the existing buildings have a footprint of 699.41sq.m whereas the proposed buildings would have a footprint of 633.2sq.m the proposed development would therefore have a reduced building footprint of 66sq.m. The proposed development would however result in an increase in the floorspace from 883sq.m to 930sq.m representing a 46sq.m increase and an increase in volume of built form from 2386.38cu.m to 2998cu.m an increase of 612cu.m.

8.3.8 In terms of built form the proposed development would therefore result in an increase by virtue of the increase in floorspace and volume. However, the supporting evidence details that 600cu.m of the proposed dwellings would be sited below the natural ground level of the site.

8.3.9 In relation to height the proposed buildings would consist of two storey dwellings however the proposal would utilise the existing ground levels so that the ground floor would predominantly appear below ground and the first floor levels would largely appear as single storey structures. The proposed dwellings would not exceed the height of the existing dwelling by being set 0.09m below the existing ridge line this would partially be achieved through the reduction in land levels of parts of the site. The proposed first floor level of the dwellings would however sit higher than the existing single storey commercial buildings sited to the north of the dwelling. However, the proposed development would serve to open up the site in comparison to the existing built form. As viewed from the west of the site the existing built form forms a continuous feature along the majority of the depth of the site. The proposed development through the removal of the existing buildings and spacing between House 1 and House 4 with a distance of 26.5m separating the first floor levels would serve to materially improve the openness of this part of the site. It is noted that the highest point of House 4 would be set higher than the existing single storey structures (1.05m higher than the highest commercial building). However, the proposed development would serve to improve the openness of this part of the site such that the height of House 4 would not result in any greater harm to the openness of the site than in comparison to the existing situation.

8.3.10 The same would apply as viewed to the east of the site. House 2 to the rear of No.5 Toms Lane would sit on the least developed part of the site. However, the proposed development would be sited where there is an existing view of dwelling. The proposed dwelling as viewed from the east would be of significantly less bulk and massing than in comparison to the existing building. Furthermore, a distance of 20m would separate the first floor flank elevations of House 2 and House 3 which would be of an improvement in terms of openness in relation to the existing spread of development across this part of the site.

8.3.11 As viewed from the north of the site the House 4 would extend further to the west than the existing dwelling at first floor level. However, the proposal would not extend deeper than the existing shed and would reduce the level of built form to the east of the site and spread of materials into the open land to the east. The proposal would include the provision of retaining walls to support the recessed amenity space provisions however, these would not serve to impact on the openness of the site or Green Belt.

8.3.12 The use of the site would also be a factor in assessing whether the proposed development would have a greater impact on the openness of the Green Belt. The existing site contains a dwelling and a commercial use which generates a number of vehicular movements and associated works. The existing use is therefore considered to be intensive, this was evidenced at the time of the site visit with a number of people working at the site, a number of cars parked within the car park and a number of vehicular movements taking place. The existing use also results in a large quantity of materials being stored within the site which detract from the rural qualities of the Green Belt and site. The proposed development would serve to confine and reduce the overall built area (including storage areas) and would result in a significant reduction in terms of the intensification of the site in comparison to the existing use. This would serve to overcome the harm arising from the aspects of the proposed built form that would be set higher than the existing buildings and increase in floorspace. The curtilages would be contained and would not result in the spread of development or residential paraphernalia within the open space to the east and west. The proposed development would therefore help to reduce the spread of development and encroachment of development within the countryside.

8.3.13 Thus overall the proposed development would not result in any greater harm to the openness of the Green Belt and would not conflict with any of the purposes of including land within it. The proposed development would therefore fall within the exceptions for inappropriate development within the Green Belt as set out within the NPPF.

8.3.14 To protect the Green Belt permitted development rights would be removed from the proposed dwellings.

8.4 Impact on Character and Street Scene

8.4.1 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'.

8.4.2 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).

8.4.3 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.

8.4.4 The application site is located to the rear of odd nos. 3-5 Toms Lane and may therefore constitute ‘backland’ development, a form of development which Policy DM1 of the Development Management Policies LDD seeks to protect the character and residential amenity of existing housing areas from. However, in this instance the long access drive is an existing feature which leads to a residential dwelling and builder’s yard. The proposed redevelopment of the site would therefore not result in significant harm to the character or appearance of the area as the proposed built form would replace existing structures and hardstanding.

8.4.5 The proposed dwellings would be of generous proportions however Toms Lane is characterised by detached dwellings of various size and scale. The proposed residential curtilages serving the proposed buildings would also not appear out of character with the area. As the proposed development would be sited to the rear of 3-5 Toms Lane the size, scale and design of the dwellings would not be readily apparent from public vantage points. Furthermore, taking into consideration the existing use of the site, built form and hardstanding the proposal which would introduce a courtyard style development which would improve the aesthetics of the site. The recessed amenity space provision would also not appear contrived within the setting.

8.4.6 The proposed buildings would be set in a significant distance from all of the external boundaries of the site and generous distances would separate the proposed dwellings. The proposed development would therefore not result in a cramped feature or result in overdevelopment of the site.

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

8.5 Impact on Neighbours

8.5.1 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.

8.5.2 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.

8.5.3 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.

8.5.4 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.

8.5.5 The proposed dwellings would be sited beyond the rear gardens of odd nos. 3-5 Toms Lane. The siting of the dwellings and height above ground level relative to No’s 3, 3a and 5 would not result in any unacceptable loss of light or harm to the visual amenities of these neighbouring properties.

8.5.6 In terms of overlooking, the ground floor levels would be set below the external ground level and would not permit overlooking of the neighbouring properties. The closest first floor level (serving House 1) would be set in a minimum of 7m from the rear boundary of No.3a. Amended plans have been requested to remove the balcony and reducing the size of the glazing within the southern elevation facing the neighbouring property. The Agent has confirmed that this amendment will be carried out. A distance of over 30m would separate the elevation of the proposed dwelling and rear elevation of No.3a which would exceed the 28m back to back distance. As such, it is not considered that the proposed development would result in any unacceptable overlooking of this neighbouring property. Furthermore, due to the land level changes the proposed first floor level would not sit at true first floor level so would not appear unduly prominent as viewed from the neighbouring property.

8.5.7 The first floor level of House 2 which would be sited to the rear of No.5 and would be set in approximately 20m from the boundary with No.5. The proposed siting of the first floor level would therefore prevent the proposal from resulting in any unacceptable overlooking or loss of privacy of this neighbouring property.

8.5.8 The Design Criteria does not support balconies where they would result in overlooking. With the exception of the balcony serving House 1 along the southern elevation (which has been removed) the siting of the other proposed balconies would not result in any unacceptable overlooking of the existing neighbouring properties. Furthermore, the siting and scale of the proposed balconies would not permit unacceptable overlooking into the proposed dwellings or curtilages. Due to the layout of the proposed dwellings and fenestration details the proposed development would not result in any unacceptable overlooking between the properties.

8.5.9 The proposed development would result in a less intensive use of the site resulting in a net reduction in vehicular movements. The proposed redevelopment of the site to accommodate four dwellings would therefore not result in any harm to the neighbouring properties in terms of noise and disturbance.

8.5.10 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.

 *Future Occupants*

8.5.11 The site is located close to the railway line. Policy DM9 of the Development Management Policies LDD relates to pollution control. In relation to noise Policy DM9 states, when assessing proposals for residential development near a source of noise we will have regards to Appendix 4 which indicates the appropriate response to the level of noise by source.’

8.5.12 The application site does not adjoin the railway line and it is considered that the proposed dwellings would be located a sufficient distance from the railway line as to ensure that the occupants of the proposed dwellings would not be adversely affected by the adjacent infrastructure provision.

8.6 Amenity Provision

8.6.1 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.

8.6.2 Appendix 2 of the Development Management Policies LDD sets out guidance with regard to amenity provision. The Design Criteria stipulates that the following indicative amenity space provision should be provided:

 4 Bed dwelling – 105 square metres

 additional bedrooms – 21 square metres

8.6.3 The proposed dwellings would be served by amenity space provisions in excess of these requirements. The proposed gardens, especially Houses 2 and 3 would be sited at lower ground level and enclosed by retaining walls. The overall size and scale of the amenity space provisions would not appear cramped and it is not considered that the recessed nature of the amenity space provision would result in an oppressive feature. The residential curtilages have been defined and are contained close to the proposed building to prevent the spread of unacceptable development within the Green Belt. The overall scale of the development and residential curtilages would not appear out of character within the area.

8.7 Wildlife

8.7.1 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.

8.7.2 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 Preliminary Ecological Appraisal was submitted with the application which identified that the site has potential to support nesting birds; roosting bats in buildings, a mature tree on the boundary; and unspecified mammals. Consequently, recommendations are made for timing of tree/shrub works outside the bird breeding season, 1 dusk emergence bat activity survey, and mammal-friendly fencing. Biodiversity enhancements in the form of bat and bird boxes and native planting / landscaping are also recommended. Herts Ecology however have confirmed that ‘*until a follow-up survey is undertaken, the LPA does not have enough information regarding the presence or not of bats in the buildings or tree identified with roosting potential. Without knowing what adequate bat mitigation measures are needed to maintain the local bat population (if present and affected), the LPA cannot currently satisfy the third test of the Habitats and Species Regulations prior to determination’*.

8.7.3 Herts Ecology has confirmed that the emergence/ re-entry surveys required to be carried out to determine whether bats exist can only be carried out when bats are active in the summer months between May and August. Due to the timing of the application Herts Ecology has advised that an Outline Mitigation Strategy with appropriate recommendations is provided.

8.7.4 Herts Ecology has suggested that a condition be attached to any planning permission however a Bat Mitigation Report has been submitted and forwarded to Herts Ecology for comment. The Committee will be updated on any response received.

8.8 Trees and Landscaping

8.8.1 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.

8.8.2 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.

8.8.3 The proposed development would not impact on any protected trees. The site contains a number of trees contained within the south east aspect of the site forming an orchard which are proposed to be retained as part of the proposed development. There is also a large tree sited close to the northern boundary of which House 3 would be constructed close to. This tree is significant in scale however is not protected. The Landscape Officer has been consulted in relation to the proposed development however no comments have been received to date. This is an Oak tree which is classed in the submitted Tree survey as a Category B tree as set out in the survey submitted with the application. The submitted information details that the tree would be retained and protected and supervised excavations would be used within the root protection area of this tree. Based on the information submitted it is not considered that the proposed development would result in any harm to any protected trees and the construction methods would serve to protect the existing established trees which are to be retained.

8.8.4 The proposed Oak tree would be sited close to House 3. Due to the siting of the amenity space provision and primary habitable room windows serving this dwelling it would prevent the tree from resulting in a dominant or oppressive feature on the future occupants of the site.

8.9 Highways, Parking & Access

8.9.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access.

8.9.2 Highways originally objected to the proposed development stating

 ‘*The proposed dwellings are accessed via an existing private access track from Toms Lane, which currently serves the existing dwellings and builders yard. The track is approximately 55m long and runs between 3a and 5 Toms Lane. The proposed block plan is shown on submitted plan no.100P1. The access road is approximately 3.3m wide and would not enable two vehicles to pass one another. The arrangements are therefore not in accordance with HCC’s Roads in Hertfordshire, which states that ‘a single lane access will normally be sufficient to serve up to three individual dwellings or equivalent’*

8.9.3 The proposed development would therefore be served by a single lane track and serve four dwellings which would not be in accordance with the guidance set out in HCC’s Roads in Hertfordshire. The original comments submitted did not however take into consideration the fact that the existing site which contains a dwelling and builders yard results in a significant number of vehicular movements throughout the day. The submitted information however demonstrates that the loss of the commercial use of the site and provision of four dwellings would result in a reduction in vehicular movements at and along the access than in comparison to the existing use. Following receipt of further information demonstrating the existing vehicular movements in comparison to the proposed use the Highways Officer stated:

 *‘Following submission of the Transport Statement Addendum and consideration that the proposals use an existing access with a lower anticipated traffic use than at present, the provision of the single lane access for four dwellings is considered to be acceptable. This is on the condition that appropriate improvement works are implemented on the access to ensure that the proposals are acceptable.’*

8.9.5 Thus, taking into consideration the existing intensive use of the site the proposed development would not result in any harm to highway safety along Toms Lane or conflict within the site.

8.9.6 The proposed development would result in alterations to the access to include:

* Set back the boundary wall on the western side of the access to maximise the width at the mouth of the access;
* Relocate the telegraph pole.

8.9.7 These alterations would serve to improve the accessibility of the site off of Toms Lane. Thus, taking into consideration the fact that the proposed development would result in a reduction in vehicular movements entering and exiting the site and through improvements to the access the proposed development would not result in any harm in terms of impact on highway safety.

8.9.8 It is noted that the site is not located within a sustainable location and that reliance on cars would be high. However, the site consists of previously developed land within an existing residential area. No objections are therefore raised in relation to the location of the site.

8.9.9 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:

 4 plus bedroom units – 3 spaces

8.9.10 Three parking spaces would be provided for each unit in accordance with the parking requirements as set out in Appendix 5. The proposed development would therefore meet the requirements of Policy DM13 and Appendix 5 of the Development Management Policies LDD. It is not considered that the provision of four houses on the site would lead to additional parking pressures within the surrounding area.

8.10 Sustainability

8.10.1 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.

8.10.2 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.

8.10.3 The Energy Statement submitted with the application confirms that the proposed development would result in a 6.7% carbon dioxide saving which would meet the requirements of Policy DM4 of the Development Management Policies LDD.

8.11 Refuse & Recycling

8.11.1 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.

8.11.2 The plans indicate that each dwelling would be served by a bin store. Due to the length of the access a refuse truck would be required to access the site on collection days. A tracking diagram has been submitted demonstrating that a refuse truck could access and turn within the site to exit in forward gear.

8.12 Infrastructure Contributions

8.12.1 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.

8.13 Affordable Housing

8.13.1 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.

8.13.2 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.

8.13.3 The current application would result in a gain of three 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: EX-100 Rev P1, EX-110 Rev P1, EX-120 Rev P1, EX-121 Rev P1, 100 Rev P1, 101 Rev P1, 102 Rev P1, 110 Rev P1, 111 Rev P1, 112 Rev P1, 120 Rev P1, 121 Rev P1

 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 CP1, CP2, CP3, CP4, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM3, DM4, DM6, DM7, DM8, DM9, DM10 and DM13 and Appendices 2, 4 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following:

* + - * Confirm permission for and relocation position of existing telegraph pole.
			* The provision of a minimum 1.5m wide footway following the cut-back of the highway verge fronting 3a Toms Lane.
			* Provision of a convex safety mirror within the site boundary on the north-east corner entering the site.
			* Reconstruction / resurfacing of the access bellmouth to deliver a stable surface with a suitable skidding resistance.

 Reason: This condition is a pre commencement condition in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: This condition is a pre commencement condition in the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C5 Prior to the first occupation of the development hereby permitted the proposed highway and access improvements shall be completed in accordance with the approved plan and retained thereafter available for that specific use.

 Reason: In the interests of highway safety in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

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 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).

C8 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C9 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C11 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 tree protection measures as set out within the Arboricultural Impact Assessment.

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: 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).

C12 The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement as set out in the Arboricultural Impact Assessment.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

Reason: To prevent damage to trees during construction, 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).

C13 Prior to the first occupation of the building hereby permitted, the measures detailed within the submitted Energy Statement shall be incorporated into the approved development.

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

 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

I7 Construction standards for works within the highway: 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 https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.